

# Members of the Richland County Legislative Delegation

## Columbia, South Carolina 29201

### Senators

Senator Joel Lourie  
Senator John Courson  
Senator Thomas McElveen

### Representatives

Representative Beth Bernstein  
Representative James Smith  
Representative Nathan Ballentine  
Representative Kirkman Finlay  
Representative Mary Gail Douglas  
Representative Joe McEachern  
Representative Mia McLeod

October 13, 2016

### **VIA HAND DELIVERY AND**

**EMAIL TRANSMISSION:** [Swatipatel@gov.sc.gov](mailto:Swatipatel@gov.sc.gov)

The Honorable Nikki R. Haley  
Office of the Governor  
South Carolina State of House, First Floor  
Columbia, South Carolina 29201

RE: Richland County Recreation Commission ("RCRC")

Dear Governor Haley:

We, the undersigned members representing a majority of the Richland County Legislative Delegation, respectfully request that you utilize your powers pursuant to SC Code Section 1-3-240(A)(3) to remove certain members of the Richland County Recreation Commission Board on the grounds that these members have committed "acts of malfeasance, incompetence, misconduct and persistent neglect of duty" in complete disregard of the office they hold. The following Board Commissioners have put their own interests above the interests of the citizens of Richland County and should be removed, *effective immediately*: J. Marie Green, Chair; Barbara Mickens, Vice Chair; Weston A. Furgess, Jr., Secretary; George D. Martin, Jr.; and Joseph B. Weeks (hereinafter referred to jointly as "Five Commissioners").

The Commission has received several complaints about RCRC Director James Brown, III over the past couple of years. In fact, as a result of the ensuing complaints of wrongdoing by Director Brown, Gignillat, Savitz, and Bettis, an employment law firm, was hired by the Board Commissioners at the beginning of this year to investigate allegations of misconduct at RCRC.

The Five Commissioners expended in excess of \$35,000 for this report. We believe this report provides conclusive evidence of Director Brown's wrongdoing. Nevertheless, after reviewing the report, the Five Commissioners, on a recorded vote of 5-2, voted in executive session in favor of Director Brown and put his interests above the welfare of the employees and citizens of Richland County who use the parks and recreational centers. A copy of these minutes are attached hereto as Exhibit A and incorporated herein by reference.

On numerous occasions, we attempted to reach out to the Five Commissioners to ascertain what's been happening at the commission, to no avail. Recently, in order to get answers to our most basic questions, we were left with no alternative but to institute a FOIA request to obtain certain documentation. Unfortunately, most of the information we requested was not provided or made available to us. Specifically, we wanted a copy of the investigative report prepared by Gignillat, Savitz and Bettis, which they refused to make available to us. Obviously, we believe this report is germane to our inquiry.

In fact, the only communication taken on their initiative is a FOIA request by Board Chair Green, in her capacity as Chairman, to both the Clerk of the House and Senate requesting information as to any and all Senators and/or House members who have family members who are employed by their respective chambers. Rather than concentrating on the mounting issues at RCRC, Ms. Green reacts with pettiness and immaturity by focusing on irrelevant matters. This is yet another example of the Five Commissioners inability to oversee RCRC.

Especially in light of RCRC Director James Brown's indictment yesterday on charges related to him using his position to coerce and attempt to coerce female employees into having sexual contact with him over a period of several years, we believe that the Five Commissioners have committed significant acts of malfeasance and other wrongdoing by, among other things, (1) disregarding the hostile work environment for the employees of RCRC; (2) allowing blatant abuses of nepotism; (3) approving irresponsible compensation; (4) overlooking numerous allegations of sexual harassment and other inappropriate behavior by RCRC Director James Brown, III; (5) incurring excessive litigation costs and expenses; and (6) failing to provide adequate oversight over RCRC.

#### **GROUND ONE**

#### **DISREGARDING HOSTILE WORK ENVIRONMENT FOR THE EMPLOYEES OF RCRC**

Since Director Brown's promotion to Director of RCRC, the 160+ employees at RCRC have been subjected to a hostile, offensive, and unprofessional work environment in contravention to its Harassment Policy and Whistleblower Policy. Copies of which are attached herewith as Exhibit B and incorporated herein by reference. Many of the employees are constantly in fear of being fired or demoted and are continually being intimidated and harassed.

In one specific example, Mr. Brown makes threats throughout a mandatory staff meeting regarding disciplinary actions which do not appear to relate to any actual policies. A CD recording of this meeting can be forwarded to you, if necessary, or you may listen to it by going to <https://youtu.be/r3hKGdM8MI0>.

In the recording, you can hear Mr. Brown berating staff with threats and innuendo. He threatens to revoke raises, deny overtime pay by changing staff work schedules without notice or consideration, and threatens to fire people who do not agree with him.

