

# Office of the Inspector General

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*James V. Martin*



## Investigation of Alleged Waste and Mismanagement

Report prepared by:

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Prepared for:

**Governor Nikki R. Haley**

**Mr. Robert E. Ward  
Interim Director,  
Department of Corrections**

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Case 2011-30

## **Background**

On August 11, 2011, this office received an anonymous complaint from an employee at the Tyger River Correctional Institution (TRCI). The complainant made several allegations and identified multiple areas of concern regarding the management and operation of TRCI.

The TRCI is located in Enoree, South Carolina and was originally opened in 1980. A second facility was opened at the same location in 1983. The two facilities were combined to form the present TRCI. The facility is a medium level security institution housing male inmates. The TRCI has one Warden and two Deputy Wardens that oversee the security and operations of the facility.

Statewide the Department of Corrections (DOC) has responsibility for management and security at 28 correctional institutions. The Department of Corrections has approximately 6,000 employees and house 23,000 inmates.

## **Allegations/Complaints**

The complainant identified seventeen (17) areas of allegations/complaints regarding the operation and management of the TRCI facility. During the investigation, an additional seven (7) allegations/complaints surfaced and are included in this Report, bringing the total allegations/complaints to twenty-four (24). The specific allegations and complaints are as follows:

1. The Warden's use of an assigned state owned vehicle to commute daily from his home in Irmo, S.C. to TRCI, Enoree, S.C.
2. The two Deputy Wardens and a Major ride to and from work (also between Irmo, S.C. and Enoree, S.C.) with the Warden and realize a benefit for such advantage.
3. When the Warden is on leave or not working in some other status, one of the two Deputy Wardens or the Major drives the Warden's assigned state vehicle to work.
4. The Investigator at TRCI has an assigned state vehicle and the primary use is to commute from his residence to TRCI where he is observed to spend most of his time.

5. The Warden and Deputy Wardens are allowed to bring their cell phones into the restricted area of the TRCI facility. However, other employees working in the restricted area are not allowed to bring their personal cell phones.
6. Excessive spending regarding medical costs as a result of transporting inmates long distances for specialized treatment.
7. Excessive costs and manpower commitment to transport TRCI inmates to parole hearings.
8. Selective and unfair hiring practices result in lack of promotion at TRCI.
9. The TRCI Warden's wife is employed in the recruiting and employment process with the Columbia Department of Corrections – Human Resources Department (DOCHR) and is too involved in the hiring process at TRCI. The Warden transports hiring packages back and forth from TRCI to Columbia.
10. The Warden implemented a verbal policy wherein employees are told they will receive corrective action if they use more than seventy (70) hours of sick leave.
11. The Major at TRCI has made inappropriate comments to employees regarding their weight and projects a rude persona when speaking to employees that he supervises.
12. The TRCI Cafeteria's Food Service Supervisor provides free condiments and coffee to TRCI employees.
13. Inappropriate relationships between employees.
14. Excessive TRCI medical staff.
15. As a result of TRCI being overstaffed with medical support personnel, these individuals prepare meals during the day in their assigned area, watch TV; invite the Wardens, the Major and the Investigator to visit and eat with them.
16. The TRCI Medical Physician is overpaid and could be replaced with a Nurse Practitioner.
17. Inmates are not charged enough for psychiatric medication.
18. Unfair practices of written reprimands for taking leave, harassing behavior and reprisal.

19. Improper behavior by management during interview regarding a written reprimand.
20. Unjust practice of corrective action for not returning a phone call to supervisor after being contacted while on leave.
21. Receiving written corrective action even though a doctor's statement was provided.
22. Receiving corrective action for taking a regular day off (RDO) and approved leave.
23. Threat by a management level employee to "write-up" an employee up until he quit.
24. Review increase in the use of psychiatric medication and counseling per nursing supervisor at TRCI.

### **Facts Determined**

This office initially contacted the Department of Corrections (DOC) Headquarters to discuss the allegations and complaints with the Interim Director Mr. Robert Ward. During this briefing the staff of the OIG revealed a plan of action in order to adequately address each of the allegations/complaints and explained the report process to Mr. Ward.

Mr. Roger Myers was the lead investigator on this endeavor and was assisted by Investigator George Davis in conducting some of the employee interviews. The investigation included numerous interviews, reviewing official files and correspondence, and a review of applicable state rules and regulations in regards to each of the allegations and complaints. The OIG also reviewed applicable policies and procedures governing the security, operation, and management of the TRCI.

DOC Wardens are responsible for the management, operation, and security of state correctional institutions. The Warden at TRCI has served in his position for the past five years. Two Deputy Wardens report to the Warden and assist in the operation and management of the institution.

During the course of interviewing management staff at TRCI, this office found that TRCI currently has approximately 23-25 security positions that are vacant and several employees that are on extended leave. During the past budget year the DOC has also experienced budget constraints that required employees to take several furlough days.

These factors resulted in management having to be extremely cognizant of employee absences from work, as it relates to providing adequate manpower and security coverage for the facility.

Specifically, the OIG found that management at TRCI implemented a leave review process to identify and curtail any excessive amount of leave taken by the employees. The procedures instituted by TRCI management focused on the excessive amount of call-in leave requests and sick leave requested by employees. The leave procedures implemented included the use of corrective action, written and verbal reprimands.

The OIG interviewed numerous employees and management staff during the course of this investigation. As a result of various documents provided by DOC and information attained during the interview process, this office identified several other areas of concern not included in the original allegations and complaints submitted to the OIG.

### **Investigative Findings – Allegations/Complaints**

1. The Warden's use of the assigned state owned vehicle to commute daily from his home in Irmo, S.C. to TRCI, Enoree, S.C.

This office found that Wardens at each of the 28 institutions are assigned a state owned vehicle. The assigned vehicles are equipped for law enforcement use and Wardens are considered to be first responders during emergency situations. DOC policy authorizes the use of emergency/law enforcement vehicles and the assignment of such vehicles to a certified law enforcement officer.

The Warden at TRCI uses his assigned vehicle to commute daily from his home in Irmo, S.C. to his work station in Enoree, S.C. The Warden also performs reviews at the facility twice a quarter. The mileage from Irmo, S.C. to TRCI is approximately 71 miles. The Warden's total daily round trip commuting mileage from Irmo, S.C. to TRCI is estimated to be 142 miles. DOC policy requires that employees pay for the use of a state vehicle for commuting. However, according DOC policy vehicles that are permanently assigned to law enforcement officers are exempt from commuting reimbursement charges. Because Wardens are certified law enforcement officers and first responders for emergencies they are exempt from paying the commuting mileage reimbursement charges to DOC.

Federal IRS Income Tax Regulations may apply to any DOC employee that uses a state vehicle for commuting and does not reimburse the Department of Corrections for

commuting miles. DOC employees may be required by IRS regulations to report the cost benefit associated with commuting mileage as taxable income. Under the Federal IRS taxable fringe benefit rule the use of a vehicle for personal reasons is considered a fringe benefit. The Federal IRS regulation regarding taxable fringe benefits is found in IRS Publication 15-B. Federal IRS regulation does allow an exemption for unmarked law enforcement vehicles used by law enforcement officers, when the personal use, including commuting is authorized by the State. However, the use of the vehicle must be incident to law enforcement function, such as reporting from home to a stakeout, surveillance site or an emergency situation.

For a government employee to qualify for the IRS exemption they must meet the IRS definition of a "law enforcement officer". The IRS defines law enforcement officers as: 1) a full-time employee of a governmental unit that is responsible for preventing or investigating crimes involving injury to person or property, to include the apprehension or detention of persons for such crimes, 2) is authorized to carry firearms, execute warrants, and make arrests, and 3) regularly carries firearms.

South Carolina State Government has three classifications of certified law enforcement officers. The classifications are Class I, Class II and Class III Officers. The officers are classified by function, training requirements and scope of authority. State government "Class I Officers" are full-time employees of a governmental unit responsible for preventing or investigating crimes involving injury to person or property, to include the apprehension or detention of persons for such crimes on a regular basis. Class I Officers regularly make arrests, carry firearms, execute warrants and have full law enforcement powers.

State government "Class II Officers" are full-time governmental employees that are responsible for a specific law enforcement function on a daily basis. The duties of class II Law Enforcement Officers are limited in scope and their authority is defined by a special function. The Class II Law Enforcement Officer has limited enforcement powers, may not carry firearms on a regular basis and does not make arrests on a regular basis.

State government "Class III Officers" are full-time governmental employees with less authority than a Class I or Class II Officer and generally have a basic law enforcement certification. The duties of Class III Law Enforcement Officers are limited in scope and their authority is defined by special function. A Class III Law Enforcement Officer may or may not have arrest powers or authority to carry firearms.

DOC Wardens are Class II Law Enforcement Officers and first responders for emergencies pertaining to correctional institutions. Based on a review and interpretation by the OIG, of the Federal IRS definition of "law enforcement officer"

and available discussion of this subject offered by the IRS, it appears that only the Class I Officers would qualify for the IRS exemption. The Federal IRS exemption includes clearly marked police, fire and public safety or unmarked law enforcement vehicle use by a law enforcement officer who regularly make arrests, carries firearms, execute warrants and have full law enforcement powers. The cost benefit associated with the Warden's commuting mileage may be considered taxable income under the Federal IRS fringe benefit rules.

2. The two Deputy Wardens and a Major ride to and from work (also between Irmo, S.C. and Enoree, S.C.) with the Warden.

The OIG found that DOC policy does not prohibit other state employees from being passengers in a state vehicle, if operated by an approved individual.

3. When the Warden is on leave or not working in some other status, one of the two Deputy Wardens or the Major drives the Warden's assigned state vehicle to work.

In normal situations when the Warden is not at TRCI, the Deputy Wardens are responsible for operating and overseeing the facility. In the absence of the Warden, the state vehicle is driven from Columbia to TRCI by one of the Deputy Wardens. The DOC policy does not prohibit other state employees from being a passenger or driving a vehicle assigned to an approved employee of DOC. According to DOC policy the Deputy Wardens are certified law enforcement officers and would also be exempt from commuting reimbursement charges.

Deputy Wardens as drivers of the law enforcement vehicle would also be subject to the Federal IRS fringe benefits rules for commuting as discussed previously. The Federal IRS regulation exemption includes clearly marked police, fire and public safety or unmarked law enforcement vehicle use by law enforcement officers that regularly make arrests, carry firearms, execute warrants and have full law enforcement powers. Again it is the OIG's position that possibly the Deputy Wardens as Class II Law Enforcement Officers would not qualify for the IRS fringe benefits rules for commuting exemption. The cost benefit associated with Deputy Wardens commuting mileage may be considered taxable income under the Federal IRS fringe benefit rules.

4. The Investigator at TRCI has an assigned state vehicle and its primary use is to facilitate commuting from his residence to TRCI where he is observed spending most of his time.

Information provided during this investigation revealed the Investigator occasionally works out of TRCI. However, he is not assigned to the TRCI facility. The Investigator is a law enforcement officer that is organizationally assigned the DOC - Division of Investigations. The responsibility of the Investigator is to investigate internal complaints and reviews in the upper state region of the DOC. The upper region includes several correctional institutions as well as TRCI. The investigator may leave from home and travel to other authorized duty stations. The duties of an investigator may require travel to multiple locations while performing law enforcement duties on a more regular basis. The DOC policy authorizes the use of emergency vehicles assigned to law enforcement officers.

5. The Warden and Deputy Wardens are allowed to bring their cell phones into the restricted area of the TRCI facility. However, other employees working in the restricted area are not allowed to bring their personal cell phones.

The DOC has a policy that governs the use of cell phones in each of the 28 institutions. This policy authorizes the Warden and Deputy Wardens to have cell phones in the facility to maintain constant communication with management staff. The OIG found TRCI cell phone procedures to be compliant with DOC cell phone policy. The OIG believes such a policy is reasonable for management and security purposes.

6. Excessive spending regarding medical costs as a result of transporting inmates long distances for certain treatment.

The DOC and subsequently, TRCI have a responsibility to provide medical services for a wide range of medical issues for housed inmates. Some of the medical conditions require the services of outside providers for specific treatment. Medical emergencies are handled at local medical treatment centers or hospitals. However, certain scheduled medical procedures are handled by providers that are approved under state contract. The physical location of the providers will vary depending on the services being provided and the medical procedure. TRCI appears to have a significant number of chronically ill inmates that require treatment within contracted providers located a significant distance from TRCI. The staff of this office does not have expertise in the area of medical treatment and medical cost analysis; time constraint and complexity

would not allow further investigation at this time. The OIG cannot take a position on this matter.

7. Excessive costs and manpower commitment to transport TRCI inmates to parole hearings.

While conducting parole hearings at TRCI would be cost effective and lessen the manpower burden created when correctional officers are used for this purpose, TRCI does not have the ability to conduct parole hearings via satellite at this time. It was determined that there are some correctional institutions that are conducting parole hearings via satellite. TRCI is currently utilizing the satellite capability of other institutions to conduct some of their parole hearings. It appears that TRCI is managing the parole hearings according to DOC policy.

8. Selective and Unfair Hiring Practices Resulted in Lack of Promotion at TRCI.

It was determined that TRCI has experienced significant changes in their management staff within the past five years. The new management has promoted several TRCI employees internally. Some of the top level management positions have been filled outside of the TRCI workforce in order to hire qualified applicants. The OIG was not able to identify information to substantiate that the hiring and promotion process has not been done according to the agency's policy.

9. The TRCI Warden's spouse is employed in the recruiting and employment area with the Columbia Department of Corrections - Human Resources Department (DOCHR) and is too involved in the hiring process at TRCI. The Warden transports hiring packages back and forth from TRCI to Columbia.

The Warden's wife does work with the DOC in the Human Resources Department. The transporting of hiring packages is done as a means of expediting the hiring process. This office found no information that indicates that the Warden's wife has been directly involved in or influenced in any way the hiring practices at TRCI. The current transporting of personnel actions from the DOC in Columbia to TRCI is an effective and efficient mechanism to provide the timely exchange of such information. The OIG found no reason why this practice should not continue.

10. The Warden implemented a verbal policy wherein employees are told they will receive corrective action if they use more than seventy (70) hours of sick leave.

The Warden at TRCI implemented procedures to review employees' use of sick leave on an annual basis. The policy was implemented to curtail the excessive amount of call-in leave request and sick leave being taken by employees. The procedures outline that any employee who uses sick leave in excess of seventy hours per year could be subject to corrective action. Employees that exceed the seventy (70) hours were subject to be reviewed by the Warden to determine if they were abusing their sick leave.

DOC management or supervisor must have reason to suspect an employee is abusing sick leave before issuing corrective actions. TRCI managers must be authorized to institute more restrictive policies in this area. Even if authorized to modify policy, managers and supervisors must follow steps set forth in DOC policies and procedures related to employee corrective action. The Warden at TRCI was given a directive from the Director of DOC to discontinue his practice of employee corrective action for the use of sick leave taken above a certain level. It appears that there have been instances when employees have a received written reprimand and corrective action prematurely and without justification.

11. The Major at TRCI has made inappropriate comments to employees regarding their weight and projects a rude persona when speaking to individuals he supervises.

This office interviewed several employees at TRCI and could not substantiate that the Major at the facility made the comment that an employee was fat, obese or made any statement similar in nature to an employee. However, it was determined that the Major did distribute an internal memo to his supervisors informing them that they were responsible for their staff and accountable for their uniform/grooming standards. The Major's memo extended personal appearance to include being out of shape and overweight. Management also expressed concern regarding the officers' physical condition as it related to their ability to perform their duty in case of an emergency.

12. The TRCI Cafeteria's Food Service Supervisor provides free condiments and coffee to TRCI employees.

TRCI employees are allowed to purchase lunch prepared by the TRCI cafeteria. In some cases employees who buy lunch request condiments with their food as one would

expect. It was determined there are instances when employees are given a single serving of coffee and on occasions limited condiments are provided to use with food brought from home. This office was unable to substantiate that the occasional providing of condiments and coffee to TRCI employees attained a level of excess or abuse.

13. Inappropriate relationship between employees.

The DOC has conduct policy and procedures that governs employees as it relates to their employment with the agency. Romantic relationships between employees at the same institution are prohibited. It was determined through interviews there were inappropriate relationships between certain employees that violated the aforementioned policies at TRCI. In the cases, inappropriate relationships between employees were handled in accordance with DOC policy and procedures applicable to this matter.

14. Excessive TRCI medical staff.

TRCI was originally two correctional facilities that were combined to form the present TRCI. The number of inmates housed at the two facilities did not change. Therefore, management explained the same number of employees is necessary to manage the number of inmates housed at the combined facility. This having been stated, there were some management positions that were consolidated. This office found no evidence to support a reduction in the number of nurses assigned to TRCI. The staff of the OIG does not have expertise in the area of medical staffing and medical staff cost analysis; time constraint and complexity would not allow further investigation at this time. The OIG cannot take a position on TRCI medical staffing need.

15. As a result of TRCI being overstaffed with medical support personnel, these individuals prepare meals during the day in their assigned area, watch TV; invite the Wardens, the Major and the Investigator to visit and eat with them.

Interviews confirmed the nursing staff does occasionally cook utilizing the microwave in their designated area. The microwave is utilized by nursing staff during breaks and lunch period. Their food is generally prepared at home and warmed by microwave. The OIG found that there have been occasions when other employees have been invited to lunch; generally on special occasions when guests visit the facility. The extent of cooking in the nurse's area is by the use of a microwave. During the course of this

investigation this office found no evidence to support the allegation that medical staff watch TV and cook for significant periods during work hours.

16. The TRCI Medical Physician is overpaid and could be replaced with a Nurse Practitioner.

TRCI has one Doctor that works both the upper yard and the lower yard. OIG staff does not have the expertise to comment on whether it would be appropriate and/or advantageous to replace the Doctor with a Nurse Practitioner.

17. Inmates are not charged enough for medication.

Inmates at TRCI pay the amount of five dollars (\$5.00) for prescription medication up to a total of fifteen dollars (\$15.00) a month. This office found that psychiatric medication is exempted from the five dollar (\$5.00) charges normally paid by inmates at TRCI for medication. The OIG found that the exemption for the psychiatric medication is in accordance with DOC policy.

18. Unfair practice of written reprimand for taking leave, harassing behavior and reprisal.

Supervisors must follow steps included in DOC policies and procedures related to employee corrective action or written reprimands. This office found that Officer Jacqueline Cothran filed a grievance with DOC. Officer Cothran felt that she was given an unjust written reprimand and her leave denial was unfair. The grievance was reviewed by the DOC- Office of Administration, Human Resources Employee Relations. The DOC Human Resources, Employee Relations determined that receiving a written warning is not a grievable issue, as stated in DOC policy. The OIG found no information to substantiate the allegation of unfair practice of written reprimand or leave denial. Nor did this office find information to substantiate that this was an act of reprisal based on previous issues with TRCI management staff.

19. Improper behavior of management during interview regarding a written reprimand.

An employee of TRCI produced correspondence to officials at DOC Office of Administration in which she stated "*she was yelled at and told to shut up*" by management staff at TRCI. This incident took place during a written reprimand meeting. OIG interviewed the management staff that was present during the meeting in question. The statements from each of the staff members present during the meeting were consistent.

It was stated that Officer Cothran, the subject of the written reprimand refused to allow everyone to speak without interruption. The staff members present stated that Officer Cothran was upset and unprofessional. Officer Cothran's anger began to escalate and the Deputy Warden advised Officer Cothran to calm down and be quiet so that everyone present would have an opportunity to speak. As a result of the continuous interruptions and the emotion displayed by Officer Cothran the meeting was terminated.

After interviewing the three management members present at the meeting, this office concludes that the management staff at TRCI acted appropriately in instructing Officer Cothran to calm down and be quiet in order to maintain control of the meeting. The three managers denied using the verbiage "sit down and shut up". The OIG found no information to substantiate any wrong doing on the behalf of the management staff present at this particular meeting.

20. Unjust practice of corrective action for not returning a phone call to supervisor after being contacted while on leave and using excessive leave.

The OIG received a complaint from Sergeant James Uzzell who is currently employed at TRCI. The complainant alleges that he unjustly received a written reprimand for abuse of leave.

This allegation is the result of an incident that took place on June 14, 2010. Documentation provided by Uzzell showed he received a written reprimand for not returning a telephone call to his supervisors while on leave. Uzzell's supervisor made a statement that this was a pattern for Sergeant Uzzell.

This office reviewed Sergeant Uzzell's leave document provided by the DOC Office of Administration. The leave documents show that Uzzell used a total of fourteen (14) hours of leave from May 26, 2009 until June 14, 2010. In the June 14, 2010 incident Uzzell failed to contact his supervisor as required by policy. However, this office was provided no information to confirm that there was a pattern of excessive use of leave or failure to return a supervisor's call prior to June 14, 2010. This office found no

information to substantiate that there was a pattern of failing to return calls to TRCI or abuse of leave prior to the June 15, 2010 corrective action. It appears that DOC records indicate that Uzzell was unjustly cited for excessive instances of not calling his supervisor when on leave or excessive use of leave.

21. Receiving written corrective action even though a Doctor's statement was provided.

On October 22, 2010, Sergeant Uzzell called his work station at TRCI and requested sick leave for October 22, 2010. Sergeant Uzzell had oral surgery during the week prior to October 22, 2010. The call-in request for sick leave was the result of the surgical procedure from the prior week. Sergeant Uzzell's supervisor called him and left a message that stated Sergeant Uzzell needed to call him. Sergeant Uzzell subsequently returned his supervisor's phone call as required by policy.

Sergeant Uzzell called his work station at TRCI and requested sick leave for October 24, 2010 and October 25, 2010. Sergeant Uzzell provided a written statement from his doctor for sick leave taken on October 24 and the 25<sup>th</sup>.

During the interview with Sergeant Uzzell, he produced documentation that showed he received a written reprimand for October 22, 2010 for taking unauthorized leave. For October 24, and 25<sup>th</sup> Uzzell received a written reprimand for not returning a phone call to his supervisors as required by policy. Uzzell did fail to return phone calls from his supervisor's regarding his leave on October 24, 2010 and October 25, 2011 as required by TRCI policy.

TRCI management requested that Sergeant Uzzell bring a medical excuse for the use of leave on October 24, 2010 and October 25, 2011. Management's request for the medical excuse did not relieve Sergeant Uzzell's obligation to return phone calls from his supervisors. DOC policy only authorizes the use of employee corrective action when there is reason to suspect an employee is abusing leave or the employee demonstrates a pattern in the use of unscheduled leave. Supervisors must accurately document leave patterns and follow the steps included in policies and procedures related to corrective action in order to insure that written and verbal reprimand are within the DOC guidelines. It appears that corrective action on June 15, 2010 was unjustified. Therefore, June 15, 2010 leave incident and corrective action should not be taken into consideration when attempting to establish a pattern of excessive leave or written reprimand. TRCI should review the leave pattern of Sergeant Uzzell to accurately

document leave patterns to insure that written and verbal reprimand are within the DOC guidelines.

22. Receiving corrective action Regular Day Off (RDO) and approved leave day off.

Documentation provided by Sergeant Uzzell show he received a written reprimand for not reporting to his duty station on an approved leave day off and a Regular Day Off (RDO).

