

1979 WL 42880 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

March 22, 1979

***1 Re: Definition of the phrase 'immediate staff of the Governor'**

Don Hinson
Executive Assistant to the Governor of the State of South Carolina
Post Office Box 11450
Columbia, South Carolina 29211

Dear Mr. Hinson:

A recent request has been addressed to this Office for an opinion as to what positions constitute the immediate staff of the Governor and whether the positions now titled 'program managers' may be removed from the state classification and compensation plan.

With regard to your first inquiry, the State Employee Grievance Procedure Act of 1974, Section 8-17-10 et seq. of the 1976 Code of Laws of South Carolina, as amended, applies to all permanent state employees except those exempted from its coverage in Section 8-17-50 of the Code, whether that permanent employee is classified or unclassified. The immediate staff of the Governor may include all of the following positions which were listed in the March 20, 1979, Memo from the Governor to the Attorney General:

* executive assistants

* secretaries receptionist press director

* administrative assistants deputy executive assistants unit directors, and program managers.

It may also include others, as the term 'immediate staff' is not defined in the law; but only those employees before whose position an asterisk appears and employees who are institution, agency or division heads appointed by the Governor are exempt from coverage of the State Employee Grievance Procedure Act. Section 8-17-50(2) and (8) of the Code.

With regard to your second question, the staff of the Governor's office is not required to be bound by the State classification and compensation plan. [Section 8-11-260\(2\) of the Code](#). It apparently has voluntarily participated; and it is, therefore, possible to remove the entire staff at all levels of the Governor's office from the classification and compensation plan but such an action would not effect any present permanent employee's right to have recourse to the state employee grievance procedure.

Sincerely,

Barbara J. Hamilton
State Attorney

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