

1979 WL 43502 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

August 6, 1979

\*1 Purvis W. Collins  
Director  
S.C. Retirement System  
Solomon Blatt Building  
Columbia, South Carolina 29201

Dear Mr. Collins:

You have requested an opinion concerning the legal status of the Palmetto State Teachers' Association, and whether it is an 'employer' under Section 9-1-10(5) of the Retirement Act.

The Palmetto State Teachers' Association is a private eleemosynary corporation. Its membership is composed of teachers, administrators and other educators in South Carolina. Its employees are compensated from dues paid by the membership.

Section 9-1-10(4)(e) provides, together with § 9-1-10(5), that employees of a 'service organization' may be eligible for participation in the Retirement System. A 'service organization' is defined as a body 'the membership of which is composed solely of persons eligible to be teachers or employees as defined by this section . . . ' § 9-1-10(4)(e).

Assuming that all the members of the association are teachers, administrators and educators employed by the public schools or by other public agencies of the State of South Carolina, it is the opinion of this Office that the Association is a 'service organization' as defined in the aforementioned two statutes and an 'employer' under Section 9-1-10(5).

Sincerely yours,

Kenneth P. Woodington  
Assistant Attorney General

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