

1975 S.C. Op. Atty. Gen. 230 (S.C.A.G.), 1975 S.C. Op. Atty. Gen. No. 4171, 1975 WL 22466

Office of the Attorney General

State of South Carolina

Opinion No. 4171

November 5, 1975

\*1 Directors/presidents of Technical Education Centers are State employees and are, therefore, subject to provisions relating to salary supplements applicable to such employees.

TO: State Budget and Control Board

Question:

Are directors/presidents at technical education centers State employees?

Authorities:

Opinions of Attorney General No. \_\_\_\_ (dated July 25, 1975) and No. \_\_\_\_ (dated October 29, 1975) which conclude that instructors at technical education centers are State employees and that the 'local funds' proviso in Section 31 of the 1975–76 Appropriation Act must be read in pari materia with Section 101 of the same act so as to prohibit local supplements for employees of the State Board for Technical and Comprehensive Education.

Opinion dated October 22, 1975, to Chairman Luther Z. Barnett, Trident Technical College from college Attorney Augustine T. Smythe, who concluded that Trident Technical College could supplement salaries of its president and vice-president without approval of the State Board for Technical and Comprehensive Education. (Letter forwarded to Governor Edwards by letter from Chairman Barnett dated October 30, 1975.)

The 1975–76 Appropriation Act provides: 'Section 31, State Board for Technical and Comprehensive Education, Item IV, Technical Education Centers, Personal Service: Unclassified Positions: Directors/Presidents (16) ... \$344,688.00.'

Discussion:

As concluded in the Attorney General's opinion dated July 25, 1975, instructors at the technical centers are State employees as a result of the method of payment, equipment, and right to control found in the annual appropriations act in conjunction with the statutes establishing the state and local boards. For the same reasons directors/presidents of these institutions are likewise state employees.

As concluded in the Attorney General's opinion dated October 29, 1975, employees of the State Board for Technical and Comprehensive Education are not exceptions to the general rule that salary supplements to state employees are prohibited by Section 101; 1975–76 Appropriation Act. (Attorney Smythe's opinion dated October 27, 1975, does not deal with the prohibition raised by the presence of Section 101, supra.) Directors/presidents therefore, cannot receive any salary supplements.

Conclusion:

(A lawsuit is pending concerning the roles and relationships of the State Board and the local board at Midlands TEC which may answer this question as part of the general declaration by the court.)

In conclusion, directors/presidents of technical education centers are State employees and are subject to prohibitions against salary supplements to State employees.

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