

1976 WL 30414 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

February 19, 1976

*1 Mr. Thomas D. Mahar, Jr.
Attorney at Law
322 Mill Street
Poughkeepsie, New York 12601

Dear Mr. Mahar:

Attorney General McLeod has referred your correspondence of January 21, 1976, to me for reply. As indicated by your correspondence, you are aware that this State does not recognize the right of public employees to collectively bargain with their employers. This is, of course, in accord with our common law prohibiting public employee strikes and bargaining recognition.

There are no penalty provisions established by State statute for such activity. However, activities in the nature of strikes might, perhaps, warrant the employer to fire an employee for engaging in prohibited activities which is contrary to the public policy and welfare to this State. I might also point out that this State has a State Employees' Grievance Procedure Act, Codified in Section 1-49.15, 1962 Code of Laws of South Carolina, as amended, which creates within each agency or department of the State government an employee grievance procedure for the purpose of maintaining harmonious relations between public employers and public employees.

I trust this will be a satisfactory reply.

Very truly yours,

H. Brent Fortson
Assistant Attorney General

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