

1979 WL 43184 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

November 26, 1979

***1 RE: State Employees' Grievances**

Dr. Jack S. Mullins
Director
State Budget and Control Board
Personnel Division
1205 Pendleton Street
Post Office Box 12547
Columbia, South Carolina 29211

Dear Dr. Mullins:

This letter is written in response to your letter dated November 21, 1979, wherein you presented questions which are related to the questions answered in the November 6, 1979 opinion of this office. Supplemental answers to your questions are presented below:

I. Does the language in Section 7.09A, State Personnel Rules, preclude an employee who has resigned voluntarily from presenting any appeal to the State Employee Grievance Committee, or does the language therein refer only to the resignation itself?

Section 7.09A is titled 'Resignations.' This title indicates the scope or contents of the regulation following it. Cf. [Dantzler v. Callison](#), 230 S.C. 75, 89, 94 S.E.2d 177, 185 (1956), appeal dismissed, 352 U.S. 939 (1956). (Title of a statute indicates subject matter of statute). The language in Section 7.09A provides, 'Any employee who submits a written resignation shall not have the right to appeal to the State Employee Grievance Committee.' Since this provision is found in the section of the Manual concerning resignations, an employee is precluded from presenting a grievance concerning a voluntary resignation to the State Committee. This interpretation is consistent with Section 6.04A.3, State Personnel Manual, which provides that 'an employee who . . . resigns shall waive all rights to appeal such action if the employee has signed a written statement that the action is voluntary.' (Emphasis Added)

II. Can an employee continue the grievance appeal with regard to a suspension if the appeal were in progress at the time of a voluntary written resignation?

The answer to this question is affirmative. The State Employee Grievance Act, § 8-17-10 of the 1976 Code of Laws of South Carolina and the Personnel Rules Manual do not prohibit an employee from completing a grievance appeal instituted prior to the resignation of the employee.

III. If an employee submits a voluntary resignation and later institutes a grievance concerning a personnel action other than the resignation may the grievance be appealed to the State Employee Grievance Committee?

The answer to this question is affirmative, provided the grievance was instituted timely.

Sincerely,

Barbara J. Hamilton

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