

1978 WL 34958 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

June 23, 1978

\*1 Mr. James Robert Martin  
Union County Councilman  
Route 2  
Box 270  
Union, SC 29379

Dear Mr. Martin:

I have received your request dated December 22, 1977, for an opinion from this Office concerning a Standing Grievance Committee in Union County. I am sorry for the delay in answering your question.

S.C. Code of Laws (1976) § 8-17-130 states in part:

The governing body of each county and incorporated municipality which elects to establish an employee grievance procedure pursuant to this article shall appoint a committee composed of not less than three nor more than nine members to serve for terms of three years, except that the members appointed initially shall be appointed so that terms will be staggered and one third of the term shall expire each year. Any interim appointment to fill a vacancy for any cause prior to the completion of his term shall be for the unexpired term. Any member may be reappointed for succeeding terms at the discretion of the appointing authority. All members of the grievance committee shall be selected on a broadly representative basis from among the career service or appointed personnel of the several county or municipal agencies, with the provision that, whenever a grievance comes before the committee initiated by or involving an employee of an agency of which a committee member also is an employee, such member shall be disqualified from participating in the hearing. (emphasis added)

This statute calls for members on the Grievance Committee that broadly represent the 'Career service or appointed personnel' of the several county or municipal agencies. Therefore, unless all members of your Grievance Committee are career service or appointed personnel of Union County, the composition of the Committee will not be in compliance with state law.

The State Employee Grievance Committee uses approximately this same procedure. Its Grievance Committee is composed of employees from the various agencies.

S.C. Code of Laws (1976) § 8-17-140 states:

The committee shall, within twenty days after hearing an appeal, make its findings and decision and report such findings and decision to the governing body. If the governing body approves, the decision of the grievance committee shall be final, and copies of the decision shall be transmitted by the committee to the employee, to the chief administrative officer and to the particular department or agency involved. If, however, the governing body rejects the decision of the committee, it shall make its own decision without further hearing, and that decision shall be final, with copies transmitted to the employee and the employing agency.

This section would provide for a final review of the Grievance Committee's findings by the County Council as the governing body in Union County.

If you have any further questions, please let me know.

Sincerely,

Frank H. DuRant  
Assistant Attorney General

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