

**JASPER COUNTY COUNCIL
MARY GORDON ELLIS EXECUTIVE BUILDING
PERSONNEL COMMITTEE
CONFERENCE ROOM
FEB. 2, 2007
10:00 A.M.**

OFFICIALS AND STAFF PRESENT:

GLADYS JONES - CHAIRMAN, DR. GEORGE HOOD - COUNCILMAN, ANDY FULGHUM-ADMINISTRATOR, RONNIE MALPHRUS – DEP. ADMINISTRATOR, GLORIA LUCAS – HR DIRECTOR, JUDITH FRANK- CLERK TO COUNCIL, LINDA EDWARDS, ATTORNEY

IN ACCORDANCE WITH THE FREEDOM OF INFORMATION ACT THE ELECTRONIC AND PRINT MEDIA WERE NOTIFIED.

DURING PERIODS OF DISCUSSION AND PRESENTATIONS MINUTES ARE TYPICALLY CONDENSED AND PARAPHRASED.

THE MEETING WAS CALLED TO ORDER AND TURNED OVER TO MS. LUCAS. MS. LUCAS SAID THAT SHE HAS BEEN WORKING ON THE PERSONNEL POLICY WITH ATTORNEY EDWARDS AND THE PURPOSE OF THE MEETING WAS TO GO OVER THE RECOMMENDED CHANGES TO THE PERSONNEL POLICY MANUAL.

ATTORNEY EDWARDS BEGAN HER REVIEW BY STATING THAT THE MAJORITY OF EMPLOYEES DO NOT EVEN READ THE PERSONNEL POLICY MANUAL, THE EMPLOYERS LIKE TO EXPLAIN WHY CERTAIN THINGS ARE INCLUDED. ATTORNEY EDWARDS SAID SHE REVIEWED THE COUNTY'S POLICY MANUAL AND SHE ADDED AND DELETED ITEMS THAT SHE THOUGHT NEEDED TO BE CHANGED.

ATTORNEY EDWARDS SAID IT WAS NOT NECESSARY TO INCLUDE ITEMS IN THE POLICY THAT ARE ALREADY COVERED BY STATE LAW. ATTORNEY EDWARDS COMMENTED THAT THERE WERE SEVERAL AREAS THAT SHOULD BE IN HANDBOOKS FOR SUPERVISORS AND NOT IN THE PERSONNEL POLICY MANUAL.

MS. EDWARDS SAID SHE ADDED POLICIES TO USE IN PLACE OF CURRENT POLICY REGARDING THE ANTI-HARASSMENT POLICY, THE FMLA POLICY AND THE DISCIPLINE POLICY. MS. EDWARDS SAID THE POLICIES SHE HAS INCLUDED COVER ALL FORMS OF HARASSMENT AND THEY ARE MORE SPECIFIC AND COMPLIANCE PROCEDURES ARE INCLUDED. MS. EDWARDS STATES THAT ANY COMPLAINTS AGAINST THE ADMINISTRATOR ARE TO BE MADE TO THE CHAIRMAN OF THE COUNTY COUNCIL. MS. EDWARDS SAID TO MAKE SURE THE POLICY IS FOLLOWED AND A WRITTEN REPORT MUST BE DONE SO THE EMPLOYEE HAS PROOF THAT THE POLICY WAS FOLLOWED. MS. EDWARDS SAID POLYGRAPH TESTS ARE ALLOWABLE IN APPROPRIATE SITUATIONS. DR. HOOD ASKED ABOUT A TIME LINE AND MS. EDWARDS SAID IT WAS NEEDED AND SHE WOULD ADD A TIMELINE. MS. EDWARDS SAID THAT YOU DON'T PROMISE CONFIDENTIALITY AND THE COUNTY NEEDS TO DO ANTI-HARASSMENT TRAINING AND THE COUNTY NEEDS TO MAKE SURE THAT EMPLOYEES UNDERSTAND THE POLICY. MS. EDWARDS SAID SCAC HAS GOOD VIDEOS FOR HARASSMENT TRAINING.

