

STATE OF SOUTH CAROLINA DEPARTMENT OF JUVENILE JUSTICE
POLICY AND PROCEDURES

Title:	Employee Restricted and Prohibited Legislative Activities	Policy No.:	B-3.29	Page(s):	1 of 6
Authority:	Human Resources, Division of Administrative Services				
Responsible Areas:	Training				
Juvenile Justice Code:	n/a				
PbS Related Standard(s):	n/a				
September 27, 2016 Effective Date		SIGNED/ <i>Sylvia Murray</i> Sylvia Murray Director			

THE LANGUAGE USED IN THIS DOCUMENT DOES NOT CREATE AN EMPLOYMENT CONTRACT BETWEEN THE EMPLOYEE AND THE AGENCY. THIS DOCUMENT DOES NOT CREATE ANY CONTRACTUAL RIGHTS OR ENTITLEMENTS. THE AGENCY RESERVES THE RIGHT TO REVISE THE CONTENT OF THIS DOCUMENT, IN WHOLE OR IN PART. NO PROMISES OR ASSURANCES, WHETHER WRITTEN OR ORAL, WHICH ARE CONTRARY TO OR INCONSISTENT WITH THE TERMS OF THIS PARAGRAPH CREATE ANY CONTRACT OF EMPLOYMENT.

The South Carolina Department of Juvenile Justice is an equal opportunity employer. DJJ does not discriminate in hiring, promotions, discharge, pay, fringe benefits, job training, classification, referral or in any other aspects of employment, on the basis of race, color, religion, sex, participation in protected activity in the workplace, disability, age or national origin. Any act you feel is in violation please contact the Office of Human Resources, 2007 Willow Lane, 4900 Broad River Road, Columbia, SC 29212-5413 (803) 896-4733. The South Carolina Department of Juvenile Justice's School District also does not discriminate in any programs or activities on the basis of race, color, national origin, sex, religion, participation in protected activity in the work place, disability or age. The following offices have been designated to handle inquiries regarding the school district's nondiscrimination policies: Title IX - Inspector General's Office - 3208 Broad River Road, Columbia, SC 29210-5427 - Ph: 803-896-9595; 504 Special Education Office, 1830 Shivers Road, Columbia, SC 29210-5416 - Ph: 803-896-8484.

POLICY: The Department of Juvenile Justice (DJJ) will protect the Department and its employees from activities that may negatively impact the Department and/or employees through the restriction and prohibition of certain activities.

PROCEDURAL GUIDELINES:

A. Training Requirement

Training on this policy will be provided to all new employees as part of new employee orientation.

B. General Provisions

These restricted/prohibited activities apply to all full-time, temporary, grant, and part-time employees of DJJ.

1. Restricted and prohibited activities include, but are not limited to, the receipt of gifts or gratuities, conflicts of interest, soliciting, selling, collecting contributions, filing/offering for an elected or appointed political office, and attempting to influence the political decisions of employees with the Department.

Title: Employee Restricted and Prohibited Legislative Activities	Authority: Division of Administrative Services	Policy No.: B-3.29	Page: 2 of 6
--	--	--------------------	--------------

2. No employee will solicit or accept anything of value from organizations, businesses, or individuals with whom they have an official relationship through Department business. This includes a promise of future employment.
3. The term “anything of value” is defined in State law as:
 - a. A pecuniary item including money, a bank bill, or a bank note.
 - b. A promissory note, bill of exchange, an order, a draft, warrant, check, or bond given for the payment of money.
 - c. A contract, agreement, promise or other obligation for an advance, a conveyance, forgiveness of indebtedness, deposit, distribution, loan, payment, gift, pledge, or transfer of money.
 - d. A stock, bond, note, or other property.
 - e. A receipt given for the payment of money or other property.
 - f. A chose-in-action (the right of a creditor to be paid).
 - g. A gift, tangible good, chattel, or an interest in a gift, tangible good, or chattel.
 - h. A loan or forgiveness of indebtedness.
 - i. A work of art, an antique, or a collectible.
 - j. An automobile or other means of personal transportation.
 - k. Real property or an interest in real property including title to realty, a fee simple or partial interest in realty including present, future, contingent, or vested interests in realty, a leasehold contingent, or vested interests in realty, a leasehold interest, or other beneficial interest in realty.
 - l. An honorarium or compensation for services.
 - m. A promise or offer of employment.
 - n. Any other item that is of pecuniary or compensatory worth to a person.
4. Anything of value does not mean:
 - a. Printed information or promotional material, not to exceed \$10 in monetary value.
 - b. Items of nominal value, not to exceed \$10, containing or displaying promotional material.
 - c. A personalized plaque or trophy with a value that does not exceed \$150.
 - d. Educational material of a nominal value directly related to the public official, public member, or public employee’s official responsibilities.
 - e. An honorary degree bestowed upon a public official, public member, or public employee by a public or private university or college.
 - f. Promotional or marketing items offered to the general public on the same terms and conditions without regard to status as a public official or public employee.
 - g. A campaign contribution properly received and reported.

Title: Employee Restricted and Prohibited Legislative Activities	Authority: Division of Administrative Services	Policy No.: B-3.29	Page: 4 of 6
--	--	--------------------	--------------

Director for review. The written request must include an analysis of any potential conflicts that might occur during the campaign or while holding an elective office. It must also state whether the employee proposes to continue employment with the Department if elected.

