

MINUTES OF BUDGET AND CONTROL BOARD MEETING

MAY 11 1972

- o -

The Budget and Control Board met in the Governor's Office at 9:30 a. m. on Thursday, May 11, 1972, with all Board members in attendance. The meeting was also attended by Messrs. P. C. Smith and W. T. Putnam.

The following business was transacted.

PERSONNEL DIVISION - Mr. Earl Ellis, Director of the Personnel Division appeared before the Budget and Control Board to discuss the following matters.

SALARIES OF MEDICAL PERSONNEL - SUPPLEMENTAL PAY - Mr. Ellis reported that the Personnel Division had recently completed a study of the professional medical classifications and recommended general elevation of several classes of employees to higher pay grades to reflect more competitive salaries.

Mr. Ellis also recommended salary supplements for medical personnel who were eligible for Board Certification and for those who were actually certified in their particular specialization. The supplements would amount to \$1,000 per annum for Board eligibility and an additional \$2,000 per annum (or a total of \$3,000 per annum) for Board Certification.

Mr. Ellis was asked if his recommendations would also extend to employees who are certified in other fields such as accounting or law. He stated that his present recommendation concerns only the medical profession.

The Board gave its approval to these recommendations. A copy of a letter setting forth the proposal has been retained and is designated as Exhibit I.

SALARIES - MENTAL HEALTH COMMISSION - Mr. Ellis called the

Board's attention to his letter of May 4, 1972, and an attached letter of April 27, 1972, which was written by Dr. William S. Hall, Commissioner of Mental Health. Both of these letters set forth the critical situation with respect to maintaining an adequate staff of physicians and psychiatrists.

Dr. Hall appealed to Mr. Ellis to adjust the current pay scale for medical personnel and requested that the Board relax its position with regard to not approving salaries in excess of that of the department head.

Mr. Ellis advised the Board that its approval of his recommendations pertaining to salary supplements (see foregoing item) would give some relief to the problem of salary levels, but remuneration for physicians will continue to be a serious problem until they are permitted to earn more than Dr. Hall or until his salary is raised.

The Board members restated their views that a department head should earn more than his subordinates and determined that the problem at hand should be approached by ascertaining a proper salary for Dr. Hall and other department heads who are confronted with similar problems.

Mr. Ellis was requested to prepare letters for the Ways and Means Committee and the Senate Finance Committee calling their attention to the critical nature of the problem of salaries of various agency heads and asking if some thought might be given to the providing of relief either now or at the next session of the General Assembly.

Governor West asked Mr. Ellis to provide each Board member with a copy of his study and recommendations with respect to the salaries of all agency heads.

GRIEVANCE COMMITTEE - APPOINTMENT - The Board was presented

with a list of ten nominees to fill the pending vacancy on the State Employees' Grievance Committee.

The Board took note of the fact that the incumbent, C. W. Anderson of the Forestry Department, had served faithfully and well; and therefore, reappointed him to a full three-year term. A copy of the nominations has been retained and is designated as Exhibit II.

GRIEVANCE COMMITTEE APPEAL - ELIZABETH B. OLINGER - In a letter dated April 14, 1972, Mr. Earl Ellis advised the Board of a hearing before the State Employees' Grievance Committee as a result of an appeal by Elizabeth B. Olinger, of the Greenville Technical Education Center. In this appeal Miss Olinger claimed that she had been effectively demoted without cause.

The Grievance Committee found that all legitimate grievances of the petitioner had been rectified and that further complaints were unwarranted.

The Board declined to act on this ruling, thereby permitting the findings of the Grievance Committee to stand.

A copy of the grievance procedures has been retained and is designated as Exhibit III.

GRIEVANCE COMMITTEE APPEAL - SALLY ANN WILLIAMS - In a letter dated May 3, 1972, Mr. Earl Ellis advised the Board of a hearing before the State Employees' Grievance Committee as a result of an appeal by Sally Ann Williams of the Mental Health Commission. In this appeal Miss Williams claimed that she had been dismissed from the Mental Health Commission on improper charges.

After a hearing the State Grievance Committee found that the dismissal was justified and its recommendation upheld the previous findings of the Grievance Committee of the Mental Health Commission.

The Budget and Control Board found no reason to act upon this

ruling, thereby permitting the findings of the State Grievance Committee to stand.

A copy of the grievance procedures has been retained and is designated as Exhibit IX.

ASSOCIATION OF COUNTIES - Messrs. John Greer, R. B. Shetterly, Dick Blank and Doug Reuter appeared before the Board on behalf of the Association of Counties concerning the six percent cut in State aid which was effected by the Budget and Control Board during the fiscal year 1970-71.

The group stated that it did not protest the legality of the reduction but did make the following requests:

1. That the amount of the cut be restored to the counties.
2. That, in the event of future cuts, the counties be consulted and given sufficient notice to adjust their budgets.

The Board indicated its pleasure that the legality of the action was not questioned; however, Governor West advised the group of a ruling of the Attorney General's Office upholding such action. (A copy of this opinion has been retained and is designated as Exhibit IV.)

As to the first request, the group was advised that the Budget and Control Board had no authority to restore the amounts cut and no funds to do so. Also, they were advised that, since the fiscal year in which the funds were cut has now ended, an additional appropriation would be necessary to provide monies for such a restoration.

Governor West pointed out that, if his recommended tax program is accepted this year, the counties could expect a windfall of roughly the same amount as the 1970-71 reduction.

The Board agreed the counties and municipalities should be contacted in advance of any future cuts and assured the group that such action would be taken.

STATE PORTS AUTHORITY - Messrs. "Hootie" Johnson, Don Welch and Luther Rosebrock appeared before the Board on behalf of the State Ports

Authority to request permission to make certain major changes in the five-year expansion plan of the Authority. These new plans would also call for a diversion of Capital Improvement Bond funds to certain new projects.

The new plan calls for changes in three areas:

1. Abandonment of plans to develop a facility on the east bank of the Cooper River.
2. Substantial additional improvement to properties already owned on the west bank of the Cooper River.
3. Purchase of property and development of a facility on the Wando River. (This terminal would connect with rail lines by use of a rail-car ferry.)

The Board approved the new plans, of which a detailed copy has been retained and is designated as Exhibit V.

MEDICAL UNIVERSITY - Dr. William McCord, President of the Medical University, appeared before the Board, along with several members of his staff to present a request for funds to establish a consortium between the Medical University and the Greenville, Spartanburg and Columbia hospitals.

Dr. McCord explained that the requested program would provide for the locating of twenty students, twenty interns, and twenty resident physicians in each of the aforementioned hospitals and would provide an adequate training staff in order that the programs might be accredited. The cost of this program to the State of South Carolina for the fiscal year beginning July 1, 1972, would be \$722,973.00.

It was also explained that separate agreements with each of the hospitals would be made and, if the program worked satisfactorily, it could be expanded to Florence, Orangeburg, Greenwood and probably other local hospitals.

Governor West questioned Dr. McCord as to the existing residency programs in each of the hospitals and expressed concern that local programs might not be continued if the State instituted the plan as requested. He was assured that proper safeguards would be established to see that the program of the State provided for additional physicians and did not in any

way encourage the curtailment of local programs.

Governor West commented on the pressing need for a residency program for general practitioners as well as public health and requested Dr. McCord to give particular attention to these two specialties. He also suggested that the possibility of using other hospitals first should be explored for the specific purpose of placing general practitioners in smaller communities.

Governor West suggested the possibility of some Federal participation in this project and arranged for Dr. McCord to meet with Colonel Whitmire of the Governor's staff to explore this avenue of funding.

It was agreed that Dr. McCord should appear before the Senate Finance Committee to outline his proposed program and to request funding for the next fiscal year, and Senator Brown agreed to arrange such a hearing.

A detailed statement of anticipated expenditures has been retained and is designated as Exhibit VI.

SUMTER COUNTY - ASSISTANT SOLICITOR - The Budget and Control Board was advised by the Sumter County delegation that the Federal funds which are presently being used to pay the Assistant Solicitor of the Third Judicial Circuit would not be available during the fiscal year 1972-73 and requested that \$8,600 be provided from the Civil Contingent Fund to continue the salary during the year.

The Board approved this request.

DEPARTMENT OF CORRECTIONS - SALE OF PROPERTY - The Board gave its approval to the Department of Corrections for the sale of approximately five acres of land in Kershaw County. This land will be conveyed to the Good Hope Methodist Church for \$2,850. (The selling price was determined by Mr. S. W. O'dell, a reputable appraiser in the community.)

UNIVERSITY OF SOUTH CAROLINA - CONSTRUCTION CONTRACT - In a letter dated April 17, 1972, the University of South Carolina advised the Budget

and Control Board that Ruscon Construction Company had requested that the University agree to increase its construction contract for the College of Business Administration by \$28,552.17. This amount was claimed for costs which were incurred in complying with new Federal safety standards.

Officials of the University had declined to pay the additional amount as the law was signed on December 29, 1970, and bids for the project were not received until March 31, 1971. When advised of this refusal, the contractor requested that the matter be referred to the Budget and Control Board for a final decision.

After studying the facts, the Board agreed with officials of the University and declined to increase the amount stated in the original contract.

Information which was received from the University of South Carolina concerning this matter has been retained and is designated as Exhibit VII.

GENERAL SERVICES DIVISION - VARIOUS APPROVALS - Mr. Furman E.

McEachern appeared before the Board to ask approval of various requests pertaining to the purchase of vehicles, the renting of space, construction permits over water areas and equipment purchases. The Board approved each of these requests. (A listing of these requests has been retained in these files and is designated as Exhibit VIII.)

GENERAL SERVICES - EDGAR A. BROWN BUILDING - Governor West asked

Mr. McEachern about the possibility of constructing a heliport on the Edgar A. Brown Building. Mr. McEachern agreed to consult the architects and the construction company to determine if this was possible and to get estimates of its cost.

Mr. P. C. Smith asked about space allocations in the Edgar A. Brown Building and was advised by Mr. McEachern that all affected agencies have been contacted and that space is being allocated through the use of a system developed by the Planning and Grants Division, which is referred to

as SIAM.

GENERAL SERVICES DIVISION - SENATE ELEVATOR - Senator Brown reported that the elevator on the Senate side of the State House was giving considerable trouble and requested that Mr. McEachern make every effort to see that it was repaired promptly.

There being no further business, the meeting was adjourned at 12:30 p. m.

STATE OF SOUTH CAROLINA
PERSONNEL DIVISION

F. E. ELLIS
STATE DIRECTOR



700 KNOX ABBOTT DRIVE
CAYCE, SOUTH CAROLINA 29033

April 28, 1972

Item 2
EXHIBIT I
TELEPHONE
(803) 756-3334
MAY 11, 1972

TO: MEMBERS, BUDGET AND CONTROL BOARD

The Personnel Division has recently completed a study of the professional medical classifications within the State Classification and Compensation Plan. Changes resulting from this study involve general reallocation of several classes to higher pay grades to reflect more competitive salaries for professional medical personnel that are in keeping with specific medical and administrative responsibilities.

In addition, salary supplements are recommended for individuals who are eligible for Board Certification and for those who are certified in their assigned area of specialization. Previously, these incumbents were compensated for possessing such credentials by classifying their positions based on attainment of such credentials rather than on job content alone, which is the traditional basis for classifying positions. Our proposal to grant supplements for attainment in specialized areas will reward individuals at flat rates for extraordinary credentials and still allow for job classifications to be based on job content alone.

Supplements will consist of \$1,000.00 per annum for Board eligibility and an additional \$2,000.00 per annum (or a total of \$3,000.00 per annum) for Board Certification. Supplements will be awarded only to incumbents of classified positions.

The Board's approval for the granting of the additives outlined above is requested.

Yours truly,

F. E. Ellis
State Director of Personnel

FEE:jcs

CC: The Honorable P. C. Smith
Secretary, Budget and Control Board

STATE OF SOUTH CAROLINA
PERSONNEL DIVISION

F. E. ELLIS
STATE DIRECTOR



700 KNOX ABBOTT DRIVE
CAYCE, SOUTH CAROLINA 29033

April 26, 1972

Item 1.

TELEPHONE
(803) 756-3334

EXHIBIT II

MAY 11, 1972

Governor John C. West, Chairman
State Budget & Control Board
State House
Columbia, South Carolina

Dear Governor West:

The terms of the appointments to the State Employee Grievance Committee began July 1, 1971. The initial terms were staggered from one to three years. The first one year appointment expires on June 30, 1972. A replacement for this member of the Committee should be appointed no later than May 31, 1972, so that adequate notice can be given to the new appointee and the employing agency.

The attached list of names was compiled from individual nominations submitted by the various agencies in response to a letter from this office. Our letter reminded the agencies of the criteria established to insure equitable representation in the membership of the Committee with regard to age, sex, race, job classification, and geographical location. In view of the limitations imposed by the selection criteria, the nominations were few in number, however the individuals whose names appear on the list have the full confidence and support of their agencies.

The Commission of Forestry submitted two names to be considered, one of which is the incumbent, Mr. C. W. Anderson of Chesnee. The agency urges that Mr. Anderson be considered for reappointment. There is nothing in the law that would preclude the reappointment of a member. This would, however, be a full three year term. According to the Chairman, Mr. Robert Stoudemire, Mr. Anderson has rendered commendable service to the Committee.

Please advise me of your selection for appointment to the Committee at an early date. We will prepare the official letters of notification to the employee and to the head of the agency involved.

A list of the present Committee members is enclosed for your information.

Yours truly,

A handwritten signature in cursive script, appearing to read "F. E. Ellis".

F. E. Ellis
State Director of Personnel

FEE:bjc

Enclosure

2141

AGENCY NOMINATIONS FOR APPOINTMENT TO STATE EMPLOYEE GRIEVANCE COMMITTEE
TO BE EFFECTIVE JULY 1, 1972

<u>NAME</u>	<u>AGENCY</u>	<u>JOB TITLE</u>	<u>GRADE</u>
Merck, J. T.	Technical Education	Security Officer	06
Vaughn, T. C.	Vocational Rehabilitation	Personal Adjustment Instructor	05
Boisky, W. F.	Mental Retardation	Vehicle Operator II	04
Miller, V. H.	Highway Department	Highway Maint. Man III	05
Gault, David	Board of Health	X-Ray Technician, Non-reg.	06
Ridley, Louis	Parks, Recreation & Tourism	Park Ranger I	06
Hayes, R. E.	Parks, Recreation & Tourism	Park Ranger I	06
*Anderson, C. W.	Commission of Forestry	Fire Warden	04
Lemon, R. L.	Commission of Forestry	Fire Warden	04
Barnado, T. F.	Wildlife Resources	Area Manager I	06

*Mr. Anderson is the incumbent of the current one year term. The Commission of Forestry requested that Mr. Anderson be re-appointed to serve a full three-year term on the Committee.

June 14, 1971

STATE EMPLOYEE GRIEVANCE COMMITTEE

<u>Name and Title</u>	<u>Term</u>
Mrs. Willie J. Brown Nursing Assistant I Department of Mental Health	3 Years
Mrs. Margaret Dubose Deputy Warden I Department of Corrections	2 Years
Mr. Curtis Anderson Fire Warden Forestry Commission	1 Year
Mr. Bruce R. Templeton Director Life, Accident & Health Div. Department of Insurance	3 Years
Mr. Charlie Redding Painter II The Citadel	2 Years
Mr. Robert H. Stoudemire Associate Professor University of South Carolina	3 Years
Miss Madelyn F. Walker Secretary II South Carolina State College	2 Years

STATE OF SOUTH CAROLINA
PERSONNEL DIVISION

F. E. ELLIS
STATE DIRECTOR



700 KNOX ABBOTT DRIVE
CAYCE, SOUTH CAROLINA 29033

TELEPHONE
(803) 758-3334

Item 4
EXHIBIT III

MAY 11, 1972

April 14, 1972

TO: MEMBERS OF THE BUDGET AND CONTROL BOARD

The State Employees' Grievance Committee held a hearing on April 6, 1972, on the appeal of Elizabeth B. Olinger, concerning actions by her at the Greenville Technical Education Center, which Miss Olinger claims resulted in her being demoted from her position as Head Librarian. The Employees' Committee met, following the hearing on April 6, and rendered its decision, a copy of which is attached.

Enclosed at the request of Mr. Robert H. Stoudemire, Chairman of the Grievance Committee, are two letters which provide considerable information on the specific issues on which Miss Olinger's appeal is based, and also the position taken by the Agency in its reply to Miss Olinger on these issues.

A complete transcript of the hearing is being prepared and will be available for review by members of the Board should such be desired.

Under the Grievance Act, the Board has thirty (30) days in which to render its decision dating from April 17, 1972.

It is the intention of the State Employees' Committee and endorsed by the State Personnel Division that no indication of the State Committee's action be made public or released to the parties until the Board has rendered its decision. Therefore, your confidence in the interim would be greatly appreciated.

Mr. Fred B. Haskell of this Division attended the hearing on April 6, in my behalf, and would be happy to appear before the Board to answer any questions.

If we may be of further assistance prior to your meeting to deliberate your action, please let us know.

Yours truly,

F. E. ELLIS
State Director of Personnel

FEH:cdc

Enclosures

cc: The Honorable P. C. Smith
Secretary, Budget and Control Board

2144

NOTICE TO BUDGET AND CONTROL BOARD OF GRIEVANCE COMMITTEE ACTION

GRIEVANCE HEARING

APPELLANT'S NAME: Elizabeth B. Olinger
 JOB CLASSIFICATION: Head Librarian
 AGENCY: State Committee for DATE: April 6, 1972
Technical Education
 NATURE OF CASE: Alleged Demotion

FINDINGS: (Use additional pages if necessary.)

After studying carefully all the material and files on the case and after hearing the testimony, as given in a hearing on April 6, 1972, before the State Employee Grievance Committee, the Committee does not feel that Miss Elizabeth B. Olinger has in fact been demoted from her position as Head Librarian of Greenville Technical Education Center. The Committee unanimously agrees in this conclusion.
 (See Attachment)

RECOMMENDATION:

The Grievance Committee does not feel that Miss Elizabeth B. Olinger has in fact been demoted from her position as Head Librarian of Greenville Technical Education Center.

Signatures of Committee Members:

Curtis Anderson Bruce R. Templeton
Wesley J. Brown
Margaret A. Duffee
 Signature Robert H. Stedman Date April 6, 1972
 COMMITTEE CHAIRMAN

ACTION BY BUDGET AND CONTROL BOARD

DECISION: (Use reverse side or additional pages if necessary.)

COMMENTS:

Signature: _____ Date: _____
 BUDGET AND CONTROL BOARD

NOTICE TO BUDGET AND CONTROL BOARD OF GRIEVANCE COMMITTEE ACTION

GRIEVANCE HEARING

APPELLANT'S NAME: Elizabeth B. Olinger
JOB CLASSIFICATION: Head Librarian
AGENCY: State Committee for DATE: April 6, 1972
Technical Education
NATURE OF CASE: Alleged Demotion

FINDINGS: (Use additional pages if necessary.)

After studying carefully all the material and files on the case and after hearing the testimony, as given in a hearing on April 6, 1972, before the State Employee Grievance Committee, the Committee does not feel that Miss Elizabeth B. Olinger has in fact been demoted from her position as Head Librarian of Greenville Technical Education Center. The Committee unanimously agrees in this conclusion.

(See Attachment)

RECOMMENDATION:

The Grievance Committee does not feel that Miss Elizabeth B. Olinger has in fact been demoted from her position as Head Librarian of Greenville Technical Education Center.

Signatures of Committee Members:

Charley Redding
Modelyn Walker

Signature _____ Date April 6, 1972
COMMITTEE CHAIRMAN

ACTION BY BUDGET AND CONTROL BOARD

DECISION: (Use reverse side or additional pages if necessary.)

COMMENTS:

Signature _____ Date _____
BUDGET AND CONTROL BOARD

FINDINGS

The Committee fully acknowledges that there was a reorganization of the Library function whereby a Director of Learning Resources was created. This reorganization has necessitated the Library becoming a subunit of Learning Resources Division. Reorganization has caused changes in the lines of authority, purchasing procedures and other administrative matters. All of these appear to be within the authority of the officials of the Greenville Technical Education Center.

Acknowledging that top management has the authority to specify general rules concerning administrative procedures and that employees must work under such rules, it is the opinion of the Grievance Committee that the Librarian at Greenville Technical Education Center is permitted to function within the specifications established for Librarians by the accredited associations and Greenville Technical Education Center.

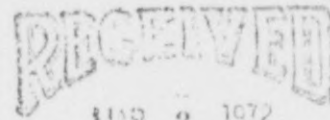
The Grievance Committee feels that human relationships within the Learning Resources Center must be improved. From the evidence presented, the Director of Greenville Technical Education Committee is also aware of this need and is trying to resolve conflicts.

Furthermore, the Committee expresses its great concern about the policies used to inquire into the background of employees of Greenville Technical Education Center. The Committee is particularly disturbed about the investigation not being made until many months after the original employment date. As a normal rule, the Committee believes that if employees are to be investigated, this should be done prior to employment.

The Committee is puzzled why one of Miss Olinger's witnesses, employed by the Greenville Technical Education Center, did not appear and why she failed to notify Miss Olinger or the Committee.

February 29, 1972

State Employee Grievance Committee
In Care Of Mr. F. E. Ellis, Director
State Personnel Division
700 Knox Abbot Dr.
Cayce, S.C. 29033



MAR 3 1972

S. C. STATE
PERSONNEL DIVISION

Dear Sirs:

I wish to appeal the decision of the State Committee for Technical Education regarding a grievance associated with changes that have been made in my position as Librarian of Greenville Technical Education Center. The grievance was considered at Step I of the Grievance and Appeal Procedure for Permanent Employees of the South Carolina State Committee for Technical Education by Martin R. Pautz, Director of Learning Resources; at Step II by Thomas E. Barton, Jr., Director of Greenville TEC; at Step III, Paragraph I, by Henry Heriot, Personnel Director of the State Committee for Technical Education; at at Step III, Paragraph II, by O. Stanley Smith, Jr., Executive Director of the State Committee for Technical Education.

My grievance is that I have been demoted, without cause, from my position as chief administrative officer of the Library at Greenville TEC, a position which I held prior to January 3, 1972. These duties have been assumed by Martin R. Pautz, Director of Learning Resources, who on January 3 assumed my physical office, control over all Library personnel, records, physical facilities and financial matters. Despite the restoration, at least on paper, of some of the functions which I discharged prior to January 3 -- as a result of earlier steps in the grievance procedure -- I continue to function in essence as an assistant librarian without administrative control of the Library, with all essential decisions affecting the operation of the Library being made by Pautz as Director of Learning Resources.

In the response of the State Committee for Technical Education, it was stated that "The Director of a Technical Education Center is the sole administrative authority within that center" and that I have no right to question his decisions in matters affecting the organization of the Center. If the Director's decisions regarding personnel are to be final, then there would obviously be no need for a grievance procedure such as the one provided by the Legislature. The existence of such a procedure indicates to me that employees do have the right to question the Director's decisions when they feel that their rights as employees of the State of South Carolina have been violated.

Secondly, the Executive Director of the State Committee for Technical Education indicates that he feels that I "have in no way been demoted" and that I "do not have a grievance." I believe that a careful reading of the evidence clearly indicates that the functions of the Librarian prior to January 3, 1972, at Greenville TEC are now in essence assumed by the Director of Learning Resources.

Despite changes which were made as a result of earlier steps during the grievance procedure, I remain unable to function as chief administrative officer of the Library. The following facts attest to that inability:

(1) The office space and all administrative records of the Library were assumed by Pautz on January 3. To date, only the financial ledgers have been surrendered to me (on February 24, 1972). I still do not have correspondence, budget and other administrative files necessary to the operation of the Library.

(2) The clerk which was assigned to the Library was also assumed by Pautz on January 3. As a result of Step III, Paragraph I, of the grievance procedure, another clerk was authorized for the Library, at a lower grade level, but my attempts to fill this position have been thwarted by the Business Manager, by Pautz, and by Barton, who authorized the hiring of the clerk but has not yet seen to its implementation, now a month later.

(3) I am unable to make decisions regarding the expenditure of funds allocated to the Library. All purchase orders must be signed by Pautz; orders which I initiate are not approved. If I am the chief administrative officer of the Library, surely I should be able to make decisions regarding which materials are to be purchased for the Library collection.

