

ECONOMIC DEVELOPMENT, TRANSPORTATION, AND NATURAL RESOURCES SUBCOMMITTEE MEETING

Wednesday, April 11, 2018

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AGENDA

South Carolina House of Representatives



Legislative Oversight Committee

ECONOMIC DEVELOPMENT, TRANSPORTATION, AND NATURAL RESOURCES SUBCOMMITTEE

The Honorable Bruce W. Bannister, Chair

The Honorable Neal A. Collins

The Honorable Mandy Powers Norrell

The Honorable Robert L. Ridgeway III

Wednesday, April 11, 2018

30 minutes after adjournment of the House

321 - Blatt Building

Pursuant to Committee Rule 6.8, S.C. ETV shall be allowed access for internet streaming whenever technologically feasible.

AMENDED AGENDA

- I. Approval of Minutes**
- II. Discussion of the study of the Commission for Minority Affairs**
- III. Adjournment**

MINUTES FROM PREVIOUS MEETING

Chair Wm. Weston J. Newton

*First Vice-Chair:
Laurie Slade Funderburk*

Legislative Oversight Committee

*Katherine E. (Katie) Arrington
William K. (Bill) Bowers
Neal Collins
MaryGail K. Douglas
Phyllis J. Henderson
Joseph H. Jefferson Jr.
Robert L. Ridgeway III
Edward R. Tallon Sr.*



*Bruce W. Bannister
Gary E. Clary
Chandra E. Dillard
Raye Felder
William M. "Bill" Hixon
Mandy Powers Norrell
Tommy M. Stringer
Robert Q. Williams
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South Carolina House of Representatives

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Research Analyst/Auditor*

*Kendra H. Wilkerson
Fiscal/Research Analyst*

Economic Development, Transportation, and Natural Resources Subcommittee

Thursday, February 22, 2018

30 minutes after adjournment of the House

Blatt Room 110

Archived Video Available

- I. Pursuant to House Legislative Oversight Committee Rule 6.8, South Carolina ETV was allowed access for streaming the meeting. You may access an archived video of this meeting by visiting the South Carolina General Assembly's website (<http://www.scstatehouse.gov>) and clicking on *Committee Postings and Reports*, then under *House Standing Committees* click on *Legislative Oversight*. Then, click on *Video Archives* for a listing of archived videos for the Committee.

Attendance

- I. The Economic Development, Transportation, and Natural Resources Subcommittee meeting was called to order by Chair Bruce W. Bannister on Thursday, February 22, 2018, in Room 110 of the Blatt Building. The following other members of the Subcommittee were present for either all or a portion of the meeting: Representative Mandy Powers Norrell and Representative Robert L. Ridgeway III.

Minutes

- I. House Rule 4.5 requires standing committees to prepare and make available to the public the minutes of committee meetings, but the minutes do not have to be verbatim accounts of meetings. It is the practice of the Legislative Oversight Committee to provide minutes for its subcommittee meetings.

- II. Representative Ridgeway makes a motion to approve the minutes from the February 8, 2018 meeting. A roll call vote is held, and the motion passes.

Rep. Ridgeway's motion to approve the minutes from the January 25, 2018 meeting:	Yea	Nay	Not Voting
Rep. Collins			✓ (absent)
Rep. Norrell	✓		
Rep. Ridgeway	✓		
Rep. Bannister	✓		

Public Testimony regarding the Commission for Minority Affairs (CMA)

- I. Chair Bannister states before hearing agency testimony, there are three constituents who have asked to address the Subcommittee.
- II. Chair Bannister reminds the constituents and agency personnel who were sworn in during prior meetings that they remain under oath.
- III. Chief Michelle Mitchum testifies her tribe is receiving retaliation measures since the October 2017 meeting. She testifies that the CMA Native American Coordinator and the Executive Director advised the advisory committee there would not be a celebration of Native American Awareness Heritage Day. She states that she has spoken with the Wassamasaw and Etiwan Tribes, and they explained that the dispute between the tribes was caused by CMA. After continuously asking for email updates, Chief Mitchum has yet to receive any updates. Further, she testifies about many other issues that she has had with the Commission.
- IV. Chief Louie Chavis addresses the subcommittee and testifies to more issues with the Commission. He has issues with land acquisitions and the blatant disregard for the Native American people. He testifies that he has been approached by the Commission since the start of the study with claims of "intimidation." He states there are no rules or guidelines to go by.
- V. Ms. Lisa McQueen-Starling addresses the subcommittee and testifies to the issues her tribe has experienced. She reads several quotes from the "United Nations Declaration of the Rights of Indigenous Peoples." She testifies her hope was to work alongside CMA to develop a plan and strategy to pull their people out of poverty and to redress issues that have historically affected the community. She testifies that she filed that petition five years ago.

Discussion of the Commission for Minority Affairs (CMA)

- I. CMA Director Thomas Smith provides opening comments, then provides testimony regarding the agency's following performance measures:
 - a. Statistical Reports
 - b. Statistical Surveys
 - c. Technical Assistance, Capacity Building and Outreach Service
 - d. Training-External
 - e. Training-Internal
 - f. Research Partnerships
 - g. Internal Planning Events
- II. Ms. Marcy Hayden, Native American Affairs Coordinator, provides testimony regarding the agency's following performance measures:
 - a. Other Agency Reports and Documents
 - b. Public Policy
 - c. Events and Workshops
- III. Ms. Lauretha Whaley, Administrative Manager, provides testimony regarding the agency's following performance measure:
 - a. Funds Collected, Grants and other Agency Funded Partnerships
- IV. Members ask questions, which different agency representatives answer. Question topics include, but are not limited to:
 - a. Public Surveys
 - b. Bill tracking
 - c. Grants
 - d. Outreach
 - e. Training
 - f. Events
- V. Chair Bannister provides closing comments.
- VI. There being no further business, the meeting is adjourned.

STUDY TIMELINE: COMMISSION FOR MINORITY AFFAIRS

2015

August 7, 2015 Agency submits its **Annual Restructuring and Seven-Year Plan Report**, which is available online.

2016

March 30, 2016 Agency submits its **Annual Restructuring Report**, which is available online.

September 2016 Agency submits its 2015-16 Accountability Report/2017 Annual **Restructuring Report**.

2017

May 10, 2017 **Full committee votes** to make the agency the next agency for the Economic Development, Natural Resources, and Transportation Subcommittee to study. Video of the meeting is available online.

May 11, 2017 **Agency receives notice** that it has been selected for study.

June 27 - July 28, 2017 Committee solicits input from the public about the agency in the form of an **online public survey**. The results of the public survey are available online.

September 2017 Agency submits its 2016-17 Accountability Report/2018 Annual **Restructuring Report**.

September 29, 2017 Agency submits its **Program Evaluation Report**, which is available online.

October 16, 2017 Committee holds **public input meeting (Meeting #1)** about this and other agencies.

October 24, 2017 Subcommittee meets with agency (**Meeting #2**) to discuss the agency's purpose; mission; vision; laws enforced; organizational structure; major program areas; and relationships with other agencies.

November 13, 2017 Agency responds to public input at full committee meeting (**Meeting #3**).

November 20, 2017 Subcommittee meets with agency (**Meeting #4**) to discuss agency responses to Subcommittee follow-up questions.

November 28, 2017 Subcommittee meets with agency (**Meeting #5**) to discuss agency products, services, customers, and resources.

December 19, 2017 Subcommittee meets with agency (**Meeting #6**) to discuss agency products, services, customers, and resources.

2018

January 25, 2018 Subcommittee meets with agency (**Meeting #7**) to discuss agency products, services, customers, and resources.

February 8, 2018 Subcommittee meets with agency (**Meeting #8**) to discuss agency strategic plan and performance measures.

February 22, 2018 Subcommittee meets with agency (**Meeting #9**) to discuss agency performance measures.

April 11, 2018 (TODAY) Subcommittee meets with agency (**Meeting #10**) to discuss Subcommittee recommendations.

Ongoing Public may submit written comments on the Oversight Committee's webpage on the General Assembly's website (www.scstatehouse.gov)

AGENCY RECOMMENDATIONS

Legal Frame Work

2. Please provide any recommendation, specific or conceptual, the Commission has for statute or regulation changes (i.e., deletion, revision, or addition) that may facilitate its mission.

Agency Recommendation #1

- ▶ A. Deletion of Section 1-31-40 (5) of the agency's statute which states, "Provide the minority community with assistance and information on Voting Rights Act submissions in the State."

Agency Recommendation #2

- ▶ Amend the regulation which mandates the composition of the Native American Advisory Committee.

Agency Recommendation #3

Received from CMA, 12/10/17

Proposed Draft Legislation For Collaboration On The Collection and Obtaining of Data From State Agencies

Suggested Language For Legislation

SECTION 1-31-40. Powers and duties of Commission states that the SC Commission for Minority Affairs shall:

- (1) Research and study the effects of poverty and deprivation has a persistent negative impact on the social and economic well-being, and the overall quality of life for every citizen in the State of South Carolina, and that
- (2) The SC Commission for Minority Affairs is charged with researching, studying and addressing the [root] causes of poverty and deprivation among the African American, Native American Indian, Asian, and Hispanic-Latino population(s) in the state of South Carolina, and that the Commission for Minority Affairs is responsible for [serving];
- (3) Serving as the single point of contact for statistical data on each minority population,
- (4) Working with minority officials on the state, county, and local levels of government in disseminating statistical data and its impact on their constituencies,
- (5) Providing for publication of a statewide statistical abstract on minority affairs,
- (6) Providing statistical analyses for members of the General Assembly on the state of minority communities as the State experiences economic growth and changes,
- (7) Seeking federal and other funding on behalf of the State of South Carolina for the express purpose of implementing various programs and services for African Americans, Native American Indians, Hispanics/Latinos, Asians, and other minority groups;

SECTION 1-31-40. Powers and duties of the Commission for Minority Affairs also recognizes that comprehensive research and data analysis on issues related to poverty and deprivation is essential to improving the economic, social, health, educational, business, and financial well-being of individuals and families in the State of South Carolina. In order to improve on these conditions for the minority population(s), and the citizens of the state from a research perspective, it is proposed by the Commission for Minority Affairs that the Members of the South Carolina General Assembly mandate the following in law that;

- (1) Any and each state agency whose mission has a focus on providing services to individuals and families in South Carolina living in, or experiencing the effects of poverty and deprivation, meet with, and work in conjunction with the South Carolina Commission for Minority Affairs to provide all relevant data, statistical or otherwise for research, planning, and securing where applicable, federal and state funding, and related purposes to help ensure a better future [for each minority population mandated by statute];
- (2) Where the provision of data involves the utilization of the latest [data file creation] technology, each state agency must utilize or provide current staff [persons] to work in cooperation with the Commission for Minority Affairs's Research Staff, as well as
- (3) Collect and provide access to any and all data[sets] containing pertinent and relevant statistical data [related to poverty and deprivation] on the following populations;
 - African-American (Or Black) Population
 - Native American Indian Population
 - Asian Population
 - Hispanic-Latino Population, Or

**Proposed Draft Legislation For Collaboration
On The Collection and Obtaining of Data From State Agencies**

- Any additional [minority] population as determined by state and federal law.

