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December 2, 2019

VIA EMAIL

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RE: Laws, regulations, and lawsuits related to human resource decisions

Dear Director Wingo and Director Smith:

The House Legislative Oversight Committee's Department of Corrections ad hoc subcommittee is currently performing an oversight study of the Department of Corrections (SCDC). The purpose of legislative oversight is to determine if agency laws and programs are being implemented and carried out in accordance with the intent of the General Assembly and whether or not they should be continued, curtailed, or even eliminated. Any House Member may file legislation to implement the Committee's recommendations.

The purpose of this letter is to seek input from your offices about the laws, regulations, and lawsuits related to state agency human resource decisions. As follow-up from the October 2, 2019, meeting, we seek some additional information.

1. Please provide a list of employment related cases during the last ten years in which the director of a state agency was personally named in the lawsuit. Also, please provide a copy of the complaint in each action and result of the action.
2. Please provide statutes and regulations applicable to the following related to (1) demotions; (2) promotions; and (3) terminations of at-will and non at-will state employees:
 - a. Circumstances under which it can occur;
 - b. Personnel who have authority to do it (e.g., does it have to be the immediate supervisor or can it be someone above the immediate supervisor); and
 - c. Ways in which the employee's annual Employee Performance Management System report is utilized in the decision, if at all.
3. Under what circumstances can a state agency terminate an employee immediately (at-will and non at-will)? Who can terminate an employee immediately (e.g., does it have to be the direct supervisor or can it be someone above the direct supervisor)?

Your assistance with these questions will be greatly appreciated. May we hear from you by Wednesday, December 18, 2019, if possible? Additionally, the ad hoc subcommittee welcomes any other input or feedback your offices would like to provide.

Thank you and your teams for your service to the citizens of South Carolina.

Sincerely,

A handwritten signature in black ink, appearing to read "Edward R. Tallon Sr.", with a stylized flourish at the end.

Edward R. Tallon Sr.
Subcommittee Chair

cc: The Honorable Wm. Weston J. Newton
Department of Corrections Ad Hoc Subcommittee