

1979 WL 43091 (S.C.A.G.)
Office of the Attorney General
State of South Carolina
June 27, 1979

*1 J. Wright Horton, Esquire
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Post Office Box 10167 F.S.
Greenville, South Carolina 29603

Dear Mr. Horton:

You have recently asked the opinion of this Office on whether a school district legally may make payroll deductions from the wages and salaries of district employees for the purpose of paying association dues, union dues, charitable contributions, credit union payments, etc., on behalf of the employee.

On May 21, 1979, this Office issued an opinion on a question similar to that presented by you. The opinion a copy of which is attached hereto, concluded that:

School districts may not deduct dues from employees' compensation for the purpose of paying dues to organizations to which the employees belong. Statutory authorization is required in order to validly make such deductions.

It would appear that this conclusion is applicable to the deductions noted in your question.

As creations of the General Assembly, school districts possess only such powers as are expressly conferred by statute or are necessarily implied therefrom and may disburse district funds only for the purposes permitted by statute. [Article X, § 8, South Carolina Constitution](#); §§ 59-17-10 *et seq.*, [Code of Laws of South Carolina](#), 1976, as amended; 78, 79 C.J.S., 'Schools and School Districts,' §§ 99, 119, 337, 341. Thus, in order for a school district to make the payroll deductions noted in your question, some statutory authorization must exist therefor.

The General Assembly has authorized by statute certain deductions from the salaries of public employees. *See* §§ 8-11-79, 8-11-80, 8-11-90, 9-1-1020, 9-3-510, 9-15-10, [Code](#), *supra*. With regard to the School District of Greenville County, the General Assembly has enacted statutes permitting the District to make payroll deductions for annuity contracts and insurance contracts for the benefit of its employees. Act No. 906, 1968 Acts and Joint Resolutions; Act No. 994, 1970 Acts and Joint Resolutions. However, no specific authorization was found relating to the deductions noted in your question, and it does not appear that the authorization can be implied by necessity from the general powers of school districts. §§ 59-19-10 *et seq.*, [Code](#), *supra*.

Based on the foregoing reasons, it is the opinion of this office that a school district may not make payroll deductions from the wages and salaries of district employees for the purpose of making payments on behalf of the employees unless there is a statutory authorization therefor.

Sincerely,

James M. Holly
State Attorney

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