

1975 WL 28988 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

July 7, 1975

\*1 A challenge to the structure of the classification system and not to inequities within the system does not constitute a grievance pursuant to Section 1-49.16, Code of Laws of South Carolina.

Jack S. Mullins, Ph.D.

Director

State Personnel Division

1205 Pendleton Street

Columbia, South Carolina 29201

QUESTION INVOLVED:

Whether a reduction in pay grade pursuant to the criteria of the Classification and Compensation Section of the State Personnel Division constituted a grievance before the State Employee Grievance Committee when there is no allegation of inequity among others similarly situated. The peculiar facts of this situation are that the grievant was employed by the Department of Labor on January 11, 1974, in the classified position of Research and Statistics Administrator at grade level 28. In May, 1975, the Classification and Compensation Section of the State Personnel Division had occasion to re-examine grievant's job description. It was determined that the position had been assigned a classification and pay grade higher than could be justified by the job description. Effective May 16, 1975, the position was reclassified as Statistician III, at pay grade 26. While grievant's present salary will remain unchanged, she is now appealing the demotion as unfair in that she accepted the position as it was originally classified, and in no way personally contributed to its being reclassified and downgraded.

STATUTES INVOLVED

Section 1-49.16, Code of Laws of South Carolina, 1962, as amended.

Section 1-49.16 provides in part:

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 shall be deemed a proper subject for consideration only as it relates to the application of the classification system to a particular individual and shall not include grievances related to the structure of the system.

This grievance pertains to a reclassification pursuant to an examination of the grievant's job description by the Classification and Compensation Section of the State Personnel Division (section). The resultant lower classification was determined pursuant to the Section's guidelines. There is no allegation that the new classification of the job description is inequitable when compared with other state employees with similar job descriptions.

CONCLUSION

The grievance pertains to the structure of the system rather than its application to a particular grievant and is therefore not a proper matter for the state employee grievance procedure.

Stephen T. Savitz

Assistant Attorney General

1975 WL 28988 (S.C.A.G.)

---

End of Document

© 2018 Thomson Reuters. No claim to original U.S. Government Works.