The Human Resource Division Head, David Stringer, also offers no assistance to aggrieved employees. He (*allegedly*) has repeatedly taken no action on behalf of the employees and instead conveys any negative information directly to Mr. Brown, who then intimidates the employees through confrontation and/or threatening their employment or firing them. All of this is happening with actual knowledge and implied consent of the Five Commissioners.

Zenethia Brown, a former employee, had this to say about her experience working at RCRC, in her own words:

"As a former Richland County Recreation Commission employee who was mistreated, retaliated against and eventually fired, I want to thank you . . . My final years at the Commission can only be described as miserable. I would wake up each morning dreading going to work, because I didn't know from one day to the next what to expect. I have a Bachelor's degree in English and my Master's in Public Administration. For years, I was the Director of Community Relations in charge of special events, marketing and PR, and community involvement. Then one day - the day Mr. Brown refers to as "the day of reckoning" - I come in to work and I am told that my position had been eliminated and I was being reassigned as an assistant park director; an entry level position that required me, a mother of two, to work from 2:00 – 9:00 pm and every other weekend. I hardly got to see my boys from that point on. My oldest almost failed Language Arts because I (an English major) was not home to help him with his homework. I endured all of this, because Mr. Brown thought that I had something to do with the letters that had been written to County Council. I DID NOT write the letters. However, because Mr. Brown thought that I did, I was defamed, ostracized and demoted. He told my friends that I was a troublemaker and forbade them to go out to lunch with me or hang out with me. We had to meet at out of the way places just to go to lunch together. I'm sharing this with you so that you understand how happy you are making people like myself by continuing the fight to remove Mr. Brown and the Commissioners. It's vital that you understand importance of continuing the fight. I've heard members of the Delegation talk about the health of the Commissioners, while completely disregarding the health issues that have befallen the RCRC employees. I for one, had to go on blood pressure medication for the first time in my life after passing

out at the park. Fortunately, I have a wonderful job now and no longer have to take that medication. I've known at least two employees who had to go on anxiety medication. This is not something to be taken lightly as I fear some of your colleagues are doing. This situation is destroying people's well-being."

"I was fortunate enough to finally secure a job that I love. . . . I didn't realize it at first, but . . . I realized that I was suffering from a mild form of PTSD. I couldn't make simple decisions without feeling sick. I woke up nervous every morning like the rug was about to be pulled out from under me. I got terrified every time a board member called me. Once I realized what was going on, I sought help and now I am much better. It is important that you understand this, because this is what the current RCRC employees are experiencing every day. Once this is all over, they are going to need some form of counseling. PTSD is a by-product of living in fear each day. RCRC employees are constantly on edge and afraid of what is going to happen to them. They are terrified that Mr. Brown is not only coming back, but that he is keeping a list and will punish people at will. This is a horrible way to live and it takes some time and professional help to get over."

## **GROUND TWO**

### **ALLOWING BLATANT ABUSES OF NEPOTISM**

Mr. Brown's son, James A. Brown, his daughter, Tiffani Brown, and his brother Jeff Brown, all work at the commission and fall within the definition of 'family member' under state ethics law. RCRC's nepotism policy, which is a broader policy than the state's, includes nephews, nieces and domestic partners and unrelated associates "engaged in an apparently romantic relationship" and their families. Under this broader definition, the nepotism policy has been even more severely violated. Further abuses of nepotism also spread to Commissioners' families. Commission Board Chair J. Marie Green has several relatives working at the agency. Her niece, Jasmine Duckett is a part-time administrative assistant, and her nephews, Charles Duckett and Robert Davis, are interim facility repair manager and site manager, respectively. Commission Vice-Chair Barbara Mickens' nephew, Antwane Litte, and her sister-in-law, Devra Thompson, are both site managers at the agency. For a complete listing of all the family members who work at RCRC, refer to Exhibit C, which is attached hereto and incorporated by reference.

Mr. Brown's friends and those of his family also benefit from his role as Director. His son's fiancée's father, Calvin McDonald, Sr., and brother, Calvin McDonald, Jr., both work at the commission as park custodians. His friend Willie Washington's son, Gerard, was hired at the Commission in 2014 at a salary of \$20,800. Another Brown friend, Alex Wright, earns \$50,822 managing Meadowlake Park, one of the agency's lowest-revenue producing parks, in contrast to Shaunta Cleveland, who makes \$35,787 as manager of Polo Road Park, one of the agency's highest-revenue parks.

**GROUND THREE**  
**APPROVING IRRESPONSIBLE COMPENSATION**

At least 10 employees who are related or connected to Mr. Brown and/or his family or related to the Five Commissioners have received significant pay raises since their hiring, all of which were approved and reviewed by the Five Commissioners pursuant to RCRC's compensation policy, which is attached hereto as Exhibit D and incorporated herein by reference. Since Mr. Brown took over as Director in 2010, the raises and promotions of all 'family members' have totaled \$128,272. In the year before Brown took over, the highest raise given was \$2,884.

