

1974 WL 27594 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

January 14, 1974

**\*1 Re: Richland County Ordinance No. 3—Personnel policies**

The Honorable Warren K. Giese  
Chairman  
County Council for Richland County  
Post Office Box 4069  
Columbia, South Carolina 29240

Dear Dr. Giese:

You and the County Attorney for Richland County have requested the opinion of this Office concerning the validity of an ordinance of Richland County which prohibits the employment of two members of an immediate family, the ordinance providing, in part, as follows:

‘Two members of an immediate family shall not be employed in the same administrative department at the same time. Neither shall two members of an immediate family be employed at the same time, regardless of the administrative department, if such employment will result in an employee supervising a member of his immediate family.’

Authority for the enactment of this ordinance is, in the opinion of this Office, found in Section 14-3201.4, 1962 Code of Laws, Supp., (Act No. 532 of 1971), which provides, in part:

‘The Richland County Council is authorized to provide for the formulation and implementation of personnel policies for county employees—except that the rights of the constitutional officers of the county, the county tax collector the auditor, and the treasurer to select their own personnel shall not be infringed—.’

In the opinion of this Office, such an ordinance is a valid exercise of the power granted to Richland County. A rational basis exists for the formulation of this law, in that its enactment may be necessary to prevent possible problems arising from combining a close family relationship with a working relationship. While this ordinance is not strictly aimed at the practice of nepotism, it is designed to avoid the evils which laws prohibiting the practice of nepotism seek to avoid, and such statutes are generally upheld. See 66 C.J.S. Nepotism.

There may be instances where the application of such an ordinance may have an unconstitutional effect but, in the opinion of this Office, this will not affect the basic validity of the ordinance. See cases cited below.

Very truly yours,

Daniel R. McLeod  
Attorney General

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