The latest file creation technology includes but is not limited to the following as jointly determined by the SC Commission for Minority Affairs Research Staff and each relevant State Agency: (1) data file layouts, (2) file data dictionaries of key statistical and poverty and deprivation related variables, (3) sample data sets, (4) agreed upon agency data sets and (5) data file(s) deemed as essential to helping the SC Commission for Minority Affairs to achieve its mandated statutory mission to:

- [utilize,] *“research to analyze the causes of poverty and deprivation”*,
- utilize research to *“develop and implement programs that enhance the economic well-being of minorities in the state of South Carolina”*, and
- for” serving *as a single point of contact for statistical data*” for the African-American, Native American (Indian), Hispanic-Latino, and the Asian population for the State of South Carolina; as well as
- for “serving as *a single point of contact for statistical data*” for any [newly] determined minority population group(s) as stated in [current and future] federal or South Carolina law.

SUBCOMMITTEE FOLLOW-UP LETTER TO AGENCY

Chair Wm. Weston J. Newton

*First Vice-Chair:
Laurie Slade Funderburk*

*Katherine E. "Katie" Arrington
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Legislative Oversight Committee



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*Kendra H. Wilkerson
Fiscal/Research Analyst*

February 27, 2018

Via Email

Chairman Kenneth Battle
Director Thomas J. Smith
South Carolina Commission for Minority Affairs
2221 Devine St., Ste. 408
Columbia, SC 29205

RE: Follow up from Subcommittee's February 22, 2018, meeting with the agency

Dear Chairman Battle and Director Smith:

The Economic Development, Transportation, and Natural Resources Subcommittee appreciates the agency's partnership in the oversight process. As follow up from the meeting on February 22, 2018, the Subcommittee requests that you provide the following information by Monday, March 12, 2018:

1. The number of legislative committee meetings CMA staff attended related to the four bills tracked as part of performance measure number four. Please note if testimony was provided by CMA staff at any legislative committee meeting related to these bills.
2. All current, written agency policies, including board policies. Please note in your response the last time the agency conducted a comprehensive review of its policies and if any of the policies are accessible to the public on the agency's website.
3. The cost to the agency of each training attended by CMA staff in 2017.

Thank you for your service to the citizens of South Carolina and for your continued cooperation with the legislative oversight process. We look forward to continuing our discussion of the Commission for Minority Affairs at the next Subcommittee meeting.

Sincerely,

A handwritten signature in blue ink, appearing to read "B. Bannister".

Bruce W. Bannister
Subcommittee Chair

cc: Economic Development, Transportation, and Natural Resources Subcommittee Members

AGENCY RESPONSE TO FOLLOW-UP LETTER

Response to Tracking of Bills and Attending Hearings

S196-Human Trafficking- Staff attended hearings, but did not testify.

S279-Small Minority Business- Staff did not attend committee or subcommittee hearings. Bill was introduced and sent to subcommittee with no additional hearings. Ms. Hayden monitored bill via SC Legislator website tracking tool.

S356-State Recognition of Groups- Staff did not attend committee or subcommittee hearings. Bill was introduced and sent to subcommittee with no additional hearings. Ms. Hayden monitored bill via SC Legislator website tracking tool.

S674- Workers Compensation Act- Staff did not attend committee or subcommittee hearings. Bill was introduced and sent to subcommittee with no additional hearings. Ms. Hayden monitored bill via SC Legislator website tracking tool. Ms. Hayden notified Mr. Smith and staff of the Human Affairs Commission of this bill as it appears this bill was intended for their agency.

Ms. Hayden and staff provided the Executive Director and the Board of Commissioners updates regarding pending legislation at Board meetings.

State of South Carolina



Commission for Minority Affairs

2221 Devine Street, Suite 408
Columbia South Carolina 29205

PHONE: (803) 333-9621
FAX: (803) 333-9627

February 12, 2018

Question 3 Statement

The Commission's human resource policies are reviewed and revised as needed and upon the recommendations of the Department of Administration's Office of Human Resources and the Board of Directors. These policies are not accessible on our website.

A handwritten signature in black ink, reading "Thomas J. Smith", written over a horizontal line.

Thomas J. Smith
Executive Director

State of South Carolina



Commission for Minority Affairs

2221 Devine Street, Suite 408, Columbia, SC 29205

Phone: (803) 333-9521

Fax: (803) 333-9627

TO WHOM IT MAY CONCERN:

My signature below indicates that I have been provided copies of the policies listed below:

- Internet Usage Policy
- Work Place Harassment Policy
- Professional Work Environment Policy
- Progressive Discipline Policy
- Hours of Work/Overtime Policy
- Grievance Procedure Policy
- Reduction in Force Policy
- Telecommuting Policy
- Employee Performance Management System Policy
- Employee Bonus Program

I have been asked to read these policies and to contact the agency Human Resource Representative or the Executive Director if I have any questions.

Signature

Date

SC COMMISSION FOR MINORITY AFFAIRS

INTERNET USAGE POLICY

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.

Internet usage policy

This Internet Usage Policy applies to all employees of The SC Commission for Minority Affairs who have access to computers and the Internet to be used in the performance of their work. Use of the Internet by employees of The SC Commission for Minority Affairs is permitted and encouraged where such use supports the goals and objectives of the business. However, access to the Internet through The SC Commission for Minority Affairs is a privilege and all employees must adhere to the policies concerning Computer, Email and Internet usage. Violation of these policies could result in disciplinary and/or legal action leading up to and including termination of employment. Employees may also be held personally liable for damages caused by any violations of this policy. All employees are required to acknowledge receipt and confirm that they have understood and agree to abide by the rules hereunder.

Computer, email and internet usage

- Agency employees are expected to use the Internet responsibly and productively. Internet access is limited to job-related activities only and personal use is not permitted
- Job-related activities include research and educational tasks that may be found via the Internet that would help in an employee's role
- All Internet data that is composed, transmitted and/or received by The SC Commission for Minority Affairs' computer systems are considered to belong to The SC Commission for Minority Affairs and is recognized as part of its official data. It is therefore subject to disclosure for legal reasons or to other appropriate third parties
- The equipment, services and technology used to access the Internet are the property of The SC Commission for Minority Affairs and the company reserves the right to monitor Internet traffic and monitor and access data that is composed, sent or received through its online connections
- Emails sent via the company email system should not contain content that is deemed to be offensive. This includes, though is not restricted to, the use of vulgar or harassing language/images
- All sites and downloads may be monitored and/or blocked by The SC Commission for Minority Affairs if they are deemed to be harmful and/or not productive to business
- The installation of software such as instant messaging technology is strictly prohibited

Unacceptable use of the internet by employees includes, but is not limited to:

- Sending or posting discriminatory, harassing, or threatening messages or images on the Internet or via The SC Commission for Minority Affairs' email service
- Using computers to perpetrate any form of fraud, and/or software, film or music piracy
- Stealing, using, or disclosing someone else's password without authorization
- Downloading, copying or pirating software and electronic files that are copyrighted or without authorization
- Sharing confidential material, trade secrets, or proprietary information outside of the organization
- Hacking into unauthorized websites
- Sending or posting information that is defamatory to the company, its products/services, colleagues and/or customers
- Introducing malicious software onto the company network and/or jeopardizing the security of the organization's electronic communications systems
- Sending or posting chain letters, solicitations, or advertisements not related to business purposes or activities
- Passing off personal views as representing those of the organization

If an employee is unsure about what constituted acceptable Internet usage, then he/she should ask his/her supervisor for further guidance and clarification

All terms and conditions as stated in this document are applicable to all users of The SC Commission for Minority Affairs' network and Internet connection. All terms and conditions as stated in this document reflect an agreement of all parties and should be governed and interpreted in accordance with the policies and procedures mentioned above. Any user violating these policies is subject to disciplinary actions deemed appropriate by The SC Commission for Minority Affairs.

User compliance

I understand and will abide by this Internet Usage Policy. I further understand that should I commit any violation of this policy, my access privileges may be revoked, disciplinary action and/or appropriate legal action may be taken.

Employee signature

Date

SC COMMISSION FOR MINORITY AFFAIRS WORKPLACE HARASSMENT POLICY

DISCLAIMER

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

I. PURPOSE AND SCOPE

The purpose of this policy is to educate employees in the recognition and prevention of illegal workplace harassment and to provide an effective means of eliminating such harassment from the workplace. This policy applies to all directors, supervisors, and employees, regardless of whether the conduct is addressed to a specific employee or general workplace audience.

II. DEFINITIONS

Workplace Harassment:

Any unwelcome verbal, written or physical conduct that either denigrates or shows hostility or aversion towards a person on the basis of race, color, religion, gender, national origin, age, or disability, that: (1) has the purpose or effect of creating an intimidating, hostile or offensive work environment; (2) has the purpose or effect of unreasonably interfering with an employee's work performance; or (3) affects an employee's employment opportunities or compensation

Sexual Harassment:

Any unwelcome sexual advance, request for sexual favors, or verbal, written or physical conduct of a sexual nature by a manager, supervisor, co-worker or non-employee (third party).

- **Quid pro quo** – A form of sexual harassment when a manager/supervisor or a person of authority gives or withholds a work-related benefit in exchange for sexual favors. Typically, the harasser requires sexual favors from the victim, either rewarding or punishing the victim in some way.
- **Hostile Environment** – A form of sexual harassment when a victim is subjected to unwelcome and severe or pervasive repeated sexual comments, innuendoes, touching, or other conduct of a sexual nature which creates an intimidating or offensive place for employees to work. This also includes sexually suggestive objects or pictures, and graphic commentaries.

Retaliation:

Overt or covert acts of reprisal, interference, restraint, penalty, discrimination, intimidation, or harassment against an individual or group exercising rights under this policy.

Third Party:

Individuals who are not Commission employees but who have business interactions with Commission employees such as applicants for employment, vendors, contractors, or volunteers.

III. PROHIBITED CONDUCT

Harassment

The Commission will not tolerate harassment of its employees on account of race, color, religion, gender, national origin, age, or disability. Such behavior shall be grounds for disciplinary action.

Retaliation

The Commission will not tolerate any form of retaliation directed against any employee or third party who either complains about harassment or who participates in any investigation concerning harassment.

Allowing Harassment to Continue

Managers and/or supervisors who allow workplace harassment to continue or fail to take appropriate corrective action upon becoming aware of the harassment may be considered a party to the offense, even though they may not have engaged in such behavior.

IV. COMPLAINT PROCEDURE

When an employee feels that they have been a victim of workplace harassment the following steps should be taken as soon as possible after the incident occurs:

- a. Discuss the matter with the immediate supervisor or the Executive Director.
- b. Complete a workplace harassment complaint form. Under no circumstances shall the individual alleging harassment be required to file a complaint with the alleged harasser.
- c. Review the form for completeness. Make sure to include the name(s) of the person(s) accused of wrongdoing and any witnesses whose testimony will support the complaint.
- d. To ensure confidentiality, do not discuss the complaint with any person(s) other than the immediate supervisor or Executive Director.

V. AGENCY RESPONSE

The agency will thoroughly investigate all workplace harassment complaints in a confidential manner. The investigation will include questioning of any witnesses and the individual(s) accused of wrongdoing to afford them the opportunity to respond to the allegations of the complaint. The investigation shall be concluded in an expeditious fashion. The investigation shall also collect, record and safeguard all information and/or evidence relative to the incident and report findings to the proper administrative personnel for final agency disposition.

Appropriate disciplinary action will be taken by the agency for complaints that are determined to be workplace harassment as well as complaints that are frivolous in nature. This action will be taken based upon the facts, on a case-by case basis, up to and including dismissal.



