

1975 WL 29779 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

May 2, 1975

*1 Mr. James K. McMillan
Food and Cosmetic Section
Department of Agriculture
P. O. Box 11280
Columbia, South Carolina 29211

Dear Mr. McMillan:

In reference to your letter concerning enforcement by management of regulations contained in the 'Current Good Manufacturing Practices' I have been unable to find specific statutory or cause law on the subject. However, Section 32-1526.17 of the South Carolina Code of Laws (1962) empowers the Commissioner of Agriculture of South Carolina to inspect the premises of a company and to promulgate regulations for the efficient enforcement of the Food and Cosmetic Act.

Employers will be held responsible for compliance with this Act. Therefore, it would seem reasonable that they may initiate company rules enforcing Section 128.8 of the 'Current Good Manufacturing Practices' which was adopted pursuant to Section 32-1526.17(h) of the South Carolina Code of Laws. Enforcement would be impossible if an employer did not have the power to dismiss an employee for violating the company rules. However, sufficient warning and an opportunity to be heard would seem to be the best procedure to follow before summarily dismissing an employee.

Finally, it should be noted that Section 68-114(2) of the South Carolina Code of Laws (1962) disallows total unemployment benefits for discharge based on misconduct. However, each case will be determined on the merits by the South Carolina Employment Security Commission.

I hope this has been helpful to you.

Sincerely,

A. Camden Lewis
Assistant Attorney General

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