

1980 WL 120588 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

January 8, 1980

***1 Re: Transcripts of Grievance Appeal hearings**

Jack S. Mullins, Ph.D.
Director
S.C. State Budget and Control Board
Personnel Division
1205 Pendleton Street
Columbia, South Carolina 29201

Dear Dr. Mullins:

You have recently asked this Office for its opinion concerning whether a grievant or respondent state agency may obtain a transcript of a grievance appeal hearing. It is the opinion of this Office that either party may obtain a transcript of a grievance appeal hearing.

You will find enclosed an opinion of this Office dated April 18, 1977, which concluded that the Administrative Procedures Act (APA), [Section 1-23-340 et seq., 1976 South Carolina Code](#) of Laws, applies to grievance appeal hearings. Section 1-23-320(h) of the APA provides that 'oral proceedings or any part thereof shall be transcribed on request of any party.' When construing a statute legislative intent is determinative of the construction given to the statute. [Helfrich v. Brasington Sand and Gravel Co.](#), 268 S.C. 236, 233 S.E.2d 291 (1977); [Green v. Thorton](#), 265 S.C. 436, 219 S.E.2d 827 (1975); and [McGlohon v. Harlan](#), 254 S.C. 207, 174 S.E.2d 753 (1973). The General Assembly did not intend that either party could request a transcript of the hearing but neither party would be entitled to receive one. The General Assembly intended that either party may receive a transcript. The mere fact that a party may obtain a transcript, however, does not mean that one should be supplied to a party free of charge.

The Freedom of Information Act (FOIA), [Section 30-4-70\(a\)\(1\), 1976 Code of Laws of South Carolina](#) provides that grievance hearings shall be conducted in executive session. This express exclusion of members of the public from grievance hearings affects in no way a party's right to obtain an accurate record of the hearing.

Sincerely,

Barbara J. Hamilton
State Attorney

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