

1973 WL 27666 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

May 25, 1973

*1 The Honorable C. Carmen Bouknight
Chairman
Newberry County Council
Newberry, South Carolina 29108

Dear Mr. Bouknight:

Inquiry has been made with respect to the meaning of the proviso contained in the General Appropriations Bill now pending before the General Assembly following Section 38 which comprises the appropriations for the Department of Social Services. It is my understanding that this proviso, in similar phraseology, has been contained in the Appropriations Acts since 1969. The proviso reads as follows:

'Provided, That county supplements of welfare department personnel shall be prohibited except in any instance where continued supplementing may be necessary to avoid a reduction in the present salary of any employee.'

Personnel of the county welfare departments are paid from salaries fixed by the State Department of Social Services pursuant to appropriations made therefor. These salaries have, in many instances, been supplemented by county funds. If the salary paid to a specific employee as fixed by the Department of Social Services is increased, the salary of such an employee may be supplemented by the counties, but only to the extent that such supplement does not increase a salary which he was receiving, including both State monies and supplements from the county. Thus, if the salary of an individual at the present time is \$12,000.00, of which \$2,000.00 consists of county supplementing funds, and the appropriation by the State is made so as to increase its salary payments to \$10,500.00 instead of the previous \$10,000.00, then, in such instances, the county is limited in supplementing that salary to the amount of \$1500.00 instead of the previous \$2,000.00 which was theretofore made available as salary supplement. This, in my opinion, hypothetically illustrates the application of the proviso.

This problem was not presented to me by Mr. William Hunter, the County Attorney for Newberry County, but I have discussed the matter with him today and I have his acquiescence in rendering this opinion.

With best wishes,
Very truly yours,

Daniel R. McLeod
Attorney General

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