Thomas Smith, Executive Director

8-13-10

Date

SC COMMISSION FOR MINORITY AFFAIRS PROFESSIONAL WORK ENVIRONMENT POLICY

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 CONTENTS 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.

PURPOSE

It is management's intent that the work environment at the Commission for Minority Affairs (CFMA) reflect an efficient, orderly, and professionally operated organization. Proper grooming, attire, office and work area appearance have a positive impact on the agency's image and its employees. This policy is intended to define appropriate "business attire and office appearance" during normal business operations. Acceptable personal appearance, to include proper maintenance of work areas, is an on-going requirement of employment. Enforcement of this policy is the responsibility of management and supervisory personnel

RATIONALE FOR PROFESSIONAL WORK ENVIRONMENT

There are three business-related reasons for implementing these work environment guidelines:

1. to ensure safety while working;
2. to present or create a professional environment and/or an identifiable appearance for staff versus visitors; and
3. to promote a positive working environment and limit distractions caused by provocative or inappropriate dress.

POLICY

Dress and Appearance

Workplace attire must be neat, clean and appropriate for the work being performed, the position held, and for the setting in which the work is performed. Staff is expected at all times to present a professional, businesslike image to visitors and even among internal personnel. All employees should avoid wearing clothing and accessories that would detract from the professional image of the CFMA.

Business attire is to be worn Monday through Friday or when carrying out the official work of the agency. Appropriate business attire for employees includes the following:

Men:

- Blazers, suits, or sport coats
- Dress slacks
- @Ties
- @Dress shirts with buttons and collars
- @Dress shoes

Women:

- Dresses
- Skirts
- Pant Suits
- Dress slacks
- Blouses
- Dress shoes
- Sweaters

Unacceptable Attire

- Plain or pocket T-shirts
- Cutoffs
- T-shirts with logos
- Athletic wear
- Thong sandals
- Blue denim jeans
- Spandex or Lycra such as biker shorts
- Tennis shoes
- Tank tops, tube tops, halter tops with spaghetti straps
- Deck shoes
- Underwear as outerwear
- Revealing garments
- Sheer garments
- Beach wear
- Midriff length tops
- Provocative attire
- Off-the-shoulder tops
- Workout clothes or shoes
- Evening wear

Office Environment

The appearance of the work area also impacts the perception of professionalism of the agency and its staff. Disregard for the work environment can lead to a perception of poor customer service and can result in an unattractive, difficult to maintain facility. Good judgment and professionalism are expected from all employees in all aspects of your work including presenting a professional appearance every day in the work place.

Guidelines:

- Staff responsible for greeting the public shall not eat at their work stations.
- Employees should be mindful of their surroundings and co-workers. If playing music, the volume should be heard only in their immediate area.
- Work areas and adjacent public areas should be kept clean and organized.

ENFORCEMENT

If questionable attire is worn in the office, the respective supervisor or human resource staff will hold a personal, private discussion with the employee to advise and counsel the employee regarding the inappropriateness of the attire. If the problem persists, the employee may be sent home to change clothes using annual leave time. Progressive disciplinary action will be applied if dress code violations continue.

Likewise, office safety is of the utmost concern. If the office setting becomes a hazard or gives the appearance of less than a professional setting, the respective supervisor or human resource staff will hold a personal, private discussion with the employee to advise and counsel the employee regarding the need to correct any image and/or safety matters in an appropriate manner. If the problem persists, progressive disciplinary action will be applied.

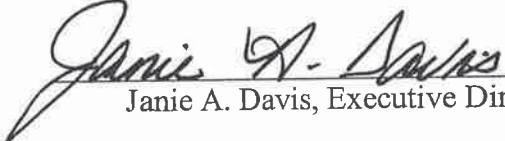
DISTRIBUTION

All employees will be provided with a copy of this policy. Any questions regarding this policy should be directed to Human Resources.

REVIEW AND REVISION

CFMA reserves the right to rescind and/or amend this policy at any time.

5-5-2008
Date


Janie A. Davis, Executive Director

SC COMMISSION FOR MINORITY AFFAIRS PROGRESSIVE DISCIPLINE POLICY

DISCLAIMER

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SECTION A: GENERAL

A review of the progressive discipline procedures should be maintained to ensure that all supervisors are being consistent in taking disciplinary action against employees involved in similar situations and that employees are aware of the disciplinary actions. Consequently, each supervisor and employee will be given a copy of this policy. The progressive disciplinary policy does not apply to probationary employees who may be disciplined at the agency's discretion.

SECTION B: GUIDELINES

The circumstances surrounding an offense, such as the severity of the misconduct, the number of times it has occurred and any previous counseling, will suggest what action should be taken. Usually, counseling or an oral reprimand is sufficient for the first occurrence of a minor offense. A record of this action with the employee's and the supervisor's signatures should be placed in the employee's personnel file. A repetition of the offense or the first occurrence of a more severe offense should be followed by a written reprimand which becomes a part of the employee's permanent personnel file (which should also be signed by the employee as having been received and understood). Further repetitions of the offense or the first occurrence of a very serious offense is followed by suspension, reassignment, demotion, termination or other appropriate action. Please note that these are intended only to be guidelines because it is most difficult to be all-inclusive or to assign a degree of severity to the various examples given below. For example, "leaving the work station without authorization" may range from a temporary absence from the work station to complete abandonment of a position. In such case, a manager must rely on judgment as an experienced administrator to arrive at appropriate disciplinary action. At management's discretion individual offenses calling for oral or written reprimands could cumulatively result in suspension or termination.

SECTION C: VOLUNTARY RESIGNATIONS AND PERFORMANCE ISSUES

Employees who voluntarily fail to report to work for three consecutive workdays and fail to contact the agency during this time period will be considered to have voluntarily resigned. All performance related problems should be addressed by the guidelines established in the Employee Performance Management System.

SECTION D: DISCIPLINARY ACTIONS

No disciplinary actions beyond a written reprimand may be taken without being authorized by the Agency Director or a designee. Division Directors may recommend appropriate discipline. The following steps shall be followed in such cases when discipline beyond the written reprimand is necessary.

1. The supervisor presents all facts surrounding the incident to the Unit Manager, or in the cases where the Unit Manager is initiating the action, he/she presents the facts to the Division Director with a recommendation for discipline.
2. If the Division Director agrees with the recommendation, the matter is next discussed with the Human Resources Officer and the Agency Director or a designee.
3. If action is to be taken, it shall be taken under the authority and signature of the Agency Director or a designee with the supervisor initiating such action.

The attached indicated actions in response to specific offenses are to be used as a guide and are not intended to be all-inclusive. At the occurrence of any of the listed offenses, or any that are not listed, the appropriate discipline shall be determined after the particular circumstances of the case have been carefully considered. The state and federal laws referenced above are not all-inclusive in administering discipline.

E. EMPLOYEE COMMENTS

The employee may attach additional comments to any disciplinary action, if desired, within a preset amount of time.

F. WORKPLACE VIOLENCE

Section 7, Chapter 1, Title 1 of the 1976 Code of Laws, Article 21, Workplace Domestic Violence Policy (Section 1-1-1410) requires every state agency to develop and implement an agency workplace domestic violence policy and adopt a "zero tolerance" approach to the act or threat of violence of any kind. If employees engage in any violence in the workplace, or threaten violence in the workplace, their employment will be terminated immediately for cause. The "zero tolerance" approach must be applied to all forms of workplace violence. These include, but are not limited to:

- Physical – the use of force in order to harm;
- Threats - expressions of intent to inflict injury;

- Harassment – words, gestures, and actions which tend to annoy, alarm, or abuse another person;
- Property damage – intentional damage to property owned by the state, employees, visitors, or vendors; and
- Domestic – physical harm or injury or an offer to attempt to cause physical harm or injury by a household member.

A handwritten signature in black ink, reading "Thomas J. Smith". The signature is written in a cursive style with a large initial "T".

Thomas Smith, Agency Director

PROGRESSIVE DISCIPLINARY ACTIONS

OFFENSE	FIRST OFFENSE	SECOND OFFENSE	THIRD OFFENSE	FOURTH OFFENSE
Unauthorized Leave	Written Reprimand	Suspension	Termination	
Habitual Tardiness or Failure to Observe Assigned Work Hours	Oral Reprimand	Written Reprimand	Suspension	Termination
Abuse of Leave	Oral Reprimand	Written Reprimand	Termination	(Refer to Family and Medical Leave Act and Americans With Disabilities Act)
Excessive Absenteeism	(To be used for employees who become unreliable because of frequent absenteeism, even if for good and sufficient reasons. Termination should be preceded by oral counseling in an attempt to inform the employee of the problem. Refer to Family and Medical Leave Act and Americans With Disabilities Act)			
Leaving Work Station Without Authorization	Oral to Written Reprimand	Suspension	Termination	
Reporting to Work Under the Influence of Alcohol	Suspension	Termination	(Refer to Section 8-11-110 of the SC Code of Laws; Act on Alcoholism)	
Drinking Alcoholic Beverages on the Job	Termination	(Refer to Section 8-11-110 of the SC Code of Laws; Act on Alcoholism)		
Reporting to Work Under the Influence of Drugs	Suspension	Termination		
Possessing or Using Illegal Drugs on the Job	Termination			
Insubordination	Oral to Written Reprimand	Suspension to Termination	Termination	
Falsification of Records or Documents	Suspension to Termination	Termination		
Stealing	Termination			

OFFENSE	FIRST OFFENSE	SECOND OFFENSE	THIRD OFFENSE	FOURTH OFFENSE
Negligence	Oral to Written Reprimand	Suspension to Termination	Termination	
Willful Violation of Written Rules, Regulations or Written Policies	Suspension to Reprimand	Termination	Termination	
Unauthorized Use of State Equipment or Property	Oral Reprimand to Termination	Termination		
Destruction or Misuse of Property or Equipment	Written Reprimand to Suspension	Suspension to Termination	Termination	
Unauthorized Solicitation or Sales on State Premises	Oral to Written Reprimand	Suspension to Termination	Termination	
Unauthorized Possession of Firearms on the Job	Termination			
Unauthorized Distribution of Written or Printed Material of Any Kind	Written Reprimand	Suspension to Termination	Termination	
Sleeping While on Duty	Written Reprimand	Suspension to Termination	Termination	
Horseplay	Oral Reprimand	Written Reprimand	Suspension	Termination
Malicious Use of Profane/Abusive Language to Others	Oral Reprimand	Written Reprimand	Suspension	Termination
Loafing	Oral Reprimand	Written Reprimand	Suspension	Termination
Interference With Other Employee's Work	Oral Reprimand	Written Reprimand	Suspension to Termination	Termination
Working on Personal Jobs During Work Hours	Oral to Written Reprimand	Suspension	Termination	
Excessive Use of Telephone for Personal Matters	Oral Reprimand	Written Reprimand	Suspension to Termination	Termination

OFFENSE	FIRST OFFENSE	SECOND OFFENSE	THIRD OFFENSE	FOURTH OFFENSE
Defacing State Property	Written Reprimand to Termination	Termination		
Sexual Harassment	Written Reprimand to Termination Policy)	Termination	(Refer to Workplace I Harassment	
Conviction of Up to a felony	Termination			
Conviction of a misdemeanor which adversely reflects on an individual's suitability for continued employment	Termination			
Discourteous treatment of visitors and/or customers	Oral Reprimand to Suspension	Suspension to Termination	Termination	
Failure to maintain satisfactory or harmonious working relationships with employees or supervisors	Oral Reprimand	Written Reprimand	Suspension	Termination
Improper conduct or conduct unbecoming a state employee	Written Reprimand to Termination	Suspension to Termination	Termination	
Willful false state-ments to a supervisor	Suspension to Termination	Termination		
Workplace Violence	Termination	(Refer to Workplace Violence Policy)		

The above indicated actions in response to specific offenses are to be used as a guide and are not intended to be all-inclusive. At the occurrence of any of the listed offenses, or any that are not listed, the appropriate discipline shall be determined after the particular circumstances of the case have been carefully considered. The state and federal laws referenced above are not all-inclusive in administering discipline.

