

1982 WL 189226 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

March 30, 1982

\*1 George A. Wood  
Town Manager  
Town of Kingstree  
Post Office Box 207  
Kingstree, South Carolina 29556

Dear Mr. Wood:

This is in response to your March 29, 1982, inquiry addressed to this office. You have asked (1) whether an employee grievance hearing pursuant to the County and Municipal Employees Grievance Procedure Act (§§ 8-17-110-8-17-160, [Code of Laws of South Carolina](#), 1976) must be conducted in public and (2) whether the State Employee-Grievance Committee conducts its hearings in public or closed sessions.

In answer to your first question, it is the opinion of this office that a grievance hearing conducted pursuant to the County and Municipal Employees Grievance Procedure Act need not be carried on in public. Although the Grievance Procedure Act (both State and County and Municipal) itself is silent on this issue, the Freedom of Information Act (§ 30-4-10 [et seq.](#), [Code of Laws of South Carolina](#), 1976, (Cum.Supp. 1981)) provides in § 30-4-70(a)(1) as follows:

(a) A Public body may hold a meeting closed to the public for one or more of the following reasons:

(1) Discussion of employment, appointment, compensation, promotion, discipline or release of an employee, or the appointment of a person to a public body; provided, however, that if an adversary hearing involving the employee, other than under a grievance procedure provided in Chapter 17 of Title 8 of the 1976 Code <sup>a1</sup>, is held such employee shall have the right to demand that the hearing be conducted publicly.

The emphasized language plainly excepts grievance hearings conducted under the State Employee Grievance Procedure Act as well as those conducted under the County and Municipal Employees Grievance Procedure Act from the proviso allowing public employees to insist, if they choose, that an adversary hearing involving them be open to the public. Therefore, based on § 30-4-70(a)(1), it is the conclusion of this office that grievance hearings involving municipal employees conducted under the authority of the County and Municipal Employees Grievance Procedure Act need not be conducted in public.

In answer to your second question, it is the practice of the State Employee Grievance Committee to carry on grievance hearings only in sessions that are closed to the general public. This practice is pursuant to Rule 12 of the Rules and Regulations of that Committee which provides:

All proceedings of the Grievance Committee shall be in executive session. Only the parties involved in a hearing, counsel for the Committee and officials specified by the [State Employees Grievance Procedure] Act may attend.

As is indicated in my response to your first question, the Committee's Rule 12 is not inconsistent with any requirement of law but is in fact soundly supported by § 30-4-70(a)(1) of the amended Code.

I hope that this information satisfactorily answers your questions.

Sincerely yours,

Vance J. Bettis

\*2 Assistant Attorney General

Footnotes

[a1](#) Emphasis added.

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