(4) Early in January, I was told by Pautz that I was not even to raise the Library fine from 5¢ to 10¢ a day without getting his express approval. In January Pautz also unilaterally changed the book jobber for the Library, despite the satisfactory service rendered by the previous jobber, without consultation with me. Pautz canceled my order for official Library stationery (the mailing address for the Library differs from that of Greenville TEC). The cost of this purchase was included in this year's Library budget. On February 29, I was told by Pautz that he would decide which periodicals would be sent for binding and what bindery would be used. Clearly all these matters are internal to the operation of the Library and clearly the function of the chief administrative officer of the Library.

(5) On February 29 Pautz also informed me that he, not I, would handle all contacts with outside agents (book salesmen, jobbers, published representatives et al.). In order to be aware of services and materials available to the Library, it is essential that the person with responsibility for the operation and maintenance of the Library collection meet with these outside agents. If Pautz is to handle these contacts, then he has assumed an essential part of the administrative function of the Library, previously the responsibility of the Librarian.

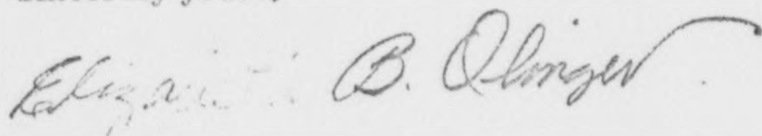
I seek the full restoration of my position as chief administrative officer of the Greenville TEC Library, together with all perquisites and responsibilities which existed prior to January 3, 1972.

February 29, 1972

I feel that my grievance has not to this date had a fair hearing. During Steps I and II I was subjected to numerous threats of dismissal and reprisals. At Step III, Paragraph I, I was not permitted an opportunity to discuss my grievance in private. At Step III, Paragraph II, no further investigation of my position was made and I have no knowledge of any further investigation which was conducted. I am hopeful that you will grant me an impartial hearing.

All documents submitted at Step III, Paragraph II, of the Grievance and Appeal Procedure are attached, together with the reply of the Executive Director of the State Committee for Technical Education.

Sincerely yours,



Elizabeth B. Olinger
Librarian, Greenville Technical Education Center



SOUTH CAROLINA

state committee for technical education

1429 SENATE STREET, COLUMBIA, SOUTH CAROLINA 29201 • 803/758-3171

February 4, 1972

O. STANLEY SMITH, JR.
EXECUTIVE DIRECTOR

CHAIRMAN

Y. W. SCARBOROUGH, JR.
Charleston, S. C.
First Congressional District

MEMBERS

WILLIAM F. HORGER
Orangeburg, S. C.
Second Congressional District

LEONARD DOUGLAS, M.D.
Belton, S. C.
Third Congressional District

TRACY J. GAINES
Inman, S. C.
Fourth Congressional District

HARRY E. WILKINSON, JR.
Sumter, S. C.
Fifth Congressional District

JOHN G. WELLMAN
Johnsonville, S. C.
Sixth Congressional District

EX-OFFICIO MEMBERS

CYRIL B. BUSBEE
Columbia, S. C.
Superintendent of Education

J. BONNER MANLY
Columbia, S. C.
Director,
State Development Board

LETTER OF TRANSMITTAL OF DECISION
OF APPEAL FROM CENTER DIRECTOR

Grievant's Name - Elizabeth B. Olinger

Social Security Number - 410-62-3028

Place of Employment - Greenville TEC

Date of Receipt of Appeal - January 25, 1972

Center Director - Thomas E. Barton, Jr.

Enclosed is a copy of the decision of the Personnel Director of the State Committee for Technical Education concerning the appeal of Miss Elizabeth B. Olinger from a decision of Mr. Thomas E. Barton, Jr., Center Director of Greenville TEC. This decision will become the final decision of the State Committee for Technical Education unless within five (5) working days after receipt of this letter of transmittal and decision the grievant or the Center Director requests further review.

Dated February 4, 1972

Henry G. Kesiot
Personnel Director

State Committee for Technical Education

Copies mailed to:

Miss Elizabeth B. Olinger
Mr. Thomas E. Barton, Jr.

GRIEVANCE

Appeal of Elizabeth B. Olinger, Social Security Number 410-62-3028, Greenville TEC Librarian, from the grievance decision of Center Director Thomas E. Barton, Jr.

Issues

1. Has grievant been demoted without cause from the former position as Chief Administrative Officer of the Greenville TEC Library?
2. Is grievant's current position that of Librarian or Assistant Librarian?
3. Was grievant unjustly deprived of the office she occupied prior to January 3?
4. Was grievant unjustly deprived of secretarial help?

Findings of Fact

Grievant became employed by Greenville TEC as Assistant Librarian on June 9, 1971. After this date Mr. Martin R. Pautz, the Librarian, resigned his position to take a new position out-of-state. On August 1, 1971, grievant was appointed to the position of Acting Librarian and on October 1 was appointed to the office of Librarian. On November 30, Mr. Pautz sent a memorandum to all library personnel stating that he would soon be returning to Greenville TEC as Director of the Learning Resources Center. The memorandum further stated that in that position he would be responsible for all library as well as audiovisual functions. Grievant was asked to vacate the office she was currently using as Librarian and move into a different office. Grievant, on January 4, wrote to Mr. O. Stanley Smith, Executive Director, State Committee for Technical Education, indicating that she felt that a set of circumstances had developed which, in her opinion, constituted a serious grievance and that she intended to file a formal complaint concerning the grievance. Grievant then filed Step 1 of her grievance with the Center Director, Mr. Thomas E. Barton, Jr. In this letter to the Center Director grievant requested an immediate conference with the Director and stated that she would pursue her grievance to the ultimate authority if she did not receive satisfaction. Grievant at this point officially stated her grievances as follows:

1. Mr. Pautz informed grievant that he would reoccupy his old office currently being used by grievant and that grievant consulted the Center Director and was assured that no decision would be made on that matter until a personal discussion could be held by Mr. Pautz, Mr. Barton and grievant.
2. When grievant returned to work on January 3, Mr. Pautz presented

her with a memo signed by the Center Director which, in effect, ordered her to fire her secretary and vacate her office.

3. Grievant contended that this decision violated her rights as an employee of the state and, further, constituted a violation of her rights under the equal employment opportunity laws.

4. Grievant asked that all rights and perquisites belonging to the director of the library, including office space and full-time secretary, be restored.

5. On January 6, Mr. Martin R. Pautz responded for Mr. Barton to the Step 1 grievance. The response pointed out that in forming a learning resources center certain functions were common to both the audiovisual department and the library and that in an effort to avoid duplication of functions and maintain a sound cost structure it was necessary to provide specific duties and that required typing and clerical help would be provided, but that the clerk previously assigned to the library would be needed elsewhere. The memo further pointed out that convenience of operation was the factor that necessitated the movement of grievant from one office to another. In conclusion the response pointed out that grievant's rights as a woman and as a state employee had not been infringed upon, that title and pay remained unchanged, important professional responsibilities had been assigned, and that a recently hired male audiovisual specialist with a masters degree had no private secretary and no privileges not extended to grievant. As a matter of fact, at this point there was a question of whether or not the audiovisual specialist could have a private office.

Grievant, on January 11, wrote a letter to the Center Director, Mr. Thomas E. Barton, Jr., and in effect stated that she was not satisfied with the decision rendered in Step 1. Grievant again restated the sequence of events leading up to her grievance. Grievant called attention to a memorandum issued by the Center Director on January 3 which grievant contended removed her from the position of Chief Administrative Officer of the Library without cause. Grievant concluded by requesting that all the rights and perquisites of her position as duly appointed Chief Administrative Officer of the Library, including office space and full-time secretarial services be restored to her. Grievant further indicated that she felt that she had been effectively demoted in that the responsibilities she handled as Assistant Librarian were now given to her under the title of Librarian.

On January 18, Mr. Thomas E. Barton, Jr., replied to Step 2 of the grievance. In his reply the Center Director pointed out that as early as 1968 the ultimate goal of the library was to begin a broad, comprehensive, diversified operation in order to better serve students and community.

The Center Director further indicated that this new concept is a learning resource center and that in the learning resource center grievant will remain as librarian for the institution with the same duties and responsibilities somewhat modified. The modification referred to the creation of a new support function in the area of the acquisition and the processing of all types of media.

The Center Director specifically stated that the Learning Resource Center did not take away grievant's title, that grievant was still responsible for managing the library as provided for in her job description, that the new Director of Learning Resource would in no way effect grievant's position as Librarian; however, in the future grievant would report to the Center Director through the Learning Resource Center Director.

The Center Director acknowledged that the request for secretarial assistance was legitimate and that if secretarial services were required the Director of Learning Resource would provide them.

The decision of the Center Director at Step 2 of the grievance procedure was not acceptable to grievant. Grievant, therefore, appealed the Center Director's decision to the Personnel Director for Technical Education as required under the grievance procedure for Technical Education.

Grievant's appeal was received by the Personnel Director on January 25, 1972.

Additional Findings of Fact

A careful study of the appeal and all supporting statements was made at the Step 3 level. The reading of the record failed to provide a clearcut definition of issues. In order to obtain additional information the Personnel Director met in Greenville TEC on January 31 with grievant and with the Center Director. The following is a synopsis of the information, position of parties to the grievance and current offers to redress any existing wrong.

Personnel Director stated in the presence of the Center Director and grievant that his purpose was to obtain additional information so that a decision could be made at the Step 3 level. The facts as enumerated above were restated and the position taken by grievant and the position taken by the Center Director appeared to be basically the same. At this point the Personnel Director asked grievant if it would be agreeable to her if he, the Personnel Director, functioned as a mediator or conciliator in the grievance procedure with the thought in mind that the grievance could be redressed at that point. Grievant agreed to this procedure and the Personnel Director asked the grievant exactly what action would have to be taken in order for her to be satisfied that she was not being mistreated. Grievant in her appeal to the Personnel Director had asked that her grievance be redressed in two particulars:

1. That she be reinstated as Chief Administrative Officer of the Greenville TEC Library with all functions and perquisites existing January 1, 1972, including the librarian's office and the full-time secretarial assistance.
2. That the Center Director be enjoined from carrying out threats and making further threats of reprisals against her.

Grievant's requests for redress were considered in inverse order. A full discussion took place concerning the Center Director's threats. It developed that an unfortunate failure to communicate had led to the feeling on grievant's part that she was being threatened. At this point grievant expressed confidence in the integrity of the Center Director, stated that she did not feel threatened, and asked that we not consider the threat portion of her grievance any further, that she was specifically abandoning that portion of her grievance. Acknowledgement was made by the Center Director that errors in the area of human relations had occurred with specific emphasis on the manner in which grievant was advised to vacate her office and in the manner in which grievant's subordinates were notified of the return of Mr. Pautz as Director of Learning Resource. (This notification was made to each individual rather than through the Librarian.) The Center Director at this point reassured grievant that no hard feelings or reprisals would develop and that no one could put anything in her personal file without the permission of the Center Director. At this point a full discussion took place concerning the duties and responsibilities of the Chief Administrative Officer of the library, including all of the necessary job responsibilities. A list of job duties and responsibilities was produced which had been drawn up by grievant, listing all of the responsibilities that she felt she should have as head librarian. These responsibilities had already been agreed to by the Center Director and, in the presence of the Personnel Director, were once again affirmed and the positive statement was made that the Librarian would be responsible for all duties so listed. At this point grievant stated that in addition to the agreed upon responsibilities she also felt that she should have a copy of the financial records of the library. This was agreed to by the Center Director, and at a later point the Center Director instructed the Business Manager to make available to grievant a full set of financial records dealing with the library. This instruction to the Business Manager was issued in the presence of Personnel Director and the grievant.

Grievant then informed the Personnel Director and Center Director that she felt she should have a secretary. The Center Director agreed that she would have a full-time secretary. The question of grievant's former clerk or secretary came up and the Center Director pointed out to grievant that she could have the same individual as her secretary but that it would not be fair to the girl involved because if she functioned as grievant's secretary she would have a grade of 6 or 7 but that if she functioned as secretary for the Director of Learning Resource she would be graded higher. Grievant understood this and agreed to take some person other than her old secretary. The reinstatement of a full-time secretary to grievant caused some concern with the Business Manager over the question of funding. At this point the Personnel Director asked the grievant if she would be willing to share this secretary with her counterpart in the audiovisual department. In other words, both the Librarian and the head of the audiovisual section use the same secretary. This was quite agreeable with grievant and she affirmatively stated that she was pleased with this arrangement. Grievant felt that the department of media which consists of a media acquisition and a media processing section should not be placed on a staff level between the Librarian and the Director of Learning Resource but should be placed under the Librarian. A compromise was agreed upon. The media section

would be placed between the audiovisual director and the Librarian with both divisions having equal accessibility. At this point grievant was asked by the Personnel Director if any other action was required in order to satisfy her request for a redress of wrongs. Grievant indicated that there was nothing further that she desired, that she was pleased with the arrangement, that she had confidence in her Center Director, that she felt she could operate successfully in a professional capacity with the Director of Learning Resource. Grievant then said that she hoped everything promised would be accomplished because if it were accomplished she would be well pleased. At this point the Personnel Director suggested to grievant that he not respond to the grievance at a step 3 level for a period of ten (10) days. This 10-day period would give the Center Director ample time to implement all matters agreed upon. Personnel Director further suggested that at the end of 10 days grievant notify him and state either (a) all conditions had been fulfilled, she was happy in her position and no longer had a grievance, that she was withdrawing the grievance since it had been settled at a lower level, or (b) the Center Director had not performed in accordance with his promises and she, therefore, requested a decision at the Step 3 level. At this point Personnel Director, the grievant and the Center Director, and the Business Manager who was present at this time, expressed complete accord and satisfaction. At the request of the Center Director, the Director of the Learning Resource Center was called in to the conference and the Personnel Director stated to him that he, the Personnel Director, had made certain recommendations to the Center Director that had mutually been agreed upon by the grievant and the Center Director and that if such recommendations were implemented in good faith there would no longer be a grievance on the part of the Librarian. Personnel Director stated that the Center Director would give full details to the Director of Learning Resource Center. At this point conference was adjourned.

On Wednesday morning, February 2, 1972, Personnel Director received a letter from grievant written immediately after the conference of January 31. In this letter grievant completely repudiated the accord and satisfaction achieved at the January 31 meeting and instructed the Personnel Director to issue a formal decision by Tuesday, February 8, as required by the grievance procedure. Personnel Director contacted grievant by phone in an attempt to determine why the agreement reached on January 31 was being arbitrarily voided without the opportunity to implement the agreement to resolve all points of difference. Grievant's reply was that she had not understood that she was not to get a decision from the Personnel Director. Grievant was assured that a decision would be given.

Decision

It is the decision at this level of appeal that the grievance of the Librarian has been adequately redressed at the Center level and that at this point grievant has been fully restored to her position of status, authority and responsibility that existed prior to her filing a grievance.

Reasons

Grievant, in conference with the Personnel Director and the Center Director, agreed that all of her legitimate requests for restoration of status and responsibility had been accomplished. As a matter of fact it developed that after the conference of January 31 had been concluded the Center Director went a step further than requested by grievant in that he placed media acquisitions and processing under the Librarian rather than a supportive section between the Librarian and the audiovisual director.

In the telephone call between Personnel Director and grievant on February 2, when specifically asked what was lacking in making grievant happy, grievant replied that she must have her same office back and her same secretary. It is felt at this point that these are frivolous demands and have already been adequately disposed of by the Center Director in a manner of integrity and to the best interests of the entire learning resource facility.

It is the opinion of the Personnel Director that grievant has failed and refused to cooperate in settling her grievance. The Center Director had agreed to a weekly conference with grievant in the future so that grievant could be assured that no one was sabotaging her reputation as to her professional competence as a librarian.

In conclusion, it is the considered opinion of the Personnel Director that grievant's overall position with respect to responsibility and authority has been enhanced and that she currently exercises the responsibilities of a Chief Librarian and not the responsibilities of an Assistant Librarian. Grievant has failed to grasp the concept of the division of authority and responsibility that must exist within a Learning Resource Center. Simply stated, grievant has failed to realize that the Director of the Learning Resource Center has the ultimate responsibility to the Center Director for the entire functioning of resource facilities both printed and non-printed, and that within that broad realm of responsibility grievant's duties as Chief Librarian are professionally described and are in full compliance with the responsibilities recommended by the American Library Association and the accrediting division of the Southern Association.

*Return
And Receipt*

STATE OF SOUTH CAROLINA
PERSONNEL DIVISION



F. E. ELLIS
STATE DIRECTOR

TELEPHONE
(803) 758-3334

700 KNOX ABBOTT DRIVE
CAYCE, SOUTH CAROLINA 29033

May 18, 1972

Miss Elizabeth B. Olinger
Route 4, Box 186
Piedmont, South Carolina 29673

Dear Miss Olinger:

In compliance with the State Employee Grievance Act, you are hereby advised of the final decision on your appeal to the South Carolina State Employee Grievance Committee of your allegation of demotion by the State Committee for Technical Education.

The decision of the Committee, which was not modified by the State Budget and Control Board, is that you have not, in fact, been demoted from your position as Head Librarian of Greenville Technical Education Center. A copy of the Committee's findings and decision is enclosed for your information.

If you have any questions, please advise.

Yours truly,

A handwritten signature in cursive script, appearing to read "F. E. Ellis".

F. E. Ellis
State Director of Personnel

FEE:cdc

Enclosure

cc: Members, Budget and Control Board
Mr. Robert H. Stoudemire
Mr. O. Stanley Smith

STATE OF SOUTH CAROLINA
PERSONNEL DIVISION

F. E. ELLIS
STATE DIRECTOR



TELEPHONE
(803) 758-3334

700 KNOX ABBOTT DRIVE
CAYCE, SOUTH CAROLINA 29033

May 18, 1972

Mr. O. Stanley Smith
Executive Director
State Committee for Technical Education
1429 Senate Street
Columbia, South Carolina 29201

Dear Mr. Smith:

In compliance with the State Employee Grievance Act, you are hereby advised of the final decision on the appeal of Miss Elizabeth B. Olinger to the South Carolina State Employee Grievance Committee of her allegation of demotion by the State Committee for Technical Education.

The decision of the Committee, which was not modified by the State Budget and Control Board, is that she has not, in fact, been demoted from her position as Head Librarian of Greenville Technical Education Center. A copy of the Committee's findings and decision is enclosed for your information.

If you have any questions, please advise.

Yours truly,

A handwritten signature in cursive script, appearing to read "F. E. Ellis".

F. E. Ellis
State Director of Personnel

FEE:cdc

Enclosure

cc: Members, Budget and Control Board
Mr. Robert H. Stoudemire
Miss Elizabeth B. Olinger

EXHIBIT IV
MAY 11, 1972

Item 6

February 10, 1972

You have requested that this office render an opinion concerning the following question: Does the Executive Memorandum, dated November 23, 1970, advising each department and agency that a reduction equal to six percent (6%) of its total general fund appropriations for 1970-71 is effected immediately, apply to the State revenues earmarked by statute to the counties?

This opinion requires an initial determination into the validity of the power granted to the Budget and Control Board (the Board) to effect appropriation reductions. The fact that the power was granted could hardly be disputed, as is stated in Part 1, Section 91, General Appropriations Act for 1970-71,

The State Budget and Control Board shall have full power and authority to survey the progress of the collection of revenue and the expenditure of funds by all departments and institutions, and is hereby authorized and directed to make such reductions of appropriations as may be necessary to prevent a deficit; . . . (emphasis added)

This power granted by the Legislature to the Board appears to be a valid exercise of the Legislature's delegatory authority. It is established law that while the power to enact a law is within the exclusive domain of the Legislature, that body can validly confer authority or discretion as to its execution to be exercised under and in pursuance of the law itself. People, ex rel. Thompson v. Barnett, 76 A.L.R. 1044, 344 Ill. 62, 176 N.E. 108; Greenwood County v. Duke Power Company, 81 F.2d 986. No violence is done to the principle of separation of governmental

powers when law, complete in itself, declaring legislative policy and establishing primary standards for carrying it out, is delegated to an administrative agency for execution. Cole v. Manning, 240 S.C. 260, 125 S.E.2d 621. There is no question but this law is complete; it sets forth the authorization of the Board and directs the Board to make such reductions of appropriations as may be necessary to prevent a deficit. If a deficit is imminent, the Board has no discretion but is bound to make appropriation reductions in accordance with the legislative mandate. These powers thus granted are well within constitutional standards, Hodge v. Pollack, 223 S.C. 342, 75 S.E.2d 752, and are necessary to insure the complete operation and enforcement of the law. Heywood v. South Carolina Tax Commission, 240 S.C. 347, 126 S.E.2d 15.

Having concluded that the powers involved are capable of valid delegation, it must be determined if the State Budget and Control Board is the proper agency to administer these powers. This can only be answered in the affirmative, the delegation of such power is valid if there is a rational and substantial relation between the appointive agency and the law to be administered. Ashmore v. Greater Greenville Sewer District, 211 S.C. 77, 44 S.E.2d 8. In this instance, the quote from Judge Lide as appears in the case of Floyd, et al. v. Thornton, 220 S.C. 414, 68 S.E.2d 344, seems most appropriate,

We are unable to conceive of a case where there is a more rational and substantial relation to the law to be administered by the appointees than that involved in the statute before us.

This quote is as applicable to the situation at hand as it was when made, for no other agency bears a relation to the control of revenues of the State as does the Budget and Control Board.

It is thus the opinion of this office that the powers delegated by the Legislature pursuant to Section 91, Part 1 of the General Appropriations Act of 1970-71 are valid, and the Budget and Control Board is a proper agency to exercise these powers in the effective administration of the law.

The State Budget and Control Board is empowered and directed to take action of this nature without the benefit of an Executive Memorandum; however, in this instance the action taken did comply with the Memorandum. The Memorandum was directed to each department and agency of the State, and the question is raised as to whether counties are included in either of these two categories. The case law in this State is clear as held in countless instances that counties are but agencies of the State. Chesterfield County v. State Highway Department, 191 S.C. 19, 3 S.E.2d 686; Parker v. Bates, Treasurer, et al. 216 S.C. 52, 56 S.E.2d 723. Any assertion that counties were not included within the term, agency, as used within the Executive Memorandum would be unwarranted and contra to the judicial definition of counties.

The dictate within the Memorandum that "the reduction shall not affect funds required to meet an existing contractual obligation," clearly does not apply to counties, for as was stated in the case of Chesterfield County v. State Highway

Department (supra.),

All of these funds were raised under the authority of the State and were State funds and even if the State appropriated or apportioned some of the funds to the County for administrative purposes and directed some special application of the funds, it was not equivalent to a contract between the State and the County, in the sense that a contract might arise between the State and a private individual, so that the State could not make some different disposition of the funds.

Page 46

This effectively precludes the concept of "contractual relationship" between the State and its counties based upon expected disbursement of funds.

The possible contention that the appropriation reduction administered by the Board does not apply to the counties allocable percentages of revenues as set by permanent statute cannot be justified. Section 91 of the General Appropriations Act for 1970-71 states, "in making such reductions earmarked revenues shall be considered as a part of the amounts appropriated." This, it appears clear, indicates that although funds have been earmarked for the counties, they are to be considered as part of the general appropriations for purposes of reducing the same. This conclusion is based upon the principle, that the last expression of the legislative will is the law. Feldman v. South Carolina Tax Commission, 203 S.C. 49, 26 S.E.2d 22. It has also been held that the provisions of the permanent statutes can be suspended by the Annual General Appropriations Act. State, ex rel. McLeod v. Mills, 256 S.C. 21, 180 S.E.2d 638. In the present instance, the Board acting in accordance with the provisions of the General Appropriations Act effected a reduction

in appropriations earmarked for the counties, if this in fact conflicts with the permanent statutes, the results would apparently in accordance with State, ex rel. McLeod v. Mills (supra.) be to suspend the provisions of the permanent statutes for the applicable fiscal year.

It is, therefore, the opinion of this office, based upon the foregoing authorities and reasoning, that the action of the State Budget and Control Board in applying the appropriation reduction to the counties, was proper and in accordance with Section 91 of the General Appropriations Act for 1970-71 and the Governor's Executive Memorandum, dated November 23, 1970.

