

1974 WL 28113 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

July 25, 1974

***1 Re: State Employee Grievance Procedure Act**

Mr. Jack S. Mullins
Director
State Personnel Division
1205 Pendleton Street
Columbia, South Carolina 29201

Dear Mr. Mullins:

I am in receipt of your letter of July 24, 1974, addressed to the Attorney General, but directed to my attention. In that letter you request that this office interpret certain provisions of Act No. 1025, Statutes at Large, which amended the State Employee Grievance Procedure Act.

Specifically, you have asked whether an employee can appeal directly to the State Employee Grievance Committee if he has not received an agency's final decision on his grievance within 45 days after the grievance has been initiated. Act No. 1025 provides in relevant parts, as follows:

The plan [the agency's approved grievance procedure plan] shall provide that the Department or agency shall act on a grievance within 45 days. Failure to act positively within such period will be considered an adverse decision for the employee from which he may appeal.

As I interpret the new language, it would appear that the agencies must have plans which would allow a grievance filed by an employee of an agency or a Department to be processed within a 45-day period of time. If the agency has not processed the grievance within the 45-day time limit, then the above-quoted language would apply and the employee would have the right at the expiration of 45 days to appeal directly to the State Employee Grievance Committee, notwithstanding the fact that the grievance had not been finally adjudicated within the agency.

In your letter you also ask whether or not the time limitations which are contained in Act No. 1025 are to be interpreted as calendar days or working days. It is a well-settled rule of statutory construction that words appearing in statutes are to be given their normal connotation unless there is a specifically demonstrated legislative intent to accord words a different meaning. Since Act No. 1025 does not indicate that the word 'days' is to be construed as working days, it is our opinion that all references in the act to days are references to calendar days.

I hope the foregoing sufficiently answers the questions which you posed.

Very truly yours,

Ellison D. Smith, IV
Assistant Attorney General

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