

1977 WL 37386 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

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*1 State funds may not be used to pay either (1) across the board salary increase or (2) merit increase when an employee is paid out of Comprehensive Employment in Training Act (CETA) funds.

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QUESTION PRESENTED:

May a State Personnel Division employee who is paid out of CETA funds receive a raise in salary through either (1) across the board salary increase, or (2) merit increase?

CITATION OF AUTHORITY

[Wynn v. Doe](#), 255 S.C. 509, 180 S.E.2d 95;

[Bauer v. State](#), ___ S.C. ___, 227 S.E.2d 195;

Act No. 219, Acts and Joint Resolutions of South Carolina (1977), 'The Appropriations Act'

DISCUSSION OF ISSUES

The Appropriations Act of 1977 provides under its section dealing with the State Budget and Control Board in Subsection B that 'effective on July 1, 1977, the rate of compensation of each State employee shall be increased by 5 percent unless otherwise modified or prohibited by paragraph C through I of this plan.'

Regarding your specific question, paragraph G of that section provides as follows:

No appropriated funds may be used to increase that portion of any salary paid from other than appropriated funds.

It is well settled in this state and by general statutory interpretation that when the language of the statute is plain and unambiguous and conveys clear and definite meaning as here, that there is no occasion for resorting to rules of statutory interpretation. [Wynn v. Doe](#), 255 S.C. 509, 180 S.E.2d 95 (1971); [Bauer v. State](#), ___ S.C. ___, 227 S.E.2d 195 (1976). CETA funds are not appropriated by the State of South Carolina but are rather Federal funds. There is no prohibition to granting a 5 percent increase to those that are paid out of CETA funds. However, that increase may not come from State appropriated funds.

CONCLUSION:

The plain meaning of the Appropriations Act for 1977-78 is that all State employees are granted a 5 percent increase in compensation if their funding source allows the increase.

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