Timothy G. Quinn
Assistant Attorney General

EXHIBIT V
MAY 11, 1972

SOUTH CAROLINA STATE PORTS AUTHORITY
FIVE - YEAR CAPITAL IMPROVEMENT PROGRAM
SUMMARY STATEMENT OF AVAILABLE FUNDS
APRIL 30, 1972

SOURCE OF FUNDS

State Capital Improvement Bond Act of 1970	\$ 31,350,000
Bonds Authorized by Act No. 456 of 1969, Amended 1970 -	
East Cooper	7,000,000
Victoria Bluff	<u>1,500,000</u>
Total Funds Authorized	\$ 39,850,000
Less Funds Committed to Projects Under Construction (See Exhibit I for list of projects)	<u>18,714,300</u>
Balance of Funds for Projects To Be Constructed, but Uncommitted at This Date (See Exhibit II for list of projects).	<u>\$ 21,135,700</u>

NOTE: See Exhibit III for proposed changes.

SOUTH CAROLINA STATE PORTS AUTHORITY
FIVE - YEAR CAPITAL IMPROVEMENT PROGRAM
SUMMARY OF PROJECTS UNDER CONSTRUCTION
APRIL 30, 1972

EXHIBIT I

<u>PROJECT NUMBER</u>	<u>DESCRIPTION</u>	<u>PROJECT COST APPROVED</u>
<u>PROJECTS UNDER CONSTRUCTION</u>		
A-3	Container Terminal at North Charleston	\$ 4,303,800
A-12 (a)	Bulk Handling Pier (Pier 32) at Georgetown	1,000,000
A-12 (b)	Gantry Crane (Pier 32) at Georgetown	550,000
A-5 (a)	Development of Truck Assembly Areas (Purchase of Charlotte Street Property for container stuffing facility)	80,000
A-9	Area Improvement and Site Preparation at Union Pier	272,000
A-7 (a)	Fill and pave open storage at Columbus Street	117,000
A-14	Main Office Building at Charleston	763,000
A-15	Sewage Disposal System at North Charleston	284,500
B-5 (a)	Container Handling Equipment at North Charleston	250,000
B-6	Paving & Lighting at North Charleston	256,000
A-16	Sewage Disposal at Columbus Street and Union Pier	309,000
A-4 (a)	Replace Transit Sheds at North Charleston	844,000
A-6	Heavy Lift Crane	700,000
A-7 (b)	Dock Extension at Columbus Street	3,335,000
C (a)	East Cooper Land Purchase	100,000
B-7	Passenger Terminal at Union Pier	850,000
A-4 (b)	Rebuild Berth No. 4 at North Charleston	900,000
A-11	Purchase Property Adjoining Columbus Street Terminal for Phase B	1,000,000
A-13	Land at Victoria Bluff	1,500,000
B-3	Container Crane (Pier 15) at North Charleston	1,300,000
TOTAL		<u>\$ 18,714,300</u>

EXHIBIT II

SOUTH CAROLINA STATE PORTS AUTHORITY
FIVE - YEAR CAPITAL IMPROVEMENT PROGRAM
SUMMARY OF PROJECTS TO BE CONSTRUCTED FOR WHICH FUNDS HAVE NOT BEEN COMMITTED

<u>PROJECT NUMBER</u>	<u>DESCRIPTION</u>	<u>PROJECT COST APPROVED</u>
<u>PROJECTS TO BE CONSTRUCTED FOR WHICH FUNDS HAVE NOT BEEN COMMITTED</u>		
<u>Charleston</u>		
B-4 (a)	Container Stuffing Shed at Columbus Street	\$ 707,000
B-4 (b)	Container Stuffing Shed, Maintenance Shops & Fumigation Tanks at North Charleston	609,000
A-5 (b)	Development of Truck Assembly Areas - Purchase Property at Columbus Street and Develop for Parking	356,000
B-1	Balance From Dock Extension Project - Columbus Street	319,000
B-5 (a)	Container Handling Equipment - Columbus Street and North Charleston	1,176,000
A-1	Additional Covered Storage at Columbus Street	1,208,700
A-2	Additional Covered Storage at North Charleston	45,000
Phase C	Railroad & Dock Facilities East Bank of Cooper River	<u>11,700,000</u>
TOTAL		<u>\$16,120,700</u>
<u>Grain Elevator</u>		
A-10	Increase Grain Elevator Capacity	<u>\$ 1,090,000</u>
<u>Georgetown</u>		
A-12 (b)	Balance From Bulk Handling Equipment Project	\$ 950,000
A-12 (c)	Improvements and Additions - Dock and Transit Sheds	<u>1,000,000</u>
TOTAL		<u>\$ 1,950,000</u>
<u>Port Royal</u>		
A-13	Dock Facilities	<u>\$ 1,975,000</u>
GRAND TOTAL		<u>\$21,135,700</u>

SOUTH CAROLINA STATE PORTS AUTHORITY
FIVE - YEAR CAPITAL IMPROVEMENT PROGRAM
SUMMARY OF PROJECTS TO BE RETAINED (AND/OR REVISED*), PROJECTS TO BE ELIMINATED,
AND NEW PROJECTS

<u>PROJECT NUMBER</u>	<u>DESCRIPTION</u>	<u>ESTIMATED PROJECT COSTS</u>
<u>PROJECTS TO BE RETAINED (AND/OR REVISED*)</u>		
<u>Charleston</u>		
A-5 (b)	Development of Truck Assembly Areas - Purchase Property at Columbus Street and Develop For Parking	\$ 356,000
	Additional Funds Required for Purchase of Two Tracts of Land to Provide New Interchange with Southern Railway	<u>150,000</u>
B-1	Balance from Dock Extension Project - Columbus Street	\$ 506,000 319,000
B-5 (a)	Container Handling Equipment - Columbus Street & North Charleston	\$1,176,000
	Revised Estimates for Equipment Purchases Include One Transtainer for North Charleston at \$350,000 and Container Handling Equipment at Columbus Street at \$425,000	<u>(401,000)*</u> <u>775,000</u>
	TOTAL	<u>\$ 1,600,000</u>
<u>Georgetown</u>		
A-12 (b)	Balance from Bulk Handling Equipment Projects	\$ 950,000
A-12 (c)	Improvements and Additions - Dock & Transit Sheds	<u>1,000,000</u>
	TOTAL	<u>\$ 1,950,000</u>
<u>Port Royal</u>		
A-13	Dock Facilities	<u>\$ 1,975,000</u>
	GRAND TOTAL	<u>\$ 5,525,000</u>
<u>PROJECTS TO BE ELIMINATED</u>		
<u>Charleston</u>		
B-4 (a)	Container Stuffing Shed at Columbus Street	\$ 707,000
B-4 (b)	Container Stuffing Shed, Maintenance Shops & Fumigation Tanks at North Charleston	609,000
A-1	Additional Covered Storage at Columbus Street	1,208,700
A-2	Additional Covered Storage at North Charleston	45,000

SUMMARY OF PROJECTS TO BE RETAINED (AND/OR REVISED*), PROJECTS TO BE ELIMINATED,
AND NEW PROJECTS

<u>PROJECT NUMBER</u>	<u>DESCRIPTION</u>	<u>ESTIMATED PROJECT COSTS</u>
<u>PROJECTS TO BE ELIMINATED (CON'T)</u>		
<u>Charleston (Con't)</u>		
Phase C	Railroad & Dock Facilities East Bank of Cooper River	\$11,700,000
A-10	Increase Grain Elevator Capacity	<u>1,090,000</u>
	TOTAL	<u>\$15,359,700</u>
<u>NEW PROJECTS</u>		
	Site Improvements for Container Storage and Handling - North Charleston or Columbus Street	\$ 2,450,000
	Relocate Service Roadway & Provide Drainage for Site Improvements at North Charleston	260,000
	Pave Land Areas and Provide 338 Trailer Spots at North Charleston	500,000
	Addition to Project A-4 (b) - Rebuild Berth No. 4 at North Charleston - To Accommodate Container Crane and Container Handling Equipment	1,150,000
	Purchase Land, Pave, Fence & Provide Utilities For Tractor Trailer Service & Storage Yard	250,000
	Union Pier 1150' Dock Extension, Transit Shed (400' x 750') and open storage area (90,000 sq. ft.)	7,550,700
	Purchase of Land Adjacent to Union Pier Property	120,000
	Union Pier Additional Fill and Paving	230,000
	Greenville-Spartanburg Airport - Inland Port Purchase of Equipment for Handling of Air Freight	100,000
	Purchase of Land for Future Port Development	<u>3,000,000</u>
	TOTAL	<u>\$15,610,700</u>
<u>RECAP</u>		
	Projects To Be Retained (And/Or Revised*)	\$ 5,525,000
	New Projects	<u>15,610,700</u>
	TOTAL	<u>\$21,135,700</u>

Office of the President
(803) 792-2211



Item 7
EXHIBIT VI
MAY 11, 1972

Medical University of South Carolina

80 BARRE STREET / CHARLESTON, SOUTH CAROLINA 29401

April 25, 1972

Mr. P. C. Smith, Secretary
State Budget and Control Board
Post Office Box 11333
Columbia, South Carolina 29202

Dear Mr. Smith:

This is a request for funds to support the consortium agreement between the Medical University of South Carolina's College of Medicine and the Greenville, Spartanburg and Columbia Hospitals for the 1972-73 fiscal year.

The Chairman of the Commission on Higher Education is aware that we are making this request directly to the Budget and Control Board, and, in the interest of time, he will present this budget proposal to the Commission at its May 4 meeting.

The estimated combined budget for the consortium for the 1972-73 year is \$722,973. Since the consortium will be phased in during the year, it will probably not be necessary for the total amount of funding to be made available on July 1, 1972.

A detailed budget and justification for the consortium program for the 1972-73 fiscal year are enclosed for your information.

Your assistance in this matter will be greatly appreciated.

Yours very sincerely,

Bill

William M. McCord, M.D., Ph.D.
President

WmMMcC/bpw

Enclosures

cc: Dr. R. Cathcart Smith

2170

MEDICAL UNIVERSITY OF SOUTH CAROLINA

CONSORTIUM PROGRAM

Fiscal Year 1972-73

In an effort to provide the kind and quality of health care desired by the people in every area of South Carolina, three major health centers have developed with the Medical University a consortium of community hospitals. The establishment of this consortium between the Medical University, the Greenville Hospital System, the Spartanburg General Hospital, and the Columbia Hospital of Richland County will improve medical education, the community hospitals, and health care delivery to the state in the following ways:

Improve the standards of medical practice.

Increase the attraction of more outstanding physicians from outside sources.

Increase the retention of trained physicians from the training programs.

Provide an excellent source of continuing medical education for physicians practicing within the community.

Increase the availability of quality medical care for the medically indigent in the state.

Provide more residency training in South Carolina.

Increase the amount of clinical material available for medical student training.

The establishment of the consortium will be a meaningful step toward meeting the objectives of the Carnegie Report, which recommended the development of area health education centers in Columbia and the Greenville/Spartanburg area. In terms of student supervision and patient care supervision, it is essential that the training offered students at the community hospitals be equal to that offered on campus at the Medical University.

At each regional medical center, it is necessary to fund a program to insure that the following requirements are met:

1. Obtain a firm, long-term commitment from the participating hospitals.

2. Develop a suitable combination of medical specialists at the participating hospitals.
3. Select competent faculty for appointment to the Medical University staff.
4. Provide adequate training facilities, including medical reference libraries.
5. Provide compensation for the increased cost to the student.

The budget, as presented in Attachment A, and its justification, as presented in Attachment B, represent the full annual programmatic budget required to begin the consortium at each of the state's three health centers. The total requirement for 1972-73 will be a State appropriation of \$722,973.

CONSORTIUM FOR COMMUNITY HOSPITALS
IN SOUTH CAROLINA

PROPOSED COMBINED BUDGET
For the Three Community Hospitals
1972 - 1973

Reference Lines	<u>PERSONAL SERVICES:</u>	
	Unclassified:	
1	Director of Medical Education 3 @ \$35,000	\$ 105,000
2	Geographic Full-Time Chiefs of Service 15 @ \$24,000	360,000
	Classified:	
3	Secretaries (Grade II) 6 @ \$6,178	<u>37,068</u>
		502,068
4	Fringe Benefits	61,905
5	Student Stipends 60 @ \$1,000	60,000
6	Special Payments	15,000
		<hr/>
	Total Personal Services	\$ 638,973
	<u>CONTRACTUAL SERVICES:</u>	
7	Travel	\$ 15,000
8	<u>SUPPLIES</u>	6,000
9	<u>CONTINGENCIES</u>	3,000
10	<u>EQUIPMENT</u>	60,000
		<hr/>
	Grand Total	<u><u>\$ 722,973</u></u>

BUDGET JUSTIFICATION AND EXPLANATION

Reference
Lines

- 1 The Director of Medical Education for each of the three hospitals will be an assistant dean of the College of Medicine of the Medical University of South Carolina. His salary is budgeted in the range of a strict full-time professor and department chairman.
- 2 The five geographic full-time Chiefs of Service at each hospital will be appointed to provide a mixture of medical specialists. Their salaries are budgeted in the range of a professor of medicine.
- 3 One secretary is to be assigned to the Assistant Dean/Director of Medical Education. Her primary duty will be to support the functions of the Assistant Dean/Director of Medical Education.

 Each of the Medical Specialists/Chiefs of Service will require secretarial assistance. However, only one (1) additional secretary is being requested from the State to give housing assistance to the students, assistance in finding employment for student wives, and to maintain student schedules. Student records alone will require a major portion of one person's time in order to maintain up-to-date student transcripts and course electives. There is also the task of duplicating instructional materials, student announcements and other student material.
- 4 Fringe benefits are computed at 12.33% of total salaries.
- 5 The students participating in the consortium will be required to spend the chosen period of clinical experience in the community where the hospital is located. This move to Greenville, Spartanburg or Columbia will require additional expense to the student. The \$100 per month per student will be used to encourage the married student to move his family into the community served by the hospital rather than to commute back and forth to Charleston.
- 6 Enrichment of the programs at each of the community hospitals will be encouraged by the provision of funds for the support of outside consultants. Authorities in special fields of medicine will be invited to further the education of the students, residents and interns. The visiting lecturer usually stays several days at the host institution giving lectures, holding seminars, and conducting ward rounds.

BUDGET JUSTIFICATION AND EXPLANATION (Cont'd)

Reference
Lines

- 7 This allocation for travel covers the commuting arrangements for the six (6) faculty members at each hospital, as well as the visiting lecturers, and travel to professional meetings.
- 8 Office supplies, secretarial supplies and educational supplies are included in this budget figure.
- 9 Since this is a new program, there will undoubtedly arise some costs of an unforeseen nature.
- 10 Eight (8) offices at each hospital will need to be equipped with desks, chairs, filing cabinets, typewriters, etc. Audiovisual equipment for instructional purposes is requested.



UNIVERSITY OF SOUTH CAROLINA
COLUMBIA, S. C. 29208

DIVISION OF BUSINESS AFFAIRS

April 17, 1972

Item 9

EXHIBIT VII

MAY 11, 1972

Mr. P. C. Smith
State Auditor and Secretary
State Budget and Control Board
P. O. Box 11333
Columbia, South Carolina 29211

Dear Mr. Smith:

Subject: College of Business Administration
State Project 27-76


Ruscon Construction Company, general contractor for subject project, has submitted a request for a Change Order in the amount of \$28,552.17 for costs to be incurred in complying with new Federal Safety Standards. As indicated in the contractor's letter of October 1, 1971 (Enclosure 1), this sum is required to provide carpentry service in constructing guardrails around the perimeter of each floor for the duration of the project, as well as the cost of materials and additional safety equipment. Feeling that the contractor should have been well aware of the imminence of implementation of the new safety standards and that payment is not authorized for additional costs occasioned by new laws or regulations, the University has denied this request for extra compensation. The contractor has requested referral to the State Budget and Control Board for final decision (Enclosure 2). We request decision in principle, not in amount, which we feel is excessive.

Following lengthy hearings, new Federal legislation on safety was passed and signed into law on December 29, 1970. The new safety standards are defined in the "Safety and Health Regulations for Construction, Bureau of Labor Standards, Department of Labor," dated April 17, 1971 which, after several delays, were implemented on September 28, 1971. The Association of General Contractors, of which Ruscon Construction Company is a member, published numerous articles on the new safety regulations in their weekly bulletin (examples attached as Enclosures 3 and 4) much in advance of our receipt of bids on March 31, 1971 for construction of the College of Business Administration. It is our judgment that the contractor should have been well aware of the scope of these new safety standards and should have provided for their cost in his basic bid. In the interest of safety of his workmen, the contractor should have employed many of the safety precautions incorporated in the new regulations regardless of whether required to do so by Federal law.

The contract documents for the Business Administration building include two conditions, one found in A.I.A. Document A201 and the other on page IB-2-4 of the specifications, copies attached as Enclosures 5 and 6, which require contractor compliance with applicable laws, ordinances, rules, regulations and lawful orders of any public authority having jurisdiction for the safety of persons or property or to protect them from damage, injury and loss. Thus, we feel the contractor should bear the expense of compliance with new laws and regulations, just as he would be expected to absorb increases in taxes, labor and material costs, etc. We did not and do not feel this request for additional compensation in the amount of \$28,552.17 is justifiable and, accordingly, recommend denial of the request.

If you have any questions regarding this matter or desire to discuss this matter in greater depth, please do not hesitate to call me at 777-3126.

Yours very truly,


Thomas B. Faris
Director
Physical Facility Planning

TBF/bm

Enclosures

cc: Mr. L. P. Hamilton
Mr. H. Brunton

General Contractors

43 EAST BAY STREET, CHARLESTON, S.C. 29401

P.O. DRAWER 837

803-723-9861

October 1, 1971

Geiger, McElveen & Kennedy
2321 Millwood Avenue
Columbia, South Carolina 29205

Attention: Mr. Buford Goff

RE: College of Business Administration
University of South Carolina
Columbia, South Carolina

Gentlemen:

The Safety and Health Regulations for Construction, Department of Labor, Bureau of Labor Standards, dated April 17, 1971, went into effect on September 28, 1971. This represents a change in our contract and the cost to comply with the additional safety and health requirements was not included in our bid to the Owner.

We have prepared an estimate of costs for the implementation of this program from September 28, 1971 to the completion of the project.

Our breakdown of additional costs is as follows:

1. Labor & Insurance	
1 carpenter @ \$4.00/Hr. x 40 Hrs.	\$ 160.00
3 Laborers @ \$2.00/Hr. x 40 Hrs.	240.00
	<hr/> 400.00
Insurance Costs:	51.60
Total Weekly Labor & Insurance Costs:	<hr/> 451.60/Wk.
From September 28, 1971 thru August 17, 1972	x 46 Wks.
Total Labor & Insurance	<hr/> \$20,773.60
2. Lumber, Misc. Materials & Sales Tax	\$ 1,500.00
3. Equipment & Safety Equipment	\$ 1,200.00
Total	<hr/> 23,473.60
10% Overhead Cost:	2,347.36
	<hr/> 25,820.96
Profit	2,582.10
	<hr/> 28,403.06
Bond Cost:	149.11
	<hr/> \$28,552.17
TOTAL COST	<hr/> =====

2178

ENCLOSURE #1

PRESIDENT
R. B. RUSSELL

EXEC. VICE PRESIDENT
CHARLES WILSON, JR.

TREASURER
C. C. MCAFEE

W. L. Iyer, McElvorn & Kennedy

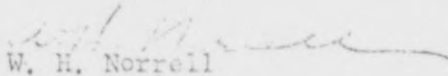
-2-

October 1, 1971

We respectfully request that we be issued a change order to our contract in the amount of Twenty-Eight Thousand, Five Hundred Fifty-Two Dollars and Seventeen Cents (\$28,552.17).

Very truly yours,

RUSCON CONSTRUCTION CO.


W. H. Norrell

WHN/gmw

cc: Job Supt.
P408-10

f 2179

RUSCON CONSTRUCTION CO.
General Contractors

143 EAST 54TH STREET, CHARLESTON, S.C. 29401

P.O. DRAWER 637

803 723-9661

March 21, 1972

Geiger, McElveen & Kennedy
2821 Millwood Avenue
Columbia, South Carolina 29205

Attention: Mr. Buford Goff

RE: College of Business Administration
University of South Carolina
Columbia, South Carolina

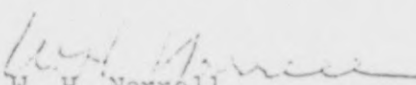
Gentlemen:

Reference is made to our change order request of October 1, 1971, for additional moneys to comply with the Safety and Health Regulations for Construction, Department of Labor, Bureau of Labor Standards dated April 17, 1971.

We have been advised verbally by the Owner's representative, Mr. Ed Bass, that the State Budget and Control Board would have to make the final decision. We, therefore, request that this claim be forwarded to the State Budget and Control Board for their review and consideration.

Very truly yours,

RUSCON CONSTRUCTION CO.


W. H. Norrell
Vice President

WHN/gmw

cc: Job Supt.
P-408-4

2180

ENCLOSURE #2

R. B. RUSSELL, CHAIRMAN AND CHIEF EXECUTIVE
CHARLES WILSON, JR., PRESIDENT
PAUL W. HUND, JR., EXECUTIVE VICE PRESIDENT

WILLIAM H. NORRELL, VICE PRESIDENT
DAVID K. SHEPPARD, VICE PRESIDENT

EMORY J. INFINGER, VICE PRESIDENT
WILTON R. ZERBST, VICE PRESIDENT
ROBERT R. SHARPE, SECRETARY-TREASURER

not customary, the costs of so called bidding, we all whine and cry that it is going to cost us \$1,500 or so to bid a \$3 million dollar job. Well I'll tell you — in Design build — that's peanuts. Travel and entertainment costs are fantastic. You're putting together proposals that are based on parameter type estimates. The risk is high and you do have to prepare schematics and so forth, that you wouldn't ordinarily consider as even possibly ethical except that, again, in the industry it is the method by which work is awarded. What am I going to get? How much is it going to cost? What do you think it's going to cost? We have a delineator on our staff which many architectural firms have although most don't. But we have a delineator that works almost continuously. He is super; he is a talented artist. Our renderings will match those of anybody in the country but it's expensive. The salary structures are different — you're expecting a lot more out of people. I can see either side of this but I think I'll be kind to him and say one of the architects said that this had been said by both sides, "I deserve more money because I've got to work with those damn contractors." He's got a good point. I mean you know the architectural environment. He just has to work with the others, you know "tippy-toe" around, but over in the construction side it is the same thing. I say "Okay guys, you've got to stop wearing white socks with your black shoes." So they wanted to know if they could come in Hawaiian sports shirts like the architects did. I said: "No! We aren't going that far." We've got long hairs and short hairs and we've got blacks and whites and browns and reds; we've got a Turk and a Hungarian, a lot of fun. Well that's different from the normal construction business — the thinking must be innovated and fearless. You don't have too many patterns to follow and you don't have a whole lot of guidance to really determine exactly what you ought to be doing so you kind of "guess and by gum."

I'll wake up January 1 with a \$1,450,000 of overhead and kind of debate. I don't know whether it's the hangover that's killing me or whether it's the thinking that's doing it, but from one or the other, I feel terrible. Then you kind of nurse it along during the

year and hope it all works out all right. C & A and Lloyd's of London readily provide "errors and omissions" insurance coverage. The latter is considerably higher in costs, but it is available. I might say one thing about the National AGC Turkey Committee of which I am a member. I hope you have the same thing in Carolinas Branch. On this committee, we disclose everything. Although some members would like to keep some secrets from the rest, they finally reveal what they know. It makes a beautiful relationship and it's the relationship I think you probably have in the Carolinas Branch more so than I've seen in any other AGC organization. It's the thing we've got to strive for.

So, how much does it cost you to form a wall? I was an estimator for three construction companies and they were all the same. We just put in a pencil form for a large retaining wall. Oddly enough, it cost us exactly the same thing that our cost records from former associates were doing in 1952. I just think we've got to eliminate the secrecy in the industry.

We want competition in Design/Build; we need it! We know the owners are going to go Design/Build. We can't cover the whole thing and the people that are now in the business can't cover it all. We would like to see other good, qualified, competent, capable people working in this area. It's going to help us in the long run. This is a good industry and it's going to survive if we just kind of push a little bit. In summary, what I'm saying is it's not a bed of roses, but it does provide the opportunity for fun and profit. Profit without fun isn't worth it and you can't have much fun without profit. That, by the way, is one of the goals our organization staples to everything. If it isn't fun and if it doesn't make money, don't do it. We've also got a guy in charge of our "Don't Do It" Committee. You ask him why don't we do so and so and he says: "Don't do it!" The reason we don't do certain things is because he says: "Don't do it!" If you can think of a good reason to do it, great, but just *don't do it*, unless you have a good reason. Gentlemen, thank you, very much.