According to Sergeant Uzzell his supervisor told him on the 17<sup>th</sup> of August that he needed him to come in to work on August 20, 2011, which was Uzzell's scheduled day off. The supervisor requested that he report to work on August 20, 2011 because they were short of staff. Sergeant Uzzell advised his supervisor on August 17<sup>th</sup> that he would not be able to report to work on his scheduled off days. Uzzell received prior-approval for a regular leave for August 21, 2010 and August 20, 2011 was his RDO. Uzzell texted his supervisor on the morning of August 20, 2011 to advised that he did not plan to come in on the evening of August 20, 2011.

Upon returning to work Sergeant Uzzell was given a written reprimand for unauthorized leave and not returning his supervisor's phone call. This office did not find any departmental policy that authorizes employee corrective action for not reporting to their work station on scheduled day off or pre-approved leave days unless there is an emergency situation. TRCI should review this matter to insure that written and verbal reprimands are within the DOC guidelines. It would appear that there may not be justification for the use of corrective action.

23. Sergeant Uzzell alleges that Major Parrish made a comment that he was going to continue to write him (Sergeant Uzzell) up until he quit.

This investigator discussed this allegation with Major Parrish. Major Parrish denies that this comment was made to Sergeant Uzzell. Major Parrish indicated that Sergeant Uzzell has received several corrective actions regarding his use of leave and refusal to comply with TRCI policy that requires him (Uzzell) to return phone calls to his supervisor while on call-leave. This office found that Major Parrish did discuss Sergeant Uzzell's leave and failure to return telephone calls with his supervisor. Major Parrish advised that he and Sergeant Uzzell's supervisor have discussed the use of corrective actions in regards Uzzell's use of leave and refusal to returns telephone calls.

Major Parrish denied making the statement to Sergeant Uzzell that he was going to “write him up until he quit”.

24. Review increase in the use of psychiatric medication and counseling per nursing supervisor at TRCI.

During the interview process it was alleged by a member of the nursing staff that there has been a significant increase in the amount of psychiatric counseling and medication being dispensed to inmates at TRCI and DOC in general.

Inmates at TRCI pay the amount of five dollars (\$5.00) for prescription medication up to a total of fifteen dollars (\$15.00) a month. This office found that psychiatric medication is exempt from the five dollar (\$5.00) medical charge.

Three possible reasons have been suggested as possible reasons for the increase in the amount of psychiatric counseling and medication being dispensed at TRCI.

a) Because psychiatric particular medication is free to inmates and exempt from the five dollar medical charge. Therefore, inmate usage has increased.

b) If the inmate can smuggle the psychiatric medication into the facility it can be sold to other inmates.

c) It was suggested that the increase of psychiatric counseling maybe a result of the male inmates at TRCI using their counseling sessions as an opportunity to visit with a female counselor.

The DOC does have an obligation to provide medical treatment for legitimate medical issues for all inmates. The OIG was not able to identify or substantiate the reason for the increase use of psychiatric medication and counseling at DOC and TRCI. The OIG did not investigate this matter in depth to determine the quantity of medication being dispensed by DOC and TRCI.

### **Conclusion**

The OIG conducted numerous interviews, reviewed official files, documents, policies, procedures, correspondence and applicable state policy, rules and regulations in regard to the twenty four (24) allegations investigated. The OIG has four (4) areas of general concern as a result of this investigation. The areas of concern are as follows:

- Use of state assigned vehicle by Warden at TRCI

DOC policy authorizes the permanent assignment of a law enforcement vehicle to each Warden in DOC. The vehicle assigned to the Warden at TRCI is used daily for commuting. The total daily round trip commuting mileage for the Warden at TRCI is approximately 142 miles. Although, each of the DOC employees that car pool with the Warden realizes a personal cost saving, this is within the procedural guidelines of DOC. DOC justifies the assignment of the vehicles to Wardens due to the requirement that they be available for emergency response. Although DOC's policy requires certain employees to reimburse the agency for commuting mileage, the Wardens are exempt from commuting reimbursement charges because they are sworn law enforcement officers.

When the Warden at TRCI is not on duty the Deputy Wardens have the responsibility of overseeing that correctional facility. The Deputy Wardens at TRCI are also certified law enforcement officers and first responders. Therefore, Deputy Wardens would be exempt from commuting mileage charges as well according to DOC policy.

DOC policy requires each employee that requests a permanent assignment of a vehicle to submit a Form 980-R. This form provides general information about the vehicle and driver which includes commuting mileage. The justification as mentioned above is based on the on call basis of the Warden. While it was not officially confirmed during the investigation, it was stated during the interview process the TRCI Warden has had two (2) occasions in the previous five (5) years when he had to return to TRCI for emergencies.

During the course of this investigation it was determined that there are other Wardens within DOC that travel similar distances from home to their duty station. Their commuting mileage would be similar to the Warden at TRCI.

Although some DOC employees are not required to pay reimburse fees to the agency for commuting miles, this does not necessarily exempt these individuals from the Federal IRS regulations governing this type benefit. The Federal IRS regulations state any use of a vehicle for personal reasons is taxable as a fringe benefit.

Federal IRS regulation does allow an exemption for law enforcement vehicles used by law enforcement officers, if the use is officially authorized. Governmental employees must qualify for the IRS exemption: they must meet the IRS definition of a law enforcement officer.

The IRS defines law enforcement officers as: 1) a full-time employee of a governmental unit that is responsible for preventing or investigating crimes involving injury to person

or property, to include the apprehension or detention of persons for such crimes, 2) is authorized to carry firearms, execute warrants, and make arrests, and 3) regularly carries firearms.

- Medical spending

DOC has a responsibility to provide medical services for a wide range of medical issues for inmates housed at TRCI. Some of the medical conditions require services of outside providers for specific treatment. The physical location of the providers will vary depending on the services being provided and the medical procedure.

The DOC has policies to address the general categories of illness and treatment. Specific treatment is based on the individual need of the inmate. This office found that DOC does monitor medical spending and evaluate legitimate medical issues.

The Tyger River Institution was originally two facilities that were combined to form the present TRCI. The number of inmates housed at the two facilities did not change. Therefore, the same number of employees is required to adequately manage the number of inmates housed at both facilities. TRCI management staff advised this office that the ratio of inmates to medical staff at TRCI is approximately the same as the other correctional institutions in the state.

- Leave requests and use of correction action

The DOC has policies and procedures in place to assist the Wardens in their daily decisions regarding staffing requirements and security at each institution.

The OIG found that several factors affected the daily staffing decisions being made at TRCI. During the past budget 2010-2011 budget year, the DOC experienced budget constraints that required employees to be furloughed for several days. Moreover, according to information provided by management staff at TRCI, currently there are approximately 23-25 vacant security positions and several employees on extended leave at TRCI. In addition to management staffing concern the institution was experiencing a large number of call-in leave requests.

The Warden at TRCI implemented procedures to closely monitor employees' use of sick leave on an annual basis. The intent of the policy was to curtail the excessive amount of call-in leave requests and sick leave taken by employees. It appears that the circumstances that affect staffing at TRCI, required management to closely monitor employee leave requests. The management of employee leave request was primarily due

to management's concern about adequately staffing the institution as required to maintain an acceptable level of security.

The leave procedures implemented by TRCI included written and verbal reprimands and corrective action. Although, this policy was implemented to curtail the use of excessive leave; the use of the corrective action has created concerns about the accuracy and fairness of information being used to determine the use of verbal and written reprimands. The use and implementation of corrective action at TRCI should be in an even handed manner. DOC policy authorizes employee corrective action when there is reason to suspect an employee is abusing leave or the employee demonstrates a pattern in the use of unscheduled leave. Supervisors must accurately document leave patterns and follow the steps included in policies and procedures related to corrective action in order to insure that written and verbal reprimands are within the DOC guidelines. It appears that there may have been instances when the use of corrective action was not justified.

TRCI management is required by policy to insure that the institution maintain the proper number of security officers. The safe operation of the facility is a priority for DOC. TRCI management has the responsibility for considering leave requests, employee furlough days and call-in leave requests; while ensuring the institution maintains the minimum staffing requirements to operate on a daily basis. It was determined that TRCI implemented institutional policy to address the abuse of sick and call-in leave requests.

- Employee relations

TRCI policy implemented by the management staff has had an adverse affect on the employee relations at Tyger River. In addition the lack of training for recently promoted supervisory level employees has impacted the management/employee relationship.

## **Recommendations**

1. Consider options in lieu of assigning a state vehicle to a Warden

DOC policy authorizes the permanent assignment of the vehicles to the each Warden in the agency. The OIG is of the opinion that the current situation, wherein the Warden

for TRCI resides in Irmo, S.C. and his place of work is approximately 71 miles away in Enoree, S.C.; which is extremely concerning, considering the cost to taxpayers.

A DOC official stated to representatives of the OIG that such an arrangement was necessary in order to secure qualified personnel to manage and operate TRCI. In other words, it is felt that qualified applicants cannot be drawn from the area in close proximity of the TRCI facility. It is recognized that a facility such as TRCI must be managed and operated by highly qualified, experienced personnel. However, it is recommended that DOC place special emphasis on eliminating this arrangement, possibly through attrition and/or retirement if not through other near term action.

Conservatively figuring, this cost taxpayers approximately \$6,409 per year just for gasoline ( $142\text{mi} \times 5 \text{ days/wk} \times 50/\text{yr} = 35,500 \text{ mi per year}/18 \text{ mpg} = 1,972 \text{ gallons gas} \times \$3.25/\text{gal} = \$6,409$ ). As mentioned earlier, this seems to be an excessive cost to taxpayers for very limited returns to TRCI to handle emergencies. In addition, it appears the justification for the assignment of a vehicle due to the Warden being a Class II Law Enforcement Officer and/or first responder is somewhat concerning as a result of the Warden's assigned duties are within the property of the TRCI, not like a class I law enforcement officer with field responsibilities and traveling in the presence of public on a routine basis.

The fact that the TRCI warden has only had to function in a first responder capacity twice in five (5) years brings into question the expense outlined above. DOC might also consider revising this policy of providing the Warden of TRCI a state vehicle and consider alternatives to satisfy his need of transportation in an emergency. Some of these alternatives are set forth below:

- It may be possible that since the TRCI Warden resides in Irmo, S.C. in close proximity of DOC Headquarters, he could utilize a pool vehicle during times of an emergency fairly quickly. It appears there is little justification that the Warden be provided a state vehicle to drive to and from work from his residence because he might have to respond to an emergency at TRCI. The emergency requirement for a vehicle would only be invoked when the warden was not on site during his normal work hours. The Warden could use a pool car as described earlier in those instances when the Warden is at his residence and needs to respond. The pool vehicle could also be used in those instances when he has to visit TRCI for mandated unscheduled audits.
- It may be possible to establish a network with law enforcement agencies such as SLED and/or the Department of Public Safety, State Troopers and/or Transport Police that would allow the Warden, if called regarding a TRCI emergency during

non Business hours, a SLED agent in the Irmo/Columbia area or a State Trooper would be responsible to expeditiously transport the Warden to TRCI. In situations where there is unrest or even a riot at TRCI, the Warden could possibly even be transported by helicopter. This type arrangement may work effectively throughout the state for Wardens at other correctional institutions. Contact should be made with these agencies to further discuss this option.

- It may be possible to address this situation by DOC changing its policy to allow the Warden, even though he is classified as a Class II Law Enforcement Officer and/or first responder, to drive the state vehicle, but reimburse the state except when the vehicle is used to respond to an emergency at TRCI or when conducting the audits as discussed previously.

**Added note:** While this Report is prepared to address the use of a state owned vehicle by both the Warden at TRCI and the Investigator that works in area surrounding TRCI, the above recommendations extend to the same situations at all DOC correctional facilities.

The OIG recommends that DOC review the assignment of all law enforcement vehicles that are permanently assigned to law enforcement officers to ensure that such assignments qualify for the IRS fringe benefit exemption. Federal IRS regulations allow an exemption for law enforcement vehicles used by law enforcement officers, if the use is officially authorized. In accordance with the IRS definition, the law enforcement officer must be a full time employee of a governmental unit that is responsible for preventing or investigating crimes involving injury to person or property, to include the apprehension or detention of persons for such crimes.

Although DOC Wardens are classified or certified as law enforcement officers, their duties and responsibilities largely are in the administration of a correctional facility. This results in the performance of limited law enforcement functions as one generally equates to an individual in this position.

State Proviso 89.108, taken from the State budget for fiscal year 2011-2012 provides guidance on use of a permanently assigned agency vehicle or state owned vehicle to commute from their permanently assigned work location to and from the employee's home. The OIG is not taking issue as it relates to either the Class I Officers or the application of this proviso in regard to the DOC's Class II Officers. It is understood that the Class II Officers do in fact have the powers as expressed in the proviso below.

However, the OIG remains concerned whether the Class II Officers given the daily responsibilities of these individuals would qualify for the Federal IRS exemption in regard to commuting mileage.

**Note:** State Proviso 89.108 as taken from the general provisos in the State Budget for Fiscal Year 2011-2012

**89.108.** (GP: Commuting Costs) State government employees who use a permanently assigned agency or state owned vehicle to commute from their permanently assigned work location to and from the employee's home must reimburse the agency in which they are employed for commuting use in accordance with IRS regulations based on guidance from the Office of Comptroller General which must use the Cents per mile Rule, unless they are exempted from such reimbursement by applicable IRS regulations. These permanently assigned vehicles must be clearly marked as a state or agency vehicle through the use of permanent state-government license plates and either state or agency seal decals unless the vehicle is used primarily in undercover operations. This requirement does not apply to a vehicle used by an employee for the purpose of a special travel assignment, for active certified law enforcement officers authorized to carry firearms, execute warrants, and make arrests, for Constitutional Officers, or for Department of Transportation employees on call for emergency maintenance.

## 2. Increase attention to medical issues

The OIG recommends that DOC continue to monitor medical spending and evaluate legitimate medical issues. The agency spending review should include monitoring the cost of psychiatric medication and psychiatric counseling provided by DOC in order to determine:

- Are increases in psychiatric counseling justified?
- Should inmates be charged for Psychiatric medication?
- Should TRCI institute tighter security regarding the possibility inmates are obtaining prescribed psychiatric medication as a result of visits to the medical area and distributing/selling it within TRCI?

## 3. Leave requests and use of corrective action

- DOC – Office of Administration should continue to assist TRCI with implementation of institutional policies. The Office of Administration should review TRCI's policies that address employee use of call-in leave, use of sick leave and staffing concerns.
- DOC - Office of Administration should evaluate TRCI's policies regarding the use of corrective action to ensure that written and verbal reprimands are within the departmental guidelines.

4. Employee relations

DOC should continue to provide refresher management training for current employees in supervisory positions. It is specifically recommended that DOC provide supervisory training for newly hired employees and TRCI staff recently promoted to management positions.

level 3 facilities are closely supervised and their activities and movement within the institution are highly restricted.

**INSTITUTIONAL LISTING**

**Headquarters**

**P. O. Box 21787  
4444 Broad River Road  
Columbia, SC 29210  
803-896-8500  
[corrections.info@doc.state.sc.us](mailto:corrections.info@doc.state.sc.us)**

Lower Savannah Pre-Release Center (L1-A)  
John McCall, Warden  
361 Wire Road  
Aiken, SC 29801  
803-648-8865

Allendale Correctional Institution (L2)  
George Hagan, Warden  
1057 Revolutionary Trail  
Fairfax, SC 29827  
803-632-2561  
**Mailing Address:**  
P. O. Box 1151  
Fairfax, SC 29827

MacDougall Correctional Institution (L2)  
Edsel Taylor, Warden  
1516 Old Gilliard Road  
Ridgeville, SC 29472  
843-688-5251

Broad River Correctional Institution (L3)  
Robert M. Stevenson III, Warden  
4460 Broad River Road  
Columbia, SC 29210  
803-896-2234

Manning Correctional Institution (L1-B)  
Raymond Reed, Warden  
502 Beckman Drive  
Columbia, SC 29203  
803-935-6000

Camille Griffin Graham Correctional Institution (Women L3)  
Judy Anderson, Warden  
4450 Broad River Road  
Columbia, SC 29210  
803-896-8590

McCormick Correctional Institution (L3)  
Collie Rushton, Warden  
386 Redemption Way  
McCormick, SC 29899  
864-443-2114

Campbell Pre-Release Center (L1-A)  
Kenneth Weedon, Acting Warden  
4530 Broad River Road  
Columbia, SC 29210  
803-896-8560

Northside Correctional Institution (L1-B)  
Robert Mauney, Warden  
504 Broadcast Drive  
Spartanburg, SC 29303  
864-594-4915  
**Mailing Address:**

P.O. Box 580  
Una, SC 29378

Catawba Pre-Release Center (L1-A)  
Glenn Stone, Warden  
1030 Milling Road  
Rock Hill, SC 29730  
803-324-5361

Palmer Pre-Release Center (L1-A)  
David Dunlap, Warden  
2012 Pisgah Road  
Florence, SC 29501  
843-661-4770

Coastal Pre-Release Center (L1-A)  
Mildred Hudson, Warden  
3765 Leeds Avenue  
Charleston, SC 29405  
843-740-1630 or 843-792-4173

Perry Correctional Institution (L3)  
Richard Bazzle, Warden  
430 Oaklawn Road  
Pelzer, SC 29669  
864-243-4700

Evans Correctional Institution (L2)  
Willie Eagleton, Warden  
610 Highway 9 West  
Bennettsville, SC 29512  
843-479-4181 or 803-896-4900  
**Mailing Address:**  
P.O. 2951202  
Bennettsville, SC 29512

Ridgeland Correctional Institution (L2)  
LeVern Cohen, Warden  
Route 2, Box 7, East Frontage Road  
Ridgeland, SC 29936  
803-896-3200  
**Mailing Address:**  
P. O. Box 2039  
Ridgeland, SC 29936

Goodman Correctional Institution  
(Women L1-B)  
Jannita Gaston, Warden  
4456 Broad River Road  
Columbia, SC 29210  
803-896-8565

Stevenson Correctional Institution (L1-B)  
Elaine Robinson, Warden  
4546 Broad River Road  
Columbia, SC 29210  
803-896-8575

Kershaw Correctional Institution (L2)  
Cecilia Reynolds, Warden  
4848 Goldmine Highway  
Kershaw, SC 29067  
803-475-5770

Trenton Correctional Institution (L2)  
Robert Bollinger, Warden  
84 Greenhouse Road  
Trenton, SC 29847  
803-896-3000

Kirkland Reception and Evaluation Center (L3)  
Bernard McKie, Warden

Turbeville Correctional Institution (L2)  
Gregory Knowlin, Warden

4344 Broad River Road  
Columbia, SC 29210  
803-896-1521

Highway 378  
Turbeville, SC 29162  
843-659-4800  
**Mailing Address:**  
P. O. Box 252  
Turbeville, SC 29162

Leath Correctional Institution (Women L3)  
Catherine Kendall, Warden  
2809 Airport Road  
Greenwood, SC 29649  
803-896-1000 or 864-229-5709

Tyger River Correctional Institution (L2)  
Tim Riley, Warden  
100-200 Prison Road  
Enoree, SC 29355  
803-896-3501,  
864-583-6056 or 864-596-1600

Lee Correctional Institution (L3)  
Anthony Padula, Warden  
990 Wisacky Highway  
Bishopville, SC 29010  
803-428-2800

Walden Correctional Institution (L1-B)  
Elaine Pinson, Warden  
4340 Broad River Road  
Columbia, SC 29210  
803-896-8580

Lee Correctional Institution (L3)  
Anthony Padula, Warden  
990 Wisacky Highway  
Bishopville, SC 29010  
803-428-2800

Wateree River Correctional Institution (L2)  
Joel Anderson, Warden  
Highway 261  
Rembert, SC 29128  
803-432-6191  
**Mailing Address:**  
P. O. Box 189  
Rembert, SC 29128

Lieber Correctional Institution (L3)  
Stan Burt, Warden  
136 Wilborn Avenue  
P.O. Box 205  
Ridgeville, SC 29472  
843-875-3332

Watkins Pre-Release Center (L1-A)  
Sandy Barrett, Warden  
1700 St. Andrews Terrace  
Columbia, SC 29210  
803-896-8584

Livesay Pre-Release Center (L1-A)  
Robert Mauney, Warden  
104 Broadcast Drive  
Spartanburg, SC 29303  
864-594-4920

**Mailing Address:**

P.O. Box 580  
Una, SC 29378

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13) Schedule Assignment:  
 A1 A2 B1 B2  
 (circle one)

**SCHEDULE CARD**  
 October 23, 2010 - January 13, 2012  
 (Based on 28-day cycle)

WORK OFF	A	A	A	B	B	A	A	B	B	B	A	A	A	B	B	B	A	A	B	B	A	A	A	B	B	B	A	
	B	B	B	A	A	B	B	A	A	A	B	B	B	A	A	A	B	B	A	A	B	B	B	A	A	A	B	
	S	SU	M	T	W	TH	F	S	SU	M	T	W	TH	F	S	SU	M	T	W	TH	F	S	SU	M	T	W	TH	F
Oct 23	24	25	26	27	<b>28</b>	<b>29</b>	30	31	Nov 1	2	3	4	5	6	7	8	9	10	<b>11</b>	12	13	14	15	16	17	18	Nov 19	
Nov 20	21	22	23	24	<b>25</b>	<b>26</b>	27	28	29	30	Dec 1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	Dec 17	
Dec 18	19	20	21	22	23	<b>24</b>	25	26	<b>27</b>	<b>28</b>	29	30	31	Jan 1	2	<b>3</b>	4	5	6	7	8	9	10	11	12	13	Jan 14	
Jan 15	16	<b>17</b>	18	19	20	21	22	23	24	25	26	27	28	29	30	31	Feb 1	2	3	4	5	6	7	8	9	10	Feb 11	
Feb 12	13	14	15	16	17	18	19	20	<b>21</b>	22	23	24	25	26	27	28	Mar 1	2	3	4	5	6	7	8	9	10	Mar 11	
Mar 12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	Apr 1	2	3	4	5	6	7	Apr 8	
Apr 9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	May 1	2	3	4	5	May 6	
May 7	8	9	<b>10</b>	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	<b>30</b>	31	Jun 1	2	Jun 3	
Jun 4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	Jul 1	
Jul 2	3	<b>4</b>	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	Jul 29	
Jul 30	31	Aug 1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	Aug 26	
Aug 27	28	29	30	31	Sep 1	2	3	4	<b>5</b>	6	<b>7</b>	8	<b>9</b>	10	11	12	13	14	15	16	17	18	19	20	21	22	Sep 23	
Sep 24	25	26	27	28	29	30	Oct 1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	Oct 21	
Oct 22	23	24	25	26	27	28	29	30	31	Nov 1	2	3	4	5	6	7	8	9	10	<b>11</b>	12	13	14	15	16	17	Nov 18	
Nov 19	20	21	22	23	<b>24</b>	<b>25</b>	26	27	28	29	30	Dec 1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	Dec 16	
Dec 17	18	19	20	21	22	<b>23</b>	24	25	<b>26</b>	<b>27</b>	28	29	30	31	Jan 1	<b>2</b>	3	4	5	6	7	8	9	10	11	12	Jan 13	

