

1980 WL 120819 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

August 13, 1980

***1 RE: Application of Act No. 435 of 1980 to Psychiatrists-Employees of William S. Hall Psychiatric Institute**

Mr. Larry W. Propes
General Counsel
South Carolina Department of Mental Health
Post Office Box 485
Columbia, South Carolina 29202

Dear Larry:

You have requested our advice as to whether or not, in view of Act No. 435 of 1980 amending certain provisions of the State Employee Grievance Act, the teaching psychiatrists at William S. Hall Psychiatric Institute who also hold faculty appointments with the University of South Carolina School of Medicine, Department of Psychiatry, come within the provisions of the amendments to § 8-17-50 and new § 8-17-60 as provided in Act No. 435 or will they be required to follow the present grievance procedures as provided in § 8-17-10, et seq., Code of Laws of South Carolina (1976), as amended [State Employee Grievance Procedure Act]?

Section 1 of Act No. 435 amends § 8-17-50 by adding an additional exemption as follows:

'10. All teaching and research faculty, professional librarians, academic administrators, and all other persons holding faculty appointments at any post-secondary educational institution, including branch campuses, if any, as defined in Section 59-107-10, except the technical education colleges and centers provided for therein.' (emphasis added).

It must be noted that § 59-107-10 referred to in amended § 8-17-50 does not list William S. Hall Psychiatric Institute as one of the State-supported institutions of higher learning, and it therefore, must be concluded that the teaching psychiatrists at Hall Institute do not come within the additional exemption provision. If they did come within its ambit, they would come within the new grievance procedures as provided in new § 8-17-60, however, this is not the case.

The psychiatrist-employee within the Department of Mental Health serving at Hall Institute is first and foremost an employee of the Department, and secondarily assigned faculty duties at the Department of Psychiatry at the University of South Carolina School of Medicine.¹ It must also be noted that William S. Hall Psychiatric Institute is maintained as '. . . a teaching hospital for the primary purposes of training mental health personnel and psychiatric research . . .' Section 44-11-10(2).

In the opinion of this office the teaching psychiatrists-employees at the William S. Hall Psychiatric Institute who hold faculty appointments at the Department of Psychiatry, University of South Carolina School of Medicine, do not come within the provisions of Act No. 435 of 1980, amending, § 8-17-50 and adding § 8-17-60, but will continue to follow, where applicable, the presently, approved grievance procedure for the Department of Mental Health's employees as provided in § 8-17-10, et seq., Code of Laws of South Carolina (1976), as amended (State Employee Grievance Procedure Act).

Very truly yours,

***2** Raymond G. Halford
Deputy Attorney General

Footnotes

- 1 With approval of the State Budget and Control Board. Second proviso, Section 167, Part I, Act No. ____ of 1980, R-585 (General Appropriations Act).

1980 WL 120819 (S.C.A.G.)

End of Document

© 2015 Thomson Reuters. No claim to original U.S. Government Works.