SC COMMISSION FOR MINORITY AFFAIRS HOURS OF WORK/OVERTIME POLICY

(Effective 9/1/2016)

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Federal Requirements

The Fair Labor Standards Act (FLSA) establishes minimum wage rates, maximum work hours, overtime pay requirements, equal pay standards, and child labor restrictions for employees subject to its provisions.

Exempt/Nonexempt Status under the Fair Labor Standards Act

Employees are considered "exempt" if their job duties and their salary meet certain thresholds within the FLSA. These exempt employees are not subject to the FLSA minimum wage, overtime, or record keeping requirements. As such, exempt employees are expected to work as many hours as required to perform the duties of the position. The exempt status of an employee in a bona fide executive, administrative, professional, or computer employee position shall be determined by the Agency Head or his/her designee.

Nonexempt employees are covered by, or subject to, the minimum wage, overtime, and recordkeeping requirements of FLSA. All employees who are not considered exempt from the FLSA will be considered nonexempt.

Overtime/Compensatory Time

Overtime is all hours worked in excess of 40 in a seven (7) consecutive day work period. A nonexempt employee shall be paid no less than one and one-half (1 1/2) times his/her regular rate of pay for all hours worked over 40 in a workweek or granted compensatory time at a rate of one and one-half (1 1/2) hours for each hour of overtime worked. Nonexempt employees, who have a scheduled workweek of 37.5 hours, shall not receive additional compensation or compensatory time for hours worked between 37.5 and 40.0 hours per workweek.

The requirements that overtime pay must be paid or compensatory time granted to nonexempt employees after 40 hours of work in a workweek shall not be waived by agreement between the supervisor and the employee.

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[Signature] 9/6/16

Nonexempt employees may accumulate up to 240 hours of compensatory time. For overtime worked for a nonexempt employee with an accumulation of 240 hours of compensatory time, the overtime must be paid in the employee's next regular paycheck.

Overtime Usage

The use of overtime should be an exception to the regular work schedule in any unit. An employee should only be required to work overtime on an occasional basis to meet a sudden increase in the workload, to overcome productive time lost due to some mechanical failure, or to meet the demands of a crisis situation.

When any unit and/or individual is found to be consistently charging overtime, the functions of that unit and/or individual should be reviewed by appropriate management. Every attempt should be made to avoid the repetitive and chronic use of overtime.

It shall be the responsibility of each manager to determine that the provisions of this policy are administered in the best interest of the Agency. Each manager is responsible for the prior approval of hours worked that will result in overtime. However, unauthorized overtime must be compensated. Unauthorized overtime may result in disciplinary actions for managers and/or employees.

Hours Worked

Hours worked include all time that the employee is required to be on duty or at the prescribed workplace and all time during which the employee is permitted to work. The hours worked include any bona fide work which the employee performs on or away from the premises if the supervisor knows or has reason to believe that the work is being performed. Time spent in leave status is not considered hours worked.

Under warranted circumstances, a nonexempt employee may be allowed to work in excess of the normal workday and may be given time off during the same workweek at the rate of an hour for an hour to avoid working over 40 hours in a workweek. This adjustment is not allowed for hours worked between 37.5 and 40.0 hours during any workweek. This type of work rescheduling precludes working over 40.0 hours in a workweek and eliminates the need for overtime payment.

General Provisions on Hours Worked

On-call time is not regarded as work time unless an employee is required to remain at the employer's premise or prescribed work place or is so restricted that the employee cannot use the time effectively for his or her own purposes. If the employee is not confined to his or her home or any particular place but only required to leave word where he or she can be reached, then the hours are not considered working hours.



A bona fide meal period of thirty (30) minutes or more which occurs during the scheduled workday is not hours worked if the employee is completely relieved from duty for the purpose of eating a meal. For this Agency, the meal period (lunch period) is one (1) hour each workday.

Breaks of short duration must be counted as hours worked. One morning and one afternoon break of no more than fifteen (15) minutes each is permitted. However, agencies may establish breaks but are not obligated to establish breaks, as breaks are a privilege and not a right. Breaks shall not be used to allow an employee to come in late, to leave early, or to extend the lunch period.

Travel time for nonexempt employees may be hours worked under some conditions. Ordinary home-to-work travel or work-to-home travel is not working time. All time spent traveling on one-day assignments is considered time worked regardless of time of day or day of the week.

Travel away from home involving an overnight stay for nonexempt employees is considered time worked when it occurs during the employee's normal working hours. This provision is applicable not only on regular working days, but also during the corresponding hours of non-working days.

When a nonexempt employee by reason of official responsibilities is required to attend lectures, meetings, training programs, etc., such time shall be considered work time.

Time off for holidays, paid leave, and compensatory time are not counted as hours worked when calculating overtime.

Agency's Workweek

The normal workweek for the Agency shall be 37.5 hours. However, no employees shall receive additional compensation or compensatory time for hours worked between 37.5 and 40.0 hours per workweek. For record keeping purposes, the workweek begins at 12:01 a.m. on Sunday and ends at 12:00 midnight on Saturday. Any employee may be required to work up to forty (40) hours per workweek without additional compensation.

Compensation

The regular rate of pay includes all remuneration for employment paid to an employee to include base pay, longevity increases, and shift differentials. Compensation of all employees is based on forty (40) hours per week or 2080 hours per year. Nonexempt employees must not be paid less than minimum wage.

Impact of Status Change

If a nonexempt employee accepts a position that is considered exempt either within the employee's own agency or with a separate state agency, compensatory time must be paid prior to the employee starting in the exempt position.

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If a nonexempt employee separates from employment or moves to another state agency, any accrued compensatory time must be paid out prior to the separation or movement. Compensatory time must be paid at a rate of compensation not less than either the average regular rate received by the employee during the last three years of employment or the final regular rate received by the employee, whichever is higher.

Holidays

An employee who is required to work on a legal holiday shall be given compensatory holiday leave credits in accordance with Section 19-708.04 of the State Human Resources Regulations; however, time worked on a legal holiday shall be used in computing total hours worked. Holiday compensatory time will be paid to the employee, if after 90 days of the holiday the employee has not taken the holiday compensatory time. All nonexempt employees will be paid for unused holiday compensatory time upon separation of employment from State government, movement to a position in another State agency (exempt or nonexempt), or upon an employee starting in an exempt position in the current agency.

Exempt Employees and Compensatory Time

Exempt employees may receive compensatory time off for hours worked, for time spent traveling, or for attendance at lectures, meetings, training programs, etc., in excess of the normal workweek (40 hours per week). Under no circumstances shall an exempt employee accumulate more compensatory time than the FLSA allows for a nonexempt employee (See Overtime/Compensatory Time section of policy above). If granted, the compensatory time must not be at a rate greater than one (1) hour of compensatory time for each hour worked in excess of 40.0 in the official workweek and may be at a lesser rate. Exempt employees must not be paid for overtime.

Temporary Employees

The hourly rate is the "regular rate" for temporary employees. This rate is calculated by dividing the annual salary by 2080 hours. Temporary employees shall be compensated for all hours worked. All temporary employees must be designated as nonexempt.

(NOTE: Temporary employees may be designated as exempt if the agency is not on the South Carolina Enterprise Information System (SCEIS); however, an exempt temporary must be paid a salary regardless of hours worked.)

Thomas Smith

Thomas Smith, Agency Director

9-1-16

Date

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SC COMMISSION FOR MINORITY AFFAIRS GRIEVANCE PROCEDURE POLICY

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INTRODUCTION

The State Employee Grievance Procedure Act (hereinafter referred to as the "Act") provides that each agency and department of State Government shall establish an employee grievance procedure for covered employees which shall be reduced to writing and be approved by the State Human Resources Director. A copy of the approved grievance procedure must be made available to covered employees of the agency. Employees choosing to file a grievance or appeal must not be disciplined or otherwise prejudiced for exercising rights or testifying under the provisions of this policy.

As provided for in the Act, grievances or appeals shall include terminations, suspensions, involuntary reassignments in excess of thirty (30) miles from the prior work station, and demotions. Reclassifications, reassignments, and transfers within the same state salary range are not considered grievances or appeals. However, reclassifications are considered a grievance only if an agency, or an appeal if the State Human Resources Director, determines that there is a material issue of fact that the action is a punitive reclassification. Promotions are not adverse employment actions which may be considered grievances or appeals except in instances where the agency, or in the case of appeals, the State Human Resources Director, determines that there is a material issue of fact as to whether or not an agency has considered a qualified covered employee for a position for which the employee formally applied or would have applied if the employee had known of the promotional opportunity. However, when an agency promotes an employee one organizational level above the promoted employee's former level, that action is not a grievance or appeal for any other qualified covered employee. Failure to be selected for a promotion is not considered an adverse employment action which can be considered a grievance or an appeal.

A salary decrease based on performance as the result of an EPMS evaluation, is an adverse employment action that may be considered as a grievance or an appeal. A reduction in force is also an adverse employment action considered as a grievance only if the agency, or as an

appeal, if the State Human Resources Director determines that there is a material issue of fact that the agency inconsistently or improperly applied its reduction in force policy or plan.

Prior to filing a formal grievance, the covered employee may first attempt to resolve the matter informally with his/her immediate supervisor. This matter may be presented verbally or in writing. However, this is merely an informal attempt to resolve the matter and cannot be substituted for the requirements of Step One in the following procedure.

PROCEDURE

Step One

If the matter is not resolved informally with the covered employee's immediate supervisor, the covered employee must notify the agency's Human Resources Office, in writing, to initiate a formal grievance. The covered employee must initiate the grievance with the agency's Human Resources Office within fourteen (14) calendar days of the effective date of the action.

The Agency Head, or other designated official, shall initially review the grievance to determine whether the matter involves a grievance as defined by the Act. The Agency Head, or other designated official, may conduct appropriate investigations and fact findings as he/she may consider necessary to make this determination. If it is determined that the matter is not grievable, the covered employee shall be so advised in writing by the Agency Director or a designee, normally within five (5) calendar days of receipt of the grievance. Such determination shall be a final decision within the agency which may be appealed to the State Human Resources Director.

If it is determined that that matter is grievable, the Agency Head, or other designated official, will promptly schedule a conference to occur between the covered employee's next level supervisor and the covered employee normally within five (5) calendar days of receipt of the grievance. However, any initial determination by the Agency Head, or other designated official, that the matter may be grieved shall only entitle the covered employee to have the matter considered in accordance with this grievance procedure and shall in no way be construed to be an adjudication of the merits of the grievance. At the conference with the covered employee's next level supervisor, the covered employee will have an opportunity to present his/her position regarding the grievance. The next level supervisor may conduct appropriate investigations and fact findings to determine whether to accept, reject, or modify the disciplinary action taken against the covered employee. The covered employee will be advised of his/her next level's supervisor's decision in writing within five (5) calendar days of the conference. If the covered employee's next level supervisor is the Agency Director, the decision in Step One will be final within the agency.

