



Lynn Fitch
ATTORNEY GENERAL
OPINIONS

June 26, 2020

John T. Lamar, Jr., Esq.
Attorney for the Tate County Board of Supervisors
910 E.F. Hale Drive
Senatobia, Mississippi 38668

Re: County Payroll System

Dear Mr. Lamar:

The Office of the Attorney General is in receipt of your request for the issuance of an official opinion.

Question Presented

If a county elected official decides not to use a time clock or computer login, but would rather continue to use paper time sheets, can the board of supervisors require the elected officials to manually upload their employees' time from their time sheets to the payroll software for the payroll clerk to process and make payment?

Brief Response

The Board of Supervisors is not authorized to implement a new payroll system as part of its personnel administration and require other county elected officials to manually enter their employees' time sheets into this system if the elected official has chosen to, and filed with the board, his/her own system of personnel administration, i.e., paper time sheets.

Applicable Law and Discussion

This office has previously opined that a board of supervisors has no authority to require county employees in the other elected county officials' offices to use a time clock system for its payroll administration. MS AG Op., *Abraham* (April 18, 2012)(citing MS AG Op., *McWilliams* (January 20, 2012)).

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As stated in the *McWilliams* opinion, elected officials of counties operating on a countywide system who are authorized by law to employ their own employees are authorized to adopt their own system of personnel administration, or they can choose to adopt the system adopted by the board of supervisors. If they adopt their own system, it must be filed with the board of supervisors. A countywide system of "payroll documentation," such as that proposed in your letter, including use of a time clock, falls within the purview of personnel administration and, thus, cannot be mandated by the board to be used by employees of all elected officials.

We hereby affirm our opinions in *McWilliams* and *Abraham*. It is, therefore, the opinion of this office that the board of supervisors is not authorized to implement and require elected officials to use a countywide system of payroll documentation, which may or may not include a time clock or other software if that elected official has chosen to, and filed with the board, his/her own system of personnel administration. Thus, the elected officials of Tate County may continue to use paper time sheets to document their respective employees' work hours as part of their own personnel systems and should turn employee time sheets over to the county payroll clerk for entry into the software system that the Tate County Board of Supervisors has chosen to utilize for its personnel administration.

If this office may be of any further assistance to you, please do not hesitate to contact us.

Sincerely,

LYNN FITCH, ATTORNEY GENERAL

By: /s/ Kim P. Turner

Kim P. Turner
Assistant Attorney General