MS. EDWARDS DISCUSSED THE FAMILY MEDICAL LEAVE ACT AND SAID THE COUNTY MUST ALSO HAVE A POLICY IN PLACE FOR PEOPLE WHO DO NOT QUALIFY FOR THE FMLA. MS. EDWARDS SAID THE POLICY MUST STATE THAT THE EMPLOYEE CANNOT BE WORKING

SOMEWHERE ELSE WHILE ON FMLA. THE FMLA ACT OFFERS UP TO 12 WEEKS (WITHOUT PAY) OF JOB PROTECTION AND BOTH MEN AND WOMEN QUALIFY FOR FMLA WHEN A CHILD IS BORN OR ADOPTED.

ATTORNEY EDWARDS SAID THAT THE COUNTY DOES NOT NEED TO ADDRESS ELECTED OFFICIALS EMPLOYEES IN THE MANUAL, BUT THE ELECTED OFFICIALS CAN CHOOSE IF THEY ARE GOING TO FOLLOW THE POLICY. MS. EDWARDS SAID THE ONLY CONTROL THE COUNCIL HAS OVER ELECTED OFFICIALS IS DURING THE BUDGET. MS. EDWARDS SAID THAT THE COUNTY HAS THE AUTHORITY OVER WHETHER OR NOT TO PAY LEAVE TIME TO ELECTED OFFICIALS. MS. EDWARDS SAID IF IT IS CURRENTLY BEING PAID, SHE DID NOT RECOMMEND TO STOP PAYING IT.

MS. EDWARDS SAID THAT IMMEDIATE FAMILY SHOULD BE DEFINED AND IT SHOULD INCLUDE PERSONAL RELATIONSHIPS TO THE AREA REGARDING NEPOTISM. IT WAS AGREED THAT THE AREA COVERED BY NEPOTISM SHOULD BE LIMITED TO DEPARTMENTS NOT DIVISIONS. MS. LUCAS DISCUSSED A FEW SITUATIONS THAT COULD RESULT WHEN RELATED INDIVIDUALS ARE IN THE SAME DEPARTMENT. MS. EDWARDS SAID THAT COULD BE HANDLED AS A DISCIPLINARY ISSUE. CHAIRMAN JONES SAID THAT WHILE IT MAY LIMIT SCHEDULING, THE POLICY MUST BE FOLLOWED. MS. EDWARDS SUGGESTED THAT THE ADMINISTRATOR WOULD HAVE TO SIGN OFF ON ANY SCHEDULING SITUATIONS THAT WOULD OCCUR.

MS. LUCAS ADDRESSED THE ISSUE OF EXAMING EMPLOYEE'S COMPUTERS. MS. EDWARDS SAID THE COUNTY DOES HAVE THAT RIGHT, BUT DID NOT THINK IT SHOULD BECOME A POLICY, AS SHE DID NOT THINK THE COUNTY SHOULD. MS. EDWARDS SAID THE COUNTY DOES HAVE THAT RIGHT, BUT SHOULD NOT ABUSE IT. MS. EDWARDS SAID THE COUNTY HAS THE RIGHT TO INSPECT ANY COUNTY OWNED EQUIPMENT. MS. EDWARDS SAID THE COUNTY HAS THE RIGHT TO INSPECT ANY APPOINTED OR ELECTED OFFICIALS EQUIPMENT AND THEIR EMPLOYEES EQUIPMENT IF IT WAS PROVIDED BY THE COUNTY. MS. EDWARDS RECOMMENDED NOT HANDLING EMPLOYEE ISSUES BY EMAIL AND THAT EMPLOYEE MATTERS SHOULD BE HANDLED WITH THE SUPERVISORS.

