



The State of South Carolina
OFFICE OF THE ATTORNEY GENERAL

CHARLES MOLONY CONDON
ATTORNEY GENERAL

October 29, 1996

The Honorable Carol F. Speer
Judge of Probate - Abbeville County
P.O. Box 70
Abbeville, South Carolina 29620

Re: Informal Opinion

Dear Judge Speer:

You seek an opinion on the following question: "[s]hould the county council have the right to deny Elected Officials the right to allow their employees as well as themselves the opportunity to enjoy and observe legal holidays that are codified in the S.C. Code of Laws?"

As an initial matter, you cite S.C. Code Ann. § 53-5-10 (1977), in your opinion request. This section of the Code, which is entitled "Legal holidays enumerated; state employees," applies specifically to employees of the State of South Carolina and, therefore, is not applicable in the present matter. Furthermore, there are no Code sections that enumerate the holidays of county employees.

Pursuant to S.C. Code Ann. 4-9-30(7)(1986), county governments are authorized

to develop personnel system policies and procedures for county employees by which all county employees are regulated except those elected directly by the people, and to be responsible for the employment and discharge of county personnel in those county departments in which the employment authority is vested in the county government but this authority shall not extend to any personnel employed in departments or agencies under the direction of an elected official . . .

The Honorable Carol F. Speer

Page 2

October 29, 1996

In previous opinions discussing the application of county personnel policies to county employees working for elected county officials, this office has opined that the personnel employed by the elected official would be subject to the general personnel system policies and procedures for county employees by which all county employees are regulated. See Ops. Atty. Gen. dated January 24, 1985 (Sheriffs) and February 18, 1983 (Clerks of Court). Since the determination of holidays for county employees is a general personnel policy matter, it is within the county government's authority to determine the holidays of those county employees working for elected county officials.

County employees elected directly by the people are not included among the county employees subject to a county government's personnel policies and procedures. S.C. Code Ann. 4-9-30(7)(1986). Therefore, the county government does not have the authority to dictate the holidays of an elected county official.

This letter is an informal opinion only. It has been written by a designated assistant attorney general and represents the position of the undersigned attorney as to the specific question asked. It has not, however, been personally scrutinized by the Attorney General nor officially published in the manner of a formal opinion.

With kindest regards, I remain

Very truly yours,

A handwritten signature in black ink that reads "Paul M. Koch". The signature is written in a cursive style with a large initial "P".

Paul M. Koch
Assistant Attorney General