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS  
SELECTIONS IN JD35 LEVEL D, JD40 LEVEL B & JD50 LEVEL C  
1/2/2010 TO 9/2/2011 AT TYGER RIVER

EMPLOYEE NAME			HIR DATE	JCLS	TITLE	BAND	LEVEL	WORK SCHED	EFF DATE	
ANTHONY	MINDY	N	05/19/08	JD35	SERGEANT II	04	D	D42-2805	03/17/11	B1
BADILLO	JAYSON		09/04/07	JD35	SERGEANT II	*04	D	TECH	06/17/10	
BOBO	GEORGE	G	10/18/04	JD40	LIEUTENANT II	05	B	D40-RG01	02/17/11	C1
BROWN	JIMMY	L	07/29/02	JD40	LIEUTENANT II	05	B	N42-2801	02/17/11	A2
CANNING III	JOSEPH	M	04/20/09	JD35	SERGEANT II	04	D	N42-2805	03/17/11	B2
CARSON	GRADY	B	06/29/98	JD40	LIEUTENANT II	*05	B	N42-2801	01/02/10	A2
CONARD	BRAD	Q	10/31/05	JD35	SERGEANT II	04	D	D42-2801	06/17/10	A2
COPELAND	JOHN	T	10/02/95	JD40	LIEUTENANT II	05	B	D42-2801	08/02/11	A2
FISHER JR	JIMMY	L	11/06/00	JD40	LIEUTENANT II	*05	B	N42-2805	02/17/11	B-2
FLEMING	CHRISTOPHEL		11/21/05	JD35	SERGEANT II	04	D	N42-2801	08/17/11	A2
FORREST	ROBERT	T	01/31/05	JD40	LIEUTENANT II	05	B	N42-2801	05/17/10	A2
GROVE	RODERICK	C	01/02/08	JD35	SERGEANT II	04	D	D42-2805	03/17/11	B1*
HURLBURT JR	EARL	L	01/09/06	JD40	LIEUTENANT II	05	B	N42-2805	04/02/11	B2
LANCE	JAMES	R	03/10/08	JD35	SERGEANT II	04	D	N42-2805	07/17/11	B2
LAYIGNE	LAURENCE		10/26/09	JD40	LIEUTENANT II	05	B	D40-RG01	09/02/11	C
LONG	JOHN	R	12/01/97	JD40	LIEUTENANT II	05	B	D42-2805	08/02/11	B1*
LONGE	LEONARD	M	09/30/02	JD40	LIEUTENANT II	05	B	D42-2801	05/17/10	A1
MOORE	SHANNON	T	06/08/09	JD35	SERGEANT II	04	D	D42-2801	09/02/11	A1
MENTON	EDDIE	M	02/23/09	JD35	SERGEANT II	04	D	D42-2801	05/02/11	A1
PHIPPS	ROSE	A	02/28/05	JD40	LIEUTENANT II	05	B	N42-2801	09/02/11	A2
ROBINSON	GERALD	R	10/29/90	JD40	LIEUTENANT II	05	B	D40-RG01	08/17/10	C1
SMITH	DANIEL	L	10/24/06	JD35	SERGEANT II	04	D	N42-2801	07/17/11	A2
SUMNER	CHARLES	L	07/17/06	JD35	SERGEANT II	*04	D	TECH	06/02/11	
SUMNER	MICHAEL	R	02/09/09	JD35	SERGEANT II	04	D	D42-2801	05/02/11	A1
TREZEVANT	SAMUEL	P	01/11/93	JD35	SERGEANT II	04	D	D42-2805	03/17/11	B2*
TUCKER	BARRY	J	09/12/94	JD50	CAPTAIN III	06	C	N42-2801	11/02/10	A2

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS  
SELECTIONS IN JD35 LEVEL D, JD40 LEVEL B & JD50 LEVEL C  
1/2/2010 TO 9/2/2011 AT TYGER RIVER

EMPLOYEE NAME			HIR DATE	JCLS	TITLE	BAND	LEVEL	WORK SCHED	EFF DATE	
UZZELL III	JAMES		05/26/09	JD35	SERGEANT II	04	D	N42-2801	02/17/10	A1
VANDERNORST	GEORGE	J	02/01/06	JD40	LIEUTENANT II	05	B	D42-2805	02/17/11	B2*
WATKINS	JASON	D	04/13/09	JD35	SERGEANT II	04	D	N42-2805	05/17/11	B2
WEBBER	JASON	S	03/02/09	JD35	SERGEANT II	04	D	D40-RG01	05/02/11	C1
WILSON	ANDREW	O	01/29/07	JD35	SERGEANT II	*04	D	TECH	10/17/10	

A1 Daytime  
B2 Daytime

**Sonya Page**

---

**From:** Robert Ward  
**Sent:** Friday, April 23, 2010 11:59 AM  
**To:** Tim Riley  
**Cc:** Sonya Page  
**Subject:** Employee Corrective Action for Sick Leave Taken above certain levels

**Follow Up Flag:** Follow up  
**Due By:** Wednesday, April 28, 2010 12:00 AM  
**Flag Status:** Red

Please stop this practice all together until you and I sit down and talk. Do not hold any more Review Meetings. I will try my hardest to talk with you next week.

Sonya Page

---

From: Robin Gracien  
Sent: Monday, April 12, 2010 2:03 PM  
To: Robert Ward  
Cc: Sonya Page  
Subject: Grievance [REDACTED]

Bob,

[REDACTED] from Tyger River has filed a grievance [REDACTED]. He initially accepted an informal resolution [REDACTED] changed his mind so he could grieve. I instructed Warden Riley not [REDACTED]. In addition, [REDACTED] indicates that [REDACTED] has only [REDACTED]. Riley reports that [REDACTED].

Please let me know when you have a few minutes so we can discuss this grievance. Policy allows for this to be reviewed prior to forwarding to General Counsel.

Thanks,

Robin



# ***Georgia Fleet Management Manual***

**Department of Administrative Services  
Office of Fleet Management**

**200 Piedmont Avenue  
Suite 1306, West Tower  
Atlanta, Georgia 30334**

**[www.doas.georgia.gov](http://www.doas.georgia.gov)**

---

**Brad Douglas, Commissioner**

**The Department of Administrative Services works with and under the direction of the Office of Planning and Budget to carry out policy governing the acquisition, utilization, maintenance, repair and replacement of passenger carrying vehicles. This manual is provided for the use of state agencies and their employees.**

**Any inquiries concerning this manual should be addressed to:**

**Office of Fleet Management  
Department of Administrative Services  
200 Piedmont Ave., S.E., Suite 1306 West Tower  
Atlanta, Georgia 30334-9010  
404-656-7010 or 800-537-1670**

# Georgia Fleet Management Manual

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## 1. Introduction

All entities of state government exist to provide services to the citizens of Georgia and one of the principal assets necessary to accomplish this mission is a motor vehicle. With the use of this asset comes the implied responsibility to operate a productive fleet and to keep total costs associated with fleet operations to a minimum; thus providing citizens (stakeholders) with “best value” fleet management. Citizens demand that we demonstrate we are operating a cost-effective fleet operation.

Centralized coordination of fleet management has proven to be the most effective tool to produce efficient fleet operations. The Office of Fleet Management (OFM) was formed to provide centralized management and to maintain information regarding the operation of the state’s fleet. The objective is to establish more uniform professional operating practices and identify cost savings opportunities regarding state fleet operations.

Managers at all levels play a role in ensuring fleet performance and costs will compare favorably against widely used and universally accepted standards of fleet performance and cost. The goal is to have a fleet that is the right type, the right size, reliable and cost effective to operate.

Unless otherwise provided by law, the policies, rules and regulations promulgated apply to all offices, agencies, departments, boards, bureaus, commissions, institutions, authorities, or other entities of the state (all of which are hereafter referred to collectively as agency or agencies). Requests for exemptions from any of the provisions of these policies may be submitted for approval by agency fleet managers to the agency head who will in turn submit the request to the Office of Planning and Budget (OPB) for review. Final approval will be based upon a joint decision between the fleet managers of OPB and the Department of Administrative Services (DOAS). If an agreement cannot be reached among these representatives, the agency heads of OPB and DOAS will determine the final outcome.

This manual is designed and organized to present you with the information you need to manage an agency fleet. It is the desire of OFM that the Fleet Management Manual will serve as a frequent and helpful guide in managing your agency's motor vehicles. OFM staff should be viewed as an extension of any agency fleet management team and may be called upon to assist in the development of fleet management policies within agencies.

This Fleet Management Manual has been issued in accordance with policy developed by OPB. The procedures in this manual apply to all motor vehicles either owned, rented, borrowed, leased, donated or otherwise under the possession and control of offices, agencies, departments, boards, bureaus, commissions, institutions, authorities or other entities of the state. The

procedures in this manual also apply to any vehicle used by the state to support training, public relations or other programs conducted by the state.

## **2. Roles and Responsibilities**

### **2.1 Office of Planning and Budget**

OPB is responsible for providing the following services associated with motor vehicles:

- Development of policy regarding state fleet vehicle management and use;
- Developing the Governor's Annual Operating Budget to include financial plans to support the purchase and operation of motor vehicles and establishing annual vehicle authorizations for agencies through the budget cycle;
- Ensuring financial resources of the state are used most efficiently; and
- Establishing a standard anticipated service period for all types of motor vehicles as recommended by OFM.

### **2.2 Department of Administrative Services**

DOAS works with OPB to carry out policy regarding passenger-carrying automobiles in the following areas:

- Standardized specifications for types of vehicles based on agencies needs;
- Rules and regulations governing the purchase of these vehicles;
- Rules and regulations governing the maintenance, repair, service and purchase of fuel for motor vehicles; and
- Rules and regulations governing acquisition, utilization, preventive maintenance, repair and replacement of all motor vehicles.

DOAS will provide detailed procedures for the sound and efficient management of motor vehicle fleets. Fleet procedures apply to all motor vehicles either leased by or titled to state agencies. For purposes of this manual, "Motor Vehicles" will be defined as any vehicle capable of:

- Carrying a driver;
- Being tagged and titled in the state; and
- Being driven on highways or streets including motorcycles and utility vehicles.

#### **2.2.1 Office of Fleet Management**

OFM is charged with the management of fleet policy within the state and provides assistance to state agencies in the management of their fleet. The staff

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monitors the life cycle of a vehicle from initial request to the disposal. The official state vehicle inventory count is maintained by this office using the Fleet Management System database. Any vehicle owned or leased by an agency shall be accounted for in this database.

Other services include the management of the state fuel card program that supports the purchase of fuel used in all state vehicles. A contract maintenance program is also available to agencies on a fee basis. The alternative fuel vehicle program is also managed in this office.

The staff is responsible for the development of best business practices for fleet management and the development of business rules to be used as part of the Fleet Management System. Staff members analyze historical data to ensure maximum utilization of vehicles and to develop optimal vehicle replacement criteria. In addition, staff will be available to perform ad hoc analysis of agency fleets creating reports to identify exceptions to such things as vehicle use, average operating cost per mile and average miles per gallon.

Analysis is also performed on the state fuel account. Reviews are conducted to determine agency compliance with fuel policy as set forth in this manual.

In addition as the need arises, staff members review and make recommendations for change/revision of fleet policies for approval by OPB and for change/revision of the Fleet Management Manual. This staff also monitors necessary compliance reports as may be required by the federal government regarding vehicles.

### **2.2.2 State Purchasing**

State Purchasing is responsible for providing the following services associated with motor vehicles:

- Provides statewide contracts for the purchase of vehicles and other motor vehicle related goods and services;
- Provides contracts for leasing vehicles; and
- Provides a contract Capitol Hill Motor Pool Unit providing vehicle rental to all agencies in the Capitol Hill area. Vehicle rental information is available on the DOAS web site at [www.doas.georgia.gov](http://www.doas.georgia.gov).
- Provides contracts for the state fuel card to be used by all agencies and a vehicle maintenance/repair (fee based) contract for fleet services.

### **2.2.3 Surplus Property Division**

Surplus Property Division is responsible for establishing policies and procedures for the disposal of state property including vehicles. It also provides OFM with necessary disposal/transfer information to verify removal of vehicles from the state fleet inventory database.

### **2.2.4 Risk Management Services**

Risk Management Services is responsible for providing liability and physical damage insurance coverage for the fleet and establishing policies and procedures for the handling of claims. Additionally, RMS provides safety training and coverage information through its video library, seminars and onsite training.

## **2.3 Department of Revenue**

The Department of Revenue is responsible for providing the following services associated with motor vehicles:

- Titling, registering and licensing all state motor vehicles;
- Authorizing the use of regular Georgia plates in lieu of state government plates for covert, investigatory functions associated with law enforcement; and
- Issuing permits for lighting on all emergency vehicles.

The Department of Revenue can be contacted at 404-417-4477 or online at [www.etax.dor.ga.gov](http://www.etax.dor.ga.gov).

## **2.4 State Agencies**

Agencies determine the need for motor vehicles in the execution of their statutory duties. Agencies ensure strict compliance with the standards developed by OFM and manage their fleet in a manner that strictly complies with all policies, rules and regulations governing the purchase, operation, use, assignment, maintenance, service, repair and disposal of automobiles.

State agencies are responsible for developing fleet management policies and procedures for the agency that are in accordance with state policy. A agencies shall not adopt policies or procedures that are less restrictive than state fleet policies and procedures, but may amplify information associated with the agency's specific business needs. This manual can serve as an informative guideline as to what should be included in the departmental policy.

Each agency will appoint an Agency Fleet Coordinator (AFC) to serve as the principal point of contact for fleet matters within the agency. Agencies must keep OFM informed by email to [GaFleet@doas.ga.gov](mailto:GaFleet@doas.ga.gov) of the designated person and provide necessary contact information. Fleet Coordinator changes must be coordinated with OFM at the time of any change to ensure agencies receive information published by OFM. In addition, agencies are responsible for the following activities associated with management of their fleet of motor vehicles:

- Agency Heads and AFCs monitor use and compliance with published motor vehicle statutes, rules, regulations, policies and procedures.

- Agencies are responsible to ensure that AFCs attend all Fleet Management Workshops to obtain the latest guidance regarding fleet management, policy and procedures.
- At a minimum, agency fleet policy should include: the establishment and authority of the AFC; vehicle selection and acquisition; vehicle operations and utilization; control of vehicle operating costs; accident reports and insurance coverage; control of accident costs; control of repairs and maintenance; cost control methods; proper and timely disposal of used vehicles; and continuous review and development of improved methods, policies and procedures.

### **3. Vehicle Acquisition**

#### **3.1 General Acquisition Procedures**

State agencies are required to acquire motor vehicles from the statewide contracts developed by State Purchasing. Vehicles not on statewide contract and vehicles with special specifications not on contract will be purchased in accordance with state purchasing regulations with prior approval of OFM/OPB.

Agencies are authorized to operate mid-size automobiles and encouraged to acquire compact automobiles wherever possible. Requests for full-size automobiles, SUVs or vehicles with options not included in the equipment shown in the vehicle standard specification must be justified in the request to OFM. OFM will coordinate with OPB and provide the agency approval or non-approval in writing prior to purchase.

State vehicles enter the inventory from various funding sources. Whether they enter through the Annual Operating Budget, Agency Program Funds, Federal Funds, Grants, Donations or other means, all will be managed as state vehicles in compliance with all applicable state statutes, rules, regulations, policies and procedures.

Most agencies' vehicles are funded by state funds through the Annual Budget Process as set forth by OPB. OPB establishes authorized levels of vehicles (sometimes referred to as the vehicle "cap") for state agencies. If an agency has a new/emergent requirement exceeding this published number, they must obtain approval from OPB through the budget amendment process to increase their authorized count prior to initiating the vehicle purchase request process with OFM.

To obtain a new vehicle as an addition to their current inventory, agencies must demonstrate:

- All currently owned vehicles are being used as originally presented in the budget and cannot be redistributed to meet this requirement;

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- The new vehicle is for additional staff or new program(s);
- It will be driven a minimum of 14,000 miles per year on state business (This holds true regardless of the new vehicle's funding source);
- The agency vehicle count allows for an additional vehicle or OPB has approved additional vehicle count through the budget amendment process; and
- Funding is available and sufficient to cover the expense associated with the initial purchase and continued operation of the vehicle.

To be eligible for replacement, agencies must demonstrate that the vehicle was authorized by their current appropriation to be replaced:

- Vehicle was destroyed and considered a total loss by Risk Management;
- Meets the annual replacement criteria established each budget cycle;
- Is of "like kind" or justification is provided to alter the type of vehicle requested; and
- No current vehicles are available to serve as a replacement or can be redistributed to meet this requirement.

Agencies may request authorization to purchase used automobiles but must demonstrate that the cost of each automobile purchased does not exceed the fair market value of the vehicle as determined by the National Auto Research's "Black Book." In addition, the agency must have a pre-purchase vehicle inspection conducted by an independent shop or technician to determine its overall condition.

Agencies may enter into a lease agreement for vehicles in lieu of purchasing only with prior written approval of OFM and OPB. Agencies must provide OFM documentation demonstrating that a lease-versus-buy analysis was conducted and that leasing is more advantageous to the state than vehicle ownership. All leasing shall be conducted through leasing contracts established by State Purchasing. Leased vehicles count against the agency's inventory as established in the Annual Operating Budget regardless of funding source.

With prior approval from OFM, state agencies are authorized to take title and possession of vehicles donated to the state and to provide funds for the operation, maintenance and protection of these vehicles. Donated vehicles cannot be accepted as state property with any conditions or exceptions. Neither can they be returned to the donor nor can any portion of their value or of any proceeds from their disposal be returned to the donor or operating agency. Donated vehicles are subject to agency vehicle authorized counts and OPB must be notified of all donations because it affects the agency vehicle count. Once donated, they are no different from state vehicles acquired in any other way and must be properly registered, licensed and insured. Donated vehicles will not be replaced with appropriated funding. It will be the agency's responsibility to obtain funding external to state appropriations to replace the vehicle.

The direct transfer of vehicles between agencies is not authorized unless provided by law. Contact OFM if a requirement exists for a transfer between agencies.

### **3.2 Classification of Vehicles Being Gained by Agencies**

When agencies are anticipating adding vehicles to their inventories, they must provide a vehicle use classification as part of the acquisition process. This classification determines various procedures that must apply to the vehicle during its life cycle. Classifications include:

- **Active.** This is defined as a vehicle that will be used to support the daily administrative and operational mission of the agency regardless of how the vehicle is obtained. Vehicle will be titled and tagged for highway use. Mileage, fuel and maintenance cost will be reported.
- **Instructional Roadworthy.** This is defined as a vehicle that will be used to support agency training scenarios. Vehicles will be titled to the agency, tagged and will be used on the highways for training purposes. Mileage, fuel and maintenance cost must be reported.
- **Instructional Non-Roadworthy.** This is defined as a vehicle that will be used to support agency training scenarios. Vehicle is considered to be static (class room, closed driving course, etc) and never tagged for use on any road or highway. Mileage, fuel and maintenance cost are not reported.
- **Historical.** These vehicles are for static displays, parades or public relations purposes only. They are not tagged for highway use and contain the markings of the era of the vehicle.
- **Rural Fire Defense.** This category is used only by the Georgia Forestry Commission to identify vehicles that are on lease to government entities in Georgia. Vehicles are titled to the Georgia Forestry Commission. Mileage, fuel and maintenance cost are not reported.
- **Low-speed Vehicle.** This is any four-wheeled vehicle whose speed is greater than twenty miles per hour (20mph) but not greater than twenty-five miles per hour (25mph). Federal regulations require headlamps, stop lamps, turn signal lamps, tail lamps, parking brakes, rearview mirrors, windshields, seat belts and a 17 digit vehicle identification number. Examples are the GEM and Parcar. It does not include golf carts or all-terrain vehicles such as Gators, Mules, etc.

Vehicles are classified by the agency at the time of purchase and recorded in the Fleet Management System by OFM. Agencies can not change the status without approval of OFM.

### **3.3 Vehicle Request Process**

The acquisition of any motor vehicle from any source, regardless of vehicle or fund source, without the prior approval of OFM and OPB is prohibited.

All vehicle requests must be submitted to OFM using the Vehicle Request application of the Fleet Management System. OFM forwards all requests to OPB for approval. Any justification required for an additional vehicle, full-size or SUV vehicle or optional equipment must be in the justification portion of this request. OFM will review the request, ensure funding is available through OPB, and send approval to the agency, if warranted.

Once the approved request is returned to the agency, the purchase order can be prepared. This purchase order must be submitted to OFM for approval. No vehicle can be purchased until this purchase order has been approved. State contract vendors will not accept a purchase order without OFM approval.

Upon receipt of a new vehicle, a state fuel card should be obtained through OFM as part of the vehicle acquisition process. The fuel card number will be the 7-digit unique number assigned to this vehicle during the acquisition process. This will align fuel receipts with each vehicle for easy identification. Initial fuel cards will be ordered through OFM and not be ordered directly from the fuel card contractor.

## **4. Fleet Utilization and Operations**

### **4.1 Titles, Registration, Plates and Special Lighting**

The Department of Revenue is the proponent agency for titles, registration, plates and special lighting. In accordance with O.C.G.A. § 40-2-37, all state motor vehicles must be registered prior to operation. O.C.G.A. § 40-2-37 requires all state vehicles shall be affixed with regular state government license plates obtained from the local county tag office, except those vehicles employed in covert or secret investigatory police functions and those vehicles owned by the Department of Public Safety. Regular Georgia license plates for vehicles employed in covert or secret investigatory police functions are controlled and issued directly by the Department of Revenue. Obtaining non-government tags from a local tag office is not authorized.

O.C.G.A § 40-8-92 provides that all emergency vehicles shall be designated as such by the Commissioner of Revenue. The Commissioner shall so designate each vehicle by issuing to such vehicle a permit to operate flashing or revolving emergency lights of the appropriate color. The Commissioner shall authorize the use of blue, red or amber flashing or revolving lights only when the person or agency shall demonstrate to the Commissioner a proven need for equipping a vehicle with emergency lights.

### **4.2 Vehicle Markings (Decals and Unique Vehicle Number)**

O.C.G.A. § 50-19-2 states that “It shall be unlawful for any person to operate on

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any public road in this state any motor vehicle which is owned or leased by the state or any branch, department, agency, commission, board, or authority of the state or which has been purchased or leased by any public official or public employee with state funds, unless there is affixed to the front door on each side of such vehicle a clearly visible decal or seal containing the name of or otherwise identifying the governmental entity owning or leasing such vehicle or on behalf of which entity funds were expended to purchase or lease such vehicle. This Code section shall not apply to any vehicle used for law enforcement or prosecution purposes or any vehicle assigned for the transportation of the Governor, the Lieutenant Governor, the Speaker of the House of Representatives, the executive head of any department of state government, the chancellor of the University System of Georgia, the Chief Justice of the Supreme Court of Georgia, or any Constitutional state official who is elected by the voters of the entire state.” Marking examples are contained in Appendix B of this manual.

