

1977 S.C. Op. Atty. Gen. 263 (S.C.A.G.), 1977 S.C. Op. Atty. Gen. No. 77-330, 1977 WL 24669

Office of the Attorney General

State of South Carolina

Opinion No. 77-330

October 24, 1977

*1 Dr. Jack S. Mullins
Director of Personnel Division
1205 Pendleton Street
Columbia, SC 29201

Dear Dr. Mullins:

Nat has referred to me your request for an opinion concerning the applicability of the State Register and Administrative Procedures Act to the draft policy manual of State Personnel Rules and Regulations. Since the act is very clear on this subject, I do not feel a formal opinion is necessary.

As you pointed out in your letter, the regulations only apply to State employees. For this reason, the draft policies do not fit within the definition of the term 'regulation' as defined by the State Register and Administrative Procedures Act. That term is defined as an agency statement of general public applicability but does not include agency procedures applicable only to agency personnel. For this reason, it is unnecessary to promulgate these policies after notice, hearing and General Assembly review.

Nat has also asked that I render the opinions you have requested as to whether the Budget and Control Board can promulgate rules concerning administrative leave and the applicability of the Administrative Procedures Act to the grievance procedures of State agencies prior to those proceedings reaching the State Employee's Grievance Committee. I will respond to these questions as soon as possible. In relation to the latter question, I have asked Joe Mack to prepare me a list of all of those grievance procedures which require that a hearing be held.

Sincerely yours,

Richard D. Bybee
Staff Attorney

P. S. I have retained the draft rules and regulations for my file. If you need this copy back or if some of the rules are not approved, please let me know.

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