

1976 WL 30593 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

January 9, 1976

*1 Mr. Ronald L. Bowie
Interim City Manager
P. O. Box 4026
Anderson, South Carolina 29621

Dear Mr. Bowie:

You have requested an opinion from this office as to whether, pursuant to Sections 47-721 et seq., CODE OF LAWS OF SOUTH CAROLINA, 1962, as amended, the City of Anderson can establish a civil service commission relating to the police department only.

Section 47-727 of the Code, which provides for the general duties of a civil service commission, reads in part:

Such civil service commission, . . . , shall have disciplinary control and supervision over the employees of the fire department and the police department of such city [Emphasis added.]

After reading other Sections of Title 47 of the Code, specifically, Sections 47-728, 47-699.137 and 47-705, in pari materia with Section 47-727, our opinion is that the use of the word 'and' in the Section hereinabove quoted is conjunctive rather than disjunctive and requires that such a civil service commission, if established by a municipality, must apply to both the police and fire departments thereof. Cf., [McKenzie v. McLeod](#), 251 S.C. 226, 161 S.E.2d 659 (1968); [Cain, et al. v. S.C. Public Service Authority](#), 222 S.C. 200, 72 S.E.2d 177 (1952).

We might also note that Sections 47-721 et seq. of the Code will remain effective even after the implementation of Act No. 283 of 1975, the 'home rule' legislation. See, 59 STAT. Act No. 283, Part II, Section 5 at 717 (1975).

With kind regards,

Karen LeCraft Henderson
Assistant Attorney General

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