

1974 WL 27765 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

May 20, 1974

*1 The Honorable Paul D. Grant
Sheriff of Aiken County
Post Office Box 462
Aiken, South Carolina 29801

Dear Sheriff Grant:

Your letter of March 4, 1974, has been referred to me for answer. I must apologize for the delay in answering you.

You request an opinion as to whether or not 57 STAT. 2742 (1972) will affect the Office of Sheriff as far as the hiring and firing of employees is concerned. Section 1 of the Act provides:

To supervise and regulate the various departments of the county, except that the duties and functions now provided by law for all of the elected offices of the county, except as otherwise provided herein, and including the Family Court and Judge, Master, Auditor, Treasurer, Clerk of Court, Sheriff, Probate Judge, Magistrates, Tax Collector and Coroner, shall not be altered, and the power of such officers to designate the duties of personnel made available to them shall not be infringed.

Some of the duties and functions of the Sheriff of Aiken County is found in Section 53-87, CODE OF LAWS OF SOUTH CAROLINA (1962). This Section provides that the Sheriff's Deputy for Aiken County shall be under the immediate control and direction of the Sheriff and the Deputy shall be appointed for the term of one year and such Deputy shall be removed by the Sheriff at any time for cause upon giving ten days notice thereof. Furthermore, pursuant to the general provisions governing Deputy Sheriff's, the Sheriff may appoint one or more Deputy's to be approved by the Judge of the Circuit Court or any Circuit Court Judge presiding therein. Such Deputies, continue at the pleasure of the Sheriff. See, Section 53-71, CODE OF LAWS OF SOUTH CAROLINA (1962). Since Section 1 of Act No. 1497 provides that the county commissioners may not alter or infringe upon the power of the county's elected officials to designate the duties of their personnel, by virtue of Section 53-71 and Section 53-87, CODE OF LAWS OF SOUTH CAROLINA (1962), you still have the power to hire and fire your employees.

If this office may be of further assistance, please do not hesitate to contact us.

Yours very truly,

M. Elizabeth Crum
Assistant Attorney General

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