MS. EDWARDS DISCUSSED THE IMPORTANCE OF SAVING EMAILS REGARDING COUNTY BUSINESS AND CORRESPONDENCE.

CHAIRMAN JONES ASKED IF THE POLICY REQUIRED THAT AN EMPLOYEE GIVE UP THEIR POSITION TO RUN FOR OFFICE, AND MS. EDWARDS SAID THE COUNTY CAN REQUIRE THAT THEY TAKE A LEAVE OF ABSENCE.

ON PAGE 27, ATTORNEY EDWARDS RECOMMENDED TO CHANGE THE VERBAGE TO MOST SUITABLE INSTEAD OF MOST QUALIFIED AND NOT TO ACCEPT JUST A RESUME, SHE SAID TO MAKE ALL APPLICANTS FILL OUT AND SIGN AN APPLICATION. ON PAGE 28, MS. EDWARDS MADE CHANGES SO THAT IT GIVES THE COUNTY THE RIGHT TO LOOK OUTSIDE FOR AN EMPLOYEE PRIOR TO A DECISION BEING MADE ON INTERNAL CANDIDATES. MS. EDWARDS SAID IT WAS NOT NECESSARY TO LIST THE NAMES OF PEOPLE WHO ARE AUTHORIZED TO REQUEST AND REVIEW PERSONNEL FILES. MS. EDWARDS SAID THAT WHEN A PERSONNEL INQUIRY IS MADE, ADDITIONAL INFORMATION SHOULD NOT BE GIVEN AND IF AN EMPLOYEE WANTS TO REVIEW THEIR OWN FILE, THEY SHOULD MAKE AN APPOINTMENT AND BE MONITORED.

MS. EDWARDS DISCUSSED MILITARY LEAVE AND THAT WHEN THE EMPLOYEE IS CALLED TO DUTY, UPON RETURN HE MUST BE GIVEN HIS SAME JOB, SAME SALARY, AND THEY WOULD ACCRUE LEAVE RATE AT THE SAME RATE AS IF THEY HAD BEEN WORKING, HOWEVER, THEY DO NOT GET PAID FOR THE LEAVE.

