

SUPREME COURT OF SOUTH CAROLINA

Grimsley v. South Carolina Law Enforcement Division

415 S.C. 33 (2015) · No. 2014-001059 · Decided December 23, 2015

SUMMARY

The South Carolina Supreme Court reversed the court of appeals and reinstated summary judgment for the South Carolina Law Enforcement Division. The court held that former SLED agents were rehired at reduced salaries and that SLED paid, rather than deducted from their salaries, the employer retirement contributions required under South Carolina law.

CASE DETAILS

COURT	Supreme Court of South Carolina
WRITING FOR THE COURT	Justice Kittredge; Chief Justice Toal; Justice Beatty; Justice Hearn; Justice James E. Moore, Acting Justice
JURISDICTION	South Carolina
DECIDED	December 23, 2015
DOCKET	2014-001059
DISPOSITION	reversed
PROCEDURAL POSTURE	SLED petitioned for a writ of certiorari to review the court of appeals' reversal of the trial court's grant of summary judgment in SLED's favor.
STANDARD OF REVIEW	Summary judgment is reviewed under the same standard applied by the trial court. Summary judgment is proper when the record shows no genuine issue of material fact and the moving party is entitled to judgment as a matter of law, with evidence and reasonable inferences viewed in the light most favorable to the nonmoving party.
PRECEDENTIAL VALUE	published precedential opinion
PARTIES	South Carolina Law Enforcement Division v. Phillip D. Grimsley, Sr., Roger M. Jowers, Others similarly situated

TOPICS

- summary judgment
- employment law
- statutory interpretation
- constitutional law
- appellate procedure

PRACTICE AREAS

employment law

constitutional law

civil procedure

appellate procedure

QUESTIONS PRESENTED

1. Whether the undisputed evidence established that Respondents were rehired at new, reduced salaries rather than at their pre-retirement salaries with the employer retirement contribution deducted from those salaries.
2. Whether SLED violated S.C. Code section 9-11-90(4)(b), constitutional takings or due process protections, or appropriations law by operating the Retirement/Rehire program.
3. Whether SLED was entitled to summary judgment.

HOLDINGS

1. SLED was entitled to summary judgment because Respondents were rehired at new, reduced salaries, and the employer retirement contributions were paid by SLED rather than deducted from Respondents' salaries.
2. A party opposing summary judgment may not survive merely by pointing to an isolated statement or creating an unreasonable inference or metaphysical doubt; the party must produce specific facts showing a genuine issue for trial.

KEY QUOTATIONS

"[A] trial court may grant a motion for summary judgment 'if the pleadings, depositions, answers to interrogatories, and admissions on file, together with the affidavits, if any, show that there is no genuine issue as to any material fact and that the moving party is entitled to a judgment as a matter of law.'" (II.A)

"The court of appeals elevated what is, at best, a metaphysical doubt into a genuine issue of material fact." (II.C)

"The trial court therefore correctly found Respondents' claims had no basis in fact as Respondents were unable to produce any evidence that they were rehired at their previous salaries or that the employer retirement contribution was ever deducted from their pay." (II.C)

FACTUAL BACKGROUND

Respondents were longtime SLED employees and members of the Police Officers Retirement System who retired in 2004 and were subsequently rehired under SLED's Retirement/Rehire program. They agreed in writing to new salaries reduced from their pre-retirement salaries and to employment terms of no more than four years. After discovery, the record established that SLED paid the employer retirement contributions from funds appropriated for benefits and never deducted those contributions from Respondents' salaries.

PROCEDURAL HISTORY

Respondents, former SLED agents who retired and were rehired under SLED's Retirement/Rehire program, sued SLED and the State, alleging that SLED unlawfully deducted the employer's retirement contribution from their

salaries. The State was dismissed under Rule 12(b)(6), and the Supreme Court initially reversed that dismissal based on the allegations of the complaint. After discovery, the circuit court granted SLED summary judgment, the court of appeals reversed, and the Supreme Court granted certiorari, reversed the court of appeals, and reinstated judgment for SLED.

DISPOSITION

reversed

REMAND INSTRUCTIONS

The court reversed the court of appeals and directed that judgment be entered for SLED, reinstating the trial court's judgment.

CASES CITED

- Grimsley v. South Carolina Law Enforcement Division, 408 S.C. 38, 757 S.E.2d 542 (Ct. App. 2014)
- Grimsley v. South Carolina Law Enforcement Division, 396 S.C. 276, 721 S.E.2d 423 (2012)
- Quail Hill, L.L.C. v. County of Richland, 387 S.C. 223, 692 S.E.2d 499 (2010)
- Brockbank v. Best Capital Corp., 341 S.C. 372, 534 S.E.2d 688 (2000)
- Pye v. Estate of Fox, 369 S.C. 555, 633 S.E.2d 505 (2006)
- Town of Hollywood v. Floyd, 403 S.C. 466, 744 S.E.2d 161 (2013)
- Evans v. Stewart, 370 S.C. 522, 636 S.E.2d 632 (Ct. App. 2006)
- Russell v. Wachovia Bank, N.A., 353 S.C. 208, 578 S.E.2d 329 (2003)
- Baughman v. American Telephone & Telegraph Co., 306 S.C. 101, 410 S.E.2d 537 (1991)