

1977 S.C. Op. Atty. Gen. 36 (S.C.A.G.), 1977 S.C. Op. Atty. Gen. No. 77-34, 1977 WL 24377

Office of the Attorney General

State of South Carolina

Opinion No. 77-34

January 27, 1977

*1 The Honorable Melvin E. Nunnery
Member
House of Representatives
The State Capitol
Columbia South Carolina 29211

Dear Mr. Munnery:

You have telephonically requested an opinion from this Office as to whether opinion issued to the Honorable Norma Russell under date of January 17, 1977, applies to all officers or employees of the State of South Carolina. It is clear that Article III, Section 30, of the South Carolina Constitution prohibits the General Assembly from granting extra compensation to any public officer or employee of this State after service rendered. This constitutional provision would prohibit extra payment for past services.

It does not follow, however, that Article III, Section 30, would prevent salary increases which take effect as of the eligibility date for an employee's reclassification, reallocation, promotion, or merit increase. In many instances, the effective date of a salary increase comes after the particular individual becomes eligible therefor, said delay being administrative or for other reasons. In this context, a retroactive increase is not extra compensation after service rendered within contemplation of Article III, Section 30, of the Constitution. It is in reality the late payment of compensation earned by the employee for service rendered between the eligibility date for reclassification, reallocation, promotion, or merit increase and the implementing legislation or administrative action which effectuates such payment.

Yours very truly,

Victor S. Evans
Deputy Attorney General

1977 S.C. Op. Atty. Gen. 36 (S.C.A.G.), 1977 S.C. Op. Atty. Gen. No. 77-34, 1977 WL 24377

End of Document

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