Step Two

To continue the grievance, the covered employee must notify the Agency Director or a designee, in writing, within five (5) calendar days after receiving the Step One decision. The Agency Director, or the designee, must promptly schedule and conduct a conference with the covered employee, normally within five (5) calendar days. The covered employee will be

provided an opportunity at this time to present his/her position regarding the grievance. The Agency Director or a designee may conduct appropriate investigations and fact findings to determine whether to accept, reject, or modify the disciplinary action taken against the covered employee. The Agency Director, or the designee, must advise the covered employee of the decision, in writing, within five (5) calendar days of the conference. This decision will be final within the agency.

GENERAL INFORMATION

The Act provides for an appeal of the grievance beyond the agency to the State Human Resources Director. Any covered employee may appeal the decision of the Agency Director or designee. Such appeal must be in writing and submitted to the State Human Resources Director within ten (10) calendar days of receipt of the agency's final decision or 55 calendar days from the initial date the grievance was filed, whichever occurs later. As to the 55 calendar days, the Act provides that a covered employee may appeal directly to the State Human Resources Director in the event the agency does not complete its entire internal grievance procedure within 45 calendar days from the time the grievance is initially filed with the agency. Failure by the agency to issue a final decision within this 45 calendar day period is considered an adverse decision. The failure to issue a final decision allows the covered employee to proceed with an appeal to the State Human Resources Director after 45 calendar days, but no later than 55 calendar days from the initial date the grievance was filed within the agency. Failure by the covered employee to file an appeal within the time periods referenced in this paragraph shall constitute a waiver of the right to appeal.

Failure by the covered employee to comply with the internal time periods in the agency grievance procedure constitutes a failure to exhaust administrative remedies and waives the covered employee's right to further continue the grievance. The internal time periods of the agency's grievance procedure, however, may be waived, upon mutual written agreement of both parties. The 45 calendar day period for action by the agency may not be waived, except by written mutual agreement of both parties.

The Act allows the covered employee to appeal to the State Human Resources Director any grievance involving the issues specified in the Act after all administrative remedies to secure relief within the agency have been exhausted.

The Act provides that a covered employee has the right during the grievance and appeal process to a representative, which may include legal counsel. If the covered employee chooses to exercise the right of legal counsel, it shall be at his/her expense.

A handwritten signature in black ink, appearing to read "Thomas Smith", is written over a horizontal line.

Thomas Smith, Agency Director

SC COMMISSION FOR MINORITY AFFAIRS REDUCTION IN FORCE POLICY

Revised and Effective

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I. PURPOSE AND SCOPE

The purpose of this policy is to prescribe the manner in which covered employees in State government, and specifically with the Commission for Minority Affairs, are released in an equitable manner should a reduction in force become necessary. A reduction in force may require the separation, involuntary demotion, reassignment, or reduction in work hours of the Agency's covered employees. A reduction in force does not apply to non-covered employees (e.g., probationary employees, temporary employees, temporary grant employees, time-limited project employees, research grant employees and employees exempt from the State Employee Grievance Procedure Act).

The Agency may implement a reduction in force for one or more of the following four reasons:

- A. Reorganization;
- B. Work Shortage; or
- C. Loss of Funding; or
- D. Outsourcing/Privatization.

II. MANAGEMENT DECISIONS

The Agency shall determine the following items prior to developing the reduction in force plan:

- A. What is the reason(s) for the reduction in force;
- B. What areas(s) of the agency are to be impacted by the reduction in force [Competitive Areas];
- C. What State class title(s) within the competitive area(s) are to be affected [Competitive Group(s)]; and
- D. How many positions in each State class title(s) are to be eliminated.

III. COMPETITIVE AREAS

The Agency shall determine the competitive area(s) the reduction in force will impact. The Agency should establish a competitive area that is clearly distinguishable from the staff in other areas and where the interchange of employees would not be practical. This competitive area may be the entire agency, a department, a unit, or a geographical location.

IV. COMPETITIVE GROUP(S)

The Agency shall determine the competitive group(s) based on the State class title(s) within the competitive area(s) that the reduction in force will affect. If the reduction in force is to apply to more than one State class title, each State class title will be treated separately, except where the reductions are to be made in a State class title series (e.g., Auditor I, Auditor II, Auditor III, Auditor IV, Audits Manager I, Audits Manager II) or in State class titles that are part of the Agency's customary career path (e.g. Administrative Assistant, Communications Coordinator, Program Coordinator II, Program Manager I).

V. POSITION IDENTIFICATION

The Agency shall identify the position(s) within the competitive area(s) and competitive group(s) by identifying the following information:

- A. State Class Title;
- B. State Class Code;
- C. Pay Band, if applicable;
- D. Total number of positions in the State class title within the competitive area; and
- E. Total number of positions in the State class title within the competitive area to be eliminated.

VI. RETENTION POINTS

The Agency shall calculate retention points for covered employees in the competitive area(s) and competitive group(s) to be used in determining which covered employees are to be involuntarily demoted, reassigned, have reduced hours or separated. Retention points shall be based on the total scores of the two

most recent annual performance appraisals and the length of continuous State service. The sum of the retention points for performance and length of continuous State service are the total retention points that an employee uses in the competition.

A. Performance Appraisal Points

The Agency will determine the total score for an annual performance rating by using the following numerical values assigned to the EPMS performance ratings: The table below is used for those employees receiving evaluations prior to the effective date of this policy.

Substantially Exceeds Performance Requirements	3
Exceeds Performance Requirements	2
Meets Performance Requirements	1
Below Performance Requirements	0

Any evaluations complete after the effective date of this policy, will use the following values:

Exceptional	3
Successful	1
Unsuccessful	0

The point values for each rating will be computed using the rating scale that was in place at the time of the specific EPMS evaluation.

The Agency will recognize the performance ratings as follows for current state employees transferring to this agency for reviews conducted on or after the effective date of this policy:

"Substantially Exceeds Requirements" and "Exceed Requirements" as "Exceptional," "Meets Performance Requirements" as "Successful," and "Below Performance Requirements" as "Unsuccessful."

For any year in which the employee does not receive an actual evaluation with a rating, the employee will receive a Successful rating for that year; however, if in the previous year, the employee received a higher than Successful rating the employee will receive the points for the higher rating.

B. Continuous State Service Points

Covered employees will receive one retention point for each year of continuous State service after completion of a 12-month probationary period. Six months or more of continuous State service will be considered as one year of service and less than six months of service will receive no retention points.

C. Exception to Procedure for Retention Point Calculation

If every position in the competitive area is being eliminated, the agency is not required to calculate retention points. For positions reestablished within one year of the RIF, in the same competitive area and in the same state class title, the agency must calculate retention points at the time of recall. The agency must calculate retention points using continuous state service and performance appraisal points based on the effective date of the reduction in force.

VII. SEQUENCE OF REDUCTION IN FORCE

The order of the reduction in force of covered employees in each State class title(s) shall be determined by the total number of retention points for each employee. If two or more employees affected by a reduction in force have the same number of retention points and not all are to be affected by the reduction in force, the agency hire date will determine the order of the employees affected. The covered employee with the earlier agency hire date will be retained. If after using the agency hire date to determine the order of affected employees a tie still exists, the agency will use a computer generated random number method to break the tie. The employee with the lowest position number will be assigned the first random number. If there are more than two employees tied, random numbers will be selected in position number sequence. If possible, employees with tie scores will be present for the breaking of the tie. The employee(s) that is assigned the lower random number(s) will be retained.

Bumping rights are provided for covered employees who have accumulated more retention points than those with whom they are competing. Under no circumstances can an employee gain from a reduction in force. Bumping rights are provided only downward.

VIII. RETENTION OF NECESSARY QUALIFICATIONS

No employee with a lower number of retention points shall be retained in preference to another employee in a competitive area(s) and group(s) with a higher number of retention points except when the Agency determines that a Retention of Necessary Qualifications applies.

If an employee is competing for a position that is not being eliminated and the Agency asserts that an employee with higher retention points who has rights to be placed in that position cannot satisfactorily perform the duties of the position within a reasonable training period, the employee with lower retention points may be retained in preference to the employee with higher retention points. The Agency may determine that the employee with higher retention points will not be able within a reasonable training period to satisfactorily perform the duties of the job based on the lack of knowledge, abilities, skills, supervisory responsibilities, or necessary experience.

When a Retention of Necessary Qualifications is used in a reduction in force plan, justification for this retention must be documented and approved by the Agency prior to submitting the reduction in force plan to the Budget and Control Board's Office of Human Resources (Office of Human Resources) for review and approval for procedural correctness. The Agency should retain documentation to support any retentions made on this basis.

IX. WRITING THE REDUCTION IN FORCE PLAN

Once the Agency has made the decisions outlined above and prior to the implementation of a reduction in force, the Agency Director or his designee shall develop the reduction in force plan. This plan must include the following:

- A. The reason for the reduction in force;
- B. The identification of the competitive area(s);
- C. The identification of the competitive group(s) [State Class Title(s)];
- D. The number of position(s) to be eliminated in each State class title;
- E. A list of the covered employees, in order of retention points, in the competitive area(s) and competitive group(s) to include the following:
 - 1. Name;
 - 2. Age, Race, and Gender; and
 - 3. Retention Points;
- F. Justification of any Retention of Necessary Qualifications used in the reduction in force plan; and
- G. The Agency's efforts to assist employees affected by the reduction in force.

X. APPROVAL PROCESS

Once the reduction in force plan has been completed, the Agency shall submit the following information to the Office of Human Resources for review and approval for procedural correctness:

The reduction in force plan as outlined in Section IX;

- A. An organizational chart including each position (designated with the State class title and incumbent's name) within the competitive area(s);
- B. A copy of the Agency's reduction in force policy; and
- C. A sample letter to employees affected by the reduction in force including information outlined in Section XI, along with:
 - 1. A list of the employee's recall and reinstatement rights;
 - 2. The Agency's procedure for the recall of an employee; and
 - 3. The employee's grievance rights.

XI. IMPLEMENTATION OF THE REDUCTION IN FORCE

The Agency shall communicate the following information to each affected employee after the Office of Human Resources approves the reduction in force plan for procedural correctness and before the reduction in force becomes effective:

1. The reason for the reduction in force;
2. The competitive area(s) and competitive group(s) in which the employee competed;
3. The benefits to which the employee is entitled and the manner in which the reduction in force will affect the employee's State benefits, (e.g., health insurance, optional life insurance, retirement);
4. The employee's reinstatement rights, (e.g., reinstatement of all sick leave; option of buying back all, some, or none of the annual leave at the rate at which it was paid out);
5. The employee's recall rights to any position, within the competitive area, that becomes available in the same State class title as the position the employee held prior to the reduction in force;
6. The manner in which the Agency will notify the employee of any such vacancies; and
7. The requirements of S.C. Code of Laws Ann. Section 8-11-185, which requires the Agency to report information about the employees separated in a reduction in force to the Office of Human Resources.

XII. RECALL AND REINSTATEMENT RIGHTS

An employee affected by a reduction in force has recall and reinstatement rights to a position in State government for one year after the effective date of the reduction in force.

