

1972 S.C. Op. Atty. Gen. 48 (S.C.A.G.), 1972 S.C. Op. Atty. Gen. No. 3257, 1972 WL 20404

Office of the Attorney General

State of South Carolina

Opinion No. 3257

January 31, 1972

**\*1 Re: State Employee Grievance Committee**

Mr. John Henry

Member

Board of Juvenile Corrections

5034, Poole

North Charleston, South Carolina 29400

Dear Mr. Henry:

You have requested an opinion as to whether the State Employee Grievance Procedure Act (hereinafter referred to as the 'Act') is applicable to the Board of Juvenile Corrections (hereinafter referred to as the 'Board') in view of Section 55–50.3 of the Code of Laws of South Carolina (1971 Cum.Supp.) (hereinafter referred to as the 'Code').

This question has previously been raised by the South Carolina Public Service Authority and has been answered as to them by this Office in a letter of July 16, 1971, by R. Evan Palmer, Assistant Attorney General. A copy of this letter is hereby enclosed for your information.

The Act provides in Section 1–49.13 of the Code that:

Permanent State employees who have completed six months of satisfactory service shall have the right to appeal to the State Employees Grievance Committee any grievances involving issues which affect their career status or continuing employment with the State after all administrative remedies to secure acceptable adjudication within their own agency or department have been exhausted.

It is my opinion that the Board is an agency or department of State Government within the meaning of the Act, similarly as the South Carolina Public Service Authority, and is subject to its provisions.

It is noted that Section 55–50.3 of the Code provides that the Board has:

exclusive power to supervise generally the respective schools and make rules and regulations for their conduct and management and for the government and discipline of employees and persons under their care.

This Section does not appear to be inconsistent with Section 1–49–13 of the Code since the latter does not provide for supervising generally or making rules and regulations; but only provides for appeals involving issues which affect career status or continuing employment with the State, *i.e.*, interpreting those rules and regulations as they are applied to individual employees.

In any event, even if there was some conflict between the Act and Section 55–50.3 of the Code, the Act would be controlling since later legislation takes precedent over prior legislation when inconsistencies in legislation arise.

If I can be of any further assistance in the matter, please let me know.

Very truly yours,

Edwin B. Brading  
Assistant Attorney General

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