Since 2010, all three relatives of Board Chair Green have received raises worth a total of \$34,997, with Charles Duckett receiving the most with an \$18,836 increase in pay. Board Vice-Chair Mickens' nephew also has received \$5,000 in raises since 2010. Friends also received promotions and raises. Gerald Washington was hired at \$20,800 in 2014 and has received \$11,005 in raises since then, bringing his current salary up to \$31,805

Just in the last year, Mr. Brown received a raise of more than \$30,000, bringing his annual salary to \$151,800. His salary is far more than any other county recreation chief across the state. Of the big-county salaries listed, only one other was as high as six figures, Greenville County director, with a mean salary of \$131,520.

Other employees receiving raises over \$5,000 in FY 2015-16 were: Marta Cleary, Director of Property Management, \$7,448; Andrea Fripp-James, Finance Division head, \$5,000; Senita Carter, Administrative Assistant, \$5,000; Takequita Lewis, Administrative Assistant, \$5,000; Andrew Scott, Adaptive Recreation Director, \$7,789; and Chris Santino, Safety Manager, \$10,000. A redacted copy of the employment compensation of the employees at the Commission is attached as Exhibit E and incorporated herein by reference.

**GROUND FOUR**  
**OVERLOOKING NUMEROUS ALLEGATIONS OF SEXUAL HARASSMENT AND OTHER**  
**INAPPROPRIATE BEHAVIOR BY RCRC DIRECTOR JAMES BROWN, III**

It is considered a common occurrence when Mr. Brown makes inappropriate comments of a sexual nature in the workplace. Numerous complaints have been filed against him alleging sexual harassment and other inappropriate behavior by him. The complaints claim Brown sexually and racially harassed employees and terminated employees who spoke out against him. The complaints further allege that Mr. Brown paid recreation commission board members to protect him. Copies of those complaints are enclosed herewith.

One visual account of what has been happening at RCRC as recounted by a whistleblower to Wach Fox news, is as follows:

"We're scared. I mean, we've heard that he carries a gun in the office.. so we're.. we never know when he will flip and turn on us because he has said many times that if he goes down, he's taking all of us with him."

"He has bragged about having sexual relations in the bathroom at the job, and he's also bragged saying he only needs to throw fifty dollars to certain people- you know, out of his pocket, to get what he wants."

"The whistleblower says people at the commission are having trouble doing their jobs, and the agency is suffering because of it."

"The people he puts in these positions have no clue what they need to do, and they are even told they don't have to do anything. So other people have to take on major responsibilities just to keep up with what he does."

#### **GROUND FIVE** **INCURRING EXCESSIVE LITIGATION COSTS AND EXPENSES**

Although the legal budget for 2015-16 was \$15,000, RCRC exceeded its legal-expense budget by \$90,445 since July of last year in connection to costs related to lawsuits and independent investigations. The agency spent \$105,445 from July of 2015 to July 2016 with three law firms, McNair (\$53,572), Gignilliat, Savitz & Bettis (\$35,278.25) and Robinson McFadden & Moore (\$16,594).

In the past five years, the Insurance Reserve Fund has paid a total of \$172,500 in judgments and \$81,039 in attorney fees unsuccessfully fighting discrimination and defamation lawsuits the RCRC and its Director have lost.

#### **GROUND SIX** **FAILING TO PROVIDE ADEQUATE OVERSIGHT OVER RCRC AND ITS DIRECTOR**

Change can only come from the top. It is clear that the Five Commissioners have failed to adequately oversee what's been happening at RCRC. At a minimum, their inaction makes them complicit in these bad acts.

Based upon the aforementioned grounds, the Five Commissioners have committed several acts of malfeasance, especially in light of Mr. Brown's indictment. They have turned a blind eye to what has been happening there. Moreover, we recently were informed by several

The Honorable Nikki R. Haley  
October 13, 2016  
Page 7 –

current and former employees that they have repeatedly over several years reached out to the Five Commissioners about the inappropriate conduct happening at the Commission to which the Five Commissioners ignored and/or questioned the victims' stories. One commissioner went so far as to question the victim as to why she would complain since she is "gainfully employed and making good salary." For the women who are victims of sexual harassment, this leaves them with a sense of betrayal and embarrassment and is an unacceptable response by those appointed to protect them.

Since you are the only person with the authority and power to remove these Commissioners and demand their accountability, we would respectfully request that you utilize your powers pursuant to SC Code Section 1-3-240(A)(3) and have these Five Commissioners removed, *effective immediately*.

