

1975 WL 29571 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

March 5, 1975

\*1 Jack S. Mullins  
Director  
Personnel Division  
1205 Pendleton Street  
Columbia, SC 29201

Dear Dr. Mullins:

You have requested an opinion from this office as to whether enrollees of rehabilitation programs of the South Carolina Vocational Rehabilitation Department must be considered 'state employees' and afforded full benefits as such.

Surely, the simplest bona fide definition of the term 'state employee' is 'A person in the service of the State or any of its subdivisions.' The term 'employee' has no fixed meaning that must control in every instance. It may have different meanings in different connections. It is my understanding that the handicapped participants in these programs are given nominal pay, not as compensation for the produce of their labor, but as an incentive for them to pursue the program in a way which will yield maximum rehabilitative benefits for themselves. Therefore, it would seem that these persons are not laboring in the service of the State. Rather, they are laboring in the service of themselves with the gratuitous aid and support of the State. Hence, it is the opinion of this office that they are not 'state employees,' but rather the beneficiaries of the State's bounty.

Sincerely,

Bruce H. Davis  
Assistant Attorney General

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