The agency will assign one unique organizational unit identification number to each vehicle. The number shall be a seven-digit number with the first three numbers being the agency Uniform State Code Identifying Governmental Entities as published by the Department of Audits and Accounts. The last four digits (or characters, or both) will be assigned by the agency and be between 0000 and 9999 (i.e. 999-9999, 999-W999). Agencies must ensure there is no duplication of numbers. A dash will be used to separate the first three digits from the last four digits as shown above. This one number shall be used for each and every manual and automated system maintained by the agency, including the state fuel card system and contract maintenance program. The last four digits will be used to mark vehicles as set forth in this manual. Agencies may elect to place all seven numbers on the vehicle if desired. This number will be placed on copies of the Certificate of Origin, dealer invoice, title and registration and will be forwarded to OFM for retention in a centralized records repository. Exceptions to this numbering policy may be granted by OFM for special needs.

Agencies are authorized to have their vehicles marked with their own specially designed seals, provided that each such specially designed seal shall clearly identify the agency as being a part of state government and “For Official Use Only.” Otherwise, generic state seals and department identification strips shall be used to mark the vehicles.

For those activities where agencies fear for the personal safety of the drivers or interference with their duties if their organizational unit or agency is identified, agencies are authorized to use vehicles marked with only the state seal and not to use any department identification.

O.C.G.A. § 40-8-91 contains special instructions for the marking for vehicles used for making arrests for traffic violations in the state.

### **4.3 Central Pools**

Outside the Capitol area motor vehicles must be centrally pooled wherever possible. Where possible, state vehicles should be parked or garaged in state owned facilities. A system for dispatching the vehicles will be used that shows the vehicles' location at any given time. All sets of keys, as well as the vehicle fuel card, must be protected and inventoried. An example of a log is contained in Appendix C-1, Pool Vehicle Utilization Log. Agencies may develop their own type of logs, as long as the required information is obtained.

There will be no agency operated pool cars on Capitol Hill. Agencies will not establish pool vehicles for employees located on the Capitol Hill site. Employees will be required to utilize vehicles from the DOAS Capitol Hill Motor Vehicles Rentals. This motor pool is managed by DOAS and is currently outsourced to Enterprise Rent-A-Car Company. The Capitol Hill site is defined by a geographic area generally bounded by Interstate 20 on the South, Washington Street and/or Central Avenue on the West, the CSX railroad tracks and/or Decatur Street on the North and Interstate 75/85 (Downtown Connector) and/or Martin Street and Terry Street on the East. Also included in the Capitol Hill Site are the office buildings at Two Peachtree Street and the Equitable Building.

### **4.4 Individual Assignments**

“Assignment” means an employee has exclusive control over a vehicle’s use during the workday or is the only employee who routinely drives the vehicle. Agencies may assign a vehicle to an employee when specific conditions are met. Assigned vehicles may qualify for overnight use, but a separate set of conditions must be met.

One of the following conditions must be met in order for a state employee to qualify for the assignment of a vehicle:

- Law Enforcement. Employees whose positions require them to perform duties of a sworn POST-certified/registered law enforcement officer and having a vehicle specially equipped for law enforcement purposes is essential for the employee to carry out their job functions.
- 14,000 State Business Miles. Assignment to state employees who annually drive more than 14,000 state business miles in order to routinely conduct state business as determined by the respective agency head.
- Vehicle Configuration/Operations. If the total state business miles driven by an employee assigned a vehicle (including any replacement vehicle) fails to exceed 14,000 state business miles in a year for the employee to continue being assigned a vehicle, the vehicle must:

- Have special equipment\* or be used to transport equipment that is too large or heavy or has special features that make it impractical to be transferred between vehicles or between a vehicle and a fixed location; or
- Be required to be driven to sites or under conditions that would endanger privately owned vehicles or rented vehicles.

\*For purposes of this requirement, special equipment does not include radios, antennas, markings, or warning lights. Examples of appropriate special equipment include cranes, welders, air compressors, service bodies, etc.

#### **4.5 Overnight Assignment Criteria**

Employees assigned a vehicle are not authorized to drive state vehicles to and from their residences unless pre-approved by their agency head or their designee. A commuting employee has an “ethical” obligation to utilize the state vehicle in an appropriate manner and not utilize the vehicle for “personal use.” Employees must understand that the use of a state or leased vehicle is for travel between home and office only and should not be used for any other purposes unless called out after normal work hours for state related business. Agencies may grant approval to commute in a state vehicle if any one of the following conditions exist:

- An employee whose position requires him or her to perform the duties of a sworn POST-certified/registered law enforcement officer and the vehicle assigned to the employee is specially equipped for law enforcement purposes and having the vehicle is essential for the employee to carry out their job functions.
- An employee works out of his or her home and travels to different work sites as part of routine duties.
- There is no overnight security at the employee’s work site, where there is evidence of vandalism, and security cannot be obtained for modest cost nearby. Prior authorization from OPB is required for this exception.
- An employee must travel directly to a remote site (of sufficient distance for the employee to be on travel status) from his or her home the following morning or the employee will suffer great inconvenience by having to drop a vehicle off at his or her office at the end of a work day during which the employee has used the vehicle in an authorized manner.
- An employee is required to be on-call for work assignment. An individual who is first to arrive on the scene in an emergency situation should be designated as having an on-call assignment. When appropriate, agencies should establish a “designated first responder” limiting the number of individuals who are on-call. Reporting to a normal workplace does not constitute an on-call response. An employee who is on-call after normal work hours is authorized to drive a pooled or assigned vehicle home only if

the employee does not anticipate reporting to his normal worksite when called to duty and if the vehicle meets one of the criteria listed below.

- Has special equipment other than a radio or cellular telephone, is used to transport equipment that is too large or heavy, or has special features that make it impractical to be transferred between vehicles or between a vehicle and a fixed location; or
- A vehicle is for emergency use or is specially equipped and used for a related mission – such as a law enforcement vehicle or an environmental protection hazardous materials cleanup vehicle – and the vehicle is rarely driven to a central work site from employee's home; or
- Is required to be driven at sites or under conditions that would endanger a privately owned vehicle or rented vehicle.

On-call staff must maintain documentation of the number of times they are called to a scene on a month-to-month basis. Only those individuals who have 12 call-outs per year will be authorized for overnight use on a routine basis. This information must be documented on the individual DOAS MV-1 form and submitted to OFM.

Qualifying conditions that are met for each vehicle will be documented using the automated Motor Vehicle Assignment and Use Authorization (MV-1) Program. This web based program is used to prepare, transmit, approve and store all requests for individual assignment. Agencies are responsible for collecting and reporting accurate information and are subject to review and audit of the information reported. Agencies must set up user accounts with OFM. A detailed user's manual is available from OFM. Requests for exceptions to the assignment and overnight use policies must be submitted to OFM in a memorandum signed by the Agency Head and indicate the specific assignment or overnight use criteria for which an exception is being requested. Exceptions must be submitted separately for each individual. Agencies will be notified in writing of any requests that are disapproved at state level.

OFM retains the right to revoke over night vehicle privileges for any agency or operator not in compliance with the above stated conditions.

#### **4.6 Overnight Use**

Use of a state vehicle after hours is authorized under certain circumstances, whether the vehicle is assigned as an agency pool vehicle or an individual assigned vehicle. The following addresses this situation and reporting requirements associated with overnight use.

An employee who is on-call after normal work hours is authorized to drive a pooled vehicle home only if the employee does not anticipate reporting to his normal worksite when called to duty and if the vehicle:

- Has special equipment other than a radio or cellular telephone, is used to transport equipment that is too large or heavy, or has special features that make it impractical to be transferred between vehicles or between a vehicle and a fixed location; or
- Is required to be driven to sites or under conditions that would endanger a privately owned vehicle.

It must be clearly demonstrated that the nature of the potential emergency is such that the incremental response time, if a vehicle is not authorized, could endanger life or property of significant value.

An employee who uses a pool vehicle or an employee with an assigned vehicle but not approved regular overnight use, may drive the vehicle home after work hours if:

- The employee must travel directly to a remote site (of sufficient distance for the employee to be on travel status) from his or her home the following morning; or
- The employee will suffer great inconvenience by having to drop a vehicle off at his or her office at the end of a workday during which the employee has used the vehicle in an authorized manner.

#### **4.7 Authorized Vehicle Use**

State vehicles are authorized only for use in the performance of all essential travel duties related to the completion of state business. Following are examples of authorized use:

- Travel between the place where the vehicle is dispatched and the place where the official state business is performed.
- When on official travel status between the place of state business and the place of temporary lodging.
- When on official travel status and not within reasonable walking distance between either of the above places and:
  - Places to obtain meals
  - Places to obtain medical assistance, including drug store
- Transport of other officers, employees, or guests of the state when they are on official state business.
- Transport of consultants, contractors, or commercial firm representatives when such transport is in the direct interest of the state.
- Transport of materials, supplies, parcels, luggage, or other items belonging to or serving the interests of the state.
- Transport of any person or item in an emergency situation.

- Travel between the place of dispatch or place of performance of state business and your personal residence, when specifically authorized by the proper authority and approved on DOAS MV-1.
- Out of state travel with written authorization from the agency head or designee on an as needed basis.

#### **4.8 Unauthorized Vehicle Use**

Vehicles are not authorized to be used for any personal trips unrelated to the state business for which they were assigned or to transport passengers who are not state employees unless on state business. Unauthorized use of state vehicles may result in immediate disciplinary action from the operator's agency. Such action may include suspension of all privileges to operate state vehicles and in some cases, dismissal. Furthermore, state drivers are not covered by liability insurance when engaging in unauthorized use of state vehicles. The following uses of state vehicles are prohibited:

- Any use for personal purposes other than commuting which has been authorized.
- Travel or tasks which are beyond the vehicles' rated capability.
- Transport of families, friends, associates or other persons who are not employees of the state or serving the interest of the state.
- Transport of hitchhikers.
- Transport of cargo that has no relation to the performance of official state business.
- Transport of hazardous materials such as acids, explosives, weapons, ammunition, or highly flammable material, except by specific authorization or in an emergency situation.
- Transport of any item or equipment projecting from the side, front or rear of the vehicle in a way that constitutes an obstruction to safe driving or a hazard to pedestrians or to other vehicles.
- Except when in an official business travel status, transport of other employees from work centers to restaurants, cafes or drugstores.
- Attending sporting events including hunting and fishing which are not business.
- Extending the length of time the vehicle is in your possession beyond that which is required to complete the official purpose of the trip.
- To transport any political campaign literature or matter or to engage in soliciting votes or to transport any person or persons soliciting votes in any election or primary.
- The placement of bumper stickers or other placards containing commercial advertising is prohibited. This includes any form of markings that could be construed as political in nature, such as the names of elected officials, agency heads, etc.

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- Smoking is prohibited in all state vehicles. Vehicle operators are responsible to insure that no passengers are allowed to smoke in a vehicle they are operating.
- Personal property (i.e. CB radio, stereo components, etc) shall not be permanently attached to a state vehicle.

### **4.9 Fees and Driving Violations Payments**

The state of Georgia is not exempt from tolls charged on highways. Each individual operator is responsible for paying all tolls and filing for reimbursement with his/her individual agency as a part of their travel expenses if official state business.

Fines for traffic violations incurred by individual operators of state vehicles are the responsibility of the operator and will be paid by the operator.

### **4.10 Contract Drivers**

Contractors are not authorized to drive state vehicles except when specifically authorized by state law. Since being an independent contractor entails using one's own tools rather than the client's, requiring contractors to use their own vehicles should not be an issue. More importantly, state insurance is limited to state officers and employees, and independent contractors are specifically excluded from the definition of the "state officer and employee." The only exception is certain non-profit contractors authorized by O.C.G.A. § 45-9-42 and in these limited circumstances there must be a written contract outlining the scope of the non-profit contractor's use of the vehicles and the premium that has been paid for the insurance provided.

### **4.11 Required Records and Reports**

#### **4.11.1 Vehicle Records**

Agencies are required to maintain the following records for each automobile in their fleet.

- Agency Purchase Order
- Copy of Manufacturer's Certificate of Ownership
- Dealer Invoice
- Copy of Title
- Copy of Registration
- Transfer Form (Receiving) if required, when receiving a vehicle from Surplus Property Division or other state agency
- Transfer Form (Turn In) if required, when turning in a vehicle to Surplus Property Division
- MV-1 (if required) and associated logs submitted by individual drivers.

- Vehicle Life-Cycle Cost
- Maintenance/Repair Work Orders
- Invoices
- Other related vehicle documents

#### **4.11.2 Overnight Use Vehicles Records**

There are two types of mileage that should be reported for vehicles authorized for overnight use. The first is state business mileage and the second is commuting mileage.

- **State Business Mileage Criteria.** Miles driven exclusively for conducting state business will be reported as state business miles. Employees who work out of their home and travel to different work sites on successive days will count all miles as state business.
- **Commuting Mileage Criteria.** All trips made by an employee between their workstation to home and return to workstation without responding to some emergency during the time off will be counted as commute miles.

Each state agency shall provide an internal form to be completed monthly by the driver of all vehicles. This form will be used to record state business and commuting mileage driven daily, locations of beginning and ending stops made daily and number of commuting trips made daily. Mileage driven to and from homes by employees who maintain their principle offices in their homes and whose assigned duties require them to drive to a different site is considered to be state business mileage. Vehicles approved because of emergency use or specially equipped and used for a related mission will report the number of callouts occurring as well as the location of the callout during the month. A sample trip report is provided in Appendix C-2 including the minimum reporting elements.

Each quarter, vehicle-operating data will be analyzed by agencies to determine whether each assigned vehicle meets the criteria of being utilized a minimum of 14,000 miles per year for state business (3,500 business miles per quarter). Vehicles not meeting criteria will be monitored by the agency for consideration of reassignment. A review must also be conducted for vehicles authorized for overnight use to ensure that all the costs for on-call and emergency services meets the objectives of the agency.

Each year an annual validation of vehicle assignments and overnight use will be conducted by OFM. If the validation reveals vehicles not meeting assignment or overnight use criteria, agencies will be notified and must provide justification for continued assignment or overnight use, reassignment or disposal.

If a vehicle is driven home because the individual is on-call 24/7 and the individual is NOT called out, the mileage associated with the trip home and

return will be reported as commute mileage. If called out, the mileage will be reported as state business miles.

If a vehicle is driven home for emergency use such as an environmental protection hazard and no such emergency occurs during the off duty period, the round trip mileage will be counted as commuting. If called out, the mileage will be reported as state business miles. The number of callouts will be reported on a Monthly Assigned Vehicle Utilization Report.

Agency Heads will report commuting mileage unless they travel to conduct official state business (such as attend meetings, delivering speeches, etc.) or travel to a remote site of sufficient distance for the individual to be on travel status from his or her home the following morning.

## **5. Fuel, Maintenance and Inspections**

### **5.1 Fuel**

#### **5.1.1 Fuel Card Program Management**

Agencies not running bulk fuel facilities will use the state fuel card offered by DOAS at no cost. Agencies running bulk fuel facilities will have strict controls in place to account for purchases of fuel, fuel products and other services obtained. Below is general policy applying to the fueling operation of all state vehicles.

- All fuel will be purchased using the state fuel card provided by DOAS unless procured from a bulk site operated by a state agency. Agencies are not authorized to have separate commercial fuel card accounts. Fuel shall not be purchased using the state Procurement Card or other commercial fuel credit cards.
- Gasoline powered vehicles will use only regular unleaded 87 octane fuel. Higher cost/grade fuel will be used only if required by the vehicle operations manual provided by the manufacturer for that vehicle. Flexible fuel vehicles (FFVs) can operate on straight unleaded gasoline or any percentage of ethanol up to 85%. OFM will monitor this area for compliance by all state agencies.
- All vehicle drivers/operators are required to record the accurate mileage of the vehicle at the time of any fuel purchase. Whether this is done through an automated fuel dispensing equipment system or manually at bulk fuel sites, entries must be accurate. Mileage must be recorded on each fuel purchase where mileage is not obtained by automated processes for recording into the Fleet Management System.
- A separate fuel card will be issued for each vehicle. Agencies must obtain the initial fuel card through OFM to ensure the card contains all necessary vehicle information to insure correct fuel data postings for each vehicle in

the Fleet Management System. At no time should fuel products for any other vehicle/use be charged to a fuel card issued for a specific vehicle.

- Each driver (by name) will be assigned a specific individualized Personal Identification Number (PIN). This PIN can be used by the individual with any card on the account. Generic PINs are prohibited (such as one PIN for an office/department). Vehicle numbers will not be used as a PIN. PIN numbers will not be written on the card. Compromised PINs will be cancelled immediately.
- A fuel card inventory system will be established and random checks will be made to ensure each card is in the correctly assigned vehicle to preserve the integrity of fuel transaction data.
- Separate fuel cards will be obtained for other power equipment needs.
- State fuel cards will be used only to purchase fuel for state vehicles. Using the state fuel card to purchase fuel or services for a private vehicle or a commercial rental vehicle is prohibited, and may lead to employee termination and possible criminal prosecution. Operators utilizing a commercial rental vehicle must pay for all fuel and submit receipts as part of travel expenses to the agency concerned.
- Only consumable maintenance items, such as fluids to top off as needed, wiper blades and light bulbs will be charged on fuel cards.
- If a card is lost or stolen, it will be cancelled immediately.
- If a vehicle is transferred, sold or surplused, the card will be cancelled immediately.

Specific information regarding the current vendor for the state fuel contract is provided on the OFM website at [www.doas.georgia.gov](http://www.doas.georgia.gov). A link is provided to access the provider's website for additional information regarding the current program.

### **5.1.2 Fuel Program Controls and Fraud Management**

Managers/Supervisors must review a record of all fuel card transactions to ensure drivers are in compliance with current published policies regarding the purchase of fuel and other items that may be purchased on the fuel card. Agencies can develop their own policies regarding this review as long as review is accomplished by supervisory personnel of the driver and the review is conducted at least monthly. Immediate action must be taken to correct any noted policy violations. Drivers are not allowed to approve their own fuel transactions and supervisor review and approval is required without exception.

Agencies will ensure that authorization controls are established for their fuel account with the state fuel card vendor. These limits will be set to support daily operational requirements and ranges should not exceed expected daily expenditures. OFM will audit these settings to ensure agency compliance with these requirements.

Internal audit procedures will be utilized to review all fuel bills for possible fraud. Possible fraud will be investigated by the agency. Agency discipline policies should be used with employees found to have committed fraud, to include termination and possible prosecution.

Agencies will report incidents of fraud involving the fuel card to OFM. The report should contain personal information regarding the driver who committed the act, and will contain information detailing the manner in which the action was conducted, how it was carried out, cost involved, etc. OFM will use this information to examine state fuel data for like situations and to formulate advice and warnings for other agencies as required. OFM will notify the GBI and IG's Office of any findings for possible administrative or criminal review.

## **5.2 Maintenance Management**

### **5.2.1 Preventive Maintenance**

Maintenance is an investment that will pay dividends in the form of improved reliability, durability and resale value. Agencies will ensure all vehicles have at least the normal preventive (scheduled) maintenance performed as required by the vehicle manufacturer and that materials used meet specifications so as not to void warranty coverage. Vehicles requiring special maintenance will be identified and special requirements met. Examples include:

- Towing or carrying heavy loads.
- Extensive idling and/or driving at low speeds for long distances.
- Driving in dusty conditions.
- Off-road operation.
- Use of E85 fuel 50% of the time or greater.
- Natural Gas or Propane Vehicles.
- Police use.

### **5.2.2 Maintenance Management Services Program**

A vehicle (fee based) maintenance contract is in place and it offers agencies a full range of fleet related services. They include repair authorization, vehicle maintenance, emergency roadside service, agency billing and accident management. Use of this contract allows for maintenance data to be gathered and imported into the Fleet Management System and the agencies using this contract do not have to input maintenance data that is a part of this program. Services can be purchased for specific vehicles or for the entire fleet package. This service includes:

- 24-hours per day, 7 days per week, 365 days per year vehicle maintenance approval services.

- A nationwide vendor network for repairs, preventive maintenance and emergency vehicle towing.
- An operator's manual that provides instructions on how to handle maintenance needs. This manual enables drivers to schedule preventive maintenance.
- The ability to capture post warranty repair dollars.
- Collision repair.
- On-line access to agency vehicle repair information.
- Agency defined repair limit parameters.
- Various management reports allowing the agency to focus on issues associated with improved management.
- Reduced administrative man-hours, freeing up employees to handle other duties.
- Provides accident administration and subrogation services for an additional fee.

## **6. Disposal**

Disposal of agency vehicles is a managerial decision based on a combination of factors. Each vehicle must be considered individually in terms of reliability, maintenance and safety. When it is no longer cost effective to keep the vehicle, it is in the best interest of the state to dispose of it regardless of its mileage or age. Adequate record keeping and analysis of vehicle cost are very important to a timely and effective disposal program.

Procedures for property disposal are available on the DOAS Web site [www.doas.georgia.gov](http://www.doas.georgia.gov) under Surplus Property. Specifics related to vehicle disposal at the time of publication of this manual include:

- Notify Surplus Property Division in advance of your intent to turn in a vehicle for sale, transfer, or salvage, so they will be ready to receive the vehicle. This is accomplished by faxing a completed Transfer and Invoice form to the appropriate surplus location.
- Complete the "Property Transfer and Invoice Form." (Downloadable copy available on DOAS /surplus web site). ALL vehicle sales, transfers and salvage transactions must be processed through and approved by Surplus Property Division.
- Remove all decals or lettering that would identify the vehicle as state property. All efforts should be taken to ensure the vehicle surface is not defaced during the removal process.
- Remove and deactivate state fuel card.
- Remove and destroy license plate.
- Certificate of Title for vehicle models 1986 or newer must accompany each vehicle including salvage titles before it can be received by the Surplus Property facility.

- Odometer statements must accompany surplus paperwork for vehicles less than 10 (ten) years old.
- Ignition and trunk keys must accompany the vehicle regardless of vehicle condition. Missing keys will be made at the releasing agency's expense. Vehicles accompanied by incomplete paperwork will not be accepted.

As most vehicles being purchased are replacements, the vehicles being replaced will be monitored to ensure they are disposed of through Surplus Property Division within 30 days of the vehicle being placed in service.

Surplus Property Division removes all vehicles turned in by the agencies from the Fleet Management System.

## **7. Risk Management**

### **7.1 Auto Liability Coverage**

Auto Liability coverage provides insurance protection against claims or lawsuits brought by other parties, who have been damaged or injured as a result of the negligent operation of a vehicle. Any liability of the state of Georgia is governed by O.C.G.A. § 50-21-20 et. seq.

### **7.2 Auto Physical Damage Coverage**

A state agency can purchase physical damage coverage (collision and other coverage) on state or long term leased vehicles, with a market value of \$2,500 or greater through DOAS. Non-state vehicles including personal vehicles of state employees are not eligible for physical damage coverage through DOAS. State employees are responsible for maintaining physical damage coverage on their own personal vehicles.

### **7.3 Accident Reporting Requirements**

#### **7.3.1 Actions at the time of an accident**

Whenever an accident occurs that involves a state vehicle or a non-state vehicle being used on state business, you should:

- Assist the injured.
- Report the accident to the police immediately.
- Report the accident to your supervisor immediately.
- Report the accident to the Claims Reporting Hotline 877-656-RISK (7475) as soon as possible. In no event should reporting the accident be delayed beyond 48 hours.

