

1973 WL 27739 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

December 17, 1973

***1 In re: Counties, Authority to Impose Maximum Age Limitation on County Employees**

Honorable Robert W. Kemp
County Attorney
Bamberg, South Carolina

Dear Mr. Kemp:

You have inquired whether or not a county governing body, empowered to make provision for the hiring of county employees and with authority to control all phases of the work of the county, is prohibited from imposing a reasonable maximum age limitation for its employees, viz., 65 years of age.

There is no State or Federal statute so restricting the power of a governmental agency or political subdivision of the State. It is, therefore, the opinion of this Office that a county governing body with powers as set forth above is not prohibited by law from providing that no county employee may serve in such employment beyond the age of 65.

This, of course, does not apply to offices created by the Constitution, nor to offices or positions created by State law.

Yours very truly,

Joseph C. Coleman
Deputy Attorney General

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