* Occupational Safety And Health Bill Becomes Law

On December 29th, President Nixon signed into Law the Occupational Safety and Health Bill. This act gives the Secretary of Labor the power to establish standards and to issue penalties. The law comes from a very liberal conference committee of House and Senate members. The law is somewhat better than the original Senate Bill, but it is far from being what industry wanted. There were several compromises in the law which were beneficial. Among these were the protection against the closing down of plants without a court order and the Secretary of Labor has the power to enforce standards; however, an employer may appeal his violation to the Occupational Safety and Health Review Commission, and appeal from there to the courts.

Other major provisions of the Law are:

1. There can be a civil penalty of up to \$1,000 for each violation found. If the violation continues after being reviewed by an independent commission, a fine of \$1,000 per day can be charged. There can be a fine of up to \$1,000 and/or imprisonment of 6 months for giving advanced notice of an inspection. The only criminal penalty is for willful violations that cause a death and the

penalty for this is a fine of up to \$10,000 and/or 6 months doubled after the first conviction.

2. Even though the Construction Safety Act is still in effect along with the new law, an employer cannot be fined under both laws because the new law contains a clause that says the same facts cannot be litigated twice, once under one law and a second time under the other. The new law covers private work as well as federally financed or assisted projects. On a federal job violation an employer may be fined or blacklisted.

3. Employees cannot walk off the job with pay when they feel they are working in an unsafe place and the employees also must adhere to safety regulations. Employees and/or their representatives can accompany an inspector on an inspection or ask the Secretary to make an inspection. An inspector can question employers, owners, agents and employees.

4. The Secretary of Labor is responsible for putting existing national consensus or federal standards into effect for all employers pending the development of new ones with the aid of advisory committees. He will also have the discretion to select a standard he feels will insure the greatest protection when there is a conflict between consensus and new standards.

5. Employers are required to keep records and make reports on all injuries and illnesses other than those of a minor nature. Minor injuries are defined as those which require only first aid treatment and which do not involve medical treatment, loss of consciousness and restriction of work or motion.

6. The Secretary may grant variances to companies that can show justification for it, such as the installation of new machinery, but no exemptions are provided.

7. One point in the law which may cause an employer difficulty because of the way it is worded is that all work places must be free from "recognized hazards" which are causing or likely to cause death or serious bodily harm. This term "recognized hazards" is left to the discretion of the inspector.

8. If the Secretary believes on the basis of an inspection that an employer has violated the law, he will issue a citation within 6 months of the violation; this citation is to be posted at or near the place of the violation and the employer has 15 days to protest the citation issued.

Further information on the standards and on the amount of record keeping will be published in the *Weekly Bulletin* as it becomes available to this office.

New Associate Members— Carolinas Branch, AGC

The following firms were elected to Associate membership in Carolinas Branch, AGC. We welcome these new members and they are invited to attend and take part in AGC activities.

American Engineering Company
Route 1, Box 478-A
Garner, N. C. 27529
(919) 772-1330
Mechanical Contracting

Consolidated Lumber Corporation
422 South First Street
Allendale, N. C.
(704) 982-2114

Institutional millwork, lumber, building supplies, hardware

Meetings

Jan. 22 — Research Committee Meeting, 2:00 p.m., Charlotte AGC Office.

Jan. 25-27 — ASHRAE Semi-Annual Meeting and Exposition, Philadelphia, Pa.

Jan. 29 — Construction Education Committee Meeting, Charlotte AGC Office, 10:30 A.M.

Jan. 29-31 — Public Utilities Contractors Division Meeting, Pine Needles Lodges and Country Club, Southern Pines, N. C.

Feb. 5-7 — Annual Winter Convention, Mechanical Contractors Association of South Carolina, Sheraton Columbia Inn, Columbia, S. C.

Feb. 9-11 — 1971 Housing & Building Products Show and 48th Annual Convention, Charlotte Merchandise Mart, Charlotte, N. C.

Feb. 25-26 — 22nd Annual Meeting, Carolina Asphalt Pavement Association, The Regency Hyatt House, 256 Peachtree Street, N.E., Atlanta, Ga.

March 5-11 — National AGC 52nd Annual Convention/Exhibit, San Diego, California.

April 27-29 — Southern Industrial Exposition, Charlotte, N. C.



AGC BULLETIN

Bulletin No. 1018

SKILL, RESPONSIBILITY, INTEGRITY

February 25, 1971



Carolinas Contractors Present Chapter Views And Recommendations At U.S. Department Of Labor Hearing On Draft Construction Safety And Health Standards (PL91-54)

Testifying in Atlanta before representatives of the U.S. Department of Labor Bureau of Labor Standards Ron Sullivan, J. A. Jones Construction Co.; Arnold Runion, Daniel Construction Company and Hugh Jeter, Staff Safety Director, recommended a long list of changes to Draft I, Construction Safety and Health Standards, which we feel are necessary if the 1970 Occupational Safety and Health Act is to accomplish its stated purpose. The oral and written statements expressed the concern of the Carolinas Construction Industry with the immediate economic burden that the Standards will impose if implemented and enforced as now written.

The detailed testimony was constructive in its identification of unrealistic requirements and in pointing out the need for clear, concise definitions.

The Association's position was prepared by members of the Accident Prevention Committee after careful study of the 272 page listing of construction Safety Standards. A meeting was held in Charlotte on February 18 where study committees were formed to prepare specific comments on particular sections of the document. The work of this committee is of particular importance to all contractors since the Occupational Safety and Health Act of 1970 will become effective April 28, 1971 and contractors will have to comply with Safety Standards as they are developed under this Act. Contractors must remember that this law covers all construction work both public and private. Safety Committee Chairman R. V. Lee has appointed a Sub-committee to propose plans for a program to inform our membership of the requirements of the new safety law. The Sub-committee composed of Jim Dean, Rea Construction Co., Chairman; Ed Finch, Meridian Building Corp.; Arnold Runion, Daniel Construction Co.; C. A. Allred, T. A. Loving; Jim Maloney, The Furman Co.; and C. C. Poteat, Fiske-Carter Construction Co. are planning a series of briefings and seminars designed to help our membership become thoroughly familiar with the Construction Safety and Health Standards.

In addition to specific written comments recommending changes in the Standards, oral testimony was given by Mr. Sullivan, Mr. Runion and Mr. Jeter speaking for the members of Carolinas Branch, AGC as follows:

"The economic hardships that may be brought about through the immediate implementation of these standards could be reduced considerably by setting up a time-table under which the contractor would have adequate time to bring his practices, equipment, and manpower into gradual compliance with these standards.

"It will be extremely difficult to become knowledgeable enough to comply with these proposed standards by studying the standards. Too many other codes and standards are referenced, but not included directly into the body of the standards. We recommend that all referenced codes and standards be repeated in the standard when it is intended that the referenced code will be a part of the requirement.

"As it now stands, employers will have to refer to 27 different codes or standards in order to learn what the law requires of

them in these new standards. Most employers do not have them, nor do they know where to obtain them. We feel that the United States Department of Labor should incorporate all materials comprising the standard and it should be published well in advance of implementation so that employers can prepare accordingly.

"The standards do not adequately define—within the context of the construction industry—who is responsible. In a complex construction project—where there may well be dozens of "employers" involved in the project—who goes to jail? The owner who employs the contractor? The contractor who employs sub-contractors? The sub-contractors who employ sub-sub-contractors? Or the superintendent working for the contractor or sub-contractor? Who is the "Employer" in construction? We recommend that more study be given to this question so that the responsibility for compliance can be irrefutably fixed through the use of clear and definitive terms.

"The proposed standards require the reporting of information which in the past has been privileged and confidential information between employer, employee, insurance carriers and state controlled workmen's compensation plans. The reporting of this information will be detrimental to the competitive posture of our contractors unless the information is handled confidentially by the Department of Labor. It is our opinion that the record keeping and reporting requirements will not save lives, but will be an additional burden and expense on the employer and the government.

"Our Safety Committee and our Association are quite concerned that as soon as these standards are promulgated by the Secretary that billions of dollars of equipment will become obsolete overnight, without any recourse by the contractor. Some of the equipment can be modified to meet the new standards at the employer's expense, but for much equipment it will not be economically feasible, and for some equipment it will be technically impossible to modify to meet the new standards. Please do not misunderstand our position—we are not equating lives saved with costs—but we feel that these lives can be protected at considerably less expense to employers than presently proposed.

"It is our feeling that this economic hardship can be avoided or reduced and at the same time bring employers into compliance with the new standards. The Association recommends the following alternate solutions:

1. Write in a "Grandfather clause" exempting presently owned equipment for (a) the life of the equipment, or (b) a specified time period before presently owned equipment must be modified to meet the new requirements.
2. Require Manufacturers to meet these requirements on new equipment in much the same way the automotive industry had to meet certain safety requirements.
3. Provide adequate time between the publishing of the standards requiring these extensive modifications and the

(Continued on Page 3)

Weekly AGC BULLETIN

An official publication of Carolinas Branch, the Associated General Contractors of America, published every Thursday from Carolinas Branch Executive Office, 1101 Euclid Ave., Charlotte, N. C. P. O. Box 1450 28201, Telephone 372-1450. Advertising space available only, to regular and Associate Members. Rates upon request.

Affiliated with



President: J. Cooper Shackelford, Potter-Shackelford Construction Co., Greenville, S. C.

Vice-President: N. Carl Monroe, N. C. Monroe Construction Co., Greensboro, N. C.

Treasurer: J. Emmett Sebrell, McDevitt & Street Co., Charlotte, N. C.

Managing Director: Henry J. Pierce, Charlotte, N. C.

Ex-Officio: Paul N. Howard, Jr., Howard Construction Co., Greensboro, N. C.

Directors: James R. Chandler, Jr., (72), J. N. Deierlein (72), C. Preston Floyd (72), Robert L. Jones (71), Gray E. Moore, Jr. (71), Gus Speros (72), W. V. Williamson, Jr. (71), Robert H. Yeargin (71).

Advisory Board Directors: G. W. Bowers (71), William B. Boyle (72), E. L. Laxton (72), E. D. Sloan (71).

Associate Member Advisory Board: B. O. Brooker, Jr., Chairman, W. L. Felts, Vice Chairman.

National AGC Directors:

Elected — C. P. Ballenger, Greenville (72), F. J. Blythe, Jr., Charlotte (73), Paul N. Howard, Jr., Greensboro (71), Edwin L. Jones, Jr., Charlotte (72), N. Carl Monroe, Greensboro (73), A. M. Guttelbaum, Florence (71).

Associate — William Muirhead, Durham, C. P. Street, Charlotte, Nello L. Teer, Jr., Durham, N. K. Dickerson, Jr., Monroe.

Appointed — P. Craig Gaskell, Charlotte, W. F. Lee, Charlotte, Marvin L. McCrory, Columbia, Charles H. Shaw, Jr., Greensboro.

Plan Rooms and Service Offices:

Charlotte — (Executive Offices), (704) 372-1450, 1101 Euclid Ave. 28203.

Charleston — Mrs. Audrey Ellis, 148 East Bay St., Box 448 29402, (803) 723-6115.

Columbia — Mrs. Ethel W. Kreps, 2419 Devine Street, P. O. Box 5266, 29205, (803) 252-4331.

Florence — Mrs. Kristen L. Zillken, 1401 Pecan Street, P. O. Box 1092, zip 29501, Tel.: (803) 662-8733.

Greenville — Mrs. Kathleen C. Mullis, Suite 20, Calhoun Towers Bldg., 29601, (803) 235-6064.

Triad (Formerly Greensboro) — Mrs. Lola Helms, 323 Spring Road, P. O. Box 11266 27409, (919) 292-7970.

Raleigh — Miss Elizabeth Hayes, Mezzanine, Hotel Sir Walter 27602, (919) 831-3479.

Asst. Managing Director: Pride C. Brown, Jr., Columbia.

Administrative Services Division: Thomas P. Dunn, Charlotte.

Builders Exchange Division: Mrs. Willie James, Charlotte.

Building Division: Hubbard L. Sullivan, Charlotte.

Highway, Heavy and Bridge Divisions: Cameron W. Lee, Raleigh.

Public Utilities Division: Edmund R. O'Brien, Charlotte.

Education, Safety and Research Division: Baxter G. McIntyre, Hugh Jeter, Jr., Charlotte.

Industrial Relations Division: Courtney W. Roberts, David A. Daniel, Jr., Charlotte.

Safety Director: Hugh Jeter, Jr., Charlotte.

President Cooper Shackelford is shown presenting the annual President's Award to Steven Arthur Bryan of North Carolina State University. This award is given annually to the outstanding senior in construction at N. C. State.

Carolinas' Branch, Associated General Contractors of America Annual Award to the Outstanding Senior in Construction

North Carolina State University
February 1971

Recipient of Award STEVEN ARTHUR BRYAN

The recipient of the 1971 AGC Outstanding Senior in Construction Award, Steven Arthur Bryan, was born in Cheyenne, Wyoming, on November 12, 1948. He graduated from West Columbus High School in Cerro Gordo, North Carolina, in 1967. While in high school, he was a member of the National Beta Club, the Junior Civitan Club, the Varsity Baseball Team, and the Student Council. During the summer of 1966, he attended a six-week seminar on chemistry and math sponsored by the National Science Foundation at the University of North Carolina at Chapel Hill. He finished high school with the highest average in his class and received upon graduation in 1967 the Chemistry Department Award and was also awarded the school Oratory Award.

Mr. Bryan entered North Carolina State University in the Construction Option curriculum in the fall of 1967, where he has made the Dean's list several semesters. By fulfilling all prescribed requirements, he will graduate with a Bachelor of Science degree at Commencement exercises on May 15, 1971. His present grade-point average is 2.97. Mr. Bryan is currently a member of the Arnold Air Society, a national honorary military fraternity, associated with the Air Force Association. In recognition of his scholarship and leadership, he was awarded a Financial Assistance Grant by the Air Force for his sophomore, junior, and senior years at North Carolina State University. During the past several years, he has worked as a construction laborer, a building construction foreman and an assistant design engineer for the Engineering Department of PCX, Inc., a local farmer's cooperative. His father, Ralph O. Bryan, is field super-

visor of construction for the same company.

Upon graduation Mr. Bryan, who is married to the former Christopher Robin Adams of Knightdale, North Carolina, plans to fulfill his military obligation in the Air Force as a pilot before entering the construction field of work. His outside interests are primarily hunting and fishing.

For the excellence of his record, he is adjudged to be the Outstanding Senior in the Civil Engineering Construction Class of 1971. Accordingly, his name has been inscribed in bronze upon the Memorial Plaque commemorating in permanent form, recipients of the annual award of the Carolinas' Branch of the Associated General Contractors of America.

* Carolinas Contractors Present Chapter Views

(Continued from Front Cover)

effective date of compliance so that employers will have a phase-out or modification period to adjust to and prepare for compliance with the standards."

The Carolinas Branch is indebted to the members of the Accident Prevention Committee for preparing the Chapter's position on this matter. The members and guests in attendance at the February 18th meeting were: T. Frank Gudger, Duke Power Co.; James A. Cooper, Clement Brothers Co.; Jim B. Dean, Rea Construction Co.; Russell L. Jeter, Chambers-Cleckley, Inc.; C. C. Poteat, Fiske-Carter Construction Co.; H. G. Bozarth, Barrus Construction Co.; Jim Maloney, The Furman Co.; Ron Sullivan, J. A. Jones Construction Co.; R. V. Lee, J. A. Jones Construction Co.; Gerald D. Huskamp, Yeargin Construction Co.; Arthur Allred, T. A. Loving Co.; Arnold Allred, T. A. Loving Co.; Arnold Runion, Daniel Construction Co., Inc.; Paul Kennedy, Jr., Gilbert Engineering Co.; Steve Arthur, Thompson-Arthur Paving; R. E. DeSanto, H. L. Coble Construction Co.; B. W. Mullis, Harrison-Wright; R. L. Clapp, Harrison-Wright; Bill Chappell, Employers Insurance; Emmett Sebrell, McDevitt & Street Co.; Jack Taylor, Blythe Brothers Co.; Edward Finch, Meridian Building Corp.; Warren Hughes, Jr., Ballenger Corp.; C. D. Sexton, Republic Construction Corp.; Gene Warren, Nello L. Teer Co.; Cliff Worley, E. C. Worley Erection Co.; Baxter McIntyre, Hugh Jeter, Sherry Winstead and Henry J. Pierce, all AGC Staff.

Association Member Tells Why He Belongs

1. I owe it to myself and the firm to help our industry move forward.
2. My active support gives our industry a more effective voice in business and government affairs.
3. I'm interested in good public relations for our industry and my membership is essential to this.
4. Our officers, directors and national office keep working in my interest.
5. Maintaining my membership is a vote of my confidence.
6. The cost of belonging is an extremely low rent for the place I occupy.

- .1 all employees on the Work and all other persons who may be affected thereby;
- .2 all the Work and all materials and equipment to be incorporated therein, whether in storage on or off the site, under the care, custody or control of the Contractor or any of his Subcontractors or Sub-subcontractors; and
- .3 other property at the site or adjacent thereto, including trees, shrubs, lawns, walks, pavements, roadways, structures and utilities not designated for removal, relocation or replacement in the course of construction.

10.2.2 The Contractor shall comply with all applicable laws, ordinances, rules, regulations and lawful orders of any public authority having jurisdiction for the safety of persons or property or to protect them from damage, injury or loss. He shall erect and maintain, as required by existing conditions and progress of the Work, all reasonable safeguards for safety and protection, including posting danger signs and other warnings against hazards, promulgating safety regulations and notifying owners and users of adjacent utilities.

10.2.3 When the use or storage of explosives or other hazardous materials or equipment is necessary for the execution of the Work, the Contractor shall exercise the utmost care and shall carry on such activities under the supervision of properly qualified personnel.

10.2.4 All damage or loss to any property referred to in Clauses 10.2.1.2 and 10.2.1.3 caused in whole or in part by the Contractor, any Subcontractor, any Sub-subcontractor, or anyone directly or indirectly employed by any of them, or by anyone for whose acts any of them may be liable, shall be remedied by the Contractor, except damage or loss attributable to faulty Drawings or Specifications or to the acts or omissions of the Owner or Architect or anyone employed by either of them or for whose acts either of them may be liable, and not attributable to the fault or negligence of the Contractor.

10.2.5 The Contractor shall designate a responsible member of his organization at the site whose duty shall be the prevention of accidents. This person shall be the Contractor's superintendent unless otherwise designated in writing by the Contractor to the Owner and the Architect.

10.2.6 The Contractor shall not load or permit any part of the Work to be loaded so as to endanger its safety.

10.3 EMERGENCIES

10.3.1 In any emergency affecting the safety of persons or property, the Contractor shall act, at his discretion, to prevent threatened damage, injury or loss. Any additional compensation or extension of time claimed by the Contractor on account of emergency work shall be determined as provided in Article 12 for Changes in the Work.

ARTICLE 11

INSURANCE

11.1 CONTRACTOR'S LIABILITY INSURANCE

11.1.1 The Contractor shall purchase and maintain such

insurance as will protect him from claims set forth below which may arise out of or result from the Contractor's operations under the Contract, whether such operations be by himself or by any Subcontractor or by anyone directly or indirectly employed by any of them, or by anyone for whose acts any of them may be liable:

- .1 claims under workmen's compensation, disability benefit and other similar employee benefit acts;
- .2 claims for damages because of bodily injury, occupational sickness or disease, or death of his employees;
- .3 claims for damages because of bodily injury, sickness or disease, or death of any person other than his employees;
- .4 claims for damages insured by usual personal injury liability coverage which are sustained (1) by any person as a result of an offense directly or indirectly related to the employment of such person by the Contractor, or (2) by any other person; and
- .5 claims for damages because of injury to or destruction of tangible property, including loss of use resulting therefrom.

11.1.2 The insurance required by Subparagraph 11.1.1 shall be written for not less than any limits of liability specified in the Contract Documents, or required by law, whichever is greater, and shall include contractual liability insurance as applicable to the Contractor's obligations under Paragraph 4.18.

11.1.3 Certificates of Insurance acceptable to the Owner shall be filed with the Owner prior to commencement of the Work. These Certificates shall contain a provision that coverages afforded under the policies will not be cancelled until at least fifteen days' prior written notice has been given to the Owner.

11.2 OWNER'S LIABILITY INSURANCE

11.2.1 The Owner shall be responsible for purchasing and maintaining his own liability insurance and, at his option, may purchase and maintain such insurance as will protect him against claims which may arise from operations under the Contract.

11.3 PROPERTY INSURANCE

11.3.1 Unless otherwise provided, the Owner shall purchase and maintain property insurance upon the entire Work at the site to the full insurable value thereof. This insurance shall include the interests of the Owner, the Contractor, Subcontractors and Sub-subcontractors in the Work and shall insure against the perils of Fire, Extended Coverage, Vandalism and Malicious Mischief.

11.3.2 The Owner shall purchase and maintain such steam boiler and machinery insurance as may be required by the Contract Documents or by law. This insurance shall include the interests of the Owner, the Contractor, Subcontractors and Sub-subcontractors in the Work.

11.3.3 Any insured loss is to be adjusted with the Owner and made payable to the Owner as trustee for the insureds, as their interests may appear, subject to the requirements of any applicable mortgagee clause and of Subparagraph 11.3.8.

specifications, or other documents, or if any error, discrepancy, conflict, or omission is noted, the bidder should immediately contact the Architects and request clarification. The Architects will clarify the intent of the documents and/or correct such error, discrepancy, conflict, or omission, and will notify all bidders by addendum in cases where the extent of work or the cost thereof will be appreciably affected. No allowance will be made after the bids are received for oversight by a bidder.

5. EXAMINATION OF OTHER CONDITIONS AFFECTING THE WORK:

Each bidder shall examine and thoroughly familiarize himself with all existing conditions including all applicable laws, ordinances, rules and regulations that will affect his work, prior to submitting a proposal. He shall visit the site, examine the grounds and all existing buildings, utilities, and roads and shall ascertain by any reasonable means all conditions that will in any manner affect his work. He shall ask the Architects for any additional information that he deems necessary for him to fully be informed as to exactly what is to be expected, prior to submitting a proposal. The drawings have been prepared on the basis of surveys and inspections of the site, and are intended to present an essentially accurate indication of the physical conditions at the site. This, however, shall not relieve the bidder of the necessity for fully informing himself as to existing physical conditions.

6. DRAWINGS AND SPECIFICATIONS:

All copies of drawings, specifications and other documents furnished to bidders, sub-bidders and material suppliers shall be returned to the Architects within ten days following the opening of bids.

7. PREPARATION AND SUBMISSION OF PROPOSALS:

Proposals to be entitled to consideration must be on the form provided by the Architects. All conditions set forth in the "Form of Proposal" and "Invitation for Bids" must be complied with. Figures shall be entered on the proposal form in writing and in numerals and signatures shall be made in writing. All blank spaces shall be filled in properly or indicated as not applicable as necessary. No interlineation or alteration will be made on the Proposal Form. If erasures are necessary and appear on the forms, each such erasure must be initialed by the person signing the proposal. Proposals shall be placed in an opaque envelope, sealed, addressed and delivered in the manner and at the time stipulated in the Invitation and/or Advertisement for Bids. Telegraphic bids will not be considered, but modification by telegraph of bids already submitted will be considered if received prior to the time set for opening bids; telegraphic modifications shall not reveal the amount of the original or revised bid. The Contractor shall list in his proposal, in the space or spaces provided therefor, the names of the plumbing, heating, air conditioning and electrical sub-contractors whose sub-bid he used in preparing his proposal.

8. BID GUARANTEE:

When required by the Invitation/Advertisement for Bids and/or the

TRADE AND PURCHASE OF VEHICLES

EXHIBIT VIII

MAY 11, 1972

Highway Department - Trade one 1969 Ford Galaxie 500 for one 1972 Ford Galaxie 500 to be assigned to District Engineer

Trade 100 1967-70 Ford and Plymouth 4ds for 100 1972 Ford Custom 500 4ds - Patrol

Trade one 1969 Imperial 4dht for one 1972 Imperial assigned to Chief Hwy. Comm.