- If the accident involves a non-state vehicle being used by a state employee in the performance of their duties, the accident should also be reported to the vehicle owner's personal auto insurance company.
- Agencies participating in the contract maintenance program should call the maintenance contractor using instructions with the vehicle.

### **7.3.2 Other Parties Involved**

If another person or another person's property is involved, contact the Claims Reporting Hotline at 877-656-RISK (7475) regardless of fault.

### **7.3.3 Serious Injuries or Damages**

Irrespective of fault, vehicle accidents resulting in serious injuries or death must be reported to your agency Risk Coordinator and called into RMS immediately at 404-656-6245 (24/7). Describe the matter as "serious" requiring immediate action.

### **7.3.4 Accident Scene Procedures**

At the accident scene, the employee should obtain as much of the following information as possible:

- Brief narrative description of the accident including:
  - Date, time and location of the accident.
  - Weather conditions.
  - Traffic conditions.
  - Diagram and written description.
  - Photos of all vehicles involved showing any damages, physical surroundings, etc.
  - State agency involved.
  - Police authority(ies) investigating and their accident number.
  - State employee's name, addresses, driver's license number and telephone numbers.
  - Description of the state vehicle including license, VIN and identification numbers.
  - Owner and insurance information, if non-state vehicle.
  - Employee's specific duty being performed at the time of the incident.
  - Other driver(s) name, address and phone numbers.
  - Description of all other vehicles involved including license, VIN and identification numbers.
  - Other driver(s) insurance information.
  - List all injured parties, their apparent injury, address and phone numbers.
  - List all known witnesses and their address and phone numbers.

Employees are not permitted to and shall not express opinion as to fault or liability, agree to any settlements, or sign any documents other than those required by police authorities, the state's insurance carrier, or applicable laws.

## **7.4 Workers' Compensation**

State employees are covered under state workers' compensation for injuries sustained while operating vehicles or as a passenger in a vehicle in the performance of their job duties. When a state employee is injured on-the-job, the supervisor must report the injury to the Claims Reporting Hotline by calling 1-877-656-RISK (7475). A customer service representative will obtain pertinent claim information from the injured employee's supervisor. The following information is needed when the claim is called in: name of the employee; address; contact phone number; Social Security number; age; sex; date of injury; wage rate; type of injury; body part injured; injury severity; and if medical treatment has been received and where received. The customer service representative will complete the Workers' Compensation Employer's First Report of Injury (WC1) and remit it electronically to the Risk Management Workers' Compensation Unit. Upon receipt, a workers' compensation claims specialist will be assigned and will contact the injured employee and employer for additional information.

## **7.5 Rental Car Insurance**

Employees may rent vehicles utilizing the Automotive Rental Inter-State Contract (National Car Rentals) and the Automotive Capital Hill Motor Pool & Instate Car Rental Contract (Enterprise Car Rental). Collision coverage is included in the rate when vehicles are rented for State business and the employee abides by the terms of the rental. Consult the statewide rental contract for complete details. If a state employee rents a vehicle through a rental car company not listed on the statewide contract, then the employee should purchase the collision damage waiver to be insured against property damage done to the rental vehicle. There are no provisions for car rentals outside of the country.

## **7.6 Vehicle Operations Comments (Report My Driving)**

The State has a web-based vehicle operations reporting system. This online tool is designed to gather positive or negative reports of state employees' driving habits. It tracks reports and maintains records of all reports received. Where applicable, comments will be forwarded to the agency concerned for appropriate response and disciplinary action as may be required.

In addition to access by the public, all state employees may report positive and negative driving habits using this reporting system located at [www.reportmydriving.ga.gov](http://www.reportmydriving.ga.gov).

## **8. Fleet Management System (Maximo)**

A Fleet Management System powered by Maximo is used to manage fleet assets within the state. The Fleet Management System should be used by all state agencies to maintain their fleet inventory and record the total cost of ownership for the state fleet. This system provides:

- A vehicle request module that automates the vehicle request procedure.
- A vehicle asset module which contains pertinent information on all vehicles in the state inventory. This database provides information for the state vehicle inventory count by agency.
- The vehicle asset module provides the ability to capture and record fuel cost and mileage data.
- A module to record all maintenance and repair activity conducted on each vehicle.
- Reporting capability.

Effective fleet management requires agency heads and fleet managers to know their vehicles' operating cost over the life of the vehicle and to make effective management decisions regarding the daily management and replacement of their fleet. The information maintained in the Fleet Management System is used to support decision making regarding the number of vehicles owned, vehicle utilization, total cost of ownership associated with the operation of the fleet, as well as assist in the decision to continue use, replace, or dispose of a vehicle. Every fleet manager will maintain an asset record in the fleet management system on each vehicle that provides a complete history of the life-cycle of the vehicle. This asset record will be used to document the vehicle operating cost associated with each vehicle.

### **8.1 Fuel Cost Accounting**

All fuel purchases should be captured and recorded for each vehicle into the Fleet Management System. This includes receipts for fuel purchased using the state contract fuel card, purchased/dispensed from state owned bulk sites, or any other fuel purchases made for any vehicle. Drivers are required to obtain a transaction receipt for every fuel purchase and return this receipt(s) to their supervisor/pool manager. Standard data that should be captured at the time of purchase by your operators obtaining fuel outside the fuel card program will include:

- Number of gallons purchased.
- Dollar cost of fuel transactions.
- Odometer reading at the time of purchase. Agency policies will require all drivers to accurately input odometer reading at the time of any fuel purchase.
- The unique seven-digit vehicle number assigned by the agency.

Agencies operating bulk fuel sites should equip them with automated card readers to automatically capture fuel transaction into the database of the Fleet Service Fuel Card Program vendor. This will eliminate the need for manual fuel transaction records. Agencies must ensure the fuel cost is constantly updated in their systems to provide the accurate cost of fuel in the automated system. If the automated card reader is not available, manual transaction tickets must be provided to the vehicle operator. The Georgia Environmental Facilities Authority (GEFA) provides assistance to state agencies with bulk fuel tanks. A agencies should contact GEFA at 404-584-1039 for possible assistance when considering upgrading of these facilities.

## **8.2 Vehicle Maintenance Cost Accounting**

Fleet cost accounting requires that all operating costs be captured and recorded in the Fleet Management System. Categories include:

- Cost for commissioning/decommissioning vehicles.
- Emergency maintenance
- Tags, license and inspections fees
- Insurance premiums
- Preventive maintenance
- Vehicle accident cost
- Vehicle maintenance
- Vehicle repair

Cost must be captured from receipts from the above transactions and recorded into the Fleet Management System.

The Fleet Management System will generate the necessary cost reports to allow management the ability to access vehicle total cost of ownership.

Agencies are authorized to use existing automated fleet reporting systems to capture and maintain fleet operational data required by this chapter. Agencies must coordinate with DOAS to have interfaces developed to move data from the current system into the Fleet Management System on a routine basis. Agencies must recognize that their data must be standardized prior to any input. The minimum data requirement includes work type, description, odometer reading at the time of the repair, repair date and at least a two level Vehicle Maintenance Reporting Standard (VMRS) code that describes the repair. Other technical requirements may be required depending on the interface being used by DOAS.

## 9. Environmental Compliance

### 9.1 Georgia Motor Vehicle Emission Inspection and Maintenance Act

O.C.G.A. § 12-9-40 establishes the Georgia Motor Vehicle Emission Inspection and Maintenance Act. This act applies to state vehicles in the following counties: Cherokee, Clayton, Cobb, Coweta, Dekalb, Douglas, Fayette, Forsyth, Fulton, Gwinnett, Henry, Paulding and Rockdale.

#### 9.1.1 Covered Vehicles

The requirement for emissions testing applies to the following classes of gasoline-powered motor vehicles registered in the covered counties.

- (a) All light duty vehicles 24 model years old and newer.
- (b) All light duty trucks 24 model years old and newer with a gross vehicle weight rating of 8,500 pounds or less.
- (c) New vehicles are exempt from testing until three years following the model year of the vehicle. (i.e., for 2008 calendar year, all 1980-2005 model vehicles are required to be emissions tested.)
- (d) Vehicles that are capable of being operated on both gasoline and any alternate fuel are covered by the inspection requirement and shall be tested on gasoline.

#### 9.1.2 Test Period and the Recording of Testing

An emission inspection is valid for 12 months. Fleet managers must verify that inspections are accomplished according to the alphabetical schedule below. The first alpha character of the agency name that appears first on your vehicle's title and/or tag registration certificate (tag receipt) determines the month designated as your inspection period. It is imperative that vehicle emission inspections are performed by the deadline on an annual basis. Emission test dates must be entered in the Fleet Management System on the vehicle asset record in the field Emission Date.

ALPHA CHARACTER	MONTH
A or B	January
C or D	February
E or F	March
G or H	April
I or J	May
K or L	June
M or N	July

O or P	August
Q or R	September
S or T	October
U, V, or W	November
X, Y, or Z	December

### **9.1.3 Reference**

General information regarding Georgia's Inspection and Maintenance program is located at [www.cleanairforce.com](http://www.cleanairforce.com). This site should be checked for answers to questions that might arise regarding this program.

## **9.2 Alternative Fueled Vehicle Program.**

The U.S. Congress passed the Energy Policy Act (EPAct) in 1992. The U.S. Department of Energy's Alternative Fuel Transportation Program was codified in 10 CFR Part 490. State agencies must determine if their fleet is covered by these provisions and take certain steps to be in compliance if the agency fleet is covered.

### **9.2.1 Determination if Fleet is Covered under this Act.**

State agencies are covered by EPAct Alternative Fuel Vehicle (AFV) requirements if:

- The agency owns, operates, leases or otherwise controls 50 or more Light Duty Vehicles (LDVs) in the United States that are not on the list of excluded vehicles. Excluded vehicles include:
  - Law enforcement vehicles
  - Emergency motor vehicles
  - Non-road vehicles
  - Motor vehicles that, when not in use, are normally parked at the personal residences of the individuals who usually operate them, rather than at a central refueling, maintenance, or business location.
- Twenty of these 50 LDVs are used primarily within any consolidated metropolitan statistical area in Georgia as shown below:

**GEORGIA METROPOLITAN STATISTICAL AREAS COVERED BY  
EPACT**

<b>Atlanta Area MSA</b>	<b>Atlanta Area MSA</b>	<b>Augusta Area MSA</b>	<b>Columbus Area MSA</b>	<b>Macon Area MSA</b>
Barrow	Fulton	Columbia	Chattahoochee	Bibb
Bartow	Gwinnett	Richmond	Harris	Houston
Carroll	Henry		Muscogee	Jones
Cherokee	Newton			Peach
Clayton	Paulding	<b>Chattanooga Area MSA</b>		Twiggs
Cobb	Pickens	Catoosa		
Coweta	Rockdale	Dade		
Dekalb	Spalding	Walker		
Douglas	Walton			
Fayette				
Forsyth				

- Those same 20 LDVs are centrally fueled or capable of being centrally fueled.

Any agency whose fleet meets these requirements is considered a “covered fleet” and is required to be in compliance and submit an annual report to OFM for consolidation and forwarding to Department of Energy.

**9.2.2 Agency Compliance Criteria**

Covered fleets must have a 75 percent AFV percentage purchase for a model year. Model year runs from September 1 through August 31 of the following year. To determine the total alternative fueled vehicles acquisition requirements for the model year, multiply the total vehicles acquired during the model year (this is the total number of LDVs, including AFVs and conventional vehicles, purchased or leased by the agency during the reporting model year) by 75 percent. Fractions greater than or equal to one half (0.5) should be rounded up; fractions less than 0.5 should be rounded down. (Simply stated, if you purchase four LDVs during the model year, three must be AFVs, if you purchase three or less, all must be AFVs). Agencies should review current statewide contracts for the availability of AF vehicles.

**9.2.3 Agency Reporting Requirements**

As reporting formats may vary from year to year, OFM will use the Fleet Management System Inventory to determine those agencies that must submit a model year compliance report to OFM. Agency notification will be forwarded by OFM, establishing report due dates to OFM based on the information reported in the Fleet Management System. Agencies reporting 50 LDVs using criteria in the

“GVW” column and 20 vehicles in covered counties in the “Vehicle County” column will be required to report. All determinations of vehicle exemption will be accomplished at agency level, not by OFM. All vehicle exemption criteria will be documented on the vehicle asset record in the Fleet Management System.

## **Appendices**

### **A. Glossary of Terms**

### **B. Vehicle Markings**

### **C. Forms**

C-1. Pool Vehicle Utilization Log

C-2. Monthly Assigned Vehicle Utilization Report

## Appendix A, Glossary of Terms

### GLOSSARY OF TERMS

Agency	In this manual the term agency refers to any department, institution, board, bureau, agency, authority, school, college or university.
AOB	Annual Operating Budget
Assigned Vehicle	A vehicle under the exclusive control of an employee during the workday or the vehicle is routinely driven by an employee.
Commute Mileage	Travel between one's work site to their residence and returning to work site with no other state business being conducted.
DOAS	Department of Administrative Services
Donated Vehicle	Vehicles that are donated by individuals, foundations, counties and municipalities. Donated vehicles are accounted for and managed as state vehicles.
Emergency Vehicle	Any vehicle that is legally authorized by a government authority to exceed the speed limit to transport people and equipment to and from situations in which speed is required to save lives or property, such as a rescue vehicle, fire truck, or ambulance.
EPAct	Energy Policy Act
Fiscal Year	The period from July 1, 20XX through June 30, 20XX.
Fleet Coordinator	Agency individual responsible for coordination of all motor vehicle activities outlined in this manual and other policy memorandum.
GVW	Gross vehicle weight
Law Enforcement Vehicle	Any vehicle which is used for the purpose of law enforcement activities including, but not limited to chase, apprehension and surveillance of people engaged in or potentially engaged in unlawful activities.
Light Duty Vehicles (LDV)	Cars and light trucks whose gross vehicle weight rating is 8500 lbs or less.
Motor Vehicle	Vehicle carrying a driver and is capable of being tagged and titled in the state and driven on highways or streets, including motorcycles and utility vehicles.

## Appendix A, Glossary of Terms

Non road Vehicle	A vehicle not tagged and titled for on road use in this state.
O.C.G.A.	Official Code of Georgia Annotated
OFM	Office of Fleet Management
OPB	Office of Planning and Budget
Official State Business	Any activity directed and controlled by a state agency that advances the lawful policies and purposes of the agency.
On-Call Personnel	Personnel who are called from their residence to a worksite other than their normal worksite during a period other than normal business hours.
Regular License Plate	Plates issued by Department of Revenue for covert or secret investigatory police functions (sometimes referred to as confidential tags).
State Business Miles	Miles accumulated on state vehicles for state business use only and does not include any mileage for commuting.
State License Plate	Standard license plate required by O.C.G.A § 40-2-37 to be affixed to all state vehicles showing the state as the owner of the vehicle.
State Vehicle	A motor vehicle owned, rented, borrowed, leased, donated or otherwise under the possession and control of the state licensed for highway use. A rental vehicle is a state vehicle if it is rented by a duly authorized employee at the cost of the state solely for official state business.
Tag County	County where vehicle is registered, not necessarily the county where domiciled.
Vehicle County	County where domiciled, not necessarily the county where registered.
VIN	A seventeen character (alphanumeric) vehicle identification number provided by the manufacturer. Normally found on Georgia title, registration or Certificate of Origin. Pre-1982 vehicles carry a VIN number of less than 17 characters.
VMRS	Vehicle Maintenance Reporting Standards

## Appendix B, Vehicle Markings



Affix to the front door on each side a clearly visible decal or seal containing the name of the government entity owning or leasing vehicle. Agencies are authorized to have their vehicles marked with their own specially designed seals, so long as each such specially designed seal shall clearly identify the agency as being a part of state government. Otherwise, generic state seals and departmental strips shall be used to mark the vehicle.



2 Inch, 4-digit Vehicle Number on right front and rear of vehicle as shown. Normally black letters. White letters may be used on dark-colored vehicles



## Appendix B, Vehicle Markings



Affix to the front door on each side a clearly visible decal or seal containing the name of the government entity owning or leasing vehicle. Agencies are authorized to have their vehicles marked with their own specially designed seals, so long as each such specially designed seal shall clearly identify the agency as being a part of state government. Otherwise, generic state seals and departmental strips shall be used to mark the vehicle.

2 Inch, 4-digit  
Vehicle Number  
on right front and  
rear of vehicle as  
shown.







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July 23, 2012

James V. Martin  
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110 Centerview Drive, Suite 201  
Columbia, SC 29210

Re: **Herbert W. Grant and Betsy A. Grant v. South Carolina Department of Corrections**  
C.A. No.: 2011-CP-42-5122

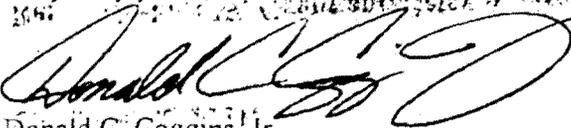
Dear Mr. Martin:

Pursuant to the provisions of the South Carolina Freedom of Information Act, we request any and all investigative records and reports of the OIG investigation into complaints against Tyger River Correctional Institution and its Warden, Tim Riley, which investigation was completed upon information and belief in the fall of 2011.

Please feel free to contact me if I can provide any clarification, assistance or additional information concerning this request.

With kind regards, I remain,

Very truly yours,



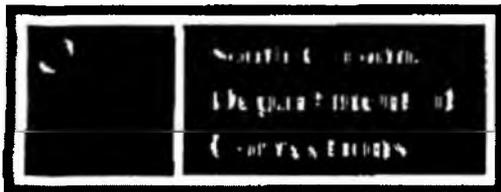
Donald C. Coggins, Jr.

/mlm

RECEIVED

JUL 30 2012

Office of Inspector General



NIKKI R. HALEY, Governor  
WILLIAM R. BYARS, JR., Director

September 7, 2011

Mr. Jim Martin, Inspector General  
State of South Carolina  
110 Centerview Drive  
Kingstree Building, Suite #201  
Columbia, South Carolina 29210

Dear Mr. Martin:

Pursuant to our recent meeting, please find below responses to the anonymous letter recently received by your office.

The Wardens at each of our twenty-eight institutions are assigned state vehicles. As first responders for emergencies, escapes, disturbances, etc., they are subject to being called back to their institutions at any time. The Investigators in our system are also issued state vehicles for these same reasons. I am not aware of any provision in our Transportation Management policy that prohibits another employee from commuting to work with a Warden. A copy of our Transportation Management policy (OP-20.02) is attached.

Our cellular Telephone Use policy governs our use of SCDC-issued cell phones. A copy of this policy (ADM-15.08) is attached.

Medical spending is closely monitored. Because of the wide range of legitimate medical issues that beset our inmates, we have to use outside providers for some of their care. Unfortunately, we cannot dictate where these providers are located. We do not provide any services other than those deemed to be medically necessary. The two examples noted in the letter, contact lenses and laser eye surgery, would only be provided if there was a legitimate medical need. The numbers of nurses assigned to Tyger River are appropriate for the level of care provided there.

Parole eligibility is addressed in state statute. The Parole Board, an independent entity, makes the final decisions.

Hiring and promotion practices in our Agency follow strict guidelines set forth in policy. I am not aware not have we received complaints of any issues in this regard from Tyger River. A copy of our Applicant Selection Policy (ADM-11.28) is attached.

We have clear policy guidelines regarding employee fraternization. Our policy regarding Employee Conduct (ADM-11.17) is attached. Warden Riley has been counseled about his practice in dealing with sick leave.

Should you have additional questions or concerns, please do not hesitate to contact me.

Sincerely,

Robert E. Ward  
Acting Agency Director

Attachments

REW:js:smp

## Additional Issues

During the course of our review, requestors of this audit asked us to expand our audit scope to include a review of additional issues. We conducted some preliminary work and determined that, in some cases, other state agencies have the expertise necessary to appropriately evaluate these issues.

### Salary Study

We were asked to compare the pay of SCDC correctional officers, wardens, and other operational staff to other states and to other agencies within South Carolina. The Budget and Control Board's (B&CB's) Office of Human Resources (OHR) has the capability and expertise to conduct salary studies and has done so in the past at various state agencies. A January 2005 OHR study of law enforcement officers included a review of correctional officers' pay.

In FY 05-06, SCDC's base pay adjustment figure of \$16.2 million included \$6.7 million in correctional officer pay adjustments. According to data collected by OHR from eight southeastern states, the southeastern average for the entry-level correctional officer in FY 08-09 was \$29,141 and South Carolina's average was \$26,603, which is a difference of 9.5%. In the 2005 study which included data from ten southeastern states, the southeastern average for the entry-level correctional officer was \$24,655 and South Carolina's average salary for that position was \$23,016, which is a difference of 7.12%.

OHR also participates in the southeastern states' salary survey that consists of a large sampling of jobs and salaries paid in other states. This could assist SCDC in analyzing its staff salaries.

## Confidential License Plates on State Vehicles

We were also asked to review SCDC's use of confidential license plates to determine whether the agency has appropriately justified plate assignments.

SCDC has 950 vehicles, of which 90 (10%) have confidential plates. We requested information from SCDC regarding the need for confidential plates for these vehicles. According to SCDC:

- Thirty-nine vehicles are assigned to law enforcement officers, including the SCDC's Inspector General and investigative personnel, and K-9 agents.
- Thirty-six vehicles are assigned to SCDC's division of operations, including 28 wardens. These vehicles are used in emergency response, escape apprehension, labor crew supervision, and sensitive inmate transport.
- Eight vehicles are assigned to SCDC's division of programs and services who have emergency response duties relating to the entire physical plant, utilities and sanitation, and food services.
- One vehicle is assigned to SCDC's director.

An SCDC official noted that all but three of these vehicles are equipped with emergency equipment including radios, sirens, and lights, as well as storage for other emergency equipment and firearms. The official stated that it would not be prudent to have state identification on these vehicles. The official further stated that non-law enforcement employees assist in conducting surveillance on homes of family members after escapes and contraband intervention and confidential plates are needed for this purpose. Also, the official stated that SCDC continually monitors these assignments and that they have all been approved by the B&CB's state fleet management division.

The following employee positions are assigned vehicles with confidential plates:

- Director of the budget and resource management office.
- Director of the division of classification and inmate records.
- Division director and assistant director of the division of facilities management.
- Branch chief of food services.
- Director of the division of transportation.
- Director of the division of occupational safety and workers' compensation.
- Gasoline shop foreman.

In addition, 84 of the 90 employees who are provided vehicles with confidential plates commute in the vehicles, including 12 who commute at least 100 miles or more each day in the state vehicle. Four of these vehicles are assigned to law enforcement and eight list emergency response as the reason for the assignment. During the course of our review, SCDC stated that it intends to remove confidential tags from 13 of its vehicles.

