

1979 WL 43053 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

June 6, 1979

*1 Mr. R. D. Wilson
Division of Administration
Room 301
Edgar A. Brown Office Building
1205 Pendleton Street
Columbia, South Carolina 29202

Dear Mr. Wilson:

You have recently asked the opinion of this Office concerning the ability of the State, or a political subdivision thereof, to enter into a particular contract with the federal government to provide funds for rural public transportation authorities. One portion of that contract is labeled Appendix B, which is entitled 'Agreement Pursuant to Section 13(C) of the Urban Mass Transportation Act of 1964, as Amended.' Portions of this Agreement deal with the collective bargaining rights of employees covered by the contract.

This Office has consistently taken the position over the years that neither the State nor a political subdivision thereof has either the right or the obligation to enter into a collective bargaining agreement with public employees. This position finds support in the Charleston Circuit Court case of Medical College of South Carolina v. Drug and Hospital Union Local 1199, et al., decided by the Honorable Clarence E. Singletary on July 9, 1969. The collective bargaining language contained in the proposed contract would not appear to comply with that prohibition.

It is therefore the opinion of this Office that neither the State of South Carolina nor any political subdivision thereof should enter into this contract as presently drafted.

Very truly yours,

Keith M. Babcock
Assistant Attorney General

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