Thanking you for your kind attention to this matter,

We remain,

Sincerely yours,

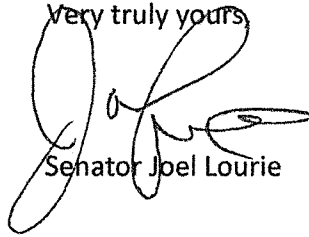
Senator Joel Lourie  
Senator John Courson  
Senator Thomas McElveen  
Representative Nathan Ballentine  
Representative Mary Gail Douglas

Representative Beth Bernstein  
Representative James Smith  
Representative Kirkman Finlay  
Representative Joe McEachern  
Representative Mia McLeod

(Signatures following herewith by separate pages)

The Honorable Nikki R. Haley  
October 13, 2016  
Page 8 –

Very truly yours,

A handwritten signature in black ink, appearing to be 'J. Lourie', written over the text 'Very truly yours,'.

Senator Joel Lourie



The Honorable Nikki R. Haley  
October 13, 2016  
Page 9 –

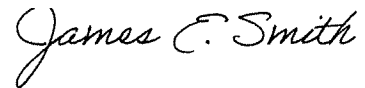
Very truly yours,

A handwritten signature in black ink that reads "Beth E. Bernstein". The script is cursive and fluid, with the first letters of each word being capitalized and slightly larger than the others.

Representative Beth Bernstein

The Honorable Nikki R. Haley  
October 13, 2016  
Page 10 –

Very truly yours,

A handwritten signature in cursive script that reads "James E. Smith". The signature is written in black ink and is positioned above the printed name.

Representative James Smith

The Honorable Nikki R. Haley  
October 13, 2016  
Page 11 –

Very truly yours,

A handwritten signature in black ink that reads "John Courson". The script is fluid and cursive, with the first letters of "John" and "Courson" being capitalized and prominent.

Senator John Courson

The Honorable Nikki R. Haley  
October 13, 2016  
Page 12 –

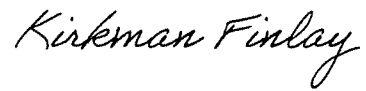
Very truly yours,

*Thomas McElveen*

Senator Thomas McElveen

The Honorable Nikki R. Haley  
October 13, 2016  
Page 13 –

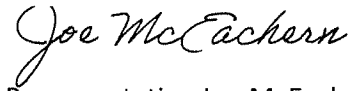
Very truly yours,

A handwritten signature in black ink that reads "Kirkman Finlay". The script is cursive and fluid, with the first name "Kirkman" and last name "Finlay" clearly distinguishable.

Representative Kirkman Finlay

The Honorable Nikki R. Haley  
October 13, 2016  
Page 14 –

Very truly yours,

A handwritten signature in black ink that reads "Joe McEachern". The signature is written in a cursive style with a large, stylized "J" and "M".

Representative Joe McEachern

The Honorable Nikki R. Haley  
October 13, 2016  
Page 15 –

Very truly yours,

*Nathan Ballentine*

Representative Nathan Ballentine

The Honorable Nikki R. Haley  
October 13, 2016  
Page 16 –

Very truly yours,

*Mary Gail Douglas*

Representative Mary Gail Douglas



The Honorable Nikki R. Haley  
October 13, 2016  
Page 17 –

Very truly yours,

*Mia McLeod*

Representative Mia McLeod

**Richland County Recreation Commission  
Special Call Board Meeting Minutes  
April 4, 2016  
6:00PM**

**Commissioners in Attendance:**

J. Marie Green, Chair  
Barbara Mickens, Vice Chair  
Weston A. Furgess, Jr., Secretary  
Wilbert Lewis  
George Martin  
Thomas Clark  
Joseph B. Weeks

**1. Call to Order:**

Chair Green called the meeting to order at 6:00p.m.

Chair Green announced that prior to this meeting, they felt threatened so therefore they have asked that the sheriff be here and also the location that they convene for Executive Session be moved from the Executive Board room to another room and they will convene back here in open session for vote. Chair Green added that you can expect that the media will be here.

**2. Adoption of Agenda:**

**Motion to adopt the agenda made by Commissioner Mickens and second by Commissioner Clark. Motion approved unanimously by all members present; Green, Furgess, Weeks, Mickens, Clark, Lewis and Martin.**

**Motion to go into Executive Session to discuss a personnel matter made by Commissioner Furgess, second by Commissioner Mickens. Motion approved**

unanimously by all members present; Green, Furgess, Mickens, Martin, Weeks, Lewis and Clark.

**3. Executive Session:**

**Motion to come out of Executive Session made by Commissioner Furgess and second by Commissioner Mickens. Motion approved unanimously by all members present; Green, Martin, Mickens, Weeks, Lewis, Clark and Furgess.**

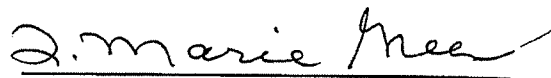
Chair Green stated that no actions were taken.

**Motion to support the Executive Director made by Commissioner Furgess, second by Commissioner Mickens. Motion carried; 5 Yea (Green, Mickens, Furgess, Martin and Weeks), 2 Nay (Lewis and Clark).**

**Motion to adjourn meeting made by Commissioner Furgess and second by Commissioner Mickens. Motion approved unanimously by all members present; Green, Mickens, Weeks, Furgess, Clark, Lewis and Martin.**

**5. Adjournment**

Meeting adjourned at 7:25p.m.



