

1978 WL 35168 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

October 13, 1978

*1 Mr. Clifford A. Moyer
Executive Director
S.C. Criminal Justice Academy
5400 Broad River Road
Columbia, South Carolina 29210

Dear Mr. Moyer:

You have asked the Opinion of this Office concerning the legality and the ramifications of your intention to require all employees of the Criminal Justice Academy to work a forty hour work week.

The responsibilities of the director of the Academy are set forth in [Section 23-23-20 of the 1976 Code of Laws](#). [Section 23-23-20](#) provides in part:

Administration of this academy shall be vested in a director who will be responsible for selection of instructors, course content, maintenance of physical facilities, recordkeeping, supervision of personnel, scheduling of classes, enforcement of minimum standards for certification (as will be hereinafter set forth) and such other matters as may be agreed upon by the Council.

It is the opinion of this Office that you are authorized to require a forty hour work week of the employees of the Criminal Justice Academy.

You also asked whether any grievance action could arise from your requiring a forty hour work week of all employees. Section 8-17-20 of the 1976 Code of Laws states in part:

[G]rievances may include, but are not necessarily limited to dismissals, suspensions, involuntary transfers, lay-offs, reductions in pay and demotions. Compensation shall not be deemed a proper subject for consideration under the grievance procedure except as it applies to alleged inequities within a particular agency or department. Classification and promotion shall be deemed proper subjects for consideration only as they relate to alleged discrimination.

It is the opinion of this Office that no cause for grievance concerning the hours of a work week will exist if a forty hour work week is required of all employees of the Academy.

In response to your other questions concerning a postponement of requiring a forty hour work week, please be informed that this Office is working with the director of the Personnel Division concerning several labor relation issues, one of which is the standardized work week question. We anticipate that the Budget and Control Board and the Legislature will be considering this question in the next few months.

Sincerely,

Barbara J. Hamilton
State Attorney

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