MS. EDWARDS SAID THAT THE POLICY SHOULD LIST THAT NEW EMPLOYEES MAY TAKE SICK LEAVE AFTER 3 MONTHS AND ANNUAL LEAVE TIME AFTER 6 MONTHS. CHAIRMAN JONES SAID SHE FELT IT SHOULD BE LISTED AS TIME OFF OR HOURS OFF, NOT VACATION OR SICK TIME. THE COMMITTEE DISCUSSED COMP. TIME AND MR. MALPHRUS SAID THEY COULD ADD A TIME PERIOD IN WHICH THE COMP. TIME MUST BE USED. CHAIRMAN JONES SAID SHE FELT IT SHOULD JUST BE PAID TIME BECAUSE IF THEY CARRY IT FORWARD AND GET PAID FOR IT LATER IT WILL COST THE COUNTY MORE BECAUSE OF INCREASES TO THE INDIVIDUAL'S SALARY. MS. EDWARDS AGREED THAT IT WAS BETTER TO PAY AS YOU GO RATHER THAN DELAYING IT CAN CAUSE BIG PROBLEMS. CHAIRMAN JONES ASKED IF EMPLOYEES WERE BEING EVALUATED AND MS. LUCAS SAID SHE WAS WORKING ON REDESIGNING THE EVALUATION FORM AND EVALUATIONS ARE NOT BEING DONE CURRENTLY, BUT THEY WILL BE IN THE FUTURE. CHAIRMAN JONES DISCUSSED THAT SOME EMPLOYEES ARE DOING WORK AT HOME AND ASKED IF THAT TIME SHOULD GO ON THEIR TIME CARDS. MS. EDWARDS SAID THAT IT SHOULD, BUT THE EMPLOYEE SHOULD REALLY DO THE WORK AT WORK. ITEMS THAT ARE MAJOR CHANGES ARE THE INTRODUCTORY PERIOD OF EMPLOYMENT ARE CHANGED FROM 3 MONTHS TO 6 MONTHS. THE LEAVE TIME AND SICK LEAVE FOR THE INTRODUCTORY PERIODS ARE ALSO COVERED. NON EXEMPT STATUS AND EXEMPT STATUS AND COMPENSATORY TIME WERE COVERED AND SOME MEMBERS FELT IT WAS BETTER TO PAY THE OVERTIME THAN TO HAVE COMPENSATORY TIME BUILD UP AND BE CHARGED TO THE COUNTY AT A FUTURE DATE AT A HIGHER RATE. THE COMMITTEE ALSO DISCUSSED PUTTING A TIME LIMIT ON WHEN COMPENSATORY TIME MUST BE USED. TIMEKEEPING WAS DISCUSSED AND ATTORNEY EDWARDS SAID THAT ALL EMPLOYEES MUST REPORT AND CERTIFY THE TIME ON THEIR TIME CARDS AS ALL HOURS WORKED MUST BE RECORDED AND ALL RECORDED HOURS MUST HAVE BEEN WORKED. MR. MALPHRUS ADDRESSED THE ISSUE OF CHANGING THE DATE TIME CARDS WERE DUE AND THAT ONE WEEKS PAY BE HELDBACK SO THAT PAYROLL WOULD HAVE ADEQUATE TIME TO PREPARE PAYROLL. MR. MALPHRUS SUGGESTED MAKING THE CHANGE IN AUGUST WHEN THERE ARE THREE PAY DAYS IN THAT MONTH AND TO GIVE THE EMPLOYEES PLENTY OF TIME TO PREPARE. ATTORNEY EDWARDS SAID THAT SOME COUNTIES ALLOWED EMPLOYEES TO USE FIVE DAYS OF ANNUAL LEAVE TO MAKE UP THE DIFFERENCE AS LONG AS THEY HAD THE TIME. MR. MALPHRUS ALSO ASKED THAT THE ANNUAL LEAVE WORK WEEK SCHEDULE BE CHANGED TO REFLECT 1 YEAR THROUGH 5 YEARS, 5 YEARS THROUGH 10 YEARS ETC. ATTORNEY EDWARDS SAID THAT ANNUAL LEAVE SHOULD ONLY BE PAID IF THE EMPLOYEE GIVES AND WORKS THE APPROPRIATE NOTICE FOR RETIREMENT OR SEPARATION OF EMPLOYMENT. ATTORNEY EDWARDS SAID THE ADMINISTRATOR MUST APPROVE PAYMENT OF LEAVE TIME WITHOUT APPROPRIATE NOTICE. CHAIRMAN JONES ADDRESSED THE HOLIDAYS AND QUESTIONED THE GENERAL ELECTION DAY AS A HOLIDAY. MS. LUCAS SUGGESTED CHANGING GENERAL ELECTION DAY TO A FLOATING HOLIDAY. COUNCILMAN HOOD SAID THERE WAS A BILL PENDING WHERE THE COUNTIES WOULD HAVE TO HAVE THE SAME HOLIDAYS AS THE STATE OFFICES. ATTORNEY EDWARDS ASKED THAT UNDER FRINGE BENEFITS THAT - THESE ITEMS ARE SUBJECT TO CHANGE BE INCORPORATED INTO THIS SECTION. MS. EDWARDS DISCUSSED WAYS TO SCHEDULE EMPLOYEES TO AVOID OVERTIME AND THAT PEOPLE CAN NOT USE BREAK OR LUNCH TIME TO LEAVE EARLY ON A REGULAR

BASIS, BUT THESE TIMES COULD BE USED IF APPROVED BY THE SUPERVISOR IN CERTAIN CIRCUMSTANCES.

