

1983 WL 181779 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

March 7, 1983

\*1 William H. Seals, Esquire  
Marion County Attorney  
Post Office Box 1041  
Marion, South Carolina 29571-1041

Dear Mr. Seals:

You have asked the opinion of this Office on whether the Marion County Council can order the closing of the public offices of the County one day per week in order to deal with a budget deficit.

Section 6 of Part II [Permanent Provisions] of Act Number 1460 provides:

Monday through Friday office hours of all [Marion] county offices shall be from 8:30 a.m. until 5:00 p.m., and may be longer at the discretion of the head of each department. Daylight Savings Time hours shall be observed during that period. All county officers and employees shall be entitled to all legal State holidays.

This provision, if it is still effective, would prevent County offices from being closed during a weekday, which is not a legal State holiday. See, Section 3(3)(b), Act Number 283 of 1975. Additionally, some offices have statutes which deal with the times when their offices must be open or attended. E.g. Clerk of Court, § 14-17-220, Code of Laws of South Carolina, 1976; Jails, § 24-5-130, Code, supra; Probate Court, § 14-23-1010, Code, supra, 1982 Cumulative Supplement; Registration Board, § 7-5-130, Code, supra. The County Council could not require such offices to be closed during times when they are required by statute to be open or attended.

As you are aware, due to the need for an immediate opinion, we were not able to research all of the statutes dealing with each of the numerous County offices to which the Council seeks to apply the aforementioned policy. If you wish us to research this matter further, please call upon us.

Sincerely,

James M. Holly  
Assistant Attorney General

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