

1980 WL 121208 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

May 6, 1980

***1** Purvis W. Collins

Director

South Carolina Retirement System

Sol Blatt Building, Second Floor

Columbia, South Carolina 29201

Dear Mr. Collins:

You have asked the following questions which were presented to you by the City of West Columbia:

1. May an employer who is participating in the Police Officers Program discontinue the coverage, freeze the service credit and place police officers under the regular employee retirement system (SCRS) for future service?
2. May an employer who is participating in the Police officers Program continue the program for those who wish to participate and permit others to participate under the regular employee retirement program (SCRS)?

[Section 9-11-40\(4\), 1976 Code](#) of Laws, provides in part as follows:

All persons who become employed as police officers by the State or other employer after the employer's date of admission to the System under the provisions of this section shall become members, as a condition of their employment.'

The word 'System' as used in the above section, refers to the Police Officer's Retirement System.

The above section clearly provides that anyone who is employed as a police officer by an employer who is opted to come within the Police Officer's Retirement System shall be a member of the Police Officer's Retirement System. No exception or provision for change is present. In addition, there is no provision in the statute anywhere which permits withdrawal of participation by an employer who has opted to come within the Police Officer's Retirement System.

For the foregoing reasons, it is the opinion of this Office that police officers working for an employer who is participating in the Police Officers Program must be permitted to remain within the program (until their employment is terminated or unless they have a second job covered by the regular South Carolina Retirement System in which case they could participate in that System in addition to the Police Officer's Retirement System).

Sincerely yours,

Kenneth P. Woodington

Assistant Attorney General

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