

1981 WL 158035 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

November 4, 1981

***1 Re: Payroll Deductions for Employee Insurance Premiums**

Dr. William S. Hall
State Commissioner of Mental Health
South Carolina Department of Mental Health
P. O. Box 485
2414 Bull Street
Columbia, South Carolina 29202

Dear Dr. Hall:

You have requested an opinion from this office as to whether [Section 8-11-80 of the South Carolina Code of Laws \(1976\)](#), as amended, permits the chief financial officers of State agencies and institutions maintaining payroll accounts separate from the Comptroller General to make payroll deductions for insurance. [Section 8-11-80](#) appears to restrict this deduction to payroll accounts administered by the Comptroller General. For example, it does not contain the language found in other payroll deduction statutes which refer to 'the Comptroller General or chief finance officers of State agencies and institutions maintaining payroll accounts separate from the office of the Comptroller.' See, Act 149 of 1981. However, [Section 8-11-80](#) does refer to making payroll deductions 'upon request of employees of the State,' which would obviously include employees of the Department of Mental Health. Despite the restrictive language of the statute, our review of this matter did not disclose a legislative intent to exclude from this program State employees of agencies which maintain their own payrolls or indeed any reason why they should be excluded. In our opinion, the Legislature intended to make this deduction available to all State employees and the reference only to the Comptroller General's payroll was a legislative oversight. Therefore, it is the opinion of this office that [Section 8-11-80](#) does permit your Department to make payroll deductions for insurance.

You have further inquired as to whether five hundred (500) employees of the Department of Mental Health would have to request payroll deductions for a particular plan or whether the five hundred (500) employees limitation takes into consideration all requests including those made to the Comptroller General and other State agencies. It is clear that the five hundred (500) employees limitation was imposed as a cost saving factor. Since the administrative cost for such payroll deductions will be duplicated in each payroll system, it is the opinion of this office that each separate payroll system must meet this minimum employee requirement.

If I can be of further assistance to you in this matter, please do not hesitate to contact me.

Very truly yours,

Richard B. Kale, Jr.
Senior Assistant Attorney General

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