Trade one 1970 Ford 4ds for one 1972 Delta Olds 88 assigned to Lt. Martin

University of South Carolina - Purchase one 1972 International pick-up to be used by the Baruch Institute

Purchase one 1972 Plymouth wagon for Union Regional Campus

Purchase one 1972 Plymouth wagon assigned to Director of Aiken Regional Campus

Exchange one 1970 Ford wagon for 1972 Dodge Colt wagon (smaller economy car)

Purchase one 1972 Chevrolet van wagon for transportation assigned to Aiken Campus

Purchase one 1972 Plymouth wagon assigned to Maint. Motor Pool

Purchase one 1972 Plymouth Satellite - Police Car

Purchase one 1972 Plymouth wagon assigned to Director of Social Prob. Research

Exchange ten 1969 4ds models for ten 1972 Ford Custom 500 4ds - Maint. Motor Pool

Purchase one 1972 Chevrolet 12 passenger wagon assigned to Inst. of Arch. & Anthropol.

Clemson - Trade one 1969 Chevrolet 4ds for one 1972 Ford Galaxie 4ds to provide necessary transportation for fertilizer inspector

Purchase one 1972 Ford Galaxie - assigned to Univ. Extension Service

Citadel - Purchase one 1972 Chevrolet 12 passenger Sportsvan - Funds from Cit. Dev. Found.

Trade one 1969 Ford wagon for one 1972 Plymouth wagon assigned to Motor Pool

Trade one 1965 Ford and one 1968 Chevrolet for two 1972 Ford 4ds (one for motor pool and one for official travel by faculty, athletic dept.)

State College - Trade two 1967 Chevrolet wagons and two 1964 Chev. wagons and one 1969 Ford sedan for four 1972 Plymouth wagons and one 1972 Ford Custom 500 for security

Purchase one 1972 Ford Galaxie 500 for use of college officials

Mental Health - Purchase one 1972 Ford Galaxie 500 for use by Bldg. # 6 employees for transportation - Motor Pool to Div. of Alcohol & Drug Addiction Services

Purchase one 1972 Ford 12 passenger club wagon assigned to Div. of Alcohol & Drug Addiction Services

Purchase two 1972 Plymouth 4ds to be used in Community Service Program - Columbia Area Mental Health Center

Purchase one 1972 Ford club wagon assigned to Charleston Area Mental Health Center

Purchase one 1972 12 passenger bus-type van for use in therapeutic summer camp - Federal and Local Funds

Purchase one 1972 Plymouth Fury wagon to be used by consultants & transportation of equipment and materials

Trade two 1968 Ford 4ds for three 1972 Ford Galaxie 500 4ds - two are to replace worn out vehicles and extra car is to provide adequate transportation for staff

Purchase one 1972 Ford Galaxie 500 4ds to provide transportation for Tucker Center staff

Department of Corrections - Trade one 1957 Chevrolet bus for one 1972 Dodge 15 passenger wagon assigned to Givens Corr. Center, Simpsonville, S. C.

Purchase three 1972 Chevrolet 12 passenger van wagons - Federal grant - Motor Pool at pre-release centers

Juvenile Corrections - Trade one 1970 Pontiac Catalina for one 1972 Pontiac Catalina assigned to State Director, 1970 model is high mileage car and repairs are becoming costly

Purchase one 1972 Maxi-Bus for transportation of students - Federal Funds

Mental Retardation - (Whitten Village) - Trade one 1969 Ford Falcon wagon for one 1972 12 passenger wagon for transportation of students

(Whitten Village) - Purchase one 1972 Dodge 24 passenger school bus for motor pool

Attorney General - Trade one 1968 Buick Electra 4ds for one 1972 Buick Electra 4ds assigned to the State Attorney General

ABC - Trade one 1970 Olds 88 with 50,000 miles for one 1972 Buick LeSabre

Replace a 1971 sedan which was burned in wreck & was a total loss with one 1972 Ford 4ds for investigator

John de la Howe School - Trade one 1970 Ford 4ds with 60,000 miles for one 1972 Ford Custom 4ds for transportation of children

Criminal Justice Training Academy - Purchase one 1972 Plymouth wagon assigned to Director

Wildlife Resources - Trade fifty (50) 1968 & 69 Ford and Plymouth sedans for fifty (50) 1972 Ford Custom 500 4ds assigned to Conservation Officers

Trade four 1969 Ford Galaxie 500 4ds for four 1972 Ford Galaxie 500 4ds - assigned to Office Staff for official travel

Purchase one 1972 International Scout assigned for biologists for work on spoil areas

Purchase one 1972 Townsman wagon to replace vehicle with blown engine

General Services - Purchase six 1972 Ford Custom 500 4ds - assigned to Motor Pool

Francis Marion College - Purchase one 1972 Chevrolet van wagon used by Athletic Department

Purchase one 1972 Plymouth 4d wagon required to transact official college business

Governor's Office - Exchange one 1970 Cadillac limo for one 1972 Cadillac limo sedan

Midlands Center - Purchase one 1972 Chevrolet wagon for use by a half-way house

Purchase one 1972 Chevrolet wagon to be used to transport students for Sumter Day Care Center

Trade one 1968 Ford 4ds for one 1972 Ford Custom 4ds - equipped as patrol car

Pollution Control Authority - Trade two 1970 Ford wagons and one 1969 Ford wagon for three 1972 Plymouth wagons (cars have over 60,000 miles)

Purchase two 1972 Ford 4ds (one assigned to supervisor for travel in district & central office - other assigned to geologist)

Industrial Commission - Trade one 1969 Pontiac for one 1972 Pontiac - assigned to Commissioner

Education Department - Trade eight (8) 1967 4ds for eight (8) 1972 Plymouth wagons - assigned to county supervisors of Transportation & Driver Training Instructors

Trade three 1967-68 4ds for three 1972 Ford 4ds - assigned to area supervisor and maintenance specialists

Tax Commission - Trade one 1970 Olds Delta 88 and one 1970 Pontiac Executive for two 1972 Pontiac Bonneville 4ds - assigned to Chairman and a Commissioner

Technical Education - Purchase one 1972 Ford - assigned to Coordinator of Eng. Technology

Agriculture Department - Trade one 1965 Chevrolet Impala 4ds for one 1972 Ford Galaxie 500 4ds assigned to Commissioner

York TEC - Purchase one 1972 Ford 4ds - assigned to Director

Office of Economic Opportunity - Purchase two 1972 Chevrolet vans for food stamp operations

ETV - Purchase one 1972 Ford LTD, assigned to General Manager

Department of Corrections - Purchase two 1972 Dodge 12 passenger vans for Pre-Release Centers - the 1968 Chevrolet 20 passenger bus will be placed in current motor pool

Purchase one 1972 Dodge Maxi-Wagon to transport construction workers

Technical Education - Purchase one 1972 Ford Custom 500 4ds assigned to Assistant Executive Director

Purchase two 1972 Chevrolet 12-passenger vans - assigned to State Director for Concentrated Employment Program - Vehicles to be stationed at various CEP centers

College of Charleston - Purchase two 1972 Chevrolet sportsvans - Rapid expansion necessitates purchase of these vehicles

Forestry Commission - Trade one 1966 Chevrolet wagon for one 1972 Plymouth wagon to be assigned to nurseryman

Winthrop - Purchase one 1972 Chevrolet van wagon and one 1972 Plymouth station wagon for Family Education / Day Care Programs

Development Board - Trade two 1969 Buick Electra 4ds for two 1972 Olds 88 4ds

Archives & History - Purchase one 1972 Plymouth wagon assigned to staff for official travel

Wildlife Resources - Purchase two 1972 Ford Custom 500 4ds - increase in personnel necessitates need for two additional motor pool cars

Trade one 1964 Chevrolet 4ds for one 1972 International 3/4 ton pick-up assigned to boat captain

Purchase one 1972 Chevrolet carry-all assigned to research scientists

Mental Retardation - Trade one 1968 Ford for one 1972 Ford Galaxie 500 for official travel for the Coastal Center Division

Purchase one 1972 International 60-passenger bus for transporting students on field trips, etc.

Trade one 1966 Ford 4d wagon for one 1972 Plymouth wagon for official travel

Trade one 1968 Ford wagon for one 1972 Plymouth wagon for official travel

Purchase one 1972 Chevrolet van for transportation of patients

Trade one 1963 Ford carry-all wagon for one 1972 Chevrolet van wagon used 24 hours per day for transportation of students

Trade one 1964 Pontiac 2dht for one 1972 Ford Galaxie 500 4ds for transportation of children to and from Charleston Hospital to clinics in Newberry and Anderson

Purchase one 1972 Chevrolet 12-passenger sportsvan - assigned to Coastal Center Div.

PERMITS

Beaufort County

- Jesse L. Altman, Jr. - construct a floating dock and pier in Rock Springs Creek
- Beaufort County Outdoorama, Inc. - construct an artificial fishing reef in the Atlantic Ocean
- Lt. Gen. A. O. Conner - construct a wharf and floating dock at Brams Point
- Ralph Crawford - construct fixed walkway, dock with small storage shed, floating dock and connecting ramp in May River
- Marvin H. Dukes - construct a wharf and floating dock in Beaufort River
- S. C. Electric & Gas Co. - construct a 12 KV distribution line across Chechessee Creek
- Hudson Seafood Co. - approval of a shell fill area and a marine railway
- Mr. & Mrs. Walter K. Murray - approval of plans for existing pier, pavilion, ramp and floating dock adjacent to May River
- Palmetto Dunes Construction Corp. - dredge channel in vicinity of Broad Creek
- United Telephone Co. of the Carolinas, Inc. - construct an aerial cable crossing over Big Island Creek

Berkeley County

- Wilson Bonnette - construct a bulkhead, boat slip and boat shed in Cooper River (West Branch)
- Herbert J. Butler - construct a floating dock in Wando River
- S. C. Electric & Gas Co. - construct three overhead transmission lines across Back River

Charleston County

- Charles R. Allen - fill an open drainage ditch adjacent to Cooper River
- Harold L. Brossy - construct a bulkhead, floating dock and pier with a canopy in Penny's Creek
- City of Charleston - perform maintenance dredging in the Ashley River
- City of Charleston - relocate city storm drain into Cooper River
- Charleston County Public Works Department - perform maintenance excavation in canals leading into New Market Creek
- Raymond O. Dion - construct a rip-rap retainer bulkhead in South Edisto River
- Harold I. Donnelly - construct a retaining wall and boat slip with boathouse in Elliott Cut
- S. C. Electric & Gas Co. - construct a 23 KV aerial distribution line in Charleston Harbor
- Etiwan Fertilizer Co. - perform maintenance dredging in Shipyard River

Perkins G. Gaillard - construct a pier, floating dock and boat shed in Stono River

S. C. Highway Dept. - perform maintenance excavation of a drainage ditch adjacent to Ashley River

H. G. Hitopoulos - Construct a wharf in Hog Island Channel

William G. Houston & Edith F. Wearn - construct a pier and floating dock in Big Bay Creek

Lewis D. Jones - approval of plans for existing pier and floating dock in Oak Island Creek

Kate Lubelsky - construct a pier in Hamlin Creek

Norman Lubelsky - construct a pier in Hamlin Creek

D. P. Morris, Jr. - approval of plans for existing dock and proposed boat house on Stono River

James W. Moseley - construct a wharf on Stono River

Mrs. Romaine T. Murray - construct a wharf in Wadmalaw Sound

North Charleston Consolidated Public Service District - construct a trunk sewer line in the marsh adjacent to the east shore of the Ashley River

S. C. State Ports Authority - rebuild existing dock on Cooper River

S. C. State Ports Authority - perform maintenance dredging in Cooper River

Salmons Dredging Corp. - perform maintenance dredging in Shipyard River

Santee Portland Cement Corp. - perform maintenance dredging in Shipyard River

Southern Bell Tel. & Tel. Co. - install a submarine cable across Church Creek

Lewis H. Trotti - construct a wharf and floating dock in Russel Creek

Charles E. Truluck - construct a bulkhead, pier and floating dock in Unnamed Canal

U. S. Navy Dept. - perform dredging in Shipyard Creek

U. S. Navy Dept. - rip-rap and fill along the existing embankment at Cooper River

Wyman J. Woods - approval of plans for an existing pier, boathouse and ramp in Stono River

Cherokee County

Colonial Pipeline Co. - proposed seasonal discharge of cooling waste water into the Broad River

Dorchester County

The Ervin Co. - excavate and construct a bulkhead, floating dock and ramp in Ashley River

Georgetown County

Rev. Carlos O. Gardner - construct bulkhead and fill in Main Creek

General Telephone Co. of the Southeast - install a submarine telephone cable across Black River

Mrs. Bright H. Hines - approval of plans for existing canals in Waccamaw River

Charles N. Jacobs - construct a pier in Sampit River

Paradise Fishing Reef Association - construct a dock in Main Creek

U. S. Transportation Dept., Coast Guard - revalidation of permit # 348 issued October 4, 1968 to install submarine power and communication cables across Winyah Bay

Horry County

S. C. Public Service Authority - install a submarine power cable in Old River

Jasper County

State Highway Dept. of Georgia - remove unsuitable material from the proposed I-95 right-of-way crossing Savannah River and remove suitable fill from the Savannah River

Chelsea Plantation - construct a wharf in Hazzard Creek

McCormick County

S. C. Department of Parks, Recreation & Tourism - construct two docks with fixed piers, ramps and floating piers, a refueling dock with fixed pier, ramp and floating pier and two launching ramps - construct raw water intake structure, submerge 8" treated water line and two 6" discharge pipes from water treatment facilities - all this work to be done at Clark Hill Lake

Oconee County

Robert J. Lipshutz, Morris W. Macey, John M. Sikes, Jr. - construct a small boat basin by removing approximately 30,000 cubic yards of material to be deposited on adjacent Government Land, Tugaloo River

SPACE

Labor Department - OSHA at 1710 Gervais Street - 850 sq. ft. @ \$ 4.75 per sq. ft.
\$ 4,037.50 annual rental rate

Public Welfare - Extend lease for two years and two months - 29,651 sq. ft. @ \$ 4.00 per sq. ft.
\$ 118,652.85 annual rental rate

Probation, Parole and Pardon Board - one year lease at Middleburg Plaza - 4,020 sq. ft.
@ \$ 3.95 per sq. Ft.
\$ 19,095.00 annual rental rate

State Housing Authority - one year lease in the Columbia Building - 952 sq. ft. @ \$ 3.65 per sq.ft.
\$ 3,486.00 annual rental rate

Public Service Commission - one year lease in the Owen Building - 2,035 sq. ft. @ \$ 3.75 per
sq. ft.
\$ 7,621.35 annual rental rate

EQUIPMENT PURCHASES

Parks, Recreation & Tourism - Purchase one NuArc platemaker w/trade-in of one that the Development Board had \$ 1,338.70

University of South Carolina - Purchase one Model 350 A. B. Dick Offset Press \$ 4,017.00

Labor Department - Purchase one Model 326 A. B. Dick Offset Duplicator and one Model 106 A. B. Dick Plat Exposure Unit

Tax Commission - Purchase one Model 369A Duplicator, one Model 675 Master Maker, one Model 167 Conventional Unit and one Model 680 Electronics Copier \$ 14,733.88

Public Welfare - Purchase one Addressograph Model 1275 W Tandem Offset Duplicator \$ 10,019.10

STATE OF SOUTH CAROLINA
PERSONNEL DIVISION

EXHIBIT IX
MAY 11, 1972

F. E. ELLIS
STATE DIRECTOR

TELEPHONE
(803) 756-3334

700 KNOX ABBOTT DRIVE
CAYCE, SOUTH CAROLINA 29033

May 3, 1972

The Honorable John C. West
Governor, State of South Carolina
State Budget and Control Board
P. O. Box 11450
Columbia, South Carolina

Dear Governor West:

The State Employee Grievance Committee held a hearing on May 2, 1972, on the appeal of Sally Ann Williams, concerning her dismissal from the Department of Mental Health. The State Grievance Committee met, following the hearing on May 2, and rendered its decision, a copy of which is attached.

Enclosed at the request of Mr. Robert H. Stoudemire, Chairman of the Grievance Committee, is a copy of the transcription of the grievance hearing before the S. C. Mental Health Grievance and Appeal Committee (Step 3 of the agency's grievance procedure), which provides considerable information on all of the issues on which Miss Williams' appeal is based.

A complete transcript of the hearing before the State Employee Grievance Committee is being prepared and will be available for review by members of the Board should such be desired.

Under the Grievance Act, the Board has thirty (30) days in which to render its decision dating from May 5, 1972.

It is the intention of the State Employees' Committee and endorsed by the State Personnel Division that no indication of the State Committee's action be made public or released to the parties until the Board has rendered its decision. Therefore, your confidence in the interim would be greatly appreciated.

Mr. Fred B. Haskell of this Division attended the hearing on May 2, in my behalf, and would be happy to appear before the Board to answer any questions.

If we may be of further assistance prior to your meeting to deliberate your action, please let us know.

Yours truly,



F. E. Ellis
State Director of Personnel

FEE:bjc
Enclosures
cc: The Honorable P. C. Smith
Secretary, Budget and Control Board

2195

NOTICE TO BUDGET AND CONTROL BOARD OF GRIEVANCE COMMITTEE ACTION

GRIEVANCE HEARING

APPELLANT'S NAME: Miss Sally Ann Williams
JOB CLASSIFICATION: Nursing Assistant II
AGENCY: S. C. Department of Mental Health DATE: May 2, 1972
NATURE OF CASE: Dismissal

FINDINGS: (Use additional pages if necessary.)

The S. C. Employee Grievance Committee unanimously feels that dismissal of Miss Sally Ann Williams as a Nursing Assistant II is justified. The Committee, after reviewing the evidence and testimony in this case concurs in the findings under the Mental Health Department grievance procedures that the patient was abused by Miss Williams on two separate occasions.

RECOMMENDATION:

[SEE ATTACHED STATEMENT]

See Findings

Signatures of Committee Members:

Curtis A. Dyer Margaret A. Dyer
Bruce R. Temple
Charley Redding
Robert H. Spence Date May 2, 1972

COMMITTEE CHAIRMAN

Mrs. Willie J. Brown - Not eligible to participate - employee of Mental Health
Miss Madelyn Walker - Excused because of an emergency

ACTION BY BUDGET AND CONTROL BOARD

DECISION: (Use reverse side or additional pages if necessary.)

COMMENTS:

Signature: _____ Date: _____
BUDGET AND CONTROL BOARD

FINDINGS

The State Grievance Committee feels that Miss Sally Ann Williams is a young lady having potential, and the Committee endorses re-employment by the S. C. Mental Health Commission in some capacity not related to direct patient care.

The Committee recommends that the S. C. State Hospital, in their handbook "General Information for Nursing Service Personnel", amend item 3, page 7, to read "Patient abuse by striking or physical violence will not be tolerated. Any employee found guilty of such action will be subject to dismissal."

GRIEVANCE COMMITTEE MEETING

March 13, 1972

Presiding: Mr. Hal Curtis
Chairman

Attending: Eddie Joyner, House Supervisor, SCSH
Nadine Williams, Medicare Clerk, Patient's Personal Affairs
Branch, SCDMH
Lillie M. Outlaw, Vocational Instructor II, CFSH
Sara Stratton, Administrative Assistant, CMHS
Eugene McMillan operated recording machine and administered
oaths.

Witnesses in order of appearance:

Mr. Grady B. Wingard
Mrs. Doris Wheeler
Mrs. Dorothy C. Pressley
Mrs. June Anderson
James F. Schweickert
Miss Rosetta Burden

Notes taken down are as follows:

Hal Curtis: Good morning, I am Hal Curtis, Chairman of the Grievance and Appeal Committee III appointed by the Department of Mental Health. This meeting that we are to have this morning is to be informal. If all of you will look to your right and left, the two ladies are stenographers and we also have a recording device which is picking up all our voices. When one of us is making a statement I ask that you please speak slowly, distinctly and a word to the stenographers, if at anytime you do not understand the person talking, feel free to audibly call it to our attention, they then can repeat it and you can get the information that is required at the hearing.

I have before me a form from the SCDMH which is an opening statement for each departmental grievance hearing.

"The following statement is read by the Chairman or Acting Chairman as the 'Opening Statement' to open all appeal hearings before a departmental Employee Grievance Committee.

This is the hearing of the appeal of unfair dismissal instituted by Sally Ann Williams against South Carolina State Hospital being held in Columbia, S. C., this 13th day of March, 1972.

A record is being made of the hearing.

For the record, my name is Hal V. Curtis and other members of the Employee Grievance Committee present are: Mrs. Nadine A. Williams, Mrs. Lillie M. Outlaw, Mrs. Sara K. Stratton and Mr. Eddie Joyner. The employing facility is represented by Mr. Grady B. Wingard. The appellant is represented by her sister, Mrs. Doris Goodwin, Remotivation II, SCSH.

Your attention is called to the fact that this hearing will be conducted as informally as is compatible with an equitable presentation of both sides of the case. I am the presiding officer of this Committee and it is my duty to take whatever action is necessary to insure an equitable, orderly, and expeditious hearing.

We will not be bound by strict rules or evidence. In the event a member of the Committee objects to a decision to accept evidence, the majority vote of the Committee will govern. If either party to the case feels compelled to offer an objection, it will be noted in the record for subsequent consideration.

A file comprising appellant's employment record with the department, and records and papers pertinent to this appeal has been furnished members of the Committee by the Personnel Office. This file is being entered into the record as the Committee's exhibit.

Normally, the appellant or his representative will present his case first, and if he so desires, may make an opening statement before the presentation of the case, or present any documentary evidence in support of his appeal. Thereafter the appellant may call and examine witnesses in support of his case.

After the appellant has completed his presentation, the facility will present its case, which may be prefaced by any oral statement it may wish to make. Thereafter, it may call and examine witnesses in support of its case.

Each side will be given the opportunity at the appropriate time to ask questions of the witness. The presiding officer or any member of the Committee may direct questions to any party at any time during the proceeding.

Before closing the hearing, the presiding officer will allow both parties to present a brief summary or closing statement if they so desire.

I wish to point out that only testimony and evidence pertinent to the charges on which the facility's action is based, or pertinent to the grounds on which the appeal is based, will be allowed. Testimony or evidence which is repetitive or cumulative in nature will not be permitted.

Are there any questions by either party? None.

Are all witnesses to testify in this hearing present?

No. Let the record show that Miss Williams is requesting a witness named Miss Rosetta Burden but she is not present and this will be discussed later.

Witnesses are asked not to discuss this case either before or after testifying until they are excused. This is not intended to preclude either party to the case from entering into discussion with their respective witnesses. Does any witness not understand this? None.

Witnesses are to remain available after testifying until they are excused by the presiding officer with the consent of both parties. After the opening statement, witnesses shall not remain in the hearing room except when called to testify.

After hearing this appeal, the Committee will report its findings and recommendations to the State Commissioner of Mental Health as soon as possible, and in no case later than 10 days. The State Commissioner of Mental Health, after reviewing the case, will submit copies of his final decision as soon as possible, but no later than 20 days to the employee, the employing facility, the Personnel Director, and the Grievance Committee."

Are there any questions? None.

I shall continue at this time to ask you again about the lady, Mrs. Burden. Did you receive a letter from me about the time the meeting would be held? Asking you who you would have representing you and asking you to let me know?

Sally Ann Williams: I received the letter Friday in the mail at 1:00.

Hal Curtis: Where is that return receipt? It is in one of these files. It is here?

Did you say Friday? You received the letter on the 7th of March and today is the 13th and I have not been notified you would have a representative - I do not know about a Burden individual and do you have any further questions on the subject at this time?

Sally Ann Williams:

Yes, I feel that when the State Deputy Commissioner interviewed these witnesses and I asked him that he interview her and I feel that she should have been heard too.

Hal Curtis:

Let's clear up one thing here, Miss Williams, who is the individual you refer to by the Deputy Commissioner? Mr. Fred Sons?

He is not the Deputy Commissioner.

These witnesses were also investigated by him and they were called as witnesses to the State and should be contacted.

You do want Mrs. Burden here?

Sally Ann Williams:

Yes.

Grady B. Wingard:

We have no Burton -- we have Burden and she works in nursing service.

Hal Curtis:

Do you know whether or not she is on duty? Do any of you people here think she could be summoned?

Nurse:

She might be on clinic duty.

Grady B. Wingard:

Would you like for her to be summoned?

Hal Curtis:

I think this would be proper at this time so we can hear her at this hearing.

At this time we shall proceed with Miss Williams' opening statement. I will ask all persons other than Mr. Wingard to leave the room and will Miss Williams please move to the seat facing me.