J. Marie Green, Chair

Minutes approved on this 18<sup>th</sup> day of April 2016.

**IMPORTANT NOTICE**

NOTHING CONTAINED IN THIS POLICY CREATES A CONTRACT RIGHT. CONSISTENT WITH SOUTH CAROLINA LAW, ALL EMPLOYEES ARE EMPLOYED "AT WILL" WHICH MEANS THAT THE EMPLOYEE HAS THE RIGHT TO TERMINATE HIS OR HER EMPLOYMENT AT ANY TIME, WITH OR WITHOUT NOTICE OR CAUSE, AND THAT THE COMMISSION RETAINS THE SAME RIGHT. EXCEPTIONS TO THE POLICY THAT ALL EMPLOYEES ARE EMPLOYED "AT WILL" MAY BE MADE ONLY BY WRITTEN AGREEMENT SIGNED BY THE COMMISSION AND THE EMPLOYEE AND APPROVED BY VOTE OF THE BOARD.

**Harassment**

Human Resources  
Policy No. 102

Review Date: June 15, 2015  
Last Revised: June 21, 2010

**Policy Statement**

It is the desire of the Richland County Recreation Commission to provide a working environment in which employees are free from discomfort or pressure resulting from jokes, ridicule, slurs, threats and harassment either relating to such distinctions or simply resulting from lack of consideration for a fellow human being. To this end, the Commission does not tolerate harassment of any kind and forbids retaliation against anyone who reports harassment in good faith.

1. Sexual Harassment - unwelcome sexual advances, requests for sexual favors, and other physical, verbal, or visual conduct based on sex constitute sexual harassment when:
  - 1.1 Submission to the conduct is an explicit or implicit term or condition of
  - 1.2 Submission to or rejection of the conduct is used as a basis for an employment decision, or
  - 1.3 The conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive work environment.
2. Sexual Harassment may include explicit sexual propositions, sexual innuendo, suggestive comments, sexually oriented "kidding" or "teasing," "practical Jokes," jokes about gender-specific traits, foul or obscene printed or visual material, "put-downs" or condescending or derisive comments or terms based on gender, and physical conduct, such as patting, pinching, or brushing against another person. Although most common the "perpetrator" of such conduct is male and the "victim" is female, this policy prohibits such conduct regardless of gender or the perpetrator or victim.

3. Disputes sometimes arise as to whether conduct was “welcome” or “un-welcome.” Conduct which would violate this policy if it were unwelcome violates the policy if anyone complains of it. Obviously, not all conduct which is prohibited by this policy constitutes a violation of law.
4. Harassment Complaint Procedure and Investigation - if you feel that this policy has been violated by anyone with whom you come in contact on the job, regardless of whether it is a fellow worker, a supervisor, or a member of the general public, you should report the incident(s) to your supervisor or to a higher level in your “chain of command.” Complaints against the Executive Director should be made to the Chairman of the Commission Board. Reports may also be made to the Human Resources Division.
5. Supervisors and managers who receive complaints of or become aware of harassment should coordinate with the Human Resources Division.
6. Harassment allegations are investigated, and the investigatory process may vary from case to case. The investigation is conducted as confidentially as possible consistent with efficient handling of the complaint. All employees have a responsibility both to cooperate fully with the investigation and to keep the matter confidential, whether the employee is the accused person, the complaining one, or merely a potential witness. Persons who interviewed should not discuss the matter at all with co-workers, friends, or management. This does not mean, however that employees may not complain to civil rights agencies.
7. Retaliation against employees who make complaints under this policy is prohibited.
8. In order to avoid misunderstanding, complaints made to members of management or to the Human Resources Division involve the completion of a complaint report, either by you or by the person to whom the complaint is made, which summarizes the allegations and lists any witnesses to the alleged harassment. You should be sure to get a copy of this initial complaint report to confirm you have complied with this procedure.
9. These procedures have been established to enable you to get relief if you feel that you are the victim of harassment. The U.S. Supreme Court has said that as a general rule you may not sue the Commission for violation of your rights unless you first give us notice and an opportunity to end the harassment. The reporting procedures which we have adopted are intended to establish a clear record of what has been reported. Furthermore, it is the policy of the Richland County Recreation Commission to provide all its employees with a work environment free from harassment and intimidation. It shall be the policy of the RCRC to take immediate and appropriate corrective action when it learns of an employee engaging in unwelcome advances, requests for sexual

favors, verbal or physical conduct of an unacceptable nature, or any other conduct that might be construed as a racial, sexual, ethnic, religious or any other type of harassment.

Any such behavior will be considered as misconduct and will be subject to immediate review when reported, and appropriate disciplinary action up to and including dismissal will be taken in accordance with the RCRC progressive discipline policy. All questions or complaints regarding sexual and/or other harassment or improper advances should be brought to the attention of the Human Resources Division Head or Human Resources Manager.

