

1980 WL 120909 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

October 3, 1980

*1 Mr. James R. Thompson
Saint-Amand, Thompson & Brown
Attorneys at Law
Post Office Box 936
Gaffney, South Carolina 29340

Dear Mr. Thompson:

Thank you for your letter of September 29 concerning payroll deductions for deposit with a credit union account by a school district.

I have previously advised the Medical University on this precise point but we have been unable to find a copy of anything that I may have written. I am uncertain as to whether or not this was actually done. This was in 1968. I similarly advised the School District for Charleston County that they could not make deductions, in my opinion, for dues for South Carolina Teachers' Associations, but they disregarded this and made the deductions anyway. The enclosed copies of opinions reflect the general view which I have always taken in this Office and that deductions from public payrolls must have statutory authority. It is possible, but I do not think probable, that the general authorities given to political subdivisions, such as school districts, cities and counties, might require a different conclusion, but I believe that my basic premise is correct in spite of some of the changes which have taken place in recent years with respect to the authority of those types of subdivisions. My view is strengthened by the fact that the General Assembly debated at considerable length the question of whether or not they should enact a statute to authorize deductions from State payrolls for teachers' organizations during the last session of the General Assembly.

If I may be of any further assistance, please call upon me.

With best wishes,
Very truly yours,

Daniel R. McLeod
Attorney General

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