

1979 WL 42766 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

January 17, 1979

*1 Honorable John D. Long, III
Senator
District No. 5
Post Office Box 266
Union, South Carolina 29379

Dear Senator Long:

You have requested an opinion from this office concerning the duties and powers of county forestry boards. Specifically, you have asked if the Union County Forestry Board has the authority to dismiss unsatisfactory employees.

Please note [Section 48-33-60 of the 1976 Code of Laws of South Carolina](#) enclosed herein which provides that ‘* * * the county ranger, fire wardens, towermen and all other county forest fire protection officers shall be employed, retained or dismissed only with the consent of the county forestry board. * * *’ Also, please note the enclosed opinion of Attorney General Daniel R. McLeod, dated June 26, 1961, which deals with the subject of the various employment responsibilities of county forest fire protection officers.

In essence, the 1961 opinion has concluded that, while the county forestry board cannot directly dismiss personnel, it does have the power to withdraw its consent to the employment, retention, or dismissal of any employee. It should be noted, however, that the 1961 opinion makes no reference to the employee's right to grieve upon dismissal. In light of the since-created grievance procedure, paragraph 2 of page 2 of the 1961 opinion would no longer be applicable because the grievance procedure would require that reasons for dismissal be given. This is also true for the last sentence of sub-paragraph 3 on page 3 of the earlier opinion.

I believe the enclosed opinion is self-explanatory; however, if you have any questions concerning the above, please do not hesitate to contact me.

Very truly yours,

Perry M. Buckner
Assistant Attorney General

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