Section 1-11-220 of the S.C. Code of Laws requires the Budget and Control Board to develop a state fleet management program. The goals of the program, as set forth in statute, include achieving maximum cost-effectiveness in the use of state-owned vehicles and eliminating unofficial and unauthorized use. Section 1-11-320 of the S.C. Code of Laws requires that the B&CB "...ensure that all state-owned motor vehicles are identified as such through the use of permanent state-government license plates and either state or agency seal decals. No vehicles shall be exempt from the requirements for identification except those exempted by the Board." This section exempts law enforcement officers in certain circumstances and with the approval of SLED. It also exempts vehicles carrying human service clients where privacy of the client is necessary.

State fleet management's 2003 management review states that, "It is an axiom within the governmental fleet management profession that one of the primary deterrents to unauthorized use is that vehicles be clearly marked as government property." This review also recommended that state agencies should carefully review requests for confidential plates and exemption from the seal identification requirement to ensure that such requests are justified, and are in compliance with the Motor Vehicle Management Act.

State fleet management approves exemptions from state vehicle identification requirements. SCDC's request for exemption for non-law enforcement vehicles is not a detailed listing by employee position or vehicle but rather a general explanation for why vehicles need confidential plates. A more detailed review of specific positions and vehicles may be needed to ensure that the exemption is justified. The B&CB's state fleet management division is the most appropriate agency to examine SCDC's use of confidential plates, and we are referring this issue to state fleet management for its review.

List of Potential witnesses:

- 1 Leonard Longe ✓
- 2 Grady Carson *A-2*
- 3 Jimmy Fisher Jr. *B-2*
- 4 Samuel Trezevant *B-1*
- 5 Brad Conrad *A-1*
- 6 Robert Forrest *B-2*
- 7 Jermie Horton *B-1*
- 8 Douglas Simpson *Resigned*
- 9 James King *Not Employed*
- 10 Andrew Wilson *resigned*
- 11 Adam T. Bradburn *B-2*
- 12 Eddie Newton ✓
- 13 Theodore R. Sanders *B-1*
- 14 Patricia Barnes *Stevenson C.F.*
- 15 Roderick Grove *B-1*
- 16 Mindy Anthony *B-1*

class code

JD55

# STATE OF SOUTH CAROLINA

## Warden I

### General Nature of Work:

Plans, organizes and directs the operations of a small or medium size custody facility; or provides primary assistance to the warden of a large custody facility.

### Guidelines for Class Use/Distinguishing Characteristics:

Positions in this class supervise operations of a small correctional facility usually of minimum security or minimum/medium security, or assist a warden with the management of a large correctional facility.

### Examples of Work:

(Note: The examples of work listed in this class specification are not necessarily descriptive of any one position in the class. The omission of specific statements does not preclude management from assigning specific duties not listed herein if such duties are a logical assignment to the position. The intent of the listed examples is to give a general indication of the levels of difficulty and responsibility common to all positions in this class.)

Directs, plans, coordinates and supervises all security, control and safety activities and operations of a small minimum security correctional facility.

Interprets applicable laws, policies, rules, regulations and operating procedures for employees and inmates; prepares directives on policies and operating procedures for personnel assigned to the facility.

Enforces policies and procedures relative to inmate/resident activity.

Prepares reports, special studies and staff papers.

Interviews, selects and orients employees and evaluates their performance; counsels employees and effects related personnel actions.

Investigates accidents, deaths and contraband seizures; collects and preserves evidence.

Responds to all disturbances and emergencies and takes immediate action to maintain order and avert crises, disturbances and riots at the facility.

Conducts scheduled and unscheduled inspections of each duty shift to determine the security status of facility and overall effectiveness of programs.

Responds to inmates'/residents' requests for interviews; interviews and counsels inmates/residents regarding personal problems associated with their incarceration.

Determines inmates'/residents' eligibility for transfer and makes appropriate recommendations to higher authority.

Participates in litigation involving the agency and appears as an expert witness during judicial proceedings.

### Knowledge, Skills and Abilities:

(Note: The knowledge, skills and abilities listed are not necessarily inclusive of the requirements for every position in the class.)

Knowledge of state laws concerning criminal procedures of penal facilities.

Knowledge of methods of prison administration.

Knowledge of the attitudes, problems and behavior of persons under restraint.

Ability to instruct and supervise subordinates in work requirements and modern concepts of penology and to direct inmate/resident activities.

Ability to communicate effectively with the public.

Ability to plan for and effectively respond to emergency situations.

Necessary Special Requirement:

Minimum Requirements:

(Note: Additional requirements may be applicable for individual positions in the employing agency.)

A bachelor's degree and supervisory experience in a correctional environment.

class code

JD60

# STATE OF SOUTH CAROLINA

## Warden II

### General Nature of Work:

Plans, organizes and directs the operation of a medium to maximum security custody facility or a large minimum security custody facility.

### Guidelines for Class Use/Distinguishing Characteristics:

Positions supervise medium to maximum facilities with more than 300 employees and more than 850 inmates/residents, including the psychiatric hospital, a Reception and Evaluation Center and/or specialized units such as "Super Max" maximum security or death row; or positions supervise the largest minimum security facilities with 201 to 300 employees and 501 to 850 inmates/residents.

### Examples of Work:

(Note: The examples of work listed in this class specification are not necessarily descriptive of any one position in the class. The omission of specific statements does not preclude management from assigning specific duties not listed herein if such duties are a logical assignment to the position. The intent of the listed examples is to give a general indication of the levels of difficulty and responsibility common to all positions in this class.)

Plans, prescribes, directs and supervises all security operations and other related administrative activities of a security facility to ensure the security, safety and welfare of inmates/residents.

Interviews, selects and orients employees and evaluates their performance; counsels employees and effects related personnel actions.

Develops long-range departmental requirements for security/treatment programs.

Prepares reports, special studies and staff papers, including recommendations relating to proposed changes in policies, operating procedures, rules, regulations and laws.

Briefs and orients visitors; prepares official responses to queries from inmates/residents and their relatives and from other persons in the public and private sector.

Participates in litigation involving the agency and appears as an expert witness during judicial proceedings.

Serves as chairman and conducts inter-institutional staff meetings; serves on departmental committees in various capacities.

### Knowledge, Skills and Abilities:

(Note: The knowledge, skills and abilities listed are not necessarily inclusive of the requirements for every position in the class.)

Knowledge of state laws concerning criminal procedures of penal facilities.

Knowledge of methods of prison administration.

Knowledge of the attitudes, problems and behavior of persons under restraint.

Ability to administer a custody facility, to instruct and supervise subordinates in work requirements and modern concepts of penology and to direct inmate/resident activities.

Ability to meet and deal effectively with the public.

### Necessary Special Requirement:

*LAW enforcement officer?*

### Minimum Requirements:

(Note: Additional requirements may be applicable for individual positions in the employing agency.)

A bachelor's degree and supervisory experience in a correctional environment.

4444 Broad River Road  
Columbia, SC 29210  
Phone: 803-896-3911  
Fax: 803-896-2811

**S.C. Dept. of Corrections  
Deputy Director for  
Operations**

# Fax

<b>To:</b> Mr. Roger Myers	<b>From:</b> Robert E. Ward
Office of State Inspector General	Acting Agency Director
<hr/>	<hr/>
<b>Fax:</b> 803-896-4309	<b>Date:</b> October 5, 2011
<hr/>	<hr/>
<b>Phone:</b> 803-896-4743	<b>Pages:</b> 6 Including cover
<hr/>	<hr/>
<b>Re:</b> Info. RE: Tyger River CI Employees	<b>CC:</b>
<hr/>	<hr/>

Urgent     For Review     Please Comment     Please Reply     Please Recycle

**•Comments:**

Attached is the information regarding the Tyger River Correctional Institution employees.



MARK SANFORD, Governor  
ION OZMINT, Director

## **SCDC'S RESPONSE TO SUMMARY, SYNOPSIS AND LAC'S LIMITED-SCOPE REVIEW**

For ease of reference and accuracy, the complete Summary, Synopsis and Limited-Scope Review, **with these responses embedded in the appropriate sections**, is available at: <http://www.doc.sc.gov/news/news.jsp>.

### **Overview of SCDC Response<sup>1</sup>**

Over the past five years, SCDC has been the most reviewed agency in state government. In addition to this LAC review, all or portions of the original false allegations leaked against this agency have been investigated or reviewed by SLED, the 3<sup>rd</sup> Circuit Solicitor's office, Clemson University, the Department of Health and Human Services, the Budget and Control Board, the Comptroller General's Office, and the U.S. Department of Justice's National Institute of Corrections.

We are gratified that eight reviews and this final report reached the same conclusion about the original allegations: many did not even warrant a consideration and the remainder were false.

Moreover, we are encouraged that two years of intense scrutiny of this large and complex agency found that this administration has improved public safety despite draconian budget cuts and rising inmate counts. And, we are pleased that multiple professional reviews and years of politically motivated scrutiny have revealed no fraud, no financial problems, and no mismanagement.

This remarkable outcome is especially gratifying since the allegations and review of this agency were largely directed and driven by a single senator who concealed his strong personal, political, and financial interests and bias against this agency: in other words, every possible stone has been turned.

### **Summary of SCDC responses to LAC/NIC Recommendations**

There are 19 recommendations in this report. The agency is already in compliance with all or part of recommendations 1, 2, 5, 9, 10, 11, 12, 13, and 17. We intend to comply with recommendations 6, 14, 15, and 17. The litigious legal climate of our state and constitutional concerns will likely preclude compliance with all or part of recommendations 3, 4, 5, and 7. Recommendation 8, selling the director's house, simply echoes a politically motivated attempt to treat this house differently than other state provided housing - that is really a legislative issue. Recommendation 16 may be precluded by limited resources and staff. And, recommendations 18 and 19, regarding on-going culture surveys, would be worthless unless done by fair-minded professionals on a recurring basis, as we noted early in this process and as the National Institute of Corrections confirmed. This is also a legislative issue as both would require adequate and recurring funding.

### **Historical Review**

Some review of the tortured and politicized process behind this audit is appropriate, since we are now over two years removed from those beginnings.

---

<sup>1</sup> We apologize for the length of this response. However, that length is necessitated by two primary factors: (1) a final LAC report that is 70 pages in length and somewhat repetitive (including both a summary and a synopsis, in addition to the final report); and, (2) our duty to address the political tainting of and interference in the LAC process by a single senator, who might well have broken the law by his actions.

In August 2007, thirty false allegations aimed at this agency and many of our employees, were 'leaked' from our state senate. Most of the false allegations for that "Initial Staff Report" were marshaled by Senator Phil Leventis; a vocal opponent of this administration with clear personal, political, and financial relationships and interests in former agency employees terminated for racial discrimination and other misconduct. The allegations were made anonymously and without any corroboration, but they were placed into the 'report,' replete with sensational language such as 'withholding food,' 'staff sex with inmates,' 'falsification of records,' 'abuse of inmates,' 'favoritism,' 'misuse of state property,' and 'senior management and obscenity.' There was even an allegation that law enforcement officers from SCDC and SLED knowingly allowed a hostage to be raped for political purposes.

This audit was born of that failed witch hunt. After SLED found insufficient evidence to even warrant opening an investigation, the LAC was called in.

The false allegations leaked in the "Initial Staff Report" were damaging to the reputations of many dedicated and hardworking employees of this agency: folks who come to work in prisons filled with violent, angry, and dangerous inmates. Those employees deserve an apology for the lies that were leaked, but they will never hear one. Such libelous conduct is all too common in our political discourse and those few who purvey it do so while hiding behind their self-granted and self-serving immunity. Others are sucked into the slanderous cacophony only later to claim ignorance. Few are ever big enough to simply say: "I was wrong. I apologize."

We are not a perfect agency. Our policies are not perfect and at times we fail to follow our own rules. We admit that we make mistakes and we welcome fair-minded assistance in identifying areas where we can improve. Our employees try hard to make us safer, but sometimes they get over-zealous, as with the Lee "inmate search" test incident.

According to the U.S. Chamber of Commerce, we operate in the state with the 7<sup>th</sup> worst civil justice system in the nation and like most state prison systems, we have long been the most costly insured of the IRF and the most sued agency a state where a 'litigation lottery', 'jackpot justice' civil justice system is costly to this state; this agency is not to blame for that litigious environment.

Most importantly, we do not "withhold food," we do not "falsify records," we do not "abuse inmates," we do not knowingly tolerate wrongdoing, and, we would never intentionally "allow a hostage to be raped." Your data and field work confirmed as much and, with few exceptions, we believe that your report fairly identifies specific, past instances where our performance has fallen short. In this respect, we commend you.

However, we were hopeful that your report would also prove that the LAC will not be used for political purposes and that no individual senator, regardless of seniority, will be allowed to cast the shadow of bias, control, and partiality over the audit process. Disclosing personal, political, and financial interests and involvement by a senior senator would have required firm resolve to follow Generally Accepted Government Auditing (GAGA) Standards and great courage to withstand the retaliation that would follow. In this respect, you failed.

Our larger concern is this: if the LAC does not request legislation that prevents individual lawmakers from intervening in, directing, or influencing the work and process of the LAC, public and agency trust in the LAC will continue to decline. And, when lawmakers attempt to gain access to protected information and disclose protected information (even on television), it should be the LAC, not the audited agency that reports such misconduct and seeks enforcement of the law.

## **LAC's Summary of Limited-Scope Review / Audit Results of SCDC**

### **Summary - SCDC's Funding**

#### **SCDC RESPONSE**

We commend you for adding inflation and inmate counts at our suggestion. However, we are confounded that you mention growth in medical costs, without noting that medical inflation for the U.S. South Region was 34.9%.

## **Summary - Performance Measures**

### **SCDC RESPONSE**

We requested that your statements in this section include more precision. Specifically, your use of the term "several" is inaccurate and imprecise. First, your language is inaccurate since "several" is commonly defined as "being of a number of more than two or three but not many." Your choice is imprecise since our FY 06-07 accountability report included 53 charts and graphs illustrating separate performance measures and you cite problems with two. In our response to your draft report, we simply asked that these specific numbers be used and we are confused as to why any professional auditor would knowingly choose less precision vice more precision.

As for your contentions about our state to state comparisons, we would have welcomed any "apples to apples" comparison of South Carolina's correctional funding, spending or staffing to other states.<sup>2</sup> We are disappointed that you refused to do so, not just because that would have reflected positively on this agency, but because we think that the LAC should be willing to expose facts, even when those facts reveal inadequate resources.

## **Summary - Personnel Issues**

### **SCDC RESPONSE**

In the first paragraph, we think that you should have noted that the NIC also reviewed SCDC's personnel practices and also found no favoritism: *"There are ample processes in place for employees to grieve or appeal actions that feel are unjust. These processes appear to be administered in a professional manner that provides many checks and balances and independent review installed to best insure impartiality in decision making."*

In the second paragraph of this section, we requested that you be more precise and include the following language: "In our random sample of 71 job announcements, we found two (3%) where SCDC did not comply with its policies: In one SCDC did not comply with its policies, and in the second a mathematical error was never detected. This second mistake resulted in the incorrect applicant being selected." To the extent that your language implies that we selected the incorrect applicant more than once, this paragraph is false. Again, we believe that professional auditors should err on the side of more precision, not less.

In the final paragraph of this section, dealing with courtesy interviews, we do not understand why you failed to note that a significant number of our courtesy interviews stem from legislative requests. While we agree with your recommendation and intended to end the practice, we think that you should have included this fact.

## **Summary - SCDC'S Inmate Feeding Policies**

### **SCDC RESPONSE**

SCDC Policy, ADM-16.05 provides that 'food will not be withheld due to disciplinary action...' Instead, our written policies simply allow inmates to choose not to participate in any voluntary evolution, including but not limited to meals, by their words or by their conduct.

In fact, our policies specifically limit the withholding of food, or feeding of special diets, from/to inmates in 'lock up' settings to circumstances where that inmate asks not to be fed or abuses or interferes with the meal process. This directly mirrors the policy in other states and ACA model policies. (See ACA Standard 4-4264.) Multiple federal courts have upheld identical policies.

Finally, in the years that this policy has been in effect, the legislative branch has not passed any legislation requiring that SCDC feed inmates who throw bodily waste, or otherwise fail to comply with prison rules. In fact, no such legislation has ever been proposed."

## **Summary - Director's Residence**

### **SCDC RESPONSE**

Our response to this subject is found in our response to the final Limited Scope Review, below. However, just as there were legitimate reasons for authorizing and providing the residence, there are legitimate policy and practical reasons that support keeping this option available. Furthermore, we believe that your inclusion of monthly utility costs without some context is

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<sup>2</sup> As of September 15, 2009, our inmate population is 24,039. We currently have 2,692 Correctional Officers, a 9 to 1 ratio. We currently have 3,879 total uniformed security staff, a 6.2 to 1 ratio. On this issue, the LAC is simply wrong.

intentionally deceptive: we informed you that the house itself was completed in 1974 using inmate labor, at a total cost of \$38,000. As such, the house is not energy efficient by any accepted measure. Also, you failed to note that the house sits surrounded on three sides by prison property and utility costs include five security lights that burn daily from dusk till dawn.

## Summary - Livestock

### SCDC RESPONSE

You reviewed all of our eleven policies and procedures that serve as 'controls' over the cattle operation. You found two controls that were not sufficient and two instances when two other controls were not fully implemented by staff. Again, we think that you should err on the side of more precision, not less. However, we appreciate your suggestions in this regard and we think that this paragraph should note that we have already made appropriate changes to our policy.

### \*MARGINAL NOTES AND FINAL REPORT COMMENTS ABOUT SCOPE IMPAIRMENT\*

### SCDC RESPONSE

Your double-standard on this topic is disappointing. First, we do not think that a single email and message to employees impaired your efforts under GAGA Standards, especially since that message concluded with the following admonition: "If you choose to answer the survey, do so honestly." Second, and most importantly, we are disappointed at your decision to violate GAGA Standards, in order to protect a member of the legislative branch.

The so-called "survey:" From the beginning, the problems with the proposed 'survey' were obvious: the survey was developed unilaterally in the politically charged atmosphere after the "leak" of the initial false allegations; it may have been influenced by Senator Leventis; it was a one-time survey, biased, full of leading and 'loaded' questions; and, your intention was to implement with no input from agency management, no plan for follow-up, and without comparative data or any plan for collecting the same.

Our concerns were immediately echoed by editorial pages across the state and were later confirmed by the NIC:

*Determining the culture of a correctional facility, much less a correctional agency, is a complex, time consuming effort that requires the commitment of the agency administration and the dedication of the key staff designated to manage the project. The National Institute of Corrections uses the Organizational Culture Inventory....*

*...the complexity involved in conducting a large scale, comprehensive survey to determine the baseline of existing employee satisfaction followed by identified prescriptive initiatives and subsequent evaluative instruments to determine progress is clearly outside the scope of this audit.*

We believe that you should have noted the following conclusion from the NIC Report, about the dangers and problems of such "one-time" surveys, in this section, as well:

*In conclusion, the complexity involved in coordinating a large scale, comprehensive survey to determine the baseline of existing employee satisfaction followed by identified prescriptive initiatives and subsequent evaluative instruments to determine progress is clearly outside the scope of this project.*

We made this point precisely in our letters to the LAC dated June 2, 2008, June 12, 2008, and June 27, 2008. In fact, we referenced the same continuing evaluative process and instrument used in the federal prison system and referenced in this NIC report. Then and now, we would welcome such a process.

Finally, we request that all of SCDC's correspondence on this issue, including copies of the proposed "survey," and the Director's mainframe message and e-mail, be attached to the final report and posted on your website. Those documents speak for themselves and include instructions to all employees to be truthful in responding.

By selectively ignoring the conclusions of the NIC subject matter experts, you give the appearance of blaming SCDC for your decision to abandon your flawed survey; in doing so, you diminish the credibility of your organization.

**The LAC's Violation of Generally Accepted Government Auditing Standards and assaults on the integrity and independence of the LAC process:** Pursuant to GAGA Standards, you are required to report all impairments to

entities. Often, it is used as leverage with which to encourage the state to pay a settlement in claims filed against the agency. SCDC's general counsel provided us with a list of 20 such cases, filed in federal court alone. These civil conspiracy claims were filed against state and local board members, employees and law enforcement officers in their personal capacity within the past two years. Legislation has been introduced in the house to address this issue."<sup>21</sup>

**Audit Results - Litigation Costs - Premiums**

**SCDC RESPONSE**

SCDC has no control over premium rates, policy language or exclusions. Premium increases are driven by a variety of factors, including inflation, which was 25.7% for this period. Prepaid Legal coverage can only be increased in increments set by the IRF. The rate is 10% of the coverage. Beginning in July 2002, SCDC increased prepaid legal coverage as follows:

**SCDC PREPAID LEGAL COVERAGE**

<u>Effective Date</u>	<u>Coverage</u>	<u>Premium</u>
FY 2001-02	\$ 85,000	\$ 8,500
FY 2002-03	\$ 85,000	\$ 8,500
FY 2003-04	\$ 85,000	\$ 8,500
FY 2004-05	\$ 85,000	\$ 8,500
FY 2005-06	\$235,000	\$23,500
FY 2006-07	\$235,000	\$23,500
FY 2007-08	\$485,000	\$48,500
FY 2008-09	\$485,000	\$48,500

As SCDC has increased coverage and spent more on costs and fees, the amount paid in settlements for such cases has decreased from \$127,520 in 2005 to \$351 in 2008. (See Table 2.11)"

**Audit Results – Litigation Costs - Conclusion**

**SCDC RESPONSE**

We requested that the third sentence of the second paragraph be modified as follows: "The increase in fees is attributable to several factors, including higher hourly rates and the filing of more inmate cases that are not fully covered by the IRF's general liability policy."

**Audit Results - SCDC Inmate Feeding Policies**

**SCDC RESPONSE**

We requested that you include the following: "SCDC's policies specifically limit the withholding of food, or feeding of special diets, from/to and inmates in 'lock up' settings to circumstances where that inmate asks not to be fed or abuses or interferes with the meal process. This directly mirrors the policy in other states and ACA model policies. (See ACA Standard 4-4264.)"

**Audit Results - SCDC Inmate Feeding Policies – Attorney General's Opinion**

**SCDC RESPONSE**

We suggest that the third sentence of the first paragraph of this section be changed as follows: "The opinion notes four Federal court cases from other states where inmates refused to comply with rules and the immediate and foreseeable consequence was that the inmate forfeited the opportunity to eat."

We suggest this change because these cases did not involve the use of food as a disciplinary tool. Instead, each of these courts specifically noted that when inmates interfere with the feeding process or choose not to eat, the disciplinary process is not necessarily invoked.

<sup>21</sup> Representative Murrell Smith sponsored the legislation

## **Audit Results - SCDC Inmate Feeding Policies - Other States and National Associations**

### **SCDC RESPONSE**

Since your inquiry to the ACA also misrepresented our policy - we do not withhold food as punishment or as a disciplinary measure, we only allow inmates to choose not to participate in any evolution - their reply was irrelevant. In fact, our policies mirror ACA policies.