To you Mr. McMillan.

Eugene McMillan:

Please state your name, please.

Sally Ann Williams:

Sally Ann Williams.

Miss Williams is sworn in at this time.

Hal Curtis:

Now, for each concerned, I want to read or re-read a statement from the opening statement. "I wish to point

out that only testimony and evidence pertinent to the charges on which the facility's action is based, or pertinent to the grounds on which the appeal is repetitive or cumulative in nature will not be permitted." Proceed with your statement Miss Williams.

Sally Ann Williams:

I feel that I should appeal to the South Carolina Grievance Committee because the investigation which was held pending upon my termination was unfair to me and I also feel that I was discriminated against.

The investigation that was investigated by Mr. Fred Sons he did not investigate all the witnesses that were involved at the time of the accident. There were also some misunderstandings when I went to Mr. Schweickert's office which I thought were unfair.

Hal Curtis:

State what they were.

Sally Ann Williams:

The date of the accident, January 4, 1972, when I was called to his office and I was in a meeting with Mr. Schweickert and Mr. (gave no name) who was the chief security officer before Mr. Sons took it after this administration - he left the Department.

Hal Curtis:

You are talking about an investigator named Craig?

Sally Ann Williams:

Yes. I was in a meeting with Mr. Craig and Mr. Schweickert and on the day of the accident I filled out a report. I was told to come to the office at 1:30 and I explained that I had been earlier that day and he told me he saw no reason to terminate me or dismiss me at this time and what I had done in the process was what I had to do in protection of myself.

Hal Curtis:

Mr. Schweickert?

Sally Ann Williams:

Yes. Later on that day he contacted Charlestine Sanders. I was told then the same thing he had told Sanders. I went back to the building at 2:30. Two witnesses Dorothy Pressley and Patricia Wheeler was at his office, before I got back, so I left work the same day about 3:30 and when I got home I called him back and I asked him at this time whether he wanted me to come back. I wanted to know if he wanted me to come back to work. I was off duty the next day.

He told me to stay at home until further notice and I have been talking to several people since then, the Relationship Counsel, Mr. Lucas, and evidently he has been mislead on several instances because when I came by

Hal Curtis:

Lets stay on the subject of your dismissal.

Sally Ann Williams:

I will go back the, I am sorry. After I was talking with Mr. Schweickert that same afternoon I called him and told by him to stay at home because I was officially dismissed. During this time supposedly they are investigating several witnesses who were there at the time the accident happened, Wheeler and Pressley, and they filled out a request saying what they had saw happen earlier this morning.

Hal Curtis:

An incident report?

Sally Ann Williams:

An incident report saying what they saw earlier that morning.

Well on the day of January 4 about 8:30 a.m. this patient Violet Campbell confronted me about a Christmas present and that she was sorry that she had not gotten me one. Knowing in my mind we weren't supposed to get Christmas gifts from patients. She then started saying that someone had told her that I didn't like her. I said who could possibly told you that. She said "I'm not going to tell you." I said well, Just well, I was on Ward 196 calling the other patients to come to breakfast then.

Then she started saying that she couldn't stand me anyway. Patricia Wheeler came up while we were talking and I asked Mrs. Wheeler if she would ask Mrs. Campbell to come to breakfast and she did and she said she was not going to move.

Hal Curtis:

What was this statement. I didn't hear you.

Sally Ann Williams:

Knowing at this particular point that I could walk away from her - I was still standing on Ward 196 calling the other patients in for breakfast and she said "Miss Williams I can't stand you." She stated it four times, I am not going to move. At this particular point I walked to my right and she was still standing ther and my uniform collar brushed up against her, at this point she grabbed me by my uniform sleeve and I turned around to my left and this was when she went up against the wall. When she did that she was scratching my face. I then hit her open-handed and where I struck her I cannot say, and then was when the investigation started. The supervisor, Mrs. Anderson, was not there at that particular time - she was in the Allen Building doing blood work on another patient, and she came back about 9:10 and came through Ward 194 and 196 and she saw the patient lying there and she must have asked her what she was doing in bed at this time. I wasn't there.

Hal Curtis:

Stay right with shat you know is a fact, please.

Sally Ann Williams:

She asked her what had happened. She told her that we had a fight.

Hal Curtis:

Did you hear this?

Sally Ann Williams:

Yes, I heard this. She asked me what happened earlier this morning. So I told her.

At this point she called the office and asked Mrs. Sanders if she could have another Aid take Mrs. Campbell up for an X-Ray. And she asked me to fill out my original story on what had happened on this long yellow sheet of paper.

After this I went to the Byrnes building to see Dr. Burnette to see about the scratches on my face. I didn't get any medical attention then and not even a tetanus shot. I was sent back to the building about noon and I got a call from Mrs. Prescott and she said Mrs. Sanders wanted to see my so I went back down to the office. I think it was an accident report that is what you have in your hand isn't it. Then Mrs. Prescott typed it up nad I went back to the building and it was about 1:30 and I got a call from Mrs. Sanders and she said that as of now I was officially off duty and Mr. Schweickert wanted to see me and I went to his office and while I was there Mr. Craig and Mr. Schweickert went over the report and that was when Mr. Schweickert told me that the position I was in with Mrs. Campbell with Mrs. Wheeler and Mrs. Pressley standing there he didn't see any reason to terminate, dismiss or suspend me at this time - to report back to work.

I went back to the building around 3:00. Before I could get there Mrs. Pressley and Mrs. Wheeler and Mrs. Anderson went up to his office and at 3:30 they were not back yet so I left off duty.

When I got off duty and went home I called Mr. Schweickert at his office because I had talked wit a few employees and I was very suspicious and was concerned about what was said and how long they had stayed in his office. This was why I called him back. That is when he told me to not report back to work until further notice and so Mr. Schweickert advised me about the investigation that was going to take place and he told me about the two witnesses they had investigated and they had to fill out a report and evidently, I don't know about this but -- the report was not verified with what I had said about certain points.

Hal Curtis: You mean it didn't agree?

Sally Ann Williams: With what I had said. And times in between, the investigation up to this point I was to fill out this Grievance Committee form and when I talked to him, Mr. Lucas, at home on the phone and also in his office when I asked him certain questions about the investigation he couldn't give me any straight answers. Similarly he had not seen some of the reports, neither the X-Ray copy when I asked him about certain factors about this investigation he didn't know anything. All he knew was what somebody had told him.

Hal Curtis: Mr. Lucas was not investigating this was he?

Sally Ann Williams: He was suppose to be Employees Relationship Counsel. When I asked him certain factors like this he couldn't tell me anything. All he could tell me was what somebody else had told him.

Hal Curtis: If I may interupt, please, he is an Employee Relations employee individual and I feel that him not knowing to answer your questions is irrelevant to this at the present time, so stay on the subject if you will. Continue please.

Sally Ann Williams: Getting back - to tell the truth, he was my only means of communication because if I hadn't gotten what I had learned through him I didn't have any other contact about what Mr. Sons was doing about Mr. Schweickert - he was my only means of communication.

Hal Curtis: You may make your statement but I can understand his not knowing to answer.

Sally Ann Williams: I understand that. He was getting his information from Mr. Schweickert and Mr. Sons. The day he called me, Mr. Lucas called me and told me I was terminated not the Employee Relations counsel.

Hal Curtis: Did you state earlier that Mr. Schweickert had called you and told you not to come back to work. I don't think it would have gotten to the sister if it hadn't gotten back to Mr. Lucas.

Sally Ann Williams: Mr. Lucas called me one night at home and told me I was terminated and the same night my isister called Dr. Daskocil and evidently he was not aware of the case about it because he said he hadn't even seen my file. I got very upset about this and I contacted a lawyer about this. He wrote a letter to Mr. Schweickert. This was when I got in contact with him, and he advised me of the Grievance Committee. Mr. Lucas was my main contact.

Hal Curtis: I see the connection now.

Sally Ann Williams: There was a lot of in between talking with the other employees and I got a lot of calls from other people who I didn't think was involved in the case. That is why I wanted Mrs. Burden here.

Hal Curtis: She has been summoned.

Sally Ann Williams: She can verify a point in my request for the Grievance Committee pertaining to a certain factor that the witness said.

Hal Curtis: Do you have anything further?

Sally Ann Williams: No, not unless - Not in my opening statement, I don't believe. Yall don't mind if my sister could say something pertainint to this.

Hal Curtis: No, not at your opening comment.

Mr. Wingard would you come forward please.

Eugene McMillan: State your name please.

Mr. Wingard: Grady G. Wingard.

Mr. Wingard is sworn in at this time.

Hal Curtis: Mr. Wingard, make your presentation or opening statement.

Mr. Wingard: I would like to initially, if there is no objection to clarify two remarks Miss Williams made; two points which she has made statements on which help later on in the correctness of your approach.

Number one is that the original investigation was made by Mr. Carl Craig in this case and I think you have copies of the original of the employee's investigation reports. At the particular time Mr. Craig made the initial investigation that Mr. Sons was not on duty and Mr. Sons made subsequent investigations but not when the initial investigation was made.

Number two in regard to the communication between Miss Williams and Mr. Schweickert was concerning the grievance was a letter to Mr. Schweickert when her attorney Mr. John R. Harper, II, wrote a letter to Mr. Schweickert and this letter was referred to Dr. Dockocil and we have a copy of Dr. Dockocil's report reply to Mr. Harper with a copy to Miss Williams specifying the procedure to be followed in the Appeals Procedure which continued step #2 of the procedure which she was in at

2206

that time and the letter came from Mr. Harper and Dr. Daskocil responded and if you would like we could make copies and submit it to the record.

I have no definite information about the incident as it occurred, because I was not present. The only information I have is what you have in your hands and statements gathered from the investigation, Miss Burden and others concerned... The Grievance Hearing was continued by Dr. Daskocil and I participated in that on February 14, 1972, - anything I might say regarding this would be superfluous information and would be repetitive and I could not make any statements at this particular time that would add anything to that.

Mrs. Burden did make a statement and it was forwarded to the Committee.

Hal Curtis: Anything further, Mr. Wingard?

Mr. Wingard: Nothing further at this time.

Hal Curtis: Does the Committee have any questions of Mr. Wingard at this time?

Mr. Wingard: If the committee would like I would make an opening statement concerning the action taken by the Hospital. If you would like to have the reason for our taking the action, certainly the action was taken as the result of the injury sustained by one of our patients which was a broken clavicle. A broken collar bone. The Hospital has had a report of the incident against patient injury and abuse. The administration of the Hospital took it that it was cause of patient abuse. This was a standard procedure followed many years and in view of the fact that the patients are loved ones and citizens of our state we try to protect our people. The action for dismissal was because of the severity of the injury and the nature of the injury, and that is the reason Miss Williams was terminated.

Hal Curtis: Thank you, Mr. Wingard, just have a seat back there.

Mr. McMillan, would you please call Mrs. Wheeler.

Mr. McMillan: State your name please.

Mrs. Wheeler: Mrs. Doris Wheeler.

Mr. McMillan swears in Mrs. Doris Wheeler.

Hal Curtis: Mrs. Wheeler, we are here to gather facts about the alleged incident and the abuse of a patient, Mrs. Campbell. Would you relate to this committee of your first-hand knowledge what you actually know as a fact pertaining to this subject that occurred on January 4, 1972.

Mrs. Wheeler:

Yes sir.

We were in the dining room serving breakfast about between 8:20 and 8:25 when a patient, I couldn't tell you who the patient was, came running down the hall out of 196 and said there was a fuss or fight going on. I don't remember which. Me and Mrs. Pressley turned immediately around then went to Ward 196 to be of help. We were in the door, the fuss and fight was in progress and there was arms going this way and that way so we could not interfere in it.

Hal Curtis:

Who's arms were they?

Mrs. Wheeler:

Both of them. Miss Williams and Mrs. Campbells. We could not get anywhere close to them, there was no room and I said there were arms going this way and that way. When they had got to the corner I got Mrs. Campbell by the hand and led her into the dining room and Miss Williams followed her into the dining room and pushed Mrs. Campbell into the food cart and said for her never to get in her face again.

Nadine Williams:

Were they actually fighting? I mean passing licks?

Mrs. Wheeler:

They were striking each other and arms, like I said, arms were going this way and that way.

That was all there was until Mrs. Anderson returned to the building and came back to the building and stopped Mrs. Sanders and told her about it. I don't know what happened before I left the dining room.

Nadine Williams:

Did Miss Williams push Mrs. Campbell very hard or shove her? Was she trying to restrain the patient?

Mrs. Wheeler:

Miss Williams did not attempt to restrain the patient.

Mrs. Outlaw:

You were there, did you try to restrain the patient?

Mrs. Wheeler:

I did not.

Mrs. Outlaw:

Would you have tried to help her at that moment? Were you too afraid to get into the fight?

Mrs. Wheeler:

I was no so much afraid, if I had tried to get into the fight to help I would have gotten it from both sides, instead of just Mrs. Campbell.

Nadine Williams:

Did Miss Williams push the patient twice or once.

Mrs. Wheeler:

Twice. In the Ward and in the dining room when she pushed her into the food tray that they send the diets from the big dining room in.

Hal Curtis: Were any words exchanged at this point between Mrs. Campbell and Miss Williams when Miss Williams came into the dining room?

Mrs. Wheeler: She said "Don't you ever stand in my face again".

Hal Curtis: Are the sequence of events in this order?

There were some altercation between the patient and Miss Williams in the hall. That broke up and was finished. The patient then went into the dining room and Miss Williams pushed her into the food cart or the wall again.

Nadine Williams: Did she push her backwards or sideways?

Mrs. Wheeler: Backwards. In the dining room, the back of her legs hit the edge of the cart.

Nadine Williams: Did the patient fall onto the floor?

Mrs. Wheeler: She didn't fall on the floor in the dining room, she was just pushed into the cart and she did not fall to the floor in the Ward. She hit the Ward wall.

Hal Curtis: She hit the wall in the Ward with her shoulder. I believe you had a question.

Mrs. Williams: Mrs. Wheeler, if you could remember back at this time after she was pushed into the wall when you took the patient into the dining room I fixed my uniform at this time and looked at my face before I entered the dining room.

Mrs. Wheeler: I don't know whether you straightened your dress or not but I do know you allowed her into the dining room and pushed her into the cart.

Mrs. Goodwin: Mrs. Wheeler: You say Mrs. Williams pushed her twice. You were in the dining room when the fight started. Did you see her push her twice?

Mrs. Wheeler: I said she pushed her once on the Ward and once in the dining room.

Mrs. Goodwin: On the Ward and then in the dining room. When she pushed her into the wall why didn't you try to restrain her?...

Mrs. Wheeler: I took her to the dining room...I took her by the hand and gave her a tray. She offered no resistance whatsoever.

Hal Curtis: At this time she (Mrs. Williams) followed you and took the patient from you?

Mrs. Wheeler: Followed me again. Picked up the tray ... that was when Miss Williams pushed her again, before I could give her a tray.

Mrs. Outlaw: Mrs. Wheeler, were there any words, was Mrs. Campbell and Miss Williams saying anything, were they saying anything to each other --- that Miss Williams walked up to Mrs. Campbell and pushed her.

Mrs. Wheeler: I don't know what was happening before I went to the Ward. I don't know. I cannot tell you.

Mrs. Outlaw: Did they say anything to Miss Williams that would make her come up to Mrs. Campbell and push her into the cart?

Hal Curtis: Did you see a scratch on Miss Williams' face at any time?

Mrs. Wheeler: I don't remember seeing one. I don't believe there were.

Nadine Williams: Would you say that Miss Williams was angry from what you saw? Did the expression on her face show she was angry?

Mrs. Wheeler: Don't know I - I don't know what took place before the patient came into the dining room and told us about the fight. From what I saw in the Ward I would say she was extremely angry.

Hal Curtis: What kind of patient is Mrs. Campbell?

Mrs. Wheeler: She is a diabetic. She is demanding. She is antagonistic, but I had never seen her hit an employee.

Hal Curtis: That is all Mrs. Wheeler, now Mr. McMillan you can call Mrs. Pressley.

Mr. McMillan: State your name, please.

Mrs. Pressley: Dorothy C. Pressley.

Mrs. Pressley is sworn in at this time.

Hal Curtis: Mrs. Pressley, speak loudly and clearly so that these ladies on your right and left side can hear what you are saying. They are taking it down in dictation and it will also be recorded. Speak distinctly and tell us about the incident which occurred on January 4, 1972, tell us what you know as fact and we would appreciate it.

Mrs. Pressley: I was in the dining room fixing to serve breakfast when a patient from D. Ward came running up to me saying there was a fight on the Ward. So I started down the hall to D. Ward and I saw Sally Williams and Violet

Campbell, the patient, and as I walked up she just started slinging the patient. I didn't see a lick passed Sally Ann Williams slung her from one side of the Ward to the other to the end of the hall and then she kind of hit her ... almost down to the floor.

Mrs. Wheeler came up behind me, I believe she had started off in front of me. She said Violet Campbell, come on and let's go get breakfast. Then Miss Williams came into the dining room and got hold of her and pushed her. Then she said don't you ever stand up in my face again. I don't know what she said she would do to her. She just pushed her.

Hal Curtis: From the first sight that you saw Miss Williams and the patient in contact, how far is that point from the doorway going into the dining room, as long, approximately was it as wide as this room, as long as this room. Is it farther? Twice this long?

Mrs. Pressley: About as long as this room. As long, that far.

Hal Curtis: When you first saw this contact between Miss Williams and Mrs. Campbell, it was a distance from that wall to this wall to the entrance into the dining room?

Mrs. Pressley: Yes, it was about that far.

Hal Curtis: They were separated from this first contact that you saw for this distance and then the patient went into the dining room and Miss Williams went from that point in there and grabbed her again?

Mrs. Pressley: Now, they were right at the dining room when Mrs. Wheeler got her. It was all the way up from where I had first saw them right at the dining room door.

Hal Curtis: They had been in contact from the distance of this wall to this wall at the way up the hall to the door?

Mrs. Pressley: Yes, sir.

Hal Curtis: That is where Mrs. Wheeler got Mrs. Campbell and took her in and then she was followed by Miss Williams.

Mrs. Pressley: She walked in and got her just like this and she said if you ever stand up in my face.

Hal Curtis: When you say like this you mean she grabbed her by the front of the dress?

Mrs. Pressley: By the front of her dress and she said if you ever stand up in my face, now I don't know what she meant by that and I don't know what she said she would do to her, I don't remember that, then she pushed her.

Hal Curtis: Well we have told that once, do you have anything further?

Mrs. Pressley: No, that is all.

Hal Curtis: Does the panel have any questions of Mrs. Pressley?

Nadine Williams: During the interview with Dr. Daskocil and Mrs. Pressley, he asked a question, are you saying that you are afraid of Miss Williams. I would like to ask her the same question. Are you afraid of Miss Williams or do you and her get along?

Mrs. Pressley: We always got along real good. We didn't have no words. I worked on the Ward with her. She worked on A Ward 194.

Nadine Williams: Would you have been afraid to walk in between her and Mrs. Campbell and try to stop the fight?

Mrs. Pressley: At that time I would have been because she was so angry I don't know what was wrong with her.

Hal Curtis: Who was angry?

Mrs. Pressley: Miss Williams. I had never saw her like that.

Hal Curtis: Any further questions here?

Mrs. Pressley: I don't think at that time I would have got the patient.

Hal Curtis: All right, thank you.

Miss Williams, do you have a question?

Sally Ann Williams: Yes I do. Mrs. Pressley if you can recall on that same morning you said you were all the way up the hall and the distance between the dining room and where we were standing is about the same length of this room this way - from where you were standing on Ward 196 and the dining room is the same distance is the same length of this room lengthwise. That is what he is trying to determine. But, if you can recall we were standing at the entrance of 196 about three or four feet from the dining room and maybe about six feet from where the cart was in the dining room.

Mrs. Pressley: When it started you were up that hall.

Sally Ann Williams: No, I had just come off 194 to the dining room and was standing at the entrance to the dining room 196 and Mrs. Campbell was standing in the door that leads into the dining room.

Mrs. Pressley: I don't know a thing about what was when it started. I just know when I went up the hall I didn't know

Hal Curtis: Ask direct questions.

Sally Ann Williams: You also stated that after Mrs. Wheeler carried Mrs. Campbell into the dining room -

Hal Curtis: When you use the word carry did she physically pick her up?

Mrs. Pressley: She got her by the arm and led her.

Hal Curtis: She didn't carry her she led her.

Mrs. Pressley: She walked.

Sally Ann Williams: Into the dining room, if you can remember after you all led her into the dining room I was on 196 straightening up my uniform and I went into the patient's restroom to look on my face to see how bad the scratch was. Now this is where I can verify that Mrs. Burden can verify my statement. Yall say I pushed her again when we got to the dining cart.

Mrs. Pressley: That was right after just not more than a minute after Mrs. Wheeler led her into the dining room. You walked right in there and pushed her.

Sally Ann Williams: Did you and Mrs. Wheeler come together?

Mrs. Pressley: Wheeler went in in front of me. I come right behind. I guess the patient must have told her, I don't know. But she had come in from that Ward because she was working that Ward. I had come from 194 down the hall from the other way.

Sally Ann Williams: Mr. Curtis can we ask these witnesses questions that other witnesses stated?

Hal Curtis: No, you ask her what she has stated. You stay on this subject with this witness. This particular one.

Sally Ann Williams: You also stated that we were entangled so much that you couldn't help me or the patient.

Mrs. Pressley: I coundn't - not the way you was doing. You was taking her from one side of the hall to the other. Her arms were a flappen. When we could we got her. Mrs. Wheeler did, I didn't. She was the closest to you at that time.

2213

Sally Ann Williams: No, I had just come off 194 to the dining room and was standing at the entrance to the dining room 196 and Mrs. Campbell was standing in the door that leads into the dining room.

Mrs. Pressley: I don't know a thing about what was when it started. I just know when I went up the hall I didn't know

Hal Curtis: Ask direct questions.

Sally Ann Williams: You also stated that after Mrs. Wheeler carried Mrs. Campbell into the dining room -

Hal Curtis: When you use the word carry did she physically pick her up?

Mrs. Pressley: She got her by the arm and led her.

Hal Curtis: She didn't carry her she led her.

Mrs. Pressley: She walked.

Sally Ann Williams: Into the dining room, if you can remember after you all led her into the dining room I was on 196 straightening up my uniform and I went into the patient's restroom to look on my face to see how bad the scratch was. Now this is where I can verify that Mrs. Burden can verify my statement. Yall say I pushed her again when we got to the dining cart.

Mrs. Pressley: That was right after just not more than a minute after Mrs. Wheeler led her into the dining room. You walked right in there and pushed her.

Sally Ann Williams: Did you and Mrs. Wheeler come together?

Mrs. Pressley: Wheeler went in in front of me. I come right behind. I guess the patient must have told her, I don't know. But she had come in from that Ward because she was working that Ward. I had come from 194 down the hall from the other way.

Sally Ann Williams: Mr. Curtis can we ask these witnesses questions that other witnesses stated?

Hal Curtis: No, you ask her what she has stated. You stay on this subject with this witness. This particular one.

Sally Ann Williams: You also stated that we were entangled so much that you couldn't help me or the patient.

Mrs. Pressley: I coundn't - not the way you was doing. You was taking her from one side of the hall to the other. Her arms were a flappen. When we could we got her. Mrs. Wheeler did, I didn't. She was the closest to you at that time.

Mrs. Outlaw: What do you mean by slung?

Mrs. Pressley: You had her and she was slinging her from one side of the wall to the other.

Nadine Williams: How wide is the hall.

Mrs. Pressley: It is about -

Hal Curtis: They are eight feet halls are they not?

Mrs. Pressley: I think so. Not very wide.

Sally Ann Williams: Don't you think she would have hit the floor during one of those slungs as she said.

Mrs. Pressley: Well, she had to hit something to break her shoulder. I just don't know what. She didn't ever fall. You had her and -

Hal Curtis: You made the statement that she broke her shoulder. Do you know that she broke her shoulder?

Mrs. Pressley: They sent her and had it x-rayed.

Hal Curtis: Was it her shoulder?

Mrs. Pressley: It was her, yes, it was her shoulder.

Nadine Williams: Which one was it, her right or left?

Mrs. Pressley: I don't know which one.

Hal Curtis: Do you have further questions? Do you Miss Williams? Do you Mrs. Goodwin?