A. Recall Rights

If a vacancy occurs within the competitive area which is in the same State class title as the position the employee held prior to the reduction in force, the Agency will recall employees in the inverse order of the reduction in force. The Agency will notify the employee in writing of the job offer and recall rights. If the employee does not accept the job offer within ten days, the employee's recall rights are waived. Should the employee accept the job offer, the Agency will reinstate the employee's accumulated sick leave, and will provide the employee the option of buying back all, some, or none of his annual leave at the rate it was paid out at the time of the separation. Upon returning to employment in an insurance eligible Full-Time Equivalent (FTE) position, the employee will also be offered insurance benefits as a new hire. The recalled employee may purchase retirement service credit under the leave of absence provision in Section 9-1-1140(D) for the period of time that the employee was not employed by state government, at the cost specified in Section 9-1-1140(D). When an

employee is recalled, this time will not be considered punitive in the determination of retiree insurance eligibility.

B. Reinstatement Rights

An employee separated by a reduction in force may apply for any State job for which he meets the minimum training and experience requirements. Should the separated employee accept a job offer to an FTE position, the Agency will reinstate the employee's accumulated sick leave, and will provide the employee the option of buying back all, some, or none of his annual leave at the rate it was paid out at the time of the separation. Upon returning to employment in an insurance eligible Full-Time Equivalent (FTE) position, the employee will also be offered insurance benefits as a new hire. The reinstated employee may purchase retirement service credit under the leave of absence provision in Section 9-1-1140(D) for the period of time that the employee was not employed by state government, at the cost specified in Section 9-1-1140(D). When an employee is reinstated, this time will not be considered punitive in the determination of retiree insurance eligibility. If the employee is reinstated to another position, he still retains his recall rights to a position in the same State class in the competitive area.

XIII. GRIEVANCE RIGHTS

A covered employee who is affected by a reduction in force has the right to file a grievance to the Agency and an appeal to the State Human Resources Director only if the grievance or appeal is based on improper or inconsistent application of a reduction in force policy or plan.


Thomas Smith, Agency Director 1-20-2011 Date

SC Commission for Minority Affairs Telecommuting Policy

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.

Purpose

The purpose of this policy is to define the agency's telecommuting program and the rules under which it will operate. This policy is designed to help managers and employees understand the telecommuting environment. This policy should provide a general framework for telecommuters in the Agency but does not attempt to address the special conditions and needs of all employees.

Authority

The agency director has the authority to establish a telecommuting program within the agency, based on S.C. Code 8-11-15(B) of the South Carolina Code of Laws, as amended, and the Telecommuting Guidelines established by the South Carolina Budget and Control Board. Each agency director or his designee has the ability to set the work schedule and work location for agency employees. Each telecommuting program should be implemented following the Telecommuting Guidelines and all other appropriate federal, state, and agency laws, regulations, and policies.

Definitions

Telecommuting is a work arrangement in which supervisors direct or permit employees to perform their usual job duties away from their central workplace, in accordance with work agreements. Three main categories of telecommuting can exist:

- **Regular, recurring telecommuting** may be full-time or part-time, such as one or two days a week or parts of each workday (to avoid peak commuting hours). This level of telecommuting requires a formal agreement between the employee and supervisor.
- **Periodic, intermittent telecommuting** arrangements may arise, for example, where an employee is assigned a project with a short timeframe or one that requires intense concentration that is best completed outside of the office. This level of telecommuting does not require the formal agreement or checklist process. It only requires verbal agreement between the employee and supervisor.
- **Temporary or emergency telecommuting** may be used during short-term illness, transportation emergency due to weather, a natural disaster, or pandemic health crises. During this type of telecommuting arrangement a formal agreement is not required.

Primary Workplace – The telecommuter's usual and customary workplace.

Alternate Workplace – A workplace other than the employee's usual and customary workplace (primary workplace) and may include the employee's home.

Telecommuting Agreement – The signed document that outlines the understanding between the agency and the employee regarding the telecommuting arrangement.

Eligibility Requirements for Telecommuting:

- Telecommuting is a management option and not a universal employee benefit. Telecommuting may not be suitable for all employees and/or positions; therefore, agencies may implement telecommuting based on specific criteria consistently applied throughout the agency. It is the agency's option to allow an employee to telecommute through the agency's telecommuting policy.
- An employee's participation in the agency's telecommuting program is voluntary and must be mutually agreed upon by the employee and supervisor, with final approval by the agency head or his designee. The supervisor and employee should complete a "Telecommuter Application" to determine if the employee is eligible for a telecommuting arrangement.
- To be eligible to participate in telecommuting, an employee must have completed six months of satisfactory employment with the agency. This six month requirement may be waived at the discretion of the Agency Head or his designee. The agency may identify a list of skills and characteristics deemed necessary for the employee to be a successful telecommuter. Employees in a warning period of substandard performance are not eligible for telecommuting.

Conditions of Employment:

- The employee's duties, responsibilities, and conditions of employment remain the same as if the employee were working at the agency's primary workplace. The employee will continue to comply with federal, state, and agency laws, policies, and regulations while working at an alternate location. The employee shall remain subject to all agency disciplinary policies and procedures while performing work at the alternate workplace.

Work Hours: Work hours and location are specified as part of this agreement. The employee must be accessible during the specified work hours. The agency and the employee agree that, at the agency's discretion, the employee may perform assigned work for the agency at a location other than the agency's onsite office as a "telecommuter."

Pay and Attendance: The employee's salary and benefits remain the same as if the employee were working at the agency's primary workplace. The employee will continue to comply with federal, state, and agency laws, regulations, policies, and procedures while working at the alternate workplace. If the employee works less than the employee's normal work week, salary and benefits must be adjusted accordingly.

Advancement: Telecommuting will not adversely affect an employee's eligibility for advancement or any other employee right or benefit. An employee will be compensated for all pay, leave, and overtime (for non-exempt employees) as if all duties were being performed at the employee's primary workplace.

Leave and Overtime: Requests to work overtime and use sick, annual, or any other leave must be approved by the agency in the same manner as when working at the agency's primary workplace. An employee shall not work overtime unless authorized in advance. The employee agrees that telecommuting is not to be viewed as a substitute for dependent care. Telecommuters with dependent care issues are encouraged to have someone else provide dependent care services during the agreed upon work hours.

Office and Telecommuting Location: The employee agrees to work at the primary workplace or the alternate workplace, and not from another unapproved site. Failure to comply with this provision may result in termination of the agreement, and other appropriate disciplinary action. The agency agrees to establish agreed-upon expectations relative to the time the employee would need to spend in the primary workplace and to give adequate notice when these expectations are subject to change. However, the employee may be required to report to the primary workplace without advanced notice, upon request by the agency.

Workspace Safety: The employee agrees to designate a separate work space in the alternate workplace for the purposes of telecommuting and will maintain this area in a safe condition, free from hazards and other dangers to the employee and the agency's equipment. To ensure the safety of the work space, the employee agrees to complete and return to the agency a Telecommuting Safety Checklist which will certify the employee's alternate workplace complies with health and safety requirements. The employee must submit this checklist to the agency before he may begin telecommuting. The employee agrees that the agency shall have reasonable access to the alternate workplace for the purposes of inspection of the site and retrieval of state-owned property. An employee understands that he will be liable for injuries or damages to the person or property of third parties or any members of the employee's family in the alternate workplace if it is in the employee's home. The employee agrees to consult with the agency before moving any heavy equipment or furniture in the alternate workplace.

Equipment and its Maintenance: The agency may provide all or part of the equipment necessary for accomplishing work assignments. However, where agreements specify, employees may be authorized to use their own equipment.

State-Owned equipment:

- **Authorized Use/Users** – State-owned equipment may be used only for legitimate state purposes by authorized employees.
- **Maintenance** – State-owned equipment used in the normal course of employment will be maintained, serviced, and repaired by the state.

Employee-Owned Equipment: When employees are authorized to use their own equipment, agencies will not assume responsibility for the cost of repair, maintenance, or service.

The agency and the employee must agree upon the equipment to be used in telecommuting. The employee must protect equipment provided by the agency against damage and unauthorized use. Agency-owned equipment will be serviced and maintained by the agency. Equipment provided by the employee will be at no cost to the agency, and will be maintained by the employee. The employee agrees that the agency shall have reasonable access to the alternate workplace for business related purposes such as inspection of the space and retrieval of state-owned property.

Operating Costs: The agency will not be responsible for operating costs, home maintenance, or any other incidental costs (e.g., utilities), associated with the use of the employee's residence.

Protecting Computer Systems and Records: The agency's security controls and conditions for use of the state-owned equipment for the official work location will also apply to alternate workplaces. All official agency records, files, and documents must be protected from unauthorized disclosure or damage and returned safely to the primary workplace. The employee agrees to abide by any rules promulgated by the agency concerning the use of computer equipment (which may include protecting the employee's home PC against computer "viruses"), and understands that these rules may be changed at any time with proper notice. The employee agrees to follow agency procedures for network access and to take all necessary steps to protect the integrity of systems including but not limited to: protecting passwords, not duplicating agency-owned software, and not allowing agency files to be viewed by others.

Liability and Home Safety: The agency will not be liable for damages to the employee's property resulting from participation in the telecommuting program. In signing this document, the employee agrees to hold the state harmless against any and all claims, excluding workers' compensation claims. The employee accepts responsibility for maintaining the security, condition, and confidentiality of agency equipment and materials (including but not limited to files, applications, manuals, forms) that are at the alternate workplace. No employee engaged in telecommuting will be allowed to conduct face-to-face agency-related business at the alternate workplace, if it is the employee's home. In signing this agreement, the employee verifies that the alternate workplace, if it is the employee's home, is free of safety and fire hazards.

Workers' Compensation: The alternate workplace is considered an extension of the employee's primary workplace; therefore, workers' compensation will continue to exist for the employee when performing official work duties in the alternate workplace during approved telecommuting hours. Any work related injuries must be reported to the employee's supervisor immediately. The employee understands that he remains liable for injuries or damage to the person or property of third parties or members of his family on the premises, and agrees to indemnify and hold the agency harmless from any and all claims for losses, costs, or expenses asserted against the agency by such third parties or members of the employee's family.

Work Assignments and Evaluation: The employee will meet with the supervisor to receive assignments and to review completed work. The employee will complete all assigned work according to procedures mutually agreed upon with the supervisor. The employee will be required to adhere to those performance standards agreed upon with his manager for telecommuting purposes. The evaluation of the employee's job performance will be based on such established standards. Performance must remain satisfactory to remain a telecommuter.

Curtailement of the Agreement: The agency has the right to remove the employee from the program if participation fails to benefit organizational needs. In the event the employee ceases employment with the agency, or this telecommuting arrangement is discontinued for any reason, the employee agrees to return all agency equipment and supplies to the primary workplace within 48 hours or a mutually agreed upon reasonable time period. If the employee fails to do so, he will reimburse the agency for all unreturned property. All work documents will be returned immediately to the agency. In addition, this agreement shall automatically terminate when the employee ceases to be employed by the agency.

Termination of Telecommuting: The agency may terminate the telecommuting arrangement at any time with or without cause at its convenience, and this termination is final in terms of administrative review. By participating in a telecommuting arrangement, the employee agrees that any termination of working from the alternate workplace will not constitute an involuntary reassignment under the State Employee Grievance Procedure Act.

