

1982 WL 189419 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

September 10, 1982

\*1 Purvis W. Collins

Director

South Carolina Retirement System

Sol Blatt Building

Second Floor

Columbia, South Carolina 29201

Dear Mr. Collins:

You have asked whether a public school music teacher may establish creditable service. The teacher in question entered into a standard contract for professional service in which the employer imposed the usual requirements including a right to terminate for failure to maintain professional qualifications. The difficulty in determining whether the teacher is an 'employee' comes from the fact that her fees and salary come directly from the students who take music lessons from her. However, it is the opinion of this office that the situation is still one of employer-employee. The situation is analogous to that of a waiter in a restaurant who is employed by the restaurant but yet may receive his entire compensation from tips. Accordingly, I would advise that the teacher in question be allowed to establish prior service.

Sincerely yours,

Kenneth P. Woodington

Senior Assistant Attorney General

1982 WL 189419 (S.C.A.G.)

---

End of Document

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