

1981 WL 158069 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

December 9, 1981

*1 Purvis W. Collins

Director

South Carolina Retirement System

Sol Blatt Building, Second Floor

Columbia, South Carolina 29201

Dear Mr. Collins:

You have requested an opinion concerning the eligibility of the Charleston County School District to cover certain personnel under the Police Officers' Retirement System. From the facts available it appears that there is no question that the Charleston County School District employs several persons who clearly fit the definition of 'police officer' in § 9-11-10(6). The question is whether § 9-1-10(3) which defines 'teacher' as 'any other person employed in the public schools' means that a police officer who works for a school district must be considered a teacher and therefore a member of the South Carolina Retirement System.

Section 9-1-490, originally enacted in 1949 and unamended since then, provides that a person employed by the State or by any political subdivision as a peace officer need not join the Retirement System if that person were a member of the Police Insurance and Annuity Fund. The Police Officers' Retirement System was created by statute in 1962. In 1963, §§ 9-11-510 and 9-11-520 were enacted and terminated the former Police Insurance and Annuity Fund, with benefits to be paid in the future by the South Carolina Police Officers' Retirement System. Although § 9-1-490 was not amended in 1962 or in 1963, it is the opinion of this office that the failure to so amend was a legislative oversight rather than a conscious decision to change the policy set forth in § 9-1-490. Had the legislature been aware of that section in 1962 or 1963, it undoubtedly would have taken some action with respect thereto because as it presently reads, it refers to a fund which was terminated by legislation almost 20 years ago. There is no indication of a change in policy in the former one of permitting police officers who are also eligible for regular retirement system to join a special Police Officer's System. Accordingly, it is the opinion of this Office that persons who work for the Charleston County School District as police officers may be covered by the Police Officers' Retirement System, assuming that all requirements of § 9-11-40 are complied with.

Sincerely yours,

Kenneth P. Woodington

Assistant Attorney General

1981 WL 158069 (S.C.A.G.)

End of Document

© 2015 Thomson Reuters. No claim to original U.S. Government Works.