8-13-10
Date

Thomas J. Smith
Thomas Smith, Executive Director

SC COMMISSION FOR MINORITY AFFAIRS EMPLOYEE PERFORMANCE MANAGEMENT SYSTEM POLICY

Revised and Effective 09/01/2016

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GENERAL INFORMATION

All performance appraisals shall be made in writing by the employee's supervisor (the rater) who has direct experience or knowledge of the work being performed. The appraisal shall be reviewed by the next higher level supervisor (the reviewer), unless the rater is the agency head, prior to the appraisal being discussed with the employee. The reviewer may attach additional comments to the appraisal, and in the attachment may take exception to any of the rater's appraisal points. In addition, the reviewer has the authority to change the appraisal completed by the rater. If the reviewer elects to change the rating, the change and associated justification should be noted on the appraisal document. Whenever an employee's job responsibilities change significantly, the appraisal document should be revised to reflect that change. The final appraisal must bear the signature of the rater, the reviewer and the employee, if possible. If any party refuses to sign the appraisal, a notation shall be made on the performance appraisal of this. If possible, a witness should sign to acknowledge that the party refused to sign the appraisal.

All performance appraisals shall become a permanent part of the employee's official personnel file. Upon request, the agency shall furnish the employee with a copy of the performance appraisal with copies of all pertinent attachments including the form completed at the time of the planning stage and the final appraisal form.

The provisions of this policy address the appraisal process of both probationary and covered employees. Although not mentioned specifically in this policy, employees exempt from coverage under the State Employee Grievance Procedure Act shall also be given annual performance appraisals.

TRAINING

Training is encouraged for all employees within the agency in regard to

EPMS. DEFINITIONS

Established Review Date - The employee's review date as established in accordance with State Human Resources Regulations.

Universal Review Date - The date prior to which all employee's performance reviews are due. June 2 will be the universal review date for the agency. (Exceptions: "probationary" employees and "trial" employees.)

Short Year Review - Any performance appraisal that evaluates an employee's performance for a period of time less than twelve (12) months. (Exceptions: "trial" period reviews and "warning notice" reviews.)

Short Year Planning Stage - Any EPMS planning stage document covering a period of time less than twelve (12) months. (Exception: "trial" period planning stages.)

IMPLEMENTATION

The agency will phase in the Universal Review Date. As of the effective date of this policy, once an employee reaches his/her Established Review Date the employee will receive a Short Year Planning Stage and Short Year Review in order to move the employee from the Established Review Date to the Universal Review Date.

LEVELS OF PERFORMANCE

There shall be three levels of performance to rate each job function and objective and to rate overall performance:

1. Exceptional

Work that is above the criteria of the job function throughout the rating period.

2. Successful

Work that meets the criteria of the job function.

3. Unsuccessful

Work that fails to meet the criteria of the job function.

Performance characteristics shall not be rated by the three levels of performance, but shall be given a rating of pass or fail.

1. Pass

Meets requirements.

2. Fail

Fails to meet requirements.

PLANNING STAGE

Each employee shall have a planning stage conducted at the beginning of each rating period. The employee's job functions (which include job duties and success criteria), objectives, and performance characteristics for the next rating period will be discussed at this time. The rater and employee should participate in drafting the planning stage document. The reviewing officer and the rater should discuss the requirements for the coming year prior to the planning stage. A rater may incorporate a team activity into the planning stage document. The team performance being evaluated could constitute a job function, an objective, or one criteria for a particular job function or objective. A rater may also link the employee's training plan to the planning stage document.

JOB FUNCTIONS

The rater and the employee shall determine the job functions (which include job duties and success criteria) by reviewing the employee's position description. If the position description is not up-to-date, or if there is no position description, one should be prepared and submitted for approval. In those instances where the rater and employee cannot agree upon the job functions, the rater's decision shall be final. The statement outlining the job function should include descriptive information about the performance expectations (success criteria) of the rater. The descriptive statement should specify the expectations of the rater for the employee to meet performance requirements. Each job function shall be rated in the evaluation stage based on the three levels of performance. It shall be mandatory for all raters to be evaluated on the timely completion of each employee's performance appraisal.

receives a "Warning Notice of Substandard Performance" may have the performance review date advanced to coincide with the "Warning Notice of Substandard" dates.

The performance review date marks the beginning of a new review period. If an employee does not receive an appraisal prior to the performance review date, the employee shall receive a "successful" rating by default. A covered employee may not be issued an overall "unsuccessful" appraisal at any time during the annual review period without following the "Substandard Performance Process." Should the review date advance, the employee may require a short year planning stage and a short year review period in order to move the employee back to the universal review date.

TRIAL PERIODS

Each covered employee who has been demoted, promoted or reclassified shall be appraised prior to the completion of a six month trial period in the position. The performance review date marks the beginning of a new review period. If an employee does not receive a performance appraisal prior to the performance review date, the employee will receive a "successful" rating by default and obtain permanent status in the new classification. Once an employee has completed a successful trial period and obtained permanent status in a class, the employee retains permanent status in the class throughout the employee's continuous service. The six month trial period may be extended up to 90 calendar days upon written notice to the employee prior to the end of the six month trial period. The employee's performance review date shall be advanced for the time period such extension is in effect. After satisfactory completion of the trial period, the employee may require a short year planning stage and a short year review in order to move the employee back to the universal review date.

The "Substandard Performance Process" is not required to demote or reclassify downward an employee in trial status to the same class from which promoted, if the demotion or reclassification occurs within the trial period. The "Substandard Performance Process" is also not required to demote or reclassify downward an employee in trial status to a class in an equal or higher pay band from which promoted, if the demotion or reclassification occurs within the trial period. The employee in trial status may not grieve such demotion. The employee in trial status may not be terminated or demoted to a class in a lower pay band than that from which promoted for performance reasons without following the "Substandard Performance Process."

SUBSTANDARD PERFORMANCE PROCESS FOR COVERED EMPLOYEES

A covered employee is entitled to adequate notice of substandard performance and the opportunity to improve the substandard performance before receiving a "unsuccessful" rating and being removed from the position. To ensure this occurs, the following procedures shall be followed:

- a. A rater shall issue a "Warning Notice of Substandard Performance" prior to issuing an "unsuccessful" rating to a covered employee. If during the performance period an employee is considered "unsuccessful," in any essential job function or objective which significantly impacts performance, the rater shall provide the employee with a written "Warning Notice of Substandard Performance." The warning notice shall provide for an improvement period of no less than 30 days and no more than 120 days. The warning notice may be issued at any time during the review period. Ordinarily, the warning period may not extend beyond the employee's review date. However, the review date may be advanced to coincide with the "Warning Notice of Substandard Performance" dates. Should the performance review date be advanced and the employee receives a "successful" or above rating on all essential job functions/objectives, which significantly impact performance, noted in the warning notice, the employee may require a short year planning stage and a short year review in order to move the employee back to the universal review date.
- b. The rater and employee should participate in drafting a work improvement plan. The work improvement plan should include a list of ways to improve the deficiencies and other appropriate performance related recommendations. In those instances where the rater and employee cannot agree upon the content of the work improvement plan, the rater's decision shall be final.

c. During the warning period, the employee and the rater shall have regularly scheduled meetings during which they shall discuss the employee's progress. Documentation is required to verify that these counseling sessions were held. Copies of this documentation shall be placed in the employee's official personnel file and given to the employee upon request.

d. If the employee's performance is rated "successful" or above, on all essential job functions/objectives, which significantly impact performance, noted in the warning notice by the end of the warning period, employment shall continue. If the employee is rated "unsuccessful," on any essential job function or objective which significantly impacts performance as noted in the warning notice by the end of the warning period, the employee shall be removed from the position immediately (i.e., terminated, reassigned, demoted).

e. Once a time frame for improving substandard performance has been given, the employee must receive a written appraisal prior to the end of the warning period or the employee will receive a "successful" rating by default.

f. If an employee has been issued two warning notices within a 365 day period and performance drops to a substandard level on any essential job function/objective, which significantly impacts performance for a third time within a 365 day period, the employee shall be removed from the position upon the third recurrence of such substandard performance by issuing the "unsuccessful" appraisal. A warning notice is not required on the third occurrence.

WARNING NOTICE OF SUBSTANDARD PERFORMANCE

The requirements of a "Warning Notice of Substandard Performance" are:

a. The notice shall be in writing, addressed to the employee, labeled as a "Warning Notice of Substandard Performance," and signed by the employee (witnessed, if employee will not sign).

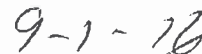
b. The notice shall list the job function(s) and/or objective(s) included on the employee's planning document that are considered "unsuccessful performance requirements," with an explanation of the deficiencies for each job function and/or objective.

c. The notice shall include the time period for improvement and the consequences if no improvement is noted (i.e., terminated, demotion, reassignment).

d. The notice shall include a plan for meetings to discuss employee progress during the warning period. A copy of the notice shall be given to the employee and placed in the employee's official personnel file.



Thomas Smith, Agency Director



Date

APPROVED
OFFICE OF HUMAN RESOURCES



SOUTH CAROLINA COMMISSION FOR MINORITY AFFAIRS

EMPLOYEE BONUS PROGRAM

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 CONTENTS 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.

PURPOSE

The South Carolina Commission for Minority Affairs Employee Bonus Plan is administered under the guidelines of the SC Budget and Control Board Office of Human Resources. The Employee Bonus Plan allows the Commission to recognize the accomplishments and contributions of individual employees, such as contributions to increased organizational productivity, development and/or implementation of improved work processes, exceptional customer services, realized cost savings, or other specific contribution contributing to the success of our organization.

ELIGIBILITY

All permanent and probationary employees in full-time equivalent positions are eligible. Agency Directors are not eligible to receive bonuses.

AMOUNT/FREQUENCY OF BONUSES

- An employee may receive more than one bonus in a fiscal year; however, the total amount of the bonuses received for the fiscal year may not exceed \$3,000.00. A bonus will be awarded in a lump sum and is subject to taxes and social security deductions. The bonus does not become part of the employee's base salary.

APPROVAL CRITERIA

Examples of appropriate reasons for awarding bonuses to employees are:

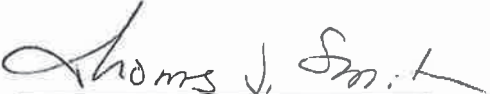
- Contributions to increased organizational productivity;
- Development and/or implementation of improved work processes;
- Exceptional customer service;
- Realized cost savings; or
- Other specific contributions to the success of the organization.

PROCEDURE

Employees are recommended for bonuses by their supervisor with the approval of the Agency Director. The recommendation should indicate the reason for the recommendation. The Agency Director is the final authority responsible for approving bonuses. There is no appeal for the awarding of a bonus or the amount of the bonus.

DOCUMENTATION AND REPORTING REQUIREMENTS

The Agency Director will document the reason for any bonus payment awarded and submit it to the Human Resource Department for record-keeping. The Agency Director or designee will be responsible for annual reporting of bonuses to the Office of Human Resources.


Thomas J. Smith, Agency Director

Policy on Commissioners' Role in Hiring Personnel for the Commission on Minority Affairs

Section 1-31-30 of our statute states, "The commission is authorized to hire an executive director and other personnel necessary to carry out its duties and functions under this chapter". The Attorney General's opinion is that the commission referred to means the nine members of the State Commission for Minority Affairs consisting of nine members and the Governor ex-officio. The Attorney General further clarifies his opinion by stating that his Office was "unable to locate a prohibition in the South Carolina Code of Laws regarding the Commission's hiring authority other than the limitation of necessity for carrying out its duties and functions and the General Assembly appropriating funds. Inasmuch as no further provision proscribes the Commission hiring the necessary personnel, the law will not permit such a limitation to be implied".