MR. FULGHUM ASKED ABOUT LEAVE FOR DEPOSITIONS AND THEY ARE PAID FOR DOING IT, MS. EDWARDS SAID THAT LIKE JURY PAY, SHE WOULD RECOMMEND LETTING THE EMPLOYEE JUST KEEP THE PAYMENT.

MS EDWARDS SAID TO ADD THAT FRINGE BENEFITS ARE SUBJECT TO CHANGE.

MS. EDWARDS SAID THAT EVERYONE CAN BE REQUIRED TO GO ON DIRECT DEPOSIT.

ATTORNEY EDWARDS SAID THAT THE 1ST PAGE OF THE MANUAL SHOULD BE THE DISCLAIMER AND IT SHOULD BE SIGNED IN BLUE INK AND REMAIN IN THE MANUAL AND A SECOND COPY OF THE DISCLAIMER SHOULD BE SIGNED IN BLUE INK TO BE KEPT BY THE H.R. DIRECTOR. ATTORNEY EDWARDS SAID THE COUNTY'S EQUAL EMPLOYMENT OPPORTUNITY POLICY NEEDED TO BE IN THE FRONT OF THE MANUAL.

MS. LUCAS REMINDED MS. EDWARDS THAT THE POLICY BE CHANGED REGARDING PAID INSURANCE FOR RETIREES TO CHANGE FROM 10 YEARS TO 15 YEARS AS PREVIOUSLY DISCUSSED BY THE PERSONNEL COMMITTEE AND TO INCORPORATE THAT WHEN THE EMPLOYEE RETIRES FROM THE COUNTY IN ACCORDANCE WITH THE S.C. RETIREMENT SYSTEM IN THAT THE EMPLOYEE WOULD HAVE TO BE AT LEAST 55 YEARS OLD IN ORDER TO RETIRE. MS. EDWARDS SAID EVERYONE WHO IS ALREADY WORKING FOR THE COUNTY WOULD BE GRANDFATHERED UNDER THE OLD REQUIREMENTS, BUT NEW HIRES WOULD GO TO THE 15 YEARS. MS. EDWARDS SAID THAT THE MEDICARE SUPPLEMENT PAYMENT NEEDS TO BE ADDED SO THAT WHEN RETIREES REACH 65 YEARS OLD THEY KNOW THAT THEY WILL HAVE THE SUPPLEMENT PAID FOR NOT THE STATE POLICY. CHAIRMAN JONES SAID THAT MS. LUCAS SHOULD CHECK TO SEE THAT THE COUNTY IS CURRENTLY ONLY PAYING THE SUPPLEMENT FOR ALL RETIREES OVER 65 YEARS OF AGE. THE CUT OFF DATES FOR THIS WERE SUGGESTED TO BE ANYONE HIRED PRIOR TO DEC. 31, 2006 FALLS UNDER THE OLD POLICY OF TEN YEARS ON CONTINUOUS EMPLOYMENT AND ANYONE HIRED AFTER JAN. 1, 2007 WILL COME UNDER THE NEW POLICY OF 15 YEARS OF CONTINUOUS EMPLOYMENT AND THEY MUST RETIRE IN ACCORDANCE WITH THE SC RETIREMENT SYSTEM GUIDLEINE.

THE COMMITTEE DISCUSSED REMOVING THE SECTION REGARDING SEVERANCE PAY.

MS. EDWARDS SAID THAT THE DISCIPLINARY SECTION NEEDED TIGHTING UP AND SHE HAS SHORTENED IT AND IT WILL HAVE A LIST OF THE PROCEDURES AND IT MUST BE SIGNED BY EMPLOYEE AND SHE FELT THE SUPERVISOR'S MANUAL SHOULD INCLUDE MORE INFORMATION THAT IS REALLY NOT NECESSARY IN THE EMPLOYEE MANUAL. MS.

EDWARDS SAID THAT BY PUTTING THE TIMETABLES IN THE EMPLOYEE'S MANUAL, IT PUTS THE RESPONSIBILITY ON THE EMPLOYEE TO TAKE GRIEVANCES TO THE NEXT STEP.

