

1974 WL 27689 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

March 29, 1974

**\*1 Re: South Carolina Code § 61-76**

Mr. Purvis W. Collins  
Director  
S. C. Retirement System  
1001 Main Street  
P. O. Box 11960  
Columbia, South Carolina 29211

Dear Mr. Collins:

You have asked this office for an opinion as to the propriety of persons leaving employment covered under the System, other than for military service, to make retroactive payment and receive retirement credit upon later accepting employment with an employer covered under the System.

Code § 61-76 specifically allows persons prior to or while on a leave of absence to request that they be allowed to make monthly contributions to the System. South Carolina Code § 61-76 (Supp. 1974). Section § 61-76 thus has a two fold requirement before a employer returning to covered service may receive retirement credit for his absence:

(1) The subject must have requested and received a leave of absence prior to leaving employment covered under the System.

(2) The subject must have gotten the approval of the Hoar, while on leave of absence or before, to make monthly contributions to the System, and in fact must have made those contributions.

On the basis of the foregoing, it is the opinion of this office that Code § 61-76 does not allow a person returning to covered employment, other than returning from the military, to subsequently take advantage of its provisions.

Sincerely yours,

A. Camden Lewis  
Assistant Attorney General

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