Given this clear opinion by the Attorney General that the nine members and the Governor ex-officio are authorized to hire personnel, not limited to the Director, the members of the Ad hoc committee charged with writing a policy governing the hiring of personnel propose the following:

That the members of the Board of the Commission for Minority Affairs take an active role in hiring personnel by reviewing all applications and resumes submitted for each job posting. In cases in which, given the volume of applications, it is not feasible for each member of the Board to review each application, the Board will select, by means of a vote, a committee of members to review applications and resumes. The entire Board, or a committee, along with the Commission for Minority Affairs Director, will then select the three best qualified applicants and present their applications and resumes to the entire Board for discussion and review. These discussions and reviews will be held during Executive Sessions or special meetings held specifically for that purpose. The Board members and other key personnel will then be involved in the interviewing of the three leading candidates. If all members are not able to be present during the interviews, those absent members will be given the opportunity to take part in the interviews via web conferencing. Prior to interviewing candidates, Board members will be briefed on proper and legal interviewing practices. These practices will be provided by the Commission for

South Carolina Commission for Minority Affairs

Procedure Policy

Subject: Third Party Information
State Recognition Committee

To ensure that the public is afforded an opportunity to provide input to the State Recognition Committee in accordance with the State Freedom of Information Act and in keeping with the First Amendment of the United States Constitution, it shall be the policy of the Board of the Commission for Minority Affairs that third party information be received and considered in the following orderly manner during the State Recognition Review:

1. The Chair of the State Recognition Committee shall make known to the public the name(s) of all entities being considered for State Recognition no later than 30 days after the deadline date for submission of an application, April 1 and September 1.
2. Persons desiring to make comments regarding an entity whose documents are being considered must submit such comments and information in writing, prior to the final vote of the State Recognition Committee, inclusive of their name and contact information.
- 3 All third party information shall be submitted to the State Recognition Committee in writing by mailing such information to the attention of the State Recognition Committee located at:

South Carolina Commission for Minority Affairs
6904 North Main Street, Suite 107
Columbia, South Carolina 29203
Attention: State Recognition Committee

4. The members of the State Recognition Committee shall consider all information submitted by the entity seeking State Recognition without bias. The Chair of the State Recognition Committee shall determine that Committee members are ready to make their final decision. Prior to voting, the Chair shall make available all third party information submitted regarding each entity. Members shall read and consider the information presented. Each piece of third party information shall be voted upon in part or in whole as to the relevancy of the information. The majority vote shall carry. The Chair shall determine, after discussion with members of the State Recognition Committee, if additional time should be given to further consider and verify the third party information and/or continue with the vote.
5. No member of the State Recognition Committee shall review third party information outside the purview of the State Recognition Committee process.

9/20/2006

South Carolina Commission for Minority Affairs (CMA)

POLICY

SUBJECT: Native American Leadership Changes and/or Disputes

It shall be the policy of the Commission for Minority Affairs to maintain accurate and up to date information regarding State Recognized Native American entities in South Carolina.

The Commission shall operate in accordance with the *Roberts Rules of Order* and the *Administrative Procedures Act*. Entities interacting with the CMA must adhere to the Robert Rules of Order and Administrative Procedures Act in order to provide one system of administrative policies and operations when addressing issues of change and disputes.

1) When changes occur with regards to the following items, State Recognized Native American entities must provide updated information to the Commission within 30 days of the change:

- (a) Change of Name of the Entity
- (b) Change of Leadership, Council, or other governing body
- (c) Change in Contact Information
- (d) Change in Governing Documents (By-Laws and Constitution)

2) The above mentioned information must be submitted with a signed notarized letter, stating the previous information, as well as the updated information. This information must be notarized by a South Carolina Notary as approved by the South Carolina Office of the Secretary of State.

3) Changes to information related to 1 (a, b, c, d,) must include reference to the by-laws and constitution on file with the Commission that afford such changes to be made and the time and circumstances under which such changes can take place. The schedule of elections for all offices shall be included with such information. Changes that do not occur in accordance with regularly scheduled dates for elections and changes in officers shall require in writing a detail explanation of the circumstances that caused the changes and the supporting documentation that proves that the organization followed its by-laws and constitution regarding the action that was taken. Those holding office prior to the disputed matter shall have standing. This policy shall include disputes over leadership, appointments, representation, and all areas covered by the work of the Commission. **The burden of proof in any disputed matter lies with the parties initiating a change to the uncontested information on file with the CMA prior to the change.**

- 4) The Commission requires that at least once a year, all State Recognized Native American Entities must submit an updated and signed copy of their governing documents; i.e. by-laws, constitution, etc., by **January 30** of each year, and when changes occur thereafter within the same year. These documents must be notarized in accordance with State law.
- 5) In the event a disputed matter impacts the assignment of a representative to a seat on the Native American Advisory Committee or on the State Recognition Committee, the CMA Board may agree to offer mediation by a third party organization to help resolve the matter(s). In the event that one or both parties refuse to mediate the matter, the Board shall declare the position/seat vacant on the Native American Advisory Committee and the State Recognition Committee, until such time that an agreement can be reached by the disputing parties.

When an agreement occurs, a written official document attesting to an agreement between the two parties or factions regarding the disputed matter must be submitted to the Executive Director of the Commission. The written document must be executed in the presence of a notary of the State of South Carolina. The written document must be signed by:

- 1) The leadership of both disputing parties as determined by the Commission, i.e., chief, leader, or executive director, tribal council, elders, etc., and
- 2) Confirm agreement and resolution of the disputed matter. The document shall include the details of the agreed upon resolution.

Upon receiving the written documentation, the Executive Director shall place on the agenda of the next schedule Board meeting, the matter of reviewing the status of the entity in question. The Board shall take such action as it deems appropriate.

- 6) In the event that the matter is heard before a court of law, the Commission shall comply with the finding of the court.

POLICY

SUBJECT: PUBLIC PARTICIPATION AT COMMISSION FOR MINORITY AFFAIRS' BOARD MEETINGS

The Board members of the Commission for Minority Affairs recognize their obligation to help citizens of the State understand the mission and duties of the agency. The Board is also aware of the need for communication with citizens to permit the public to make its wishes known and also to permit the Board to explain general policies governing the operation of the Commission. Therefore, in an effort to provide a procedure by which matters of statewide interest concerning minority affairs may be brought before the Board, while at the same time permitting the Board to conduct its meetings in an orderly and efficient manner, the Board of the Commission for Minority Affairs announces the following policy with regard to citizen participation in the meetings of the Board.

Citizen participation will take place only during that part of the regular meeting designated on the agenda as the "Public Comment Period."

Procedures for the "Public Comment Period" are as follows:

- (1) No commercial solicitations will be allowed. If any speaker makes such an attempt, he/she will immediately be asked to refrain from making any further remarks of a commercial nature.
- (2) The chair shall limit each individual's comments to five (5) minutes, and the entire comment period to thirty (30) minutes.
- (3) The same procedures shall apply to an appearance before a Standing Committee of the Board.
- (4) There will be no response by Board members to remarks made during the "Public Comment Period". Board action, if any is warranted, shall be taken only at a subsequent meeting and only after the issue is studied by the appropriate Standing Committee of the Board or the Board in its entirety.
- (5) These procedures may be temporary waived by a vote of two-thirds (2/3) of the Board (or Committee) members present at any meeting where such a waiver is justified by extenuating circumstances.
- (6) The minutes will reflect only the speaker's name, organization and topic of discussion. An audio tape recording is made for each meeting's public speaking session and will be filed. A copy of this

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tape may be obtained for a fee. A copy of any preprinted public speaker's comments handed out at the meeting shall be attached to the minutes.

Complaints filed with the Board of the Commission should relate only to matters over which the Board has direct jurisdiction.

Statement of Chair:

The following statement will be read before any citizen speaks to the Board during the "Public Comment Period":

We appreciate your interest in the work of the Commission for Minority Affairs. You will be allotted five (5) minutes for your comments. Since we are hearing your comments for the first time, it is our policy to accept your comments as information. If we have questions or need additional information, we will contact you at a later date. Thank you for understanding our procedures.

Adopted May 28, 2004

POLICY

SUBJECT: NOTIFYING LOCAL GOVERNMENTS OF STATE RECOGNITION OF TRIBES AND GROUPS

The Commission for Minority Affairs supports public awareness of State Recognition of Native American entities in South Carolina. Therefore, in an effort to provide a procedure by which local governments can be notified of State Recognition, the following procedures will be followed.

- 1) Upon receiving notification of State Recognition by the Board of the Commission for Minority Affairs, the entity receiving recognition will provide the names, addresses, and any other contact information regarding where the Commission should send a press release.
- 2) This information will be provided by the Native American entity within thirty (30) days of the Board meeting where State Recognition was approved.
- 3) The Commission for Minority Affairs will compose a press release which will be sent to the local contacts as provided by the recently approved entity within 2 weeks.



Thomas Smith, Executive Director

8-13-10

Date

List of Trainings Completed in Calendar year 2017

Lee McElveen, Hispanic/Latino Program Coordinator

- Diversity Awareness Course 2017 – *Free Online Course*

Kaneshia Green, Human Trafficking Program Coordinator

- FBI Citizens Academy – *Free upon nomination*
- JuST Conference - New Orleans, LA. Travel = \$1,045.27. Registration = \$350.00
Total = \$1,395.27
- Program Management Certificate Program \$2,200.00

Marcy Hayden, Native American Program Coordinator

- Indian Child Welfare Symposium-Southeastern Region 2018 Travel only = \$295.26
- SC Rural Health Conference 2017 Registration = \$200.00 Travel = \$679.99
Total \$879.99
- “Small Business Funding Opportunities in Indian Country,” Native Learning Center 2017
Free Online Course
- The Riley Institute 2017 Midlands Diversity Leaders Initiative 2017 \$500.00
- “Public Health Skills and Native American Food Systems,” Western Region Public Health Training Center (WRPHTC), Mel and Enid Zuckerman College of Public Health, University of Arizona 2017 *Free Three Day Online Course*
- Incident Command Training for Tribal Communities 2017 *Free Agency Sponsored Training*
- SC State Fleet Drivers Training Course 2017 *Free Course*

Christina Hyppolite, Community Based Services Program Coordinator

- FBI Citizens Academy *Free upon nomination*
- USC Project Management Certificate Program \$2,200.00
- Sexual Trauma Services of the Midlands: SC Leadership Education and Prevention Foundation “*Working with At-Risk Youth: Foundations in Sexual Violence Prevention Training*” *No Fee*
- SC State Fleet Drivers Training Course (2017) *No Fee*
- Together SC Nonprofit Summit Registration \$275.00
- Women’s Conference by Fred Pryor Seminars Registration \$149.00
- SC Community Relations and Development Conference Travel Only - \$31.00

CMA Report on Promulgation of Agency Regulations

As part of its response to the Subcommittee's follow-up letter, CMA provided a 2016 report by agency staff on the difference between promulgated regulations, bills, and provisos and the promulgation process. The intended audience was the agency's board. This report can be accessed on the Legislative Oversight Committee website:

http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/MinorityAffairs/CMA_Regulations_Report.pdf



Committee Mission

Determine if agency laws and programs are being implemented and carried out in accordance with the intent of the General Assembly and whether they should be continued, curtailed or eliminated. Inform the public about state agencies.

Website: <http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee.php>

Phone Number: 803-212-6810

Email Address: HCommLegOv@schouse.gov

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