

1972 WL 25299 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

May 1, 1972

\*1 Mr. F. E. Ellis  
State Director  
Personnel Division  
700 Knox Abbott Drive  
Cayce, South Carolina 29033

Dear Mr. Ellis:

Your letter of April 26, 1972, has been forwarded to me for reply. In your letter you ask that this office render an opinion as to whether or not the language, 'within five working days', as contained in Section 1-49.14, Code of Laws of South Carolina, should be strictly construed.

Section 1-49.14 of the Code of Laws of South Carolina sets forth the procedure for processing an appeal of a grievance to the State Employees Grievance Committee and provides in relevant parts as follows:

A permanent State employee who has six months of satisfactory service and who wishes to appeal the decision of his agency or departmental grievance procedure system to the State Employees Grievance Committee shall file a request for such an appeal within five working days of receipt of the decision from the agency or department head.

Inasmuch as Section 1-49.1 quoted above specifies five working days as opposed to five days, it would seem that any appeal must be filed within five working days. The language actually gives an employee a greater time period in which to file his appeal inasmuch as it excludes intervening Saturdays, Sundays and holidays.

Section 1-49.14 further provides in relevant facts as follows:

The State Personnel Director shall assemble all records, reports and documentation of the early hearings on the grievance and review the case to ascertain that it has been in full compliance with the established grievance policy, procedures and regulations within the agency or department involved. (Emphasis added.)

The underlined language would indicate that the employee must have complied with the specific time requirements in order to have his grievance forwarded to the Chairman of the State Employees Grievance Committee. Thus, it would appear that the legislative intent is to require aggrieved employees to fully comply with the specific statutory time limitations contained in Section 1-49.14.

I hope this sufficiently answers your question.

Sincerely,

Ellison D. Smith, IV  
Assistant Attorney General

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