ADOPTED BY RICHLAND COUNTY RECREATION COMMISSION BOARD

BOARD MEETING DATE: June 15, 2015  
(Date Approved)

APPROVED: J. Marie Green  
J. Marie Green, Chair

For more information about this policy, contact Human Resources

**IMPORTANT NOTICE**

THE LANGUAGE USED IN THIS POLICY DOES NOT CREATE AN EMPLOYMENT CONTRACT BETWEEN THE EMPLOYEE AND THE RICHLAND COUNTY RECREATION COMMISSION. CONSISTENT WITH SOUTH CAROLINA LAW, ALL EMPLOYEES OF RICHLAND COUNTY RECREATION COMMISSION ARE "AT WILL". THE RICHLAND COUNTY RECREATION COMMISSION RESERVES THE RIGHT TO REVISE THE CONTENTS OF THIS POLICY IN WHOLE OR IN PART. EXCEPTIONS TO THIS DISCLAIMER MAY BE MADE ONLY BY WRITTEN AGREEMENT SIGNED BY THE COMMISSION AND THE EMPLOYEE AND APPROVED BY VOTE OF THE BOARD.



## **Whistleblower Policy**

### **EMPLOYMENT PROTECTION FOR REPORTS OF VIOLATIONS OF STATE OR FEDERAL LAW OR REGULATION**

Human Resources  
Policy No. 218

Review Date: June 15, 2015  
Last Revised: June 21, 2010

#### **Policy Statement**

To promote the ethical, professional, and lawful conduct of all Agency employees, the Richland County Recreation Commission (RCRC) will ensure that procedures are developed to comply with the South Carolina Whistleblower Act which will enable an employee to file a report of alleged misconduct and/or wrongdoing by either the Agency and/or an RCRC employee without fear of reprisal.

#### **GUIDANCE:**

##### **1. FILING A REPORT:**

**In compliance with the South Carolina Whistleblower Act, an employee may file a report of waste, fraud, mismanagement, or other wrongdoing by the Agency and/or by an RCRC employee to an appropriate authority. The report should be filed as quickly as possible, but must be made within 60 days of learning of the misconduct or wrongdoing. RCRC Policy Number 102 - Harassment - requires that incidents of sexual conduct, sexual abuse, or sexual harassment must be reported immediately.**

**(NOTE: Should an employee file a report with an appropriate authority or agency other than the RCRC, the other organization or agency head is required by law to inform the RCRC of his/her receipt of the report.)**

**1.1** The appropriate authority in receipt of the report will be required to investigate the allegations of wrongdoing and misconduct. If, upon investigation, the appropriate authority determines that the employee's report (1) is unfounded; (2) amounts to a mere technical violation; and/or (3) was not filed in good faith, the Agency may take disciplinary action against the employee who filed the report, up to, and including, termination.

**1.2** If the employee's report results in a savings of public money, 25% of the estimated net savings resulting from the first year of implementation of the employee's report, but not more than \$2,000, will be awarded to the employee by the Agency.

## **2. RETALIATION AGAINST AN EMPLOYEE FOR FILING A REPORT:**

**2.1** Any employee who files a validated and/or substantiated report of wrongdoing with an appropriate authority will not be dismissed, suspended, or demoted nor incur a reduction in pay, unless the disciplinary action taken is **unrelated** to the report of the wrongdoing.

**2.2** If an employee is dismissed, suspended from employment, or demoted, or if s/he receives a reduction in pay within one (1) year after having filed a timely report of wrongdoing, except as required under unrelated employee disciplinary action, the employee may institute a non-jury civil action against the Agency for any one (1) or all of the following:

- reinstatement to his/her former position;
- lost wages;
- actual damages not to exceed \$15,000; and/or
- reasonable attorney fees as determined by the Court.

**2.3** No civil action can be brought by an employee who alleges retaliation unless:

- the employee has exhausted all available grievance or other administrative remedies;
- any previous proceedings resulted in a finding that the employee would not have been disciplined except for his/her reporting the alleged wrongdoing.

**2.4** A civil action brought under this procedure must be commenced within one (1) year after the accrual of the cause of action or exhaustion of all available grievance or other administrative and judicial remedies, or such action will be forever barred.

## **3. DEFINITIONS:**

**Appropriate Authority**, as defined by state law, refers to the "agency that employs the person making the report; or a federal, state, or local governmental body, agency, or organization having jurisdiction over criminal law enforcement" (e.g., South Carolina Law Enforcement Division, etc.), "regulatory violations" (e.g., Environmental Protection Agency, etc.), "or professional conduct or wrongdoing" (e.g., State Ethics Commission, etc.). Should



an employee report an allegation of wrongdoing or misconduct to an entity other than his/her employing agency, the employing agency must be notified by the other entity that received the report.