Mrs. Goodwin: Mrs. Pressley, when you stated that you had never seen Miss Williams quite so angry before -

Mrs. Pressley: No I never had.

Mrs. Goodwin: Was she like this when she came in that morning or would you say it was a result of what happened between she and the patient. Was she calm when she came in that morning or was she upset?

Mrs. Pressley: I think she was calm. I don't remember.

Mrs. Goodwin: Would you say this fight came on as a result of what the patient had said earlier or would she have just tackled anything that morning?

Hal Curtis: As you asking, if I may, do you think the patient could have provoked Miss Williams into this.

Mrs. Pressley: Well, if she was upset I didn't notice it.

Mrs. Goodwin: You didn't notice it.

Mrs. Pressley: I didn't notice it if she was.

Hal Curtis: Mrs. Pressley, in this fit of anger as you have described, did it appear to you that Miss Williams was trying to defend herself from this patient, Mrs. Campbell, or was it an absolute attack of Miss Williams upon the patient, Mrs. Campbell?

Mrs. Pressley: Well, I didn't see Mrs. Campbell hit her so I don't know what caused it, but I didn't see Mrs. Campbell hit her and as a matter of fact I didn't see her hit her but she was slinging her against the wall.

Hal Curtis: Is there a lady in this room that is the approximate size of this Mrs. Campbell.

Mrs. Pressley: She was tall and thin. She is more this lady's size.

Hal Curtis: Let the record show that she pointed toward Mrs. Stratton.

Mrs. Pressley: She's a lot thinner than she is. She is kind of unstable.

Hal Curtis: Has Mrs. Campbell any traits of being overbearing or antagonistic or pushey toward employees?

Mrs. Pressley: Yes, now she is a hard patient to manage but-

Hal Curtis: Hard patient, what do you mean?

Mrs. Pressley: Well, she is just - not I don't know if she would hit anybody but she will aggravate, you know, just demand, she demands things and like that she could aggravate.

Hal Curtis: Well, she is an individual as far as that is concerned. You most likely have many patients who are antagonistic.

Mrs. Pressley: Yes, we do.

Hal Curtis: Or is she - would you describe her as one of your outstanding patients that act out or demand more than many patients? Would she win the prize of being the hackler on the Ward?

Mrs. Pressley: No.

Hal Curtis: Does the panel have any further questions?

Nadine Williams: I noticed when I read the interview between Mrs. Pressley and Dr. Daskocil that he asked you a question I'll state it as he did. He said do you think she

ought to be around or do you think she ought to work at a plant where she can take her temper tantrums out on a machine. Do you describe Miss Williams as being that type of person?

Mrs. Pressley:

At that time, the way she was that day she shouldn't be around patients. No she had never been like that before. I had never saw her - I had never had any trouble with her and I had never saw her real mad at a patient.

Nadine Williams:

Well, there must have been something that provoked this thing. If she has been a normal working person since the time you have known her. How long have you known her?

Mrs. Pressley:

Well, she had worked on that Ward, I believe three months but she has been in the building a long time. You have to work with a person to know how they are.

Nadine Williams:

So you and her as far as you are concerned got along very well.

Mrs. Pressley:

Yes. I never did get angry at her and I don't think she ever felt angry at me.

Nadine Williams:

You never saw her in any of these incidents or any situations like this before?

Mrs. Pressley:

No.

Hal Curtis:

Thank you Mrs. Pressley. Wait in the hall please.

Mr. McMillan:

Would you state your name please.

Mrs. Anderson:

June Anderson.

Mrs. June Anderson is sworn in at this time.

Hal Curtis:

Mrs. Anderson, I would like for you to speak loudly and clearly so these girls on your left and right can hear you. This is being recorded and I would like for you to relate to the incident that occurred on January 4, 1972, at approximately 8:30 in reference to the patient, Mrs. Campbell, and the employee, Miss Williams.

Mrs. Anderson:

I was not in the building at the time of the incident. I was called away to another building to do some blood work which I frequently am called to do. When I got back to the building into the building as usual I started making rounds and I went onto the Ward 196 which is the Ward that the incident occurred on. As I came through the door the patient was in bed. She was crying and upset and instead of going any further I went over talked to the patient and I said what has

Mrs. Campbell. And she said I had a fight. And I said who did you have a fight with? She said Miss Williams pushed me and I hurt my shoulder. I said now let me see it. I checked it and I said now you just stay in bed and take it easy until we can get it further checked. I went on into the Ward and I went to see Miss Williams and I asked Miss Williams what has happened. There were numerous patients around and I said come on Miss Williams going on to the Nurses office. I said what had happened. We stopped in the corridor outside the patient's linen locker and she told me what had happened between her and Mrs. Campbell. She stood in my way. And I said what do you mean, she stood in your way. She said she was up against the rail and this is what Mrs. Campbell had also told me and I said what do you mean. She said she wouldn't move and I said well why should she move and she said she wouldn't move so I pushed her - moved her. Then I said well you could have gone around her. And then she said Mrs. Campbell struck out at me. She said you don't think I would let any patient get away with that do you, and I said Miss Williams, Mrs Campbell is a patient and regardless what they do you have to realize this and she kept on talking and I said well you come on into the office with me because this has to be reported to the office. At that time I dialed Mrs. Sanders and I told her what Miss Williams had told me.

Hal Curtis:

Who is Mrs. Sanders:

Mrs. Anderson:

Mrs. Sanders is my immediate supervisor.

And Miss Williams stood there because I wanted her to hear what I had said so I repeated what Miss Williams had stated. You don't think I would let a patient get by with that do you. I told Mrs. Sanders and she said you have her write up an accident report which she did. I said write up an accident report which at first she did not and I said this has to be done regardless how you feel about it. We have to have a statement made by you and I said I want you to repeat what you have stated and she said all right. She went up to the front Ward and sat down and started writing it and I stayed on the back Ward and Mrs. Sanders was still on the phone and she said be sure that she writes up the report and comes down to the office so then I went on up to the front Ward and I said when you get through with this you take it and go down Mrs. Sanders with it.

And she did. She came back to the building and she was gone for quite a while. She came back to the building. Before she had finished her report I said why didn't you ask somebody to help you with the patient if she was fighting and she didn't say anything and I asked

her in front of Mrs. Pressley. She said it wouldn't have made any difference.

Hal Curtis:

Miss Williams said it wouldn't have made any difference?

Mrs. Anderson:

If I remember right, this is what I think, and then Mrs. Pressley was standing there and she kind of shook her head. Then Miss Williams went on up to the office. She came back around noon and got her things. I said where are you going. She said I am going up to the office Mr. Schweickert's office. I said would you like me to drive you up there because the Allen building is quite a distance from Mr. Schweickert's office regardless what - I do have a car and it is at my disposal and I would drive her there. She turned around to me and said NO. And that is all I heard and I did not see her the rest of the day. She did call me at home one day and I answered the phone. There was a child on the phone and then Miss Williams came on the phone and accused me and wanted to know why I did not go up with her when she went up to the building. She said how come you represented the other two girls. I said I did only what I was told to do. And she said why did you go up there. You were there so long. I said when I am told to do something, I do it, regardless who it comes from. I said I did not tell her on the phone that day because I had forgotten and I said she said why didn't you go with me but she was talking after we had talked it dawned on my that I had offered to give her a ride up the hill and if she had wanted me to go in I would have gone in with her. We talked on the phone over at my home and she said this is not right and I said I do not know anything about it. My advice to you is go to Mrs. Sanders and go on through with what you need to do. And I said you have that prerogative of doing what you want. She said well you people have not heard the end of this yet, because I intend to go on further. I said well that is right what you should do. I said I advise you if you feel like that is what you want to do because after all we all have a right to say something. That is all and then said said you know I have lots of friends and I said I am sure you have lots of friends because I said you have been very nice in the building and we have gotten along well and you have done a good job when you worked with us on the Ward.

I know early in the morning before I left the building I did have to ask her would you please go back and help work on 196. She resented me saying would you

go back and help work, because she was assigned 194 which is an open front Ward and I asked her if she would please go back and help the girls on the back Ward because the back Ward needs more help than the open Ward. She resented that. I didn't say anything. She walked away in a huff and I thought well I will talk to her later on. This is just natural if you have disturbed patients you need more attendants to work on the Ward.

Hal Curtis:

Do you have, Miss Williams, questions for Mrs. Anderson?

Sally Ann Williams:

Yes, sir. On the morning of January 4 when you asked me to go up and work on 196 and when you came up on 196 Mrs. Pressley and I was both was in the Nurses Station. I was beginning to write and you started, you asked me something, you said write everything down that happened and I looked up at you and I said okay and then if you can remember you asked Mrs. Pressley did she see what happened and she told you what had happened. And she told you how we were entangled and how we were fighting and everything, and she told you what had happened so after this I went on to the hospital but you just said that you didn't ask her what had happened, you looked at her and she shook her head.

Mrs. Anderson:

Mrs. Wheeler and Mrs. Pressley had come in after from 196 and told me what had happened.

Sally Ann Williams:

After I had gone to--

Mrs. Anderson:

You had gone up to the Ward and various patients had told me what had happened. I didn't say anything about it because I felt like I was an outsider coming on the Ward and I wanted to see the point of everybody and I didn't say anything to jeopardize you. I just wanted to tell you for your own sake and own defense to please write everything down clearly, because when I first asked you you said no you would not do it and I said please for your own good, it is better for you to do it.

Sally Ann Williams:

I wouldn't do what?

Mrs. Anderson:

You did not want to write the accident report.

Hal Curtis:

Is that an accident report or an incident report?

Mrs. Anderson:

It is an unusual occurrence report.

Hal Curtis: All right, now we are clear.

Mrs. Anderson: When I first asked you, you hesitated and you said NO. And then I said for your own good and for the Institution and everybody would you please write it out.

Sally Ann Williams: No, no, no. You said for the rules of the hospital.

Mrs. Anderson: All right, for the rules and regulations of the hospital they have to write one out.

Sally Ann Williams: I didn't have any hesitation about writing it out I even said if I couldn't get all of what happened on one side could I go on another sheet.

Mrs. Anderson: That is right and up on 194 you said you couldn't get everything on one sheet. When you were on 196 I said do you want to write it here, and there was so much commotion at that time, you said no and you went out and went up on 194 and when I came up there you said I can't get everything on it and I said well then use more than one sheet for yourself because I want you to get everything on there because it is for your own good to have everything down.

Hal Curtis: Let me remind both of you about repeating over and over the same thing. We have dwelled on that long enough so be direct. If you have a question ask her please.

Sally Ann Williams: Do you think when I resented you earlier by working on Ward 196 have anything of my act of anger come out to you be being involved with Mrs. Campbell?

Mrs. Anderson: I cannot say definitely because you turned around immediately and walked away from me and in that action somebody would say yes but I have had numerous attendants to do that to me and I don't pay any attention but being working in psychiatry as long as I have, I have just taken this for granted because to me and as my late husband has always said that some people get up on the wrong side each morning and the other you just don't feel good. I know you have a family and you have to think of yourself and I felt well possibly something didn't because really because before I had never had that from you. You had been willing to work. You have worked out very well on 194 and the patients like you.

Sally Ann Williams: Well, I like the patients.

Mrs. Anderson: q That would - well she started well and - I thought well maybe she didn't feel good.

Hal Curtis: Do you have any further questions?

Mrs. Goodwin: Let me ask you this. When my sister called you that afternoon it wasn't a little child it was me.

Mrs. Anderson: Well, I beg your pardon, it just sounded like a child.

Mrs. Goodwin: That is perfectly all right. But my sister was so upset when she came home that afternoon and I urged my sister to call you. Let me ask you this. You are an RN in our building, I am quite sure in the mornings you see all the employees.

Mrs. Anderson: Yes, I do.

Mrs. Goodwin: Well, would you say about 7:00 that morning she was upset about something that happened at home or the night before or what?

Mrs. Anderson: I do not remember.

Mrs. Goodwin: Well, the afternoon my sister called you, you said to her and I know this because I was on the extension and I heard every word between you and my sister. You said Miss Williams you did seem a little upset when you came in that morning. Maybe it was something that happened at home, I don't know. You stated that.

Mrs. Anderson: Yes, I ---

Mrs. Goodwin: Now you said just the opposite.

Mrs. Anderson: All right, I stated that she was upset after I had asked her to go to 196.

Mrs. Goodwin: But she wasn't upset the morning she came into work?

Mrs. Anderson: I do not recall. I wasn't even thinking about it.

Mrs. Goodwin: Well, you can usually tell by the way a person says good morning whether or not they have something else on their mind. But you said that that afternoon that she was upset that morning.

Mrs. Anderson: That morning after I had asked her to go to 196. I did not say when she came to work that morning.

Mrs. Goodwin: Well, when my sister asked you on the phone why did not you - when you asked her if you could drive her Mr. Schweickert's office, at that time, she had no intention as to what Mr. Schweickert was going to say to her, whether or not she was terminated, suspended or dismissed, so she told you no. All right, I assume that Mrs. Sanders called you on the telephone and told you what was Mr. Schweickert's decision. Well would like

NO PAGE 25

2222

by your being the RN are you suppose to represent all the employees of Allen building in any instances to come up. Why at that time didn't you as you said you car was at your disposal, jump in your car and go to Miss Williams assistance in doing anything that you could possibly tell her at that time but instead you let Mrs. Wheeler and Mrs. Pressley go and they told their side of the story and at that time you went and you aided Mrs. Pressley and Mrs. Wheeler.

Hal Curtis: Just a moment. You are getting to her job description, personality and that will not be tolerated. Ask her a direct question to this incident.

Mrs. Goodwin: Okay, scratch that off the record. Why didn't you assist Miss Williams in the patient abuse?

Mrs. Anderson: I did not assist Miss Williams because I did not know what was happening. I did not know. I knew she was going up the hill, I had no idea why she was going there and what it was all about.

Hal Curtis: But you knew it was related to this subject that had occurred earlier.

Mrs. Anderson: I imagined it was. That they would ask her to go see Mr. Schweickert and she might have asked to see him personally, which she had a right to. And I did not know what it was for. I asked her if I could give her a ride and if she felt like she wanted me to go in with her, I would have been glad to go in with her but I did not go in the afternoon because it was Mrs. Pressley and Mrs. Wheeler. I was told to report to this office at that time.

Hal Curtis: By whom?

Mrs. Anderson: Mr. Schweickert and from Mrs. Sanders from both offices. I was told you will go there. So that is all I have to say. As I told her over the phone, when I am told to do something, I do it. If I had been told to go up with Miss Williams I would have been delighted to.

Hal Curtis: Miss Williams do you have anything further?

Sally Ann Williams: No.

Hal Curtis: Thank you, Mrs. Anderson.

Mrs. Anderson: You are welcome.

Mr. McMillan: State your name please.

Mr. Schweickert: James F. Schweickert.

Mr. Schweickert is sworn in at this time.

Hal Curtis:

Mr. Schweickert, please speak loudly and distinctly so that these two ladies can hear. I would like for you to relate what facts you know about the incident and unusual occurrence that occurred on the morning of January 4, 1972, at about 8:30 a.m.

Mr. Schweickert:

When you put it on the basis of facts that I know the actual involvement of anyone in the patient abuse I saw nothing and had no part in any of it. As Director of Nursing my first involvement came when the Supervisor reported to me that she had a cause of patient abuse involving Miss Sally Ann Williams and involving a series of witnesses and telling me that write-ups were coming to my office. Also advising me that Miss Williams would be coming to my office later in the day. Miss Williams did come to my office that day to talk to me in terms of what had happened. She gave me her statement, that she and the patient had had a conversation and that at some point in the conversation the patient had struck her that she had struck back with her open-hand and she did not know where she had struck the patient. On that day I told Miss Williams to go back to her work station which apart from the Ward that the patient was on to have no further dealings with the patient and I would handle whatever came across my desk from that point on. At the same time that the incident was reported to me it was also reported to security.

On the following day I got reports from the Supervisors, from the witnesses, from the security and also the patient's word that she had been struck and I also saw the x-ray showing the patient had a fractured clavicle. And on that day I executed a dismissal on the basis of patient abuse.

Hal Curtis:

I have a question at this point Mr. Schweickert. Would you please tell we laymen, because I have heard it called a shoulder this morning, what a clavicle is.

Mr. Schweickert:

It is the little bone that goes across the front of the shoulder.

Hal Curtis:

Is that what we would call the collar bone?

Mr. Schweickert:

Yes, the collar bone. That is all I have to say unless you have some questions to ask of me.

Hal Curtis:

Now let's go to your knowledge, first-hand knowledge, about the follow-up of the patient, of the patient's care that day. This was reported about 8:30 and what happened to the patient?

Mr. Schweickert: The patient was sent to x-ray.

Hal Curtis: Do you know about what time?

Mr. Schweickert: I don't without referring to, I don't know.

Hal Curtis: But do you know whether the patient was sent to x-ray that same day.

Mr. Schweickert: That same day.

Hal Curtis: Did you get an x-ray report back that you know what the results of it was.

Mr. Schweickert: I did not get an x-ray report the same day. I got a telephone call from one of the nurses stating that the patient had been to x-ray that she had a fractured collar bone as you prefer of a degree of separation in which you could insert one finger. But my personal knowledge, I didn't see the x-ray, I had only a telephone call advising me that this had taken place.

Hal Curtis: This (he put his fingers together as a solid joint to describe a solid bond) when you Mr. Schweickert said a separation meaning this in which you could insert the index finger in here in this opening.

Mr. Schweickert: That was the verbal report.

Hal Curtis: From the nurse at the clinic. And that was the result of an x-ray made on January 4?

Mr. Schweickert: I am certain it was that same day. I would have to look at - on the x-ray report.

Hal Curtis: Are there any questions from the committee? Miss Williams do you have any questions from Mr. Schweickert?

Sally Ann Williams: Mr. Schweickert, did the x-ray technicians know of how this clavicle was broken?

Mr. Schweickert: The x-ray technicians would have an x-ray report.

Sally Ann Williams: During the investigation certain time I called you on the telephone. One time I called you concerning my termination and also concerning my annual time and my pay check. This doesn't have anything to do with the patient but it pertains to what I have to say to him. At this time when I came into your office that day two weeks after I was terminated, why when I got my first pay check the personnel didn't give me any knowledge of what they had paid me while I was terminated and I called you on the phone that day and you couldn't give me an answer why. You told me to take it up with personnel.

Hal Curtis: What was your question to him?

Sally Ann Williams: If he knew he had terminated me two weeks ago from January 5 up until the first day period after this and when I called him on that same day we were to get paid and he knew he had terminated me and all my folders, records and everything was over in personnel why couldn't he tell this before I came out here?

Mr. Schweickert: I had told you, Miss Williams. I had told you that you were terminated on the 4th of January.

Sally Ann Williams: No you didn't.

Mr. Schweickert: I had told you.

Sally Ann Williams: Verbally, written, over the phone.

Mr. Schweickert: Verbally. You called me the following day.

Sally Ann Williams: After the pay day on Friday, of before on Wednesday.

Mr. Schweickert: No, no. The episode took place on the 4th. I believe you had the day off on the 5th and called me and on that same day I told you you were dismissed.

Sally Ann Williams: You told me I was suspended.

Mr. Schweickert: I told you you were dismissed. You had one day of suspension and then the investigation and then the dismissal. And I did give you the word on the phone that you were dismissed.

Sally Ann Williams: If you can recall, Mr. Schweickert, the day that I called you back was that same afternoon of January -

Mr. Schweickert: You called me two or three days and there is quite likely that I may get them confused because I did not write them all down.

Sally Ann Williams: Well I can verify the days. January 4th, that afternoon I called you in your office and I was asking you

Mr. Schweickert: That is right and I told you that day that you were suspended.

Sally Ann Williams: Now what is the difference between being suspended, terminated and dismissed.

Mr. Schweickert: That is January 4th. I told you you were suspended.

Hal Curtis: If I hear this correctly, on January 4th, you questioned Mr. Schweickert and he said you are suspended. Is this correct? Is this your answer? Is that what you understood?

Sally Ann Williams: No. January 4th when I left his office at 1:30 a.m. excuse me, at 3:00 p.m. that afternoon he told me

he couldn't see any reason to dismiss me, suspend or terminate me at this time, until further notice. I called him on January 5th.

Mr. Schweickert:

You called me that same afternoon on January 4th.

Sally Ann Williams:

This is when - January 4th - I didn't call you this is when I left your office.

Mr. Schweickert:

You did call me January 4th. You were in my office and I told you I could take no action until there was further investigation. You called me later on in the afternoon and I told you that you were suspended. On January 5th I had the witness's material, I had the investigation from the security and on January 5th you called me again, I believe, and I told you on that day that you were dismissed. I also told you that you had the right to appeal.

Sally Ann Williams:

You told me on January 5th I was still suspended. I got a letter that following Saturday in the mail telling me that I was officially dismissed then and I got the letter at home. If I am not mistaken it was on Friday or Saturday. It was over at my mother's house. I live at 113 Senoga Drive, Hopkins. Never changed my address here but I got the letter at home and you told me on the letter then that I was officially dismissed.

Mr. Schweickert:

Even though I do give a verbal dismissal I always send a letter afterwards.

Sally Ann Williams:

Yes, but there is a difference between suspended, dismissed and terminated. In the little green South Carolina State Hospital Rules and Regulations Book to my knowledge a suspension is for three (3) days, a dismissal is for a period of time and a termination is that you are fired you can

Mr. Schweickert:

Suspension can be anywhere from one day not to exceed thirty days.

Sally Ann Williams:

Well something like that.

Hal Curtis:

Do you have any other direct questions for Mr. Schweickert?

Sally Ann Williams:

No.

Hal Curtis:

I have a question, Miss Williams, how long were you employed at the Department of Mental Health.

Sally Ann Williams:

A year and nine months.

Hal Curtis:

A year and nine months. At the time of your departure how much annual leave did you have accrued.

Sally Ann Williams: Lets see. 41 hours.

Hal Curtis: How much sick leave did you have?

Sally Ann Williams: 22 hours.

Hal Curtis: Are you presently employed?

Sally Ann Williams: No.

Hal Curtis: Mrs. Burden, I am Hal Curtis, Chairman of this Grievance Committee. Mr. McMillan will administer an oath to you and at that time we will proceed with the hearing. You will give him your attention please.

Eugene McMillan: Would you state your name please.

Mrs. Burden: My name is Rosetta Burden.

Mrs. Burden is sworn in at this time.

Hal Curtis: Now please speak loudly, distinctly. This is being recorded and these two ladies on each side of you are taking this in shorthand. So speak slowly and distinctly so they can get it for the record. I would like for you to relate any facts, now heresay, but facts that you know about the incident that occurred on January 4, 1972, at about 8:30 a.m. with a patient named Mrs. Campbell and an employee Miss Williams.

Mrs. Burden: To be precise with you I really don't know any facts about it. I only know what type of patient Mrs. Violet Campbell is.

She is a very demanding patient. When she tells you to do something she want it done right then immediately not later, immediately. She is very demanding. And the morning of the incident I was in the dining room helping serve breakfast with my back turned toward D Ward so therefore I didn't see anything. Miss Williams walked up behind me, I turned around and I looked at her and she had bruises in her face and scratches. And I said Miss Williams what happened? Your face is very bleeding. She said Violet just attacked me.

Hal Curtis: What was the word before bleeding?

Mrs. Burden: Bearly, you know when it is not really bleeding it just bearily scratched, bruises and that was it. I thought that was all to it. Well I know Violet Campbell, she will attack you.

Nadine Williams: Has she ever attacked you.

Mrs. Burden: Yes she has.

Nadine Williams: Will she fight.

Mrs. Burden: Yes, she will. Definitely she will.

Hal Curtis: Go ahead with your statement. Do you have anything further?

Mrs. Burden: Yes sir, I thought that was all there was to it.

Hal Curtis: Have you worked, - how long have you been an employee on this particular Ward where Mrs. Campbell is?

Mrs. Burden: About five maybe - five months.

Hal Curtis: Have you ever had any trouble, problems with Mrs. Campbell that you would not normally have from a phyciatric patient?

Mrs. Burden: Yes. Well like I said she is the type of patient that is very demanding and I don't know exactly what it is but I don't know if it because of the color or what, you know. Well if she asks you to do something and you say, well you don't have time to do it right then, you know, she gets angry.

Hal Curtis: When you said color you mean her color your color?

