

1980 WL 120827 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

August 18, 1980

***1 RE: The Grievance Appeals of James C. Leagan and Harry H. Mills, Jr.**

Jack S. Mullins, Ph.D.
Director
State Budget and Control Board
Personnel Division
Room 333
Edgar Brown Building
Columbia, South Carolina 29201

Dear Dr. Mullins:

You have recently sought the opinion of this Office concerning the grievance appeals of the above-referenced employees who are employed by the South Carolina Department of Social Services. Both employees claim that they have been demoted and the agency claims that the positions held by both employees have been reclassified by the State Personnel Division. There is documentation in both files which show that the positions involved were reclassified by the State Personnel Division following on-site desk audits performed by Mr. Eugene Benjamin, an analyst of the State Personnel Division.

According to state law the state Employee Grievance Committee may not hear grievance appeals concerning job classification unless discrimination is alleged. Section 8-17-30, 1976 Code of Laws of South Carolina. The Employee Grievance Application Forms submitted by Mr. Mills and Mr. Leagan do not contain allegations of discrimination based upon race, religion, sex, national origin, age or handicap. Thus, their grievances which concern position classifications should not be submitted to the State Employee Grievance Committee. See Attorney General's Opinion dated January 24, 1978, and addressed to Jack S. Mullins; Attorney General's Opinion dated July 2, 1980, and addressed to Jack S. Mullins; and the State Employee Personnel Rules Manual, Section 6:04.A.4 which provides:

An employee whose position is reclassified to a classification with a lower pay grade shall not have the right to appeal the reclassification to the State Employee Grievance Committee.

Sincerely,

Barbara J. Hamilton
Assistant Attorney General

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