**Report** refers to a written document alleging waste or wrongdoing containing, at a minimum, the following information: (1) date of disclosure, (2) name of the employee making the report, (3) nature of the wrongdoing, and (4) date or range of dates during which the wrongdoing allegedly occurred.

**Wrongdoing** refers to an action which results in substantial abuse, misuse, destruction, or loss of substantial public funds or resources or an allegation that an RCRC employee intentionally violated federal or state law or a code of ethics which is not merely technical or of a minimal nature.

ADOPTED BY RICHLAND COUNTY RECREATION COMMISSION BOARD

BOARD MEETING DATE: June 15, 2015  
(Date Approved)

APPROVED: J. Marie Green  
J. Marie Green, Chair

For more information about this policy, contact Human Resources

EXHIBIT C

Employee	Original hire date	Starting salary	Title when hired	Latest promotion	Title at promotion	Pay at last promotion	Current salary	Notes
James Brown III	July 31, 1985	\$14,263	Assistant rec center director	Nov. 3, 2010	Executive Director	\$110,000	\$151,800	On voluntary leave of absence with pay
James A. Brown	Aug. 5, 2002	\$21,840	Assistant rec center director	June 11, 2016	Director of recreation	\$70,000	\$70,000	Suspended without pay
Tiffani Brown	Jan. 9, 2011	\$22,000-\$25,999	Part-time administrative assistant	July 1, 2013	Technology center manager	\$42,000-\$45,000	\$42,000-\$45,000	
Jeff Brown	March 19, 2010	\$8/hour	Part-time assistant park manager	Sept. 13, 2015	Site manager	\$46,000-\$49,999	\$46,000-\$49,999	Previously employed 1995-98 as assistant park manager
Jada Brown	June 4, 2015	\$9/hour	Camp counselor	No promotions	N/A	No promotions	\$2,839.50	Seasonal part-time employee
Janal Brown	June 4, 2015	\$9/hour	Camp counselor	No promotions	N/A	No promotions	\$2,268.00	Seasonal part-time employee
Jewell Brown	June 7, 2010	\$8/hour	Camp counselor	May 24, 2015	Afterschool director	\$11.50/hour	\$10,355.77	Part-time employee
Calvin McDonald Jr.	March 1, 2015	\$26,000-\$29,999	Custodian	No promotions	N/A	No promotions	\$26,000-\$29,999	
Calvin	Feb. 11, 2015	\$22,000-\$25,999	Custodian	No promotions	N/A	No promotions	\$26,000-\$29,999	

McDonald Sr.								
Charles Duckett	Aug. 24, 2009	\$22,000-\$25,999	Building and grounds worker	Oct. 1, 2015	Interim facility repairman	\$34,000-\$37,999	\$34,000-\$37,999	
Robert Davis	April 8, 2008	\$22,000-\$25,999	Assistant park manager	Sept. 9, 2013	Site manager	\$38,000-\$41,999	\$38,000-\$41,999	

**IMPORTANT NOTICE**

THE LANGUAGE USED IN THIS POLICY DOES NOT CREATE AN EMPLOYMENT CONTRACT BETWEEN THE EMPLOYEE AND THE RICHLAND COUNTY RECREATION COMMISSION. CONSISTENT WITH SOUTH CAROLINA LAW, ALL EMPLOYEES OF RICHLAND COUNTY RECREATION COMMISSION ARE "AT WILL". THE RICHLAND COUNTY RECREATION COMMISSION RESERVES THE RIGHT TO REVISE THE CONTENTS OF THIS POLICY IN WHOLE OR IN PART. EXCEPTIONS TO THIS DISCLAIMER MAY BE MADE ONLY BY WRITTEN AGREEMENT SIGNED BY THE COMMISSION AND THE EMPLOYEE AND APPROVED BY VOTE OF THE BOARD.

**Compensation**

Human Resources  
Policy No. 033

Review Date: June 15, 2015  
Last Revised: June 20, 2010

**Policy Statement**

Compensation for employees should be externally competitive and internally equitable as practical and as budget allows. The Richland Recreation Commission may from time to time issue updated pay bands.

**1. Salary Increases:**

- 1.1. An employee who performs the duties of his position in an outstanding and exemplary manner, and whose work is generally both well above expectations and vital to the Richland County Recreation Commission's continued successful operations may be considered at any time for a special salary adjustment.
- 1.2. Such an increase may be granted by the Executive Director with review by the Board Chairman.

**2. Promoted or reclassified employee:**

The salary of an employee promoted or whose position is reclassified from one class to another having a higher overlapping range may be adjusted as determined by the Executive Director with review of the Board Chairman.

3. Salary of a transferred employee:

- 3.1. Lateral Transfer (Transfer to a position in the same class/grade): No change in pay. Any variation of this policy must be approved by the Executive Director.
- 3.2. Demotion (voluntary or administrative): An employee given a demotion to a position in a different class, may have their pay reduced. Any variation of this policy must be approved by the Executive Director.