Mrs. Burden: Both the colors. Like if I am a colored aid which I am. This is a white patient. Because of my color she says Mrs. Burden why don't you want to do this for me? Is this because I'm a white patient. I said no Violet I just don't have the time. And then If I am talking to somebody else she jumps at me and say you're talking to her and you don't want to do what I am telling you to do. And she has attacked me many time about this.

Hal Curtis: Physically attacked you?

Mrs. Burden: Yea!

Hal Curtis: Physically or verbally?

Mrs. Burden: She will grab you in a minute and hold you.

Hal Curtis: Did she ever strike you?

Mrs. Burden: Yea! Many a times.

Hal Curtis: Have you ever made an unusual occurance report about this?

Mrs. Burden: Well it was just on the Ward and there really wasn't nothing to it.

Hal Curtis: But have you ever reported one of these attacks upon you by the patient.

Mrs. Burden: No, I haven't.
Because to me it is just Violet. She is always doing something like this.

Hal Curtis: Are there any questions of the committee.

Mrs. Outlaw: Are you afraid of Mrs. Campbell?

Mrs. Burden: No, even though she is a very strong and active patient.

Mrs. Outlaw: But you seem to know her well enough to know her gestures. She doesn't mean any harm.

Mrs. Burden: I wouldn't say that she doesn't mean any harm.

Mrs. Outlaw: You say she has several times attacked you.

Mrs. Burden: Yes. I am not afraid of her because she is a patient.

Nadine Williams: Has she ever indicated to you in any kind of way that she doesn't like black people?

Mrs. Burden: Well, she doesn't indicate it to me but her acts and reactions toward black aids tells me that.

Nadine Williams: You saying that she is prejudice. She doesn't particularly care for black aids.

Mrs. Burden: Exactly, because I know if there are aids in the office black and white, and if you want to ask a question she will skip over me and go to one of the white aids, and then one of the aids say there is Mrs. Burden ask her and she says No I don't want Mrs. Burden to tell me I want you to tell me.

Hal Curtis: Do you have any questions Miss Williams, that you would like to ask of Mrs. Burden.

Sally Ann Williams: You said you were in the dining room at the time the incident happened around 8:30 I would like to verify what the two other witnesses stated that I attacked her the second time in the dining room. Don't you -

Mrs. Burden: I would have seen it. If it was in the middle of the dining room definitely I would see something of it.

NO PAGE 34

Nadine Williams: You did not see any attack whatsoever in the dining room? You didn't hear anything?

Mrs. Burden: I didn't hear nothing because it was just nothing. I didn't hear anything.

Nadine Williams: You did not see any attack whatsoever in the dining room. Did Miss Williams pass through the dining room while you were in there at that time at 8:30

Mrs. Burden: No. She was standing behind me. She didn't even move. She was just standing there finishing serving.

Sally Ann Williams: After Mrs. Wheeler brought Mrs. Campbell to the dining room, did you see me behind her at this time?

Mrs. Burden: No I didn't.

Sally Ann Williams: I was still in the Ward putting something on my face and straightening my uniform.

Mrs. Burden: Yes.

Sally Ann Williams: About twenty minutes until nine didn't I come up behind you and tell you what had happened. That she had attacked me.

Mrs. Burden: Definitely.

Sally Ann Williams: And Mrs. Campbell was sitting down eating breakfast with her tray in front of her.

Mrs. Bruden: Eating breakfast, at the table.

Sally Ann Williams: You had served her the tray, right.

Mrs. Burden: That's right, I passed her the tray.

Hal Curtis: You served the tray?

Mrs. Burden: Yes.

Nadine Williams: Mrs. Wheeler led the patient into the dining room and you were the one who served. Me and Mrs. Janie Williams were in the serving line. Putting milk and coffee on the trays. And I just gave her a tray just like I do everybody else. Then she went on to her seat like - and sat down.

Nadine Williams: Did she seem nervous or upset, I'm talking about Mrs. Campbell.

Mrs. Burden: That is hard to tell because Mrs. Campbell she always seems to be stumbling around or upset. She just got her tray. She was always looking at you as if something is wrong.

Hal Curtis: Was she crying?

Mrs. Burden: No. She just got her tray and went to the table.

Mrs. Goodwin: At this time did Mrs. Campbell tell you that her shoulder was hurting? Or any part of her body?

Mrs. Burden: Well if she did I didn't hear it.

Mrs. Goodwin: Were you in the dining room or on the Ward when Mrs. Anderson got back?

Mrs. Burden: No, I was in the Lobby.

Mrs. Goodwin: You were in the Lobby. But the patient wasn't crying.

Mrs. Burden: No.

Nadine Williams: You or Mrs. Campbell didn't have anything to say to each other?

Mrs. Burden: There wasn't even a word I just gave her the tray.

Hal Curtis: Thank you very much you may return back to your Ward.

At this time Mr. Wingard will you please take this seat and Miss Williams will you take this seat.

Miss Williams do you have any questions to ask the representative of the State Hospital?

Sally Ann Williams: Mr. Wingard, you as head administrator of the Department of Mental Health, do you think that I personally struck this patient as patient abuse or in protection of myself.

Hal Curtis: This, if I may interrupt, Mr. Wingard may answer this question if he so desires but at this point this committee is the one to decide that and not be influenced by Mr. Wingard's coming out here with a barrage of information that might jeopardize you. I am saying this for your benefit. Now you may retract that statement or you may go ahead and ask it. I will ask Mr. Wingard to answer that question if you insist.

Sally Ann Williams: Would you answer it please?

Mr. Wingard:

As you know I have no first-hand knowledge of the incident at all. The incident came to my attention I believe the following morning which would have made it around the 5th of January. The position that we have taken and the position of the Hospital has been that we have tried to find out as much information about this case as we possibly can. We have had investigations made first of all as I indicated earlier this morning by Mr. Craig we talked to a number of people I believe he also talked to you and then after that there was a number of questions that we wanted to be pursued to additional information and we asked Mr. Sons the Chief Security Officer to make an investigation. Then after you were first terminated by Mr. Schweickert you appealed to Mr. Lucas which was the proper thing to do and your case was reviewed by Dr. Dorskocil and at that time Dr. Dorskocil looked at the information he had in his hands did not feel like he could change Mr. Schweickert's determination to dismiss you. Then you were advised that you could make a Grievance Appeal which you did make. And the first step in the Grievance appeal was your talking with Mr. Schweickert. It was Mr. Schweickert's decision after Step 1 he would not change the dismissal and would let it stand. The Second step in the Grievance procedure is that you would be heard by Dr. Dorskocil. There was one period of time there that you were not sure that you were going to make the appeal, but as I indicated earlier we received a letter from Mr. Harper and we accepted that as a bona fide request from you as your representative to continue the proceedings. Then we had the hearing as you recall with Dr. Dorskocil and you were given an opportunity to express your feelings and he asked a number of questions about the incident. He talked to the people who have been talked with here this morning. That information has been given to the Committee.

Now to get to your basic question, this is the background as to where we stand except after Dr. Dorskocil heard you he made the decision to the termination that he could not change or did not wish to change the dismissal. Then he advised you to come and - which you did. I believe somewhere you stated here that you did strike the patient. It has been our purpose in the hospital to see if there were any extenuating circumstances which may have changed the out look but up until the present time you also made one statement in the discussion with Dr. Dorskocil that you could have withdrawn from the situation but you didn't apparently. As I would see the circumstances as I see them today I would say that you must have

terribly upset when you struck this patient, of course, as I said in the opening remarks it is the policy of the hospital that when a patient is injured like this if there is no indication as to self-defense on the part of the patient-on the part of the employee rather, that is on occasion a patient whos - I feel like you could have withdrawn from the situation and that you could have avoided the consequences which did occur with the fracture of the lady's clavicle.

Sally Ann Williams:

Do you think that is the main point of the whole incident?

Mr. Wingard:

As far as I'm personally concerned that is the only incident that I know anything about. I know of no other secondary issues at hand. The only thing I know anything about is the fractured clavicle and according to the information that I've heard here today from Mrs. Anderson your performance is- has been satisfactory from all standpoints.

Sally Ann Williams:

That second point that you made when we first pointed out about the connections that were my only means of conversation with Mr. Lucas --- wasn't that the second point or was it the first?

Mr. Wingard:

You meant the first this morning? The first one I believe I made was about Mr. Sons making the initial investigation - I mean Mr. Craig had conducted the initial investigation because Mr. Sons was not on duty at the time. In other words any investigating what was done either on the 4th or the 5th I believe, and the records should bear this out, was initially done by Carl Craig who was there and the second point that you referred to was regarding the letter that Mr. Schweickert received from Mr. Harper.

You were in the Grievance procedure and Step 1 had been held and you had talked to Mr. Schweickert and Mr. Schweickert I assume advised you that he would not change his decision and then the Second step was for you to appeal to Dr. Doskocil.

Sally Ann Williams:

Excuse me. That is what I want to get straight. Before the Step 1 of the Grievance was held I had been through this step before me attorney had sent this letter to him. You said I hadn't.

Mr. Wingard:

I said you had been through Step 1 with Mr. Schweickert.

Hal Curtis:

Step 1 Miss Williams was your meeting with Mr. Schweickert and his reply. Then your second step was with Dr. Doskocil and Mr. Wingard and this is the third step. Do you want to refer to your records or notes.

Sally Ann Williams: Well, I hadn't even been advised of the Grievance Committee until I sent the letter to him.

Mr. Wingard: Didn't Mr. Lucas advise you of the Grievance procedure.

Sally Ann Williams: No. I was talking - coming out here on verbal things he had heard. I wasn't advised of that until after he had heard about the letter I had sent to Mr. Schweickert.

Mr. Wingard: Didn't you sign the form though?

Sally Ann Williams: Yes, I had come by here an extra another day to sign that form.

Mr. Wingard: We wrote a letter to Mr. John Harper on Feb. 3rd. I believe you received a copy of this letter. Add in this letter to Mr. Harper it was stated that we wish to advise you that you had completed Step 1 of the SCDMH Employee Grievance and Appeal procedure which has three designated sections. Subsequently she stated to Mr. Schweickert that she did not wish to continue to the Appeal to the Superintendent which would have been Step 2. However we are willing to consider your letter as an official request on Miss William's behalf to continue the Appeal to the Superintendent since it was received within a specific time for Step 2 Appeal and then you were asked to call and you made an appointment and came in and then we did talk to you and the other people involved in the case. But we have the form which I think you signed as I recalled the last time you came in and you sister was in the hospital at that time, and you signed the form on Jan. 26.

Sally Ann Williams: Well that is the same day I came out here for Step 2.

Mr. Wingard: No. That was Step 1 when you talked with Mr. Schweickert. And this is dated Jan. 26 with Mr. Schweickert. Do you have a copy of that Mr. Curtis?

Hal Curtis: Yes, sir.

Do you have any further questions of Mr. Wingard?

Sally Ann Williams: No.

Hal Curtis: Do you Mr. Wingard?

Mr. Wingard: No. I think the only thing I would like to say is that we have tried to give an opportunity to everyone involved from whom we got the information about the case. I think it is very unfortunate situation when a person gets injured and as we tried to explain to

everyone concerned in the hospital. There is one question I would like to ask this may be repetitive when you were in In-Service Education were you properly taught as to how to handle these type of patients?

Sally Ann Williams:

Yes, I was taught these procedures to restrain. Call for help also. But help was there at the time of this accident and I can't see why and how two healthy aid who went through the same thing as I did - it would have made a difference if there was one but two were there and it can't be possible that two of them couldn't partus. It couldn't have been that big of a fight.

I could see if we was on open ground. But the halls are too narrow for that type of situation.

Mr. Wingard:

Do you feel that you were extremely angry when this incident occurred?

Sally Ann Williams:

No, not in the beginning, because what she was saying to me about the Christmas gift, about she hated me, this is obsolete. I didn't even give this a second thought. But why should I be angry about a Christmas gift and here it was Jan. 4 of another year.

Mr. Wingard:

There is another question I would like to ask you and that is all I would like to say. Did you strike the patient?

Sally Ann Williams:

From the beginning on Jan. 4 all of the way up to this point I told Mrs. Anderson, Mrs. Sanders, Mr. Schweickert, you, Dr. Daskocil and these people when I first came in that I did strike this patient open-handed.

Mr. Wingard:

No other comments.

Hal Curtis:

Now that closes the question session between you two. Are there any questions at this time from the Committee to either of these individuals?

Nadine Williams:

Miss Williams, how do you feel about the patient? Are you prejudice about black and white?

Sally Ann Williams:

No. Not discriminated-wise because just like the other aids say she is demanding, she sometimes can get out of hand but I also believe that this patient can be controlled not be supervision on her own. She is not what I would consider extremely mentally ill. She - I would describe her as a SCHIZOPHRENIC.

I don't think she is extremely mentally ill. She do and can say some things that can really irritate you but being from my working around her with her on the Ward with other patients she can also be controlled and I never come in conflict with her until this particular incident.

Nadine Williams:

Were you trying to restrain her, is this why it started?

Sally Ann Williams:

No, because when it started, from the point when we started earlier from a conversation type she was telling me about she hated me and this personalty thing and all this and we wasn't fighting or nothing like this.

Nadine Williams:

Were your intentions to hurt Mrs. Campbell?

Sally Ann Williams:

No, certainly.

Nadine Williams:

You were not angry.

Sally Ann Williams:

No, as extremely angry and - as has been stated here, you know today.

Nadine Williams:

When you did become very angry what provoked that - you weren't angry at first but later on the more it continued the more angry you got.

Sally Ann Williams:

I wouldn't say that. I just did what I felt I had to do in protection of myself because no matter how a patient can be sometimes, you think they won't do things and they will and I just took precautions.

Nadine Williams:

Were you afraid of Mrs. Campbell.

Sally Ann Williams:

No, I was not afraid of her.

Hal Curtis:

How long have you worked with Mrs. Burden.

Sally Ann Williams:

She and I started to work the same day. We were hired the same day. She went to Gibbs Building and I went to Allen Building and during my whole time I was employed here I hadn't worked but three buildings and most of the time I was at Allen. Then Burden and I worked together about - around five (5) months.

Nadine Williams:

Do you feel like the scuffle between Mrs. Campbell and you had anything to do with the broken clavicle in her left arm.

Sally Ann Williams:

No, like I said - if the patient resulted in a broken clavicle it must have been the result when she went up against the wall. Now, like Mrs.

Pressley said I shoved her from side to side and I believe that if I shoved from the position that we was in and from what she saw, I don't believe her shoulder was the result of it. Somewhere else she got injured, not -

Nadine Williams: When she fell against the wall did she fall forward against the wall or back.

Sally Ann Williams: She tilted to the side and if I am not mistaken on the left shoulder and she tilted to the side it was the patient's close locker room and evidently her shoulder hit the frame of the door. I couldn't say I hit her with my hand because I don't believe I could hit that hard.

Nadine Williams: This patient, is she , by her being an epileptic- does she have a problem of walking or getting around?

Sally Ann Williams: She staggers when she walks a little but it she can walk but she do stagger.

Nadine Williams: Does she need assistance when walking?

Sally Ann Williams: No she doesn't need assistance but she don't have a stable control of her feet and she walks she kind of tips sometimes. One of her legs shakes when she walks.

Nadine Williams: Is she an old lady?

Sally Ann Williams: She is around thirty-seven years old.

Mrs. Outlaw: Can you remember where you were holding her when you sling her?

Sally Ann Williams: To my knowledge approximately right here. I am quite sure I didn't sling her -

Mrs. Outlaw: You had to have held her very tightly because I can't see why either of you didn't go down on the floor.

Sally Ann Williams: One of us should have gone down if I had slung her that hard - one of us should have gone on the floor. The way I was holding her they really had an opportunity to restrain her in the position that I was holding her, the other two aids. Now at that particular point they had an opportunity to restrain her also me because

Mr. Wingard: May I add one comment. This is not direct but I would like to clarify this it is a person opinion I have.

Hal Curtis: May I do this and maybe it will cover it, Mr. Wingard please. At this time both of you have an opportunity to make a closing statement. Will that take care of yours?

Mr. Wingard: I just want to clear up one remark that Miss Sally Williams made and I believe it was what she said and I believe I am in agreement with what she said and I think it is a point which the Committee and it is an opinion on my part I believe that you made the statement that you felt like she had hit the door frame. That is my opinion also. I concur with her. It is my opinion after hearing everything that this is possibly the type of thing that happened.

Hal Curtis: Not the blow, if there was a blow -

Mr. Wingard: I don't know about that but hearing the information that I concur at this point and time I concur with that as being the probably

Hal Curtis: I interpreted that. At this time Miss Williams would you care to make a closing statement?

Sally Ann Williams: Yes, sir. After being interviewed here today hearing what witnesses, head RN of the building, and myself being represented by my sister, I hope that no feelings have been hurt nor the as far as I can say I am sorry that the patient resulted in a broken clavicle but as I also stated in Step 2 of the Grievance Committee I am not sorry because I came forward and I am glad to talk to some of the head administrators of the Department of Mental Health for my benefit and also let them know that thing like this do happen and I have seen it before, patient abuse and I am glad that I came forward to the Grievance Committee to be heard. And that the Committee will take into consideration that it was a form of patient abuse but I had to do what I did in protection of myself and I am aware of the fact that there are rules and regulations of the hospital and that these things should be kept in mind and also that I be given a fair position.

Hal Curtis: Thank you. Mr. Wingard?

Mr. Wingard: Not at this time.

Hal Curtis: All of you people including the stenographic help may be excused at this time, that is permanently excused, and the findings of this committee will be forthcoming in the immediate future. Thank you all for your attendance, your

Hal Curtis:

patience, and cooperation.

Now that we have heard all of the testimony that the witnesses had to offer we have each been afforded all the documentary evidence available from the investigation of Step 1, Step 2 such as that from the very beginning of the occurrence. I would like to address myself to the subject in this matter. We are weighing the actions and the destination of a young lady here that has been an employee for a year and three quarters according to her statement. That her supervisor, a RN, has stated during this hearing this morning, said she had done a very good job, and she tells us that she did in fact strike this patient and did this in self-defense. There has been statements by two witnesses here in her presence who stated how she abused or attack this patient by striking and slinging the body from one side of the hall to the other and I think we should keep in mind that when an individual sees an occurrence of acting out in this way ones adrenalin flows a little fast and they don't gather things just as they really do happen but it is what their mind, eyes sees at the moment. We must remember that all of these people are placed under oath and one other thing that we must keep upper most in our mind is what is the product that we all are dealing with. Why are we here, even if not in patient contact and patient care. Nothing more. This lady has been placed on training period when she came to work here and on an inservice training period that she cared for patients. She did say that she had been adequately informed and trained to how to restrain a patient and this is not only to keep the patient from hurting an employee but it is to keep the patient from hurting oneself. Evidence did not bear out here to my hearing that there was any restraint and it was actually a fight. The records indicate here that Miss Williams went to the Clinic or for treatment for a scratch on the face small insignificant scratch right cheek. She made the comment that she didn't even get a tetnus shot. Well she had had one seven months ago. It was the decision of the doctor that she did not need one. The one witness, Mrs. Burden, that was for the appellant clearly stated that she did not see a thing going on, which makes one think what did happen.

You know we have to think of that patient that could be your or my brother, sister, mother whatever right here in this institution and we

you and I as well as Miss Williams are hired to take care of patients. And we are taught how to take care of ourselves from attacks of the patients. Let's be broad minded and above all as honest about this from our hearings this morning. These are suppose to be facts, heresay and what you may thing you know about these instance should not influence our feelings after this hearing. If any of you have comments to make do so at this time and then we will vote.

Hal Curtis:

Mrs. Stratton.

Mrs. Stratton:

There is one thing that has not come out and I would like to ask that she was terminated without notice. Is that correct?

Hal Curtis:

What do you mean without notice?

Mrs. Stratton:

I believe that if a person resigns normally you give two weeks notice. I am not aware that she was given any notice prior to the effective date of her determination. The incident occurred on Jan. 4 and she was terminated on Jan. 5. Right?

Hal Curtis:

Right. As I understand your question it is my opinion that in the Rules and Regulations there are certain violations that permit immediate dismissal and I am confident that this suspension of duty pending the investigation and then dismissal for Step 1 or the immediate supervisor and/or director of nursing caused this dismissal and in my opinion this is proper.

Mrs. Stratton:

I understand.

Nadine Williams:

I don't remember which was brought out. Who struck out first. Who passed the first lick? I don't recall ever finding out.

Mr. Joyner:

I think Miss Williams said she struck out first. She said after the patient pushed her.

Mrs. Outlaw:

The patient standing at the rail you know where they go to breakfast when Miss Williams was going on duty you know to help serve. Mrs. Campbell was probably just standing in the way. You know the way they do. You have to tell them to move.

Nadine Williams:

Mrs. Campbell scratched her in the face and then Miss Williams hit her.

Mrs. Outlaw:

Yes, that is the way I interpret it.

Hal Curtis:

At this time we shall vote. I think I will suggest that we write on a piece of paper and then I will read the votes aloud for the recorder. Now we can write uphold the dismissal meaning she stays out or recall no not recall.

Now that we have the votes in I shall read them for the record: Going right around the table from my left to right Mrs. Sara K. Stratton - uphold the dismissal. Mrs. Lillie Outlaw - uphold the dismissal. Mrs. Williams - dismissal upheld. Mr. Joyner - termination upheld for abuse of Mrs. Campbell. Hal Curtis - uphold the dismissal. It is unanimous that we uphold the dismissal, but at the same time I shall continue to read from the note. No there is no need of that because employee has been dismissed. There is no further comment. I would like to say to the committee that I do sincerely appreciate your help, at attentiveness and there is one thing that came out in this testimony this morning by the lady that was dismissed, by her decision. She said that I have seen this throughout. You know that is most disturbing because these are patients they cannot take care of themselves. This is alarming. When we suspect patient abuse, lack of care, it is our obligation to call it to the proper authorities attention. It is just as important as anything because these are handicapped people that our charges the same as a child. And this disturbs me greatly and I ask you people that when you suspect anything of this nature let it be known to the proper authorities.

Further I want to openly comment Mr. McMillan from the personnel office for helping us with the proceedings, setting up the room, getting the recording equipment available, operating it, administering the oath and giving me guidance. Mr. McMillan I sincerely appreciate that.

*Postman
Personal Records*

STATE OF SOUTH CAROLINA
PERSONNEL DIVISION



F. E. ELLIS
STATE DIRECTOR

TELEPHONE
(803) 758-3334

700 KNOX ABBOTT DRIVE
CAYCE, SOUTH CAROLINA 29033

June 5, 1972

Dr. William S. Hall
Commissioner
Department of Mental Health
Post Office Box 485
2414 Bull Street
Columbia, South Carolina 29202

Dear Dr. Hall:

In compliance with the State Employee Grievance Act, you are hereby advised of the final decision on the appeal of Miss Sally Ann Williams to the State Employee Grievance Committee of her dismissal by the South Carolina Department of Mental Health.

The decision of the Committee, which was not modified by the State Budget and Control Board, is that the dismissal of Miss Williams as a Nursing Assistant II was justified. A copy of the Committee's findings and decision is enclosed for your information.

If you have any questions, please advise.

Yours truly,

A handwritten signature in cursive script, appearing to read "F. E. Ellis".

F. E. Ellis
State Director of Personnel

FEE:bjc

Enclosure

cc: Members, Budget and Control Board
Mr. Robert H. Stoudemire
Miss Sally Ann Williams

2244

STATE OF SOUTH CAROLINA
PERSONNEL DIVISION

F. E. ELLIS
STATE DIRECTOR



TELEPHONE
(803) 756-3334

700 KNOX ABBOTT DRIVE
CAYCE, SOUTH CAROLINA 29033

June 5, 1972

Miss Sally Ann Williams
906 Queen Street
Columbia, South Carolina 29205

Dear Miss Williams:

In compliance with the State Employee Grievance Act, you are hereby advised of the final decision on your appeal to the South Carolina State Employee Grievance Committee of your dismissal by the South Carolina Department of Mental Health.

The decision of the Committee, which is not modified by the State Budget and Control Board, is that your dismissal as a Nursing Assistant II was justified. A copy of the Committee's findings and decision is enclosed for your information.

If you have any questions, please advise.

Yours truly,

A handwritten signature in cursive script, appearing to read "F. E. Ellis".

F. E. Ellis
State Director of Personnel

FEE:bjc

Enclosure

cc: Members, Budget and Control Board
Mr. Robert H. Stoudemire
Mr. O. Stanley Smith

E N D