## **Audit Results - SCDC Inmate Feeding Policies - SCDC Disciplinary Policies and Proced.**

### **SCDC RESPONSE**

We also requested that you include the following: "The legislature provided \$9,085,819 or \$1.08 per inmate per day for inmate food this year. By good stewardship, the agency was able to spend \$1.47. If SCDC adhered to the budget of the legislature, this issue would be largely moot, as the agency would deny all inmates almost one-third or one meal of their allotted 3,000 calories each and every day."<sup>22</sup>

We also asked for inclusion of the following: "Since this policy has been in effect, the legislative branch has not passed any legislation requiring that SCDC feed inmates who throw bodily waste, fail to wear their uniforms, expose themselves, or otherwise fail to comply with reasonable rules. In fact, no such legislation has even been proposed."

## **Audit Results - SCDC Inmate Feeding Policies - Recommendation**

### **SCDC RESPONSE**

You still misrepresent our policies and correctional policies on this topic. In fact, as we have already explained: if we were to follow your recommendation and specifically reference meal evolutions to the exclusion of all other evolutions, we would greatly increase the likelihood that our policy would be found unconstitutional.

The reality is that our policies are an accurate and legally precise reflection of what federal courts have upheld, and your suggestion would undo that precision. Accordingly, we must reject this recommendation.

## **Audit Results - Director's Residence**

### **SCDC RESPONSE**

The director's residence is a creation of the legislature and it could be sold. It was built with inmate labor in 1974. In each of the intervening 35 years, the legislature has authorized the continued use of this house, and just this past session, lawmakers rejected attempts to treat this house differently than other state provided housing.

Let's be frank about this as well: This topic of inquiry simply mimics the partisan rants of Senator Leventis, who included a budget proviso on this topic last year and hopes to use this recommendation to force Director Ozmint's family to move out of the director's house. His hypocrisy and partisanship are clear: this is a suggestion that he has never made during decades of democratic administrations and one that he has never made about other state employees who live in state housing. It is another attempt to intimidate in his continuing campaign of retribution against the Agency Director.

While the opinions of the LAC represent one side of this issue, your approach to this topic has been unbalanced and one-sided: you fail to fairly note the policy and historical reason behind the house and you fail to count the dozens of other state employees, including those at educational entities, who live in state-owned and operated housing.<sup>23</sup> That bias is glaring and inexcusable.

The home was built in 1974, with inmate labor, after appropriate approvals, as a condition of employment for a former director. The larger purpose of the home was to make it easier to attract applicants to the director's job: a position filled by four people over five years prior to the current director and a position where the average tenure across the nation varies between 18 to 24 months.

---

<sup>22</sup> Feeding inmates on the actual appropriations made for that purpose; now, that would be withholding food!

<sup>23</sup> Most of those other residents of state provided housing are not responsible for large and inherently dangerous 24/7 operations at more than thirty locations across the state.

Secondary purposes of providing homes to wardens/superintendents/directors were: to send a message to employees and citizens that these leaders felt safe living on prison property; to ensure that those leaders did have a personal stake in safe institutions; and, to make life a little easier for the families of directors... a job that is truly a 24/7 proposition.

As for the merits of your suggestion, selling the residence would produce no significant savings as the value of the home would be quite low. Also, any suggestion to do so during this time of depressed real estate would be comical, if not for the bad faith implications of doing so.

Your estimation of value ignores surrounding prison property, the numerous and large easements on the property and the nine prisons within one mile of the house. Even if the home was sold at over almost three times the value of the highest comparables in the surrounding neighborhood, doing so would not raise enough revenue to operate this agency for ten hours; the value of the home is much greater to the taxpayers in assisting future governors in attracting future directors.

Apparently, policy makers do not agree with your view of this issue: the LAC made the same recommendation in 1992 and again in 1999. Yet for over 15 years, four governors, ten general assemblies, and six corrections directors have rejected that recommendation. In fact, on a recent tour of the house, which is virtually surrounded by prison property, one state senator commented that selling the house would be "dumb" since the price would be low and the loss of a valuable asset to the state would be high.

### **Audit Results - Director's Residence - Recommendation**

#### **SCDC RESPONSE**

We believe that the relatively negligible and short term financial gain to be derived from selling the house are far outweighed by the long term benefits of preserving it as an asset for the state and future administrations. Therefore, we do not intend to follow your recommendation in this regard.

### **Audit Results - Livestock**

#### **SCDC RESPONSE**

We requested that the last sentence of this section be made more precise: "We reviewed eleven policies and procedures that serve as 'controls' over the cattle operation. In our opinion, two controls are not sufficient, and we found two instances when two other controls were not fully implemented by staff."

### **Audit Results - Livestock - LAC Review of Internal Controls**

#### **SCDC RESPONSE**

SCDC has complied with its policy for dairy cow/beef cattle verification with one exception: the second ear tag inventory at Wateree River CI in 2008. Dairy cows are accounted for on a monthly basis while beef cattle are accounted for on a semi-annual basis.

Since the policy changes following the theft incident, SCDC has been in compliance by having someone, who is a disinterested third party, observe visually the disposal of a carcass. The policy is being changed again, to denote that only photographic verification will be required.

### **Audit Results - Livestock - Recommendations**

#### **SCDC RESPONSE**

As for recommendation 9, 10, and 11, we appreciate your assistance and we are already in compliance with these recommendations. With regard to recommendation 12, our policies already require the same.

### **Audit Results - Procurement of Tree Cutting Services**

#### **SCDC RESPONSE to Entire Section**

No state law prohibits SCDC or any other state agency from contracting with a vendor who was a former inmate or that employs former inmates. Such a blanket prohibition would be somewhat inconsistent with statutory and policy requirements

to rehabilitate, reform and assist with re-entry into society.<sup>24</sup> In fact, SCDC policy does address the hiring of former inmates and access by former inmates to SCDC prisons and the LAC found no violations of those policies.

### **Audit Results - Procurement of Tree Cutting Services - Recommendation**

#### **SCDC RESPONSE**

We are already in compliance with this recommendation.

## **Chapter 3 - National Institute of Corrections Review (NIC)**

#### **SCDC RESPONSE**

The NIC also reviewed SCDC's personnel policies, culture and efficiency, as discussed previously.

### **NIC Review - Hostage Situations**

#### **SCDC RESPONSE**

At no time during the negotiation/rescue process did SCDC and SLED forfeit the ability to use lethal force: we simply added the non-lethal option, so that both options would be available if needed. We want to be perfectly clear on this point: there is absolutely no documentation that states or suggests that lethal weapons were removed from Ridgeland Correctional Institution or from the SCDC and SLED personnel on the scene that night.

### **NIC Review - Hostage Situations - Recommendation**

#### **SCDC RESPONSE**

The NIC recommended that OP-22.29 be revised to incorporate a command philosophy more in keeping with that found in the FEMA/NIMS incident management system.

We intend to follow this NIC recommendation, in part, because we believe that the FEMA/NIMS language is even more flexible than our current language.

### **NIC Review - Knife Incident**

#### **SCDC RESPONSE**

The NIC concluded the following:

Absent the actual shank, the use of the use of the inmate to test staff performance is significantly less problematic, but still not generally a good practice. It appears to us that the Major had strong suspicion that the inmate would not be searched properly, if searched at all, and intended to send a strong message to staff involved by using an actual shank of what could happen when search procedures were not followed.(sic). While his point was certainly a good one, his methodology for emphasizing its importance was not acceptable. However, after the Major's suspicions were confirmed, one of the officers who failed to properly search the inmate claimed that the test was done in retaliation for her complaints of sexual harassment. However, a check of the Employee Relations Branch of the agency revealed that no such complaints had been made prior to this test of search practices.

### **NIC Review - Knife Incident - Recommendation**

#### **SCDC RESPONSE**

We intend to implement the NIC recommendation.

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<sup>24</sup> For example, even page 3 of your draft report cites S.C. Code, Section 24-1-20: "It shall be the policy of this State in the operation and management of the Department of Corrections to manage and conduct the Department in such a manner as will be consistent with the operation of a modern prison system and with the views of making the system self-sustaining, and that those convicted of violating the laws and sentenced, shall have humane treatment and be given opportunity, encouragement and training in the matter of reformation." (Emphasis added.)

## **NIC Review - Internal Controls Over Keys, Weapons, and Ammunition**

### **Keys**

#### **SCDC RESPONSE**

The NIC specifically stated: "It is important to note that keys are lost and inmates alter and attempt to fabricate them in all jurisdictions and that such incidents will continue despite our best efforts."

## **NIC Review - Internal Controls Over Keys, Weapons, and Ammunition**

### **Recommendations**

#### **SCDC RESPONSE**

We are considering the fiscal and resource impacts of recommendation 16 relating to quarterly inventories. We have already taken steps to reduce the number of master keys.

We are already in compliance with recommendation 17.

## **NIC Review - Employee Job Satisfaction Data**

#### **SCDC RESPONSE**

In fact, the NIC only mentioned SCDC's staff related data collection methods twice, both on page 29 of the report. In the past, we have repeatedly made specific budget requests for IT infrastructure.

## **NIC Review - Employee Job Satisfaction Data - Recommendations**

#### **SCDC RESPONSE**

We cannot comply with recommendations 18 and 19 until the legislature provides adequate funding for a host of higher priority needs in this agency and then provides adequate recurring funding for these two recommendations.

## **Chapter 4 - Additional Issues**

### **Additional Issues - Confidential License Plates on State Vehicles**

#### **SCDC RESPONSE**

Since the previous administration, SCDC has reduced the total number of assigned vehicles and the number of assigned commuting vehicles. Currently, out of 89 vehicles with assigned plates, 28 are assigned to Wardens, and 30 are assigned to certified Class I law enforcement officers in the Investigations Division, and 13 are assigned to certified Class II and III law enforcement officers. Out of the remaining 18, SCDC intends to remove confidential tags from 12. When SCDC removed commuting privileges from certain positions, the agency neglected to seek removal of the confidential plates for those vehicles. As a result of this audit, the agency has decided to do so. Out of the remaining 6 vehicles with confidential tags, two are spare K-9 and undercover vehicles to be retained for the Division of Investigations, one is assigned to the Division Director for Programs and Services, and two are assigned to Assistant Deputies in the Operations Division. The remaining vehicle, formerly utilized by the Division of Investigations, will be re-assigned for general pool usage with a non-confidential license plate.

STATE OF SOUTH CAROLINA  
**State Budget and Control Board**  
OFFICE OF THE EXECUTIVE DIRECTOR

MARK SANFORD, CHAIRMAN  
GOVERNOR

CONVERSE A. CHELLIS III, CPA  
STATE TREASURER

RICHARD ECKSTROM, CPA  
COMPTROLLER GENERAL



P.O. BOX 12444  
COLUMBIA, SOUTH CAROLINA 29211  
(803) 734-2320  
FAX: (803) 734-2117

HUGH K. LEATHERMAN, SR.  
CHAIRMAN, SENATE FINANCE COMMITTEE

DANIEL T. COOPER  
CHAIRMAN, WAYS AND MEANS COMMITTEE

FRANK W. FUSCO  
EXECUTIVE DIRECTOR

October 5, 2009

Thomas J. Bardin, Jr.  
Director  
South Carolina Legislative Audit Council  
1331 Elmwood Ave, Suite 315  
Columbia, S.C. 29201

Dear Mr. Bardin:

Thank you for the opportunity to comment on your audit, *A Limited-Scope Review of the Department of Corrections*. Concerning the issue of confidential tags, state agency heads must certify and justify any requests for the issuing of confidential tags for a state vehicle. State Fleet Management will review with the Department of Corrections (and the State Law Enforcement Division, where appropriate), the use of unmarked/confidential plates on department vehicles.

Sincerely,

A handwritten signature in cursive script that reads "Frank W. Fusco".  
Frank W. Fusco

October 6, 2011

To: Robert Myers

From: Major James Parrish

Fax#: 803-896-4309

18/05/2011 14:20

0039261910

SANDHILLS MIDDLE

PAGE 02

0038963544

12:25:28 10-06-2011

1/2

MMFI210D SOUTH CAROLINA DEPARTMENT OF CORRECTIONS 07/06/11  
 TSMFPA PREVIOUSLY RECEIVED MESSAGE - DETAIL SHERBER  
 MMFI210M  
 MESSAGE ID: PARRJAM 0323 SUBJECT: UNIFORM AND PERSONAL APPEARANCE  
 FROM USERID: PARRJAM CREATED: 07/05/11 SENT: 07/05/11 RECEIVED: 07/05/11  
 FROM USER...: PARRISH, JAMES M DELETE DATE: 07/12/11  
 SEND TIME-10:18

SUPERVISORS.

IT IS YOUR RESPONSIBILITY TO HOLD YOUR STAFF ACCOUNTABLE FOR AGENCY UNIFORM/GROOMING STANDARDS. ONE OF MY MAIN FOCUSES SINCE I HAVE BEEN AT TYRCI HAS BEEN FOR SUPERVISOR? STAFF TO SET THE EXAMPLE FOR THEIR SUBORDINATES WHEN IT COMES TO PERSONAL APPEARANCE. THIS ALSO EXTENDS TO BEING OUT OF SHAPE AND OVERWEIGHT. THE FIVE BRANCHES OF THE US MILITARY HAVE STANDARDS OF APPEARANCE WHICH THEY HOLD THEIR PERSONNEL ACCOUNTABLE FOR. BEING GROSSLY OVERWEIGHT IS GROUNDS FOR GENERAL DISCHARGE DUE TO MILITARY APPEARANCE AND INABILITY TO PERFORM ESSENTIAL FUNCTIONS OF THE JOB. THAT IS NOT THE CASE IN SCDC(YET). THE MIRROR IN THE VISITATION ROOM IS FOR STAFF TO UTILIZE TO ENSURE THEY ARE IN COMPLIANCE WITH GROOMING AND ATTIRE POLICIES. I WILL BE DOING INSPECTIONS OF YOUR SHIFTS OVER THE NEXT FEW WEEKS. I WILL HOLD YOU ACCOUNTABLE FOR ENSURING  
 DELETE? N PRINT ROUTING? Y

USER MESSAGE DISPLAYED. PRESS CLEAR TO RETURN TO MENU.

F1=HELP F3=REPLY F4=COPY F5=FORWARD F6=VIEW ROUTE PF9=NEXT MSG F12=PRINT  
 4-0 1 Sess-1 167.7.50.33 SCDC1135 21/59

10/06/2011 14:20

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SANDHILLS MIDDLE

PAGE 03

0032963544

12:25:50 10-06-2011

2/2

MMFI210D SOUTH CAROLINA DEPARTMENT OF CORRECTIONS 07/06/11  
 TSMFA PREVIOUSLY RECEIVED MESSAGE - DETAIL SHERBER  
 MMFI110M  
 MESSAGE ID: PARRJAM 0323 SUBJECT: UNIFORM AND PERSONAL APPEARANCE  
 FROM USERID: PARRJAM CREATED: 07/05/11 SENT: 07/05/11 RECEIVED: 07/05/11  
 FROM USER...: PARRISH, JAMES M DELETE DATE: 07/12/11  
 SEND TIME-10:18

THAT YOUR STAFF IS COMPLIANT WITH GROOMING AND ATTIRE STANDARDS. IF SHIRTS  
 AND UNIFORM PANTS DON'T FIT PROPERLY THEN YOUR STAFF NEEDS TO TAKE THE PROPER  
 STEPS TO MAKE SURE THEY DO. IF YOU HAVE QUESTIONS PLEASE CONTACT ME.

MAJOR JAMES PARRISH

DELETE? N PRINT ROUTING? Y

USER MESSAGE DISPLAYED. PRESS CLEAR TO RETURN TO MENU.

F1=HELP F3=REPLY F4=COPY F5=FORWARD F6=VIEW ROUTE PF9=NEXT MSG F12=PRINT  
 4.0 1 5e88-1 167.7.50.33 SCDC1135 21/59

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		Notice Left	September 30, 2011, 7:03 am	COLUMBIA, SC 29211	
		Forwarded	September 24, 2011, 10:14 am	COLUMBIA, SC	
		Arrival at Unit	September 24, 2011, 5:16 am	COLUMBIA, SC 29201	
		Acceptance	September 23, 2011, 12:45 pm	DUNCAN, SC 29334	

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4444 Broad River Road  
Columbia, SC 29210  
Phone: 803-896-3911  
Fax: 803-896-2811

**S.C. Dept. of Corrections  
Deputy Director for  
Operations**

# Fax

**To:** Mr. Roger Myers **From:** Robert E. Ward  
 Office of State Inspector General Acting Agency Director

---

**FAX:** 803-896-4309 **Date:** October 12, 2011

---

**Phone:** 803-896-4743 **Pages:** 3 including cover

---

**Re:** Info. RE: James Uzzell, III-Tyger River CI **CC:**

---

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---

**-Comments:**

**Attached is the information requested regarding employee James Uzzell/Tyger River CI.**

4444 Broad River Road  
Columbia, SC 29210  
Phone: 803-896-3911  
Fax: 803-896-2811

**S.C. Dept. of Corrections  
Deputy Director for  
Operations**

# Fax

<b>To:</b> Mr. Roger Myers	<b>From:</b> Robert E. Ward
Office of State Inspector General	Acting Agency Director
<b>Fax:</b> 803-896-4309	<b>Date:</b> October 13, 2011
<b>Phone:</b> 803-896-4743	<b>Pages:</b> 15 including cover
<b>Re:</b> Info. RE: James Uzzell, III-Tyger River CI <b>CC:</b>	

Urgent     For Review     Please Comment     Please Reply     Please Recycle

**•Comments:**

**Attached is the information requested regarding employee James Uzzell/Tyger River CI.**

LVEI130D SCDC PERSONNEL SYSTEM 10/13/11  
 LVEI130M LEAVE & ATTENDANCE C000175  
 PSLEAVEA LEAVE BALANCES & YTD DETAILS BALANCE2

NON-EXEMPT

SSN/EMPL#: [REDACTED] NAME: UZZELL III JAMES  
 LOCATION: 31161 HIRE DATE: 05/26/09 LVE ACCR DATE: 05/26/09 JOB CLASS: JD35  
 BALANCES

ANNUAL LEAVE: 0143.25 SICK LEAVE: 0150.00 HOLIDAY COMP: 0009.00  
 EMERGENCY LEAVE: 000.00 ANNUAL POOL: 0000.00 SICK POOL: 0000.00  
 HAZ WEATH COMP: 000.00 MAN FURL : 0000.00 RATES/ANN: 10.00 SICK: 10.00

\*\* LEAVE DETAILS \*\* LEAVE TYPE: H YEAR: 2010

CODE	DESCRIPTION	ACC/TKN	DATE	DAY	HOURS	STATUS
T	HOLIDAY TAKEN	T	08/30/10	MON	0012.00	A
HL	HOLIDAY LOST	T	08/15/10	SUN	0001.25	A
T	HOLIDAY TAKEN	T	07/21/10	WED	0002.75	A
H	HOLIDAY EARNED	A	07/05/10	MON	0008.00	A
T	HOLIDAY TAKEN	T	07/04/10	SUN	0012.00	A
HL	HOLIDAY LOST	T	07/01/10	THU	0008.00	A
HL	HOLIDAY LOST	T	06/27/10	SUN	0008.00	A
HL	HOLIDAY LOST	T	06/24/10	THU	0006.50	A
T	HOLIDAY TAKEN	T	06/15/10	TUE	0009.50	A
H	HOLIDAY EARNED	A	05/31/10	MON	0008.00	A

PF KEYS: 7: PAGE BACK 8: PAGE FORWARD 10: MENU PAGE 0001

DC900008 \*\* PLEASE ENTER A VALID SSN OR EMPLOYEE # OR CLEAR TO EXIT \*

LVE1130D SCDC PERSONNEL SYSTEM 10/13/11  
 LVE1130M LEAVE & ATTENDANCE C000175  
 PSLEAVEA LEAVE BALANCES & YTD DETAILS BALANCE2

NON-EXEMPT

SSN/EMPL#: ██████████ NAME: UZZELL III JAMES  
 LOCATION: 31161 HIRE DATE: 05/26/09 LVE ACCR DATE: 05/26/09 JOB CLASS: JD35

BALANCES

ANNUAL LEAVE: 0143.25 SICK LEAVE: 0150.00 HOLIDAY COMP: 0009.00  
 EMERGENCY LEAVE: 000.00 ANNUAL POOL: 0000.00 SICK POOL: 0000.00  
 HAZ WEATH COMP: 000.00 MAN FURL : 0000.00 RATES/ANN: 10.00 SICK: 10.00

\*\* LEAVE DETAILS \*\* LEAVE TYPE: H YEAR: 2010

CODE	DESCRIPTION	ACC/TKN	DATE	DAY	HOURS	STATUS
HL	HOLIDAY LOST	T	05/27/10	THU	0008.00	A
HL	HOLIDAY LOST	T	05/26/10	WED	0008.00	A
HL	HOLIDAY LOST	T	05/11/10	TUE	0002.50	A
H	HOLIDAY EARNED	A	05/10/10	MON	0005.00	A
H	HOLIDAY EARNED	A	02/15/10	MON	0008.00	A
H	HOLIDAY EARNED	A	01/18/10	MON	0008.00	A
T	HOLIDAY TAKEN	T	01/06/10	WED	0012.00	A
T	HOLIDAY TAKEN	T	01/05/10	TUE	0001.00	A
H	HOLIDAY EARNED	A	01/01/10	FRI	0008.00	A

PF KEYS: 7: PAGE BACK 8: PAGE FORWARD 10: MENU PAGE 0002  
 DC900008 \*\* PLEASE ENTER A VALID SSN OR EMPLOYEE # OR CLEAR TO EXIT \*

LVEI1300 SCDC PERSONNEL SYSTEM 10/13/11  
 LVEI130M LEAVE & ATTENDANCE C00Q175  
 PSLEAVEA LEAVE BALANCES & YTD DETAILS BALANCE2

NON-EXEMPT  
 SSN/EMPL#: [REDACTED] NAME: UZZELL III JAMES  
 LOCATION: 31161 HIRE DATE: 05/26/09 LVE ACCR DATE: 05/26/09 JOB CLASS: JD35

BALANCES  
 ANNUAL LEAVE: 0143.25 SICK LEAVE: 0150.00 HOLIDAY COMP: 0009.00  
 EMERGENCY LEAVE: 000.00 ANNUAL POOL: 0000.00 SICK POOL: 0000.00  
 HAZ WEATH COMP: 000.00 MAN FURL : 0000.00 RATES/ANN: 10.00 SICK: 10.00

\*\* LEAVE DETAILS \*\* LEAVE TYPE: H YEAR: 2009

CODE	DESCRIPTION	ACC/TKN	DATE	DAY	HOURS	STATUS
H	HOLIDAY EARNED	A	12/28/09	MON	0008.00	A
H	HOLIDAY EARNED	A	12/25/09	FRI	0008.00	A
H	HOLIDAY EARNED	A	12/24/09	THU	0008.00	A
H	HOLIDAY EARNED	A	11/27/09	FRI	0008.00	A
H	HOLIDAY EARNED	A	11/26/09	THU	0008.00	A
H	HOLIDAY EARNED	A	11/11/09	WED	0008.00	A
T	HOLIDAY TAKEN	T	10/06/09	TUE	0000.50	A
H	HOLIDAY EARNED	A	09/07/09	MON	0008.00	A

PF KEYS: 7: PAGE BACK 8: PAGE FORWARD 10: MENU PAGE 0001  
 DC900163 \*\* RECORD FOUND; PF2 - ENTER NEW SSN; PF10 - MAIN MENU; PF11 - QUIT

4-@ 1 Sess-1 167.7.50.33 SCDC1038 5/13



### SOUTH CAROLINA DEPARTMENT OF CORRECTIONS LEAVE AND ATTENDANCE REPORT

I. SSN / Employee# [REDACTED] Employee Name URZELL, J Location 961

Cycle Begin Date 5/8/10 Schedule: 12 Hr. Card ( ) A ( ) B ( ) D ( ) E or ( ) 7.5 ( ) 10 hr.

