

1980 WL 120750 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

June 26, 1980

***1 RE: Employee Grievance Appeals**

Jack S. Mullins, Ph.D.
Director
Personnel Division
Budget and Control Board
Post Office Box 12547
Columbia, South Carolina 29211

Dear Dr. Mullins:

You have recently addressed an inquiry to this Office concerning the proper manner for calculating the ten day time period in which an aggrieved employee may file an appeal to the State Employee Grievance Committee.

1976 Code of Laws of South Carolina, Section 8-17-40 provides:

A state employee who wishes to appeal the decision of the agency or departmental grievance procedure to the State Employee Grievance Committee shall file a request for such an appeal within ten days of receipt of the decision from the agency or department head. The request shall be filed directly with the State Personnel Director by the employee.

The ten day period commences when the employee receives the agency decision concerning the grievance appeal. If the employee is represented by counsel, the ten day period commences when the employee's attorney receives the agency's decision. See attached copy of February 24, 1978 opinion of the Attorney General. The ten day period refers to ten calendar days and not to ten working days. See attached copy of July 25, 1974 opinion of the Attorney General.

In order to facilitate your determining on what date an employee received the final decision of his agency head, you might request that agencies either serve such decisions on the employee personally or mail such decisions to the employee by certified or registered mail. If a grievant were notified of the agency decision by first class mail, you might request that such grievant inform your office in writing of the exact date on which he or she received the agency decision.

If a grievance appeal is mailed on the last day of a filing period, such appeal would be timely although it is likely to be received by your office after the last day of the filing period. [Walters v. Laurens Cotton Mills, 53 S.C. 155, 159, 31 S.E. 1, 2 \(1898\)](#). If the last day of the filing period falls on a Saturday, Sunday or a legal holiday the filing period should be extended until the next day following such day. See [Section 15-1-20, 1976 Code of Laws of South Carolina](#), as amended.

Sincerely,

Barbara J. Hamilton
Assistant Attorney General

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