CHAIRMAN JONES SAID THAT ONLY THE ADMINISTRATOR HAS THE AUTHORITY TO FIRE AN EMPLOYEE, THE DEPARTMENT HEADS CANNOT FIRE ANYONE. MS. EDWARDS SAID GRIEVANCE COMMITTEE WAS NEEDED OR ALL DISCHARGES WOULD COME TO COUNCIL AND IT IS ALSO GOOD FOR DISCIPLINARY ACTIONS. MS. EDWARDS SAID THE COMMITTEE CAN MAKE A DECISION AND A RECOMMENDATION, BUT THE ADMINISTRATOR DOES NOT HAVE TO ACCEPT OR ABIDE BY THE COMMITTEE'S DECISION OR RECOMMENDATION, BUT IT WILL GIVE THE EMPLOYEE A CHANCE TO TELL THEIR SIDE OF THE STORY. CHAIRMAN JONES SAID THAT THE EMPLOYEES ARE AFRAID TO GO AGAINST THE DECISION OF THE ADMINISTRATOR. MS. EDWARDS SAID THE GRIEVANCE COMMITTEE SHOULD HAVE A TRAINING SESSION. CHAIRMAN JONES SAID THE EMPLOYEES OF THE GRIEVANCE COMMITTEE NEED TO FEEL THEY CAN MAKE A TRUE DETERMINATION AND THEY SHOULD HAVE TRAINING. MS. EDWARDS SAID THAT IF THE

GRIEVANCE IS REGARDING SOMEONE IN THEIR DEPARTMENT, THEN THEY SHOULD NOT SERVE ON THAT HEARING AND AN ALTERNATE SHOULD DO THE HEARING. MS. EDWARDS SAID THAT WITNESSES CAN BE CALLED AND THAT NO OUTSIDE ATTORNEY CAN ATTEND IF HEARING IS CLOSED, HOWEVER, THE COMMITTEE CAN HAVE AN ATTORNEY PRESENT TO ADVISE THEM. MS. EDWARDS SAID THAT ELECTED OFFICIAL'S EMPLOYEES ARE ENTITLED TO HAVE A GRIEVANCE HEARING.

ATTORNEY EDWARDS ADVISED THAT THE COUNCIL REPEAL THE OLD PERSONNEL POLICY ORDINANCE AND AT THE SAME TIME DO AN ORDINANCE ADOPTING THE DISCLAIMER TO BE ADDED TO THE NEW PERSONNEL POLICY MANUAL. ATTORNEY EDWARDS SUGGESTED THAT THE COUNCIL ADOPT THE NEW PERSONNEL POLICY MANUAL IMMEDIATELY AFTER THE 3RD READING OF THE ORDINANCE REPEALING THE ORDINANCE THAT ADOPTED THE PREVIOUS PERSONNEL POLICY. ATTORNEY EDWARDS SAID SHE RECOMMENDED APPROVING THE NEW PERSONNEL POLICY MANUAL BY RESOLUTION BECAUSE IT WOULD BE EASIER TO MODIFY AND THAT THE ADMINISTRATOR COULD MODIFY THE PERSONNEL POLICY WITH THE APPROVAL AND CONSENT OF THE COUNCIL WITHOUT HAVING TO HAVE THREE READINGS AND A PUBLIC HEARING. MS. EDWARDS SAID SHE WOULD CHECK TO SEE IF THE ORDINANCE COULD REPEAL EVERYTHING IN THE OLD ORDINANCE EXCEPT THE DISCLAIMER.

THE MEETING ENDED AT 1:50 P.M.

RESPECTFULLY SUBMITTED BY:

APPROVED BY:

JUDITH M. FRANK, CCC
CLERK TO COUNCIL

GLADYS N. JONES
COMMITTEE CHAIRMAN