6. Should any employee declare him/herself as a candidate or file for political office in a partisan or nonpartisan election, or otherwise indicate intent to run in such an election without previously notifying the Director by written memorandum, he/she will be considered to have resigned his/her position. Should any employee become a candidate for office as a result of fundraising, citizen petition, commission of a name, recognition poll, or other such conduct that would give the appearance that the employee may run for office, the DJJ legal office may confer with the employee to discuss his/her intent. If the employee intends to run for the office, he/she will be required to abide by the procedures set forth above. If the employee denies an intent to run for such office, he/she may be required to sign a statement to that effect and the legal office will serve as a witness and sign the statement acknowledging such.
7. Upon receipt of notice of the employee's intent to file for office, the DJJ Legal Office will review the request for conflict of interest, violation of federal or state codes, and violation of DJJ policies. The Legal Office will provide a response to the DJJ Director. The Director will determine if the employee must take annual leave, leave without pay, or resign from employment. Within 30 days of an employee's notice of intent to file for office, the Director will notify the employee in writing of his/her employment status. The written notification will include the following:
 - a. Employment status while running for office.
 - b. Employment status after winning election.
 - c. Employment status after losing election.
8. All political activities must be conducted during the employee's personal time. The State Ethics Act prohibits political campaigning or solicitation in state-owned buildings or use of state-owned equipment or materials.
9. If any employee uses the maximum allowance of annual leave (30 days in a calendar year) or the annual leave is insufficient to cover the duration of his or her candidacy, the employee may request to be placed in leave without pay status. The combination of annual leave and leave without pay cannot exceed 180 calendar days.

Title: Employee Restricted and Prohibited Legislative Activities	Authority: Division of Administrative Services	Policy No.: B-3.29	Page: 3 of 6
--	--	--------------------	--------------

5. It is particularly important that employees of the Department guard against relationships that might be misconstrued as evidence of favoritism, coercion, unfair advantage, or collusion in the course of the business of the Department.

C. Conflicts of Interest

1. It is prohibited for any DJJ employee to be directly or indirectly connected with or engaged in any private enterprise, transaction, or activity of any kind whatsoever for private gain or profit in connection with any programs, functions, or business affairs of the Department if he/she, as a DJJ employee, oversees or is responsible for the program, function or contract, or if he/she is involved in its selection, retention, or administration.
2. Soliciting may only be conducted consistent with DJJ Policy A-3.6, Soliciting.
3. Donations may only be received consistent with DJJ Policy B-2.4, Donations.
4. Speaking as a representative of DJJ may only be done consistent with DJJ Policy A-6.2, Speakers and Speaking Engagements.

D. Political Activities

The following provisions apply to a DJJ employee that is a candidate for appointment or election to public office and that is not covered by the Federal Hatch Act.

1. Generally, employees may engage in political activity as described in this policy without reduction in salary and status when, in the judgement of the Director, the individual can continue to effectively handle assigned duties. If these duties cannot be effectively handled, the employee may choose to resign, or the employee may be required to take annual leave or leave of absence without pay.
2. An employee that is in a policy-making position, a law enforcement officer position, or that regularly is entrusted with confidential and/or legally privileged information about the Department must either resign or be terminated from their employment position when they become a candidate for a partisan political office.
3. A State employee that is paid in whole or in part by federal funds or whose job is related to an activity that receives federal funds may be covered by provisions of the Federal Hatch Act, which may prohibit political activity.
4. If the employee concerned is the DJJ Director, the Governor will make the determinations required above.
5. A DJJ employee intending to run for political office in a partisan or nonpartisan election must submit a written request through his/her supervisor to the DJJ

Title: Employee Restricted and Prohibited Legislative Activities	Authority: Division of Administrative Services	Policy No.: B-3.29	Page: 5 of 6
--	--	--------------------	--------------

E. Participation in Polls and Lobbying

1. Any employee desiring to work at the polls during an election or desiring to perform lobbying activities during normal duty hours must request and be approved to take annual leave. An employee that fails to comply with these requirements is subject to progressive employee disciplinary action up to and including termination.
2. Lobbying is defined in State law as promoting or opposing through direct communication with public officials or public employees:
 - a. The introduction or enactment of legislation before the General Assembly or the committees or members of the General Assembly.
 - b. Covered gubernatorial actions.
 - c. Covered Department actions.
 - d. Consideration of the election or appointment of an individual to a public office elected or appointed by the General Assembly.

F. Economic Development Activity

The Ethics, Government Accountability, and Campaign Reform Act of 1991 provides that the Governor must give prior written approval for any economic development effort by a public official or an employee in which that person will be receiving things of value from a lobbyist principal (food, beverages, lodging, entertainment, and transportation expenses). No employee is to engage in such economic development activity without written approval of the Director and the Governor. Submission of an Economic Development Activity (Form B-3.29A) is required.

G. Statement of Economic Interest

Each year the State Ethics Commission forwards the list of employees required to complete the Statement of Economic Interest to the DJJ Director. The Director forwards the list to the DJJ Legal Office for handling. Generally, the DJJ Director, all Executive Managers, the Directors of the Evaluation Centers and Detention Center, the Broad River Road Complex Chief of Security and Operations, the Fiscal Affairs Administrator, and all Procurement Officers are listed. The Legal Office will inform those employees listed to complete and return the Statement of Economic Interest to the State Ethics Commission.

- H. A DJJ employee found in violation of this policy is subject to progressive employee discipline, up to and including termination.

Title: Employee Restricted and Prohibited Legislative Activities	Authority: Division of Administrative Services	Policy No.: B-3.29	Page: 6 of 6
--	--	--------------------	--------------

RELATED FORMS AND ATTACHMENTS:

Form B-3.29A, Economic Development Activity Approval

REFERENCED POLICIES:

A-3.6, Soliciting

B-2.4, Donations

A-6.2, Speakers and Speaking Engagements

SCOPE:

This policy applies to all DJJ employees.

LOCAL PROCEDURAL GUIDE:

Not required.

TRAINING REQUIREMENT:

All DJJ employees are required to review this policy within 30 days of its publication.