ADOPTED BY RICHLAND COUNTY RECREATION COMMISSION BOARD

BOARD MEETING DATE: June 15, 2015  
(Date Approved)

APPROVED: J. Marie Green  
J. Marie Green, Chair

For more information about this policy, contact Human Resources

Name	Position ID	Effective Date	Rate Type	Amount	Annual Salary	Standard Hours	Rate 2
Brown III, James	S3A000061	07/01/2009 Salary		3,115.3900	81,000.14	80	
Brown III, James	S3A000061	03/21/2010 Salary		3,538.4600	91,999.96	80	
Brown III, James	S3A000061	11/04/2010 Salary		4,230.7700	110,000.02	80	
Brown III, James	S3A000061	11/04/2012 Salary		4,865.3900	126,500.14		
							Rate 2
Brown III, James	S3A000061	10/01/2015 Salary		5,838.4700	151,800.22		60.8174
Brown, James A.	S3A001043	07/01/2009 Salary		1,322.2300	34,377.98	80	
Brown, James A.	S3A001043	01/09/2011 Salary		1,846.1600	48,000.16	80	
Brown, James A.	S3A001043	07/01/2011 Salary		1,901.5400	49,440.04	80	
Brown, James A.	S3A001043	11/13/2011 Salary		2,230.7700	58,000.02	80	
Brown, James A.	S3A001043	06/09/2013 Salary		2,692.3100	70,000.06		
							Rate 2
Brown, Jeffrey A.	S3A002225	03/19/2010 Salary		8.0000	16,640.00	80	
Brown, Jeffrey A.	S3A002225	05/30/2010 Salary		1,222.5700	31,786.82	80	
Brown, Jeffrey A.	S3A002225	03/06/2011 Salary		1,376.4200	35,786.92	80	
Brown, Jeffrey A.	S3A002225	07/01/2011 Salary		1,417.7100	36,860.46	80	
Brown, Jeffrey A.	S3A002225	05/27/2012 Salary		1,533.1000	39,860.60	80	
Brown, Jeffrey A.	S3A002225	07/21/2013 Salary		1,763.8500	45,860.10		
							Rate 2
Davis, Robert I.	S3A001941	07/01/2009 Salary		1,055.5000	27,443.00	80	
Davis, Robert I.	S3A001941	08/09/2009 Salary		1,076.9200	27,999.92	80	
Davis, Robert I.	S3A001941	01/24/2010 Salary		1,222.6000	31,787.60	80	
Davis, Robert I.	S3A001941	07/01/2011 Salary		1,259.2800	32,741.28	80	
Davis, Robert I.	S3A001941	05/27/2012 Salary		1,374.6700	35,741.42	80	
Davis, Robert I.	S3A001941	09/01/2013 Salary		1,538.4700	40,000.22		
							Rate 2
Duckett, Charles T.	S3A002204	08/24/2009 Salary		8.0000	16,640.00	80	
Duckett, Charles T.	S3A002204	08/09/2010 Salary		864.8000	22,484.80	80	
Duckett, Charles T.	S3A002204	06/12/2011 Salary		951.2900	24,733.54	80	
Duckett, Charles T.	S3A002204	07/01/2011 Salary		979.8300	25,475.58		
							Rate 2
Duckett, Charles T.	S3A002204	10/01/2015 Salary		1,364.4500	35,475.70		12.2479
Little, Antwane M.	S3A002403	03/21/2011 Salary		1,384.6200	36,000.12	80	
Little, Antwane M.	S3A002403	07/01/2011 Salary		1,426.1600	37,080.16	80	
Little, Antwane M.	S3A002403	05/12/2013 Salary		1,576.9300	41,000.18		
Washington, Gerard M.	S3A002612	02/10/2013 Salary		10.0000	20,800.00	80	
Washington, Gerard M.	S3A002612	07/06/2014 Salary		956.9700	24,881.22		Rate 2
Washington, Gerard M.	S3A002612	12/06/2015 Salary		1,223.2700	31,805.02		11.9621

Name	Position ID	Effective Date	Rate Type	Amount	Annual Salary	Standard Hours	Rate 2	20,1924
Brown, Tiffani L.	S3A002395	01/09/2011	Salary	10,000	20,800.00	80		
Brown, Tiffani L.	S3A002395	06/12/2011	Salary	961,5400	25,000.04	80		
Brown, Tiffani L.	S3A002395	07/01/2011	Salary	990,3900	25,750.14	80		
Brown, Tiffani L.	S3A002395	05/27/2012	Salary	1,105,7800	28,750.28	80		
Brown, Tiffani L.	S3A002395	07/01/2013	Salary	1,384,6200	36,000.12	80		
Brown, Tiffani L.	S3A002395	02/01/2015	Salary	1,615,3900	42,000.14			