

1978 WL 35146 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

October 3, 1978

*1 J. C. Duncan
Member
House of Representatives
Route 1
Box 222
Lyman, South Carolina 29365

Dear Mr. Duncan:

You have requested the informal opinion of this Office as to the treatment for retirement purposes of your simultaneous service for four years as a public school teacher and member of the General Assembly. During those years both the State Retirement System and the Retirement System for members of the General Assembly deducted retirement contributions. The question is whether the holding of two positions simultaneously for four years counts as 8 years toward retirement. We are unable to find anything in the statutes concerning retirement that prohibits giving that service such an effect and in fact the fairer course seems to be to credit twice as much service with twice as much retirement credit. On the other hand, the statutes do clearly provide that the amount payable as retirement benefits is to be determined under the provisions governing each of the two retirement systems under which the credit was earned.

Please let us know if we can be of further help.

Sincerely yours,

Kenneth P. Woodington
Assistant Attorney General

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