

1974 WL 27239 (S.C.A.G.)
Office of the Attorney General
State of South Carolina
May 27, 1974

***1 RE: Highway Commissioners in Retirement System**

Mr. W. T. Brooks
Secretary-Treasurer
State Highway Department
Drawer 191
Columbia, South Carolina 29202

Dear Mr. Brooks:

Your letter of May 14, 1974, to Mr. J. C. Coleman has been referred to me for action. You have asked for an opinion as to whether or not the Highway Commissioners are eligible to become members of the State Retirement System.

A Commissioner, to be an employee within the meaning of South Carolina Code Section 61-1(4), must be paid a salary rather than per diem. If the Commissioners are paid a salary, they are an employee eligible for the South Carolina Retirement System to the extent that he is compensated by the Highway Department.

Again let me emphasize that whether or not the Commissioners are eligible wholly depends upon the type compensation they receive.

Sincerely yours,

A. Camden Lewis
Assistant Attorney General

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