

1980 WL 121003 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

December 17, 1980

*1 Dr. Jack Mullins
State Director
State Personnel Division
Suite 333
Edgar Brown Building
Post Office Box 12547
Columbia, South Carolina 29211

Dear Dr. Mullins:

You have inquired whether the regular staff employees of the Lieutenant Governor's Office are considered State employees subject to the provisions of the State Personnel Administration Act and the State Employee Grievance Procedure Act.

The State Personnel Administration Act exempts from its application (among others):

- '1. Members, officers and employees of the General Assembly;
2. Staff of the Governor's Office;'

[Section 8-11-260, Code](#) of Laws, 1976, as amended.

The State Employee Grievance Procedure Act exempts from its application (among others):

- '1. Members, officers and employees of the General Assembly;
2. Executive assistants, administrative assistants and secretaries on the Governor's immediate staff;'

Section 8-17-50, Code of Laws, 1976, as amended.

Neither Act refers to the staff of the Lieutenant Governor. In addition, the 1980-81 General Appropriations Act does not include those staff members in Section 1, which lists officers and employees of the General Assembly. Instead, the Lieutenant Governor's Office budget is set out in Section 6, as part of the executive branch appropriations. See pages 1569 and 1570 of Act No. 517 of 1980. The Lieutenant Governor is an elected official to whom the personnel and grievance laws do not apply; but, as indicated by the Appropriations Act, the four staff positions are listed as 'classified positions' and the customary appropriations are made for their salary increments and fringe benefits as in the case of other regular classified State employees.

Accordingly, it is the opinion of this Office that the classified employees of the Lieutenant Governor's Office are State employees covered by the State Personnel Administration Act and the State Employee Grievance Act.

Sincerely,

Frank K. Sloan
Deputy Attorney General

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