

1980 WL 121079 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

March 6, 1980

*1 Representative Robert N. McLellan
District No. 2—Oconee County
Post Office Box 794
Seneca, South Carolina 29678

Dear Rep. McLellan:

You have recently asked the opinion of this Office concerning whether it is permissible for a person to remain employed by a county after the person has reached seventy two years of age.

[Section 9-1-10\(4\)\(c\), 1976, Code of Laws of South Carolina](#) defines an employee as ‘any agent or officer of any county, municipality or school district, or of any agency or department thereof, which shall have been admitted to the System under the provisions of § 9-1-470, to the extent he is compensated for services from public funds.’ [Section 9-1-1530\(3\), 1976, Code of Laws of South Carolina](#) provides in part, ‘It shall be mandatory for any employee or teacher whether or not appointed and regardless of whether or not a member of the South Carolina Retirement System to retire no later than the end of the fiscal year in which he reaches his seventy-second birthday.’

When a statute is plain and unambiguous, there is no occasion for statutory construction. [University of South Carolina v. Batson, 271 S.C. 242, 246 S.E.2d 882, 883 \(1978\)](#). It is thus the opinion of this Office that a county employee may be employed until the end of the fiscal year during which his or her seventy-second birthday is reached.

You will find enclosed a copy of a prior opinion of this Office which concluded that State employees may work until the end of the fiscal year in which the age of seventy-two is reached by the employee.

Sincerely yours,

Barbara J. Hamilton
State Attorney

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