

1979 S.C. Op. Atty. Gen. 102 (S.C.A.G.), 1979 S.C. Op. Atty. Gen. No. 79-77, 1979 WL 29082

Office of the Attorney General

State of South Carolina

Opinion No. 79-77

June 11, 1979

***1 SUBJECT: County Treasurers—Annual Leave—Payment Upon Surrender of Office.**

The county treasurer is not a ‘permanent full-time State employee’ and thus the provisions of § 8–11–620 relating to payment of annual leave are not applicable to the county treasurer.

TO: Honorable Earle E. Morris, Jr.
Comptroller General

QUESTION:

The salary of a county treasurer is paid in part by State appropriated funds. Are the provisions of § 8–11–620 applicable to such persons?

APPLICABLE LAW:

§§ 8–11–610, 8–11–620, 8–11–680, 12–45–10 and 4–9–60 of the 1976 Code of Laws.

DISCUSSION:

Section 8–11–610 provides for annual leave to:

‘Any permanent full-time State employee * * *.’

Section 8–11–620 provides for payment of unused annual leave upon termination from State employment. The question therefore is whether the county treasurer is a permanent full-time employee. In this connection § 4–9–60 provides in part that:

‘Under the council, council-supervisor and council-administrator forms of government provided for in this chapter the county treasurer and the county auditor shall be elected. * * *. Under the council-manager form the county treasurer and county auditor shall * * * be elected or appointed as council shall by ordinance prescribe.’ (Emphasis added)

Section 12–45–10 creates the position of county treasurer and the method of obtaining the office was amended by the above-quoted provisions.

It has long been the practice of this State to fund in part the compensation paid a county treasurer. The county part of such compensation was the subject of an action in the case of Scott v. Anderson County, 195 S.C. 92, 10 S.E.2d 359. The Court, while recognizing in part State funding of compensation, nonetheless treated the plaintiff as ‘treasurer of Anderson County’.

Notwithstanding the above, § 8–11–680 specifically limits the provision to:

‘* * * all State agencies, department and institutions * * *.’

The office of county treasurer is not an agency, department or institution of the State.

CONCLUSION:

The county treasurer is not a ‘permanent full-time State employee’ and thus the provisions of § 8–11–620 relating to payment of annual leave are not applicable to the county treasurer.

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