Days Off \_\_\_\_\_ Shift: ( ) 1st ( ) 2nd ( ) 3rd

II. Check Correct Cycle  
( ) Sunday - Saturday  
(x) Saturday - Friday

Hours Worked	N (0000)	8	9	10	11	12	13	14	HOURS
		Sun	Mon	Tues	Wed	Thurs	Fri	Sat	HOURS
Annual Leave Taken	A								
Sick Leave Taken	S								
Relative Sick Leave Taken	R								
Holiday Time Taken	T								
Funeral Leave Taken	F								
Military Leave Taken									
Leave Without Pay									
Inmate Assault Leave Taken	I								
Election / Jury Duty Leave	D								
Shift Differential Regular	X								
Shift Differential Weekend	X								
State Declared Emergency Leave	E								
State Declared Emergency Make-up	X								

#### OTHER NON-KEYED INFORMATION

Holiday Time Observed None 3.0 3.0

ACTUAL TIME (Minutes)	INTERVAL (Minutes)	ENTRY (Decimal)	ACTUAL TIME (Minutes)	INTERVAL (Minutes)	ENTRY (Decimal)
0-15	0	0	31-34.5	33	0.55
16-45	3	0.05	34.6-37.5	36	0.60
46-75	6	0.10	37.6-40.5	39	0.65
76-105	9	0.15	40.6-43.5	42	0.70
106-135	12	0.20	43.6-46.5	45	0.75
136-165	15	0.25	46.6-49.5	48	0.80
166-195	18	0.30	49.6-52.5	51	0.85
196-225	21	0.35	52.6-55.5	54	0.90
226-255	24	0.40	55.6-58.5	57	0.95
256-285	27	0.45	58.6-60.0	60	1.00
286-315	30	0.50			

EXHAUSTION OF TIME AND ACCUMULATED LEAVE MAY RESULT IN TERMINATION OF EMPLOYMENT

Jamie Lopez 5-14-10  
Employee Signature Date

Wanda Byrd 5/14/10  
Supervisor Signature Date

### SOUTH CAROLINA DEPARTMENT OF CORRECTIONS LEAVE AND ATTENDANCE REPORT

I. SSN: Employee [REDACTED] Employee Name 42204 J Location 061

Cycle Begin Date 5/15/10 Schedule: 12 Hr. Card (  ) A (  ) B (  ) D (  ) E or (  ) 7.5 (  ) 10 hr.

Days Off \_\_\_\_\_ Shift: (  ) 1st (  ) 2nd (  ) 3rd

II. Check Correct Cycle

- Sunday - Saturday
- Saturday - Friday

KEY (CODE)	15	16	17	18	19	20	21	HOURS
	Sun	Mon	Tues	Wed	Thurs	Fri	Sat	

Hour	Worked	N	0	0	0	12.25	14.25	12.25	0	38.75
Annual Leave Taken	A									
Sick Leave Taken	S									
Relative Sick Leave Taken	R									
Holiday Time Taken	T									
Funeral Leave Taken	F									
Military Leave Taken										
Leave Without Pay										
Inmate Assault Leave Taken	I									
Election / Jury Duty Leave	D									
Shift Differential Regular	X									
Shift Differential Weekend	X									
State Declared Emergency Leave	E									
State Declared Emergency Make-up	X									

#### OTHER NON-KEYED INFORMATION

Holiday Time Observed

None

ACTUAL TIME (Minutes)	INTERVAL (Minutes)	ENTRY (Decimals)	ACTUAL TIME (Minutes)	INTERVAL (Minutes)	ENTRY (Decimals)
0.45	0	0	11.6-34.5	33	0.55
1.6-45	3	0.05	34.6-37.5	36	0.60
4.6-45	6	0.10	37.6-40.5	39	0.65
7.6-45	9	0.15	40.6-43.5	42	0.70
10.6-45	12	0.20	43.6-46.5	45	0.75
13.6-45	15	0.25	46.6-49.5	48	0.80
16.6-45	18	0.30	49.6-52.5	51	0.85
19.6-45	21	0.35	52.6-55.5	54	0.90
22.6-45	24	0.40	55.6-58.5	57	0.95
25.6-45	27	0.45	58.6-60.0	60	1.00
28.6-45	30	0.50			

EXPLANATION OF TIME AND ATTENDANCE MAY BE SEEN IN REMARKS OR COMMENTS

James Lopez S-20-10  
Employee Signature Date

Carl Duncan Capt 5/20/10  
Supervisor Signature Date

### SOUTH CAROLINA DEPARTMENT OF CORRECTIONS LEAVE AND ATTENDANCE REPORT

I. SSN / Employee # [REDACTED] Employee Name UZZELL, J Location 061  
 Cycle Begin Date 5/22/10 Schedule: 12 Hr. Card (  ) A (  ) B (  ) D (  ) E or (  ) 7.5 (  ) 10 hr.  
 Days Off \_\_\_\_\_ Shift: (  ) 1st (  ) 2nd (  ) 3rd

II. Check Correct Cycle  
 Sunday - Saturday  
 Saturday - Friday

KEY CODE	22	23	24	25	26	27	28	HOURS
	Sun	Mon	Tues	Wed	Thurs	Fri	Sat	HOURS

Hours Worked	N	Sun	Mon	Tues	Wed	Thurs	Fri	Sat	HOURS
Annual Leave Taken	A								
Sick Leave Taken	S								
Relative Sick Leave Taken	R								
Holiday Time Taken	T								
Funeral Leave Taken	F								
Military Leave Taken									
Leave Without Pay									
Inmate Assault Leave Taken	I								
Election / Jury Duty Leave	D								
Shift Differential Regular	X								
Shift Differential Weekend	X								
State Declared Emergency Leave	E								
State Declared Emergency Make-up	X								

#### OTHER NON-KEYED INFORMATION

Holiday Time Observed None

ACTUAL TIME (Minutes)	INTERVAL (Minutes)	ENTRY (Decimals)	ACTUAL TIME (Minutes)	INTERVAL (Minutes)	ENTRY (Decimals)
0-0	0	0	11.6-34.5	33	0.55
1.6-1.5	3	0.05	34.6-37.5	36	0.60
4.6-1.5	6	0.10	37.6-40.5	39	0.65
7.6-1.5	9	0.15	40.6-43.5	42	0.70
10.6-1.5	12	0.20	43.6-46.5	45	0.75
13.6-1.5	15	0.25	46.6-49.5	48	0.80
16.6-1.5	18	0.30	49.6-52.5	51	0.85
19.6-1.5	21	0.35	52.6-55.5	54	0.90
22.6-1.5	24	0.40	55.6-58.5	57	0.95
25.6-1.5	27	0.45	58.6-60.0	60	1.00
28.6-1.5	30	0.50			

EXERCISE CAUTION OF TIME AND ATTENDANCE MAY RESULT IN TERMINATION OF EMPLOYMENT

James Uzzell 5-22-10  
 Employee Signature Date

Co-Director Capt. Slaton 5/22/10  
 Supervisor Signature Date

### SOUTH CAROLINA DEPARTMENT OF CORRECTIONS LEAVE AND ATTENDANCE REPORT

I. SSN / Employee# [REDACTED] Employee Name UZZELL J Location 061  
 Cycle Begin Date 5/29/10 Schedule: 12 Hr Card (  ) A (  ) B (  ) D (  ) E or (  ) 7.5 (  ) 10 hr.  
 Days Off \_\_\_\_\_ Shift: (  ) 1st (  ) 2nd (  ) 3rd

II. Check Correct Cycle 29 30 31 1 2 3 4  
 Sunday - Saturday  
 Saturday - Friday

	KEY (CODE)	Sun	Mon	Tues	Wed	Thurs	Fri	Sat	HOURS
		Sat	Sun	Mon	Tues	Wed	Thurs	Fri	
Hours Worked	N		12.25	12.25	0	0	0	11.25	35.75
Annual Leave Taken	A								
Sick Leave Taken	S								
Relative Sick Leave Taken	R								
Holiday Time Taken	T								
Funeral Leave Taken	F								
Military Leave Taken									
Leave Without Pay									
Inmate Assault Leave Taken	I								
Election / Jury Duty Leave	D								
Shift Differential Regular	X								
Shift Differential Weekend	X								
State Declared Emergency Leave	E								
State Declared Emergency Make-up	X								

#### OTHER NON-KEYED INFORMATION

Holiday Time Observed None

ACTUAL TIME (Minutes)	INTERVAL (Minutes)	ENTRY (Decimal)	ACTUAL TIME (Minutes)	INTERVAL (Minutes)	ENTRY (Decimal)
0-45	0	0	31.6-34.5	33	0.55
1.6-45	3	0.05	34.6-37.5	36	0.60
4.6-75	6	0.10	37.6-40.5	39	0.65
7.6-10.5	9	0.15	40.6-43.5	42	0.70
10.6-13.5	12	0.20	43.6-46.5	45	0.75
13.6-16.5	15	0.25	46.6-49.5	48	0.80
16.6-19.5	18	0.30	49.6-52.5	51	0.85
19.6-22.5	21	0.35	52.6-55.5	54	0.90
22.6-25.5	24	0.40	55.6-58.5	57	0.95
25.6-28.5	27	0.45	58.6-61.5	60	1.00
28.6-31.5	30	0.50			

VALIDATION OF TIME AND ATTENDANCE MAY RESULT IN TERMINATION OF EMPLOYMENT

James Lippell 6-5-10  
 Employee Signature Date

Casey Duncan 6/5/10  
 Supervisor Signature Date

### SOUTH CAROLINA DEPARTMENT OF CORRECTIONS LEAVE AND ATTENDANCE REPORT

I. SSN / Employee# [REDACTED] Employee Name LEWIS J Location 067  
 Cycle Begin Date 6/5/10 Schedule: 12 Hr. Card (A) (B) (D) (E) or ( ) 7.5 ( ) 0 hr.  
 Days Of \_\_\_\_\_ Shift: ( ) 1st ( ) 2nd ( ) 3rd

II. Check Correct Cycle  
 Sunday - Saturday  
 Saturday - Friday

	KEY CODE	Sun	Mon	Tues	Wed	Thurs	Fri	Sat	HOURS
		Sat	Sun	Mon	Tues	Wed	Thurs	Fri	
Hours Worked	N	12.25	12.25	12.25	0	0	12.25	12.25	61.25
Annual Leave Taken	A								
Sick Leave Taken	S								
Relative Sick Leave Taken	R								
Holiday Time Taken	T								
Funeral Leave Taken	F								
Military Leave Taken									
Leave Without Pay									
Inmate Assault Leave Taken	I								
Election / Jury Duty Leave	D								
Shift Differential Regular	X								
Shift Differential Weekend	X								
State Declared Emergency Leave	E								
State Declared Emergency Make-up	X								

#### OTHER NON-KEYED INFORMATION

Holiday Time Observed None

ACTUAL TIME (Minutes)	INTERVAL (Minutes)	ENTRY (Decimal)	ACTUAL TIME (Minutes)	INTERVAL (Minutes)	ENTRY (Decimal)
0-15	0	0	31-24.5	33	0.55
1-45	3	0.05	34-37.5	36	0.60
4-75	6	0.10	37-40.5	39	0.65
7-105	9	0.15	40-43.5	42	0.70
10-135	12	0.20	43-46.5	45	0.75
13-165	15	0.25	46-49.5	48	0.80
16-195	18	0.30	49-52.5	51	0.85
19-225	21	0.35	52-55.5	54	0.90
22-255	24	0.40	55-58.5	57	0.95
25-285	27	0.45	58-60.0	60	1.00
28-315	30	0.50			

EXaggeration of Time and Attendance may result in Termination of Employment

Danny Lippell 6-11-10  
 Employee Signature Date

Ad Duncan Capt 6/11/10  
 Supervisor Signature Date

### SOUTH CAROLINA DEPARTMENT OF CORRECTIONS LEAVE AND ATTENDANCE REPORT

I. SSN / Employee # [REDACTED] Employee Name UZZELL, J Location 061

Cycle Begin Date 6/12/10 Schedule: 12 Hr Card (  ) A (  ) B (  ) D (  ) E or (  ) 7.5 (  ) 80 hr.

Days Off \_\_\_\_\_ Shift: (  ) 1st (  ) 2nd (  ) 3rd

II. Check Correct Cycle  
( ) Sunday - Saturday  
(x) Saturday - Friday

	KEY (CODE)	12	13	14	15	16	17	18	HOURS
		Sun	Mon	Tues	Wed	Thurs	Fri	Sat	HOURS
Hours Worked	N	0	0	0		12.5	12.5	0	24.5
Annual Leave Taken	A								
Sick Leave Taken	S								
Relative Sick Leave Taken	R								
Holiday Time Taken	T				12.6				12.6
Funeral Leave Taken	F								
Military Leave Taken									
Leave Without Pay									
Inmate Assault Leave Taken	I				9.50				9.50
Election / Jury Duty Leave	D								
Shift Differential Regular	X								
Shift Differential Weekend	X								
State Declared Emergency Leave	E								
State Declared Emergency Make-up	X								

*Please enter  
9.50 H. of leave taken*

*Thanks!*

#### OTHER NON-KEYED INFORMATION

Holiday Time Observed None

ACTUAL TIME (Minutes)	INTERVAL (Minutes)	ENTRY (Decimal)	ACTUAL TIME (Minutes)	INTERVAL (Minutes)	ENTRY (Decimal)
0-05	0	0	31.6-34.5	33	0.55
1.6-05	3	0.05	34.6-37.5	36	0.60
4.6-05	6	0.10	37.6-40.5	39	0.65
7.6-10.5	9	0.15	40.6-43.5	42	0.70
10.6-13.5	12	0.20	43.6-46.5	45	0.75
13.6-16.5	15	0.25	46.6-49.5	48	0.80
16.6-19.5	18	0.30	49.6-52.5	51	0.85
19.6-22.5	21	0.35	52.6-55.5	54	0.90
22.6-25.5	24	0.40	55.6-58.5	57	0.95
25.6-28.5	27	0.45	58.6-60.0	60	1.00
28.6-31.5	30	0.50			

FAILURE TO SIGN OR LEAVE AND ATTENDANCE MAY RESULT IN TERMINATION OF EMPLOYMENT

Employee Signature James Uzzell Date 6-17-10

Supervisor Signature Col. Duncan Date 6/17/10

MAILED 05  
CORRECTED COPY

### SOUTH CAROLINA DEPARTMENT OF CORRECTIONS LEAVE AND ATTENDANCE REPORT

I. SS# [REDACTED] Employee Name WZELL, J Location 0101

Cycle: Begin Date 6/19/10 Schedule: 12 Hr. Card (X) A ( ) B or ( ) 7.5 ( ) 8.00 hr

Day Off \_\_\_\_\_ Shift: ( ) 1<sup>st</sup> ( ) 2<sup>nd</sup> ( ) 3<sup>rd</sup>

II. Check Correct Cycle 19 20 21 22 23 24 25  
( ) Sunday - Saturday  
(X) Saturday - Friday

		Sun	Mon	Tues	Wed	Thurs	Fri	Sat	HOURS
Hours Worked	N	0	0	0	12.25	13.75	0	0	28.0
Annual Leave Taken	A								
Sick Leave Taken	S								
Relative Sick Leave Taken	R								
Family Medical Leave (See Additional Leave Entries)	L								
Holiday Time Earned	H								
Holiday Time Taken	T								
Funeral Leave Taken	F								
Military Leave Taken									
Leave Without Pay									
Internal Assault Leave Taken	I								
Loss of Pay For On-The-Job Injury (See Additional Leave Entries)	W								
Election/Jury Duty Leave	D								
State Declared Emergency Leave	E								
State Declared Emergency Make Up	X								
<b>OTHER NON-REVENUE INFORMATION</b>									
Cyclical Time Taken	None								
Holiday Time Observed	None								

NOTE: Shaded Items Are Not Included In Accountable Hours For The Cycle.

ACTUAL TIME (Minutes)	INTERVAL (Minutes)	ENTRY (Decimal)	ACTUAL TIME (Minutes)	INTERVAL (Minutes)	ENTRY (Decimal)
0 - 15	0	0	31.6 - 34.5	33	0.55
1.6 - 4.5	3	0.05	34.6 - 37.5	36	0.60
4.6 - 7.5	6	0.10	37.6 - 40.5	39	0.65
7.6 - 10.5	9	0.15	40.6 - 43.5	42	0.70
10.6 - 13.5	12	0.20	43.6 - 46.5	45	0.75
13.6 - 16.5	15	0.25	46.6 - 49.5	48	0.80
16.6 - 19.5	18	0.30	49.6 - 52.5	51	0.85
19.6 - 22.5	21	0.35	52.6 - 55.5	54	0.90
22.6 - 25.5	24	0.40	55.6 - 58.5	57	0.95
25.6 - 28.5	27	0.45	58.6 - 60.0	60	1.00
28.6 - 31.5	30	0.50			

Employee Signature [Signature] Date 7-3-10

Supervisor Signature [Signature] Date \_\_\_\_\_

### SOUTH CAROLINA DEPARTMENT OF CORRECTIONS LEAVE AND ATTENDANCE REPORT

I. SSN Employee # [redacted] Employee Name UZZELL, J Location 61

Cycle Begin Date 6/19/10 Schedule: 12 Hr. Card ( ) A ( ) B ( ) D ( ) E or ( ) 7.5 ( ) 10 hr.

Days Off \_\_\_\_\_ Shift: ( ) 1st ( ) 2nd ( ) 3rd

II. Check Correct Cycle		19	20	21	22	23	24	25	HOURS
) Sunday - Saturday		KEY	Sun	Mon	Tues	Wed	Thurs	Fri	Sat
) Saturday - Friday		CODE	Sat	Sun	Mon	Tues	Wed	Thurs	Fri
III. Hours Worked	N	0	0	0	12.25	12.25	0	0	24.5
Annual Leave Taken	A								
Sick Leave Taken	S								
Relative Sick Leave Taken	R								
Holiday Time Taken	T								
Funeral Leave Taken	F								
Military Leave Taken									
Leave Without Pay									
Inmate Assault Leave Taken	I								
Election / Jury Duty Leave	D								
Shift Differential Regular	X								
Shift Differential Weekend	X								
State Declared Emergency Leave	E								
State Declared Emergency Make-up	X								

#### OTHER NON-KEYED INFORMATION

Holiday Time Observed

None

ACTUAL TIME (Minutes)	INTERVAL (Minutes)	ENTRY (Decimal)	ACTUAL TIME (Minutes)	INTERVAL (Minutes)	ENTRY (Decimal)
0-15	0	0	31.6-34.5	33	0.55
1.6-4.5	3	0.05	34.6-37.5	36	0.60
4.6-7.5	6	0.10	37.6-40.5	39	0.65
7.6-10.5	9	0.15	40.6-43.5	42	0.70
10.6-13.5	12	0.20	43.6-46.5	45	0.75
13.6-16.5	15	0.25	46.6-49.5	48	0.80
16.6-19.5	18	0.30	49.6-52.5	51	0.85
19.6-22.5	21	0.35	52.6-55.5	54	0.90
22.6-25.5	24	0.40	55.6-58.5	57	0.95
25.6-28.5	27	0.45	58.6-60.0	60	1.00
28.6-31.5	30	0.50			

CAUTION: FAILURE TO CORRECTLY REPORT TIME AND ATTENDANCE MAY RESULT IN TERMINATION OF EMPLOYMENT

Employee Signature James Uzzell Date 6-24-10

Supervisor Signature [Signature] Date 6/24/10

**SOUTH CAROLINA DEPARTMENT OF CORRECTIONS  
 LEAVE AND ATTENDANCE REPORT**

I. SSN: Employee [REDACTED] Employee Name WELLS, J Location 0461  
 Cycle Begin Date 6/24/10 Schedule 12 Hr. Card (X) A ( ) B ( ) D ( ) E or ( ) 7.5 ( ) 10 hr.  
 Days Off \_\_\_\_\_ Shift: ( ) 1st ( ) 2nd ( ) 3rd

II. Check Correct Cycle  
 Sunday - Saturday  
 Saturday - Friday

	KEY (CODE)	26	27	28	29	30	1	2	HOURS
		Sun	Mon	Tues	Wed	Thurs	Fri	Sat	HOURS
		Sat	Sun	Mon	Tues	Wed	Thurs	Fri	
III. Hour Worked	N		1225	1225	0	0	0	1225	36.75
Annual Leave Taken	A								
Sick Leave Taken	S								
Relative Sick Leave Taken	R								
Holiday Time Taken	T								
Funeral Leave Taken	F								
Military Leave Taken									
Leave Without Pay									
Inmate Assault Leave Taken	I								
Election / Jury Duty Leave	D								
Shift Differential Regular	X								
Shift Differential Weekend	X								
State Declared Emergency Leave	E								
State Declared Emergency Make-up	X								

**OTHER NON-KEYED INFORMATION**

Holiday Time Observed None

ACTUAL TIME (Minutes)	INTERVAL (Minutes)	ENTRY (Decimal)	ACTUAL TIME (Minutes)	INTERVAL (Minutes)	ENTRY (Decimal)
0-45	0	0	21.6-24.5	33	0.55
1.6-4.5	3	0.05	24.6-27.5	36	0.60
4.6-7.5	6	0.10	27.6-30.5	39	0.65
7.6-10.5	9	0.15	30.6-33.5	42	0.70
10.6-13.5	12	0.20	33.6-36.5	45	0.75
13.6-16.5	15	0.25	36.6-39.5	48	0.80
16.6-19.5	18	0.30	39.6-42.5	51	0.85
19.6-22.5	21	0.35	42.6-45.5	54	0.90
22.6-25.5	24	0.40	45.6-48.5	57	0.95
25.6-28.5	27	0.45	48.6-51.0	60	1.00
28.6-31.5	30	0.50			

FALSEIFYING THIS REPORT AND ATTENDANCE MAY RESULT IN TERMINATION OF EMPLOYMENT

James Hoggell 7-3-10  
 Employee Signature Date

Colt Duncan Capt 7/3/10  
 Supervisor Signature Date



STATE OF WASHINGTON  
DEPARTMENT OF CORRECTIONS

APPLICABILITY  
**DEPARTMENT WIDE**

REVISION DATE  
2/5/09

PAGE NUMBER  
7 of 10

NUMBER  
DOC 230.500

**POLICY**

TITLE

**VEHICLE USE**

- B. All 15 and 12 passenger van drivers must have at least 2 years driving experience.
  - C. All 15 and 12 passenger full size and cargo van drivers and their managers/supervisors are required to sign the following forms at the time of the initial driving assignment. The forms are available at <http://www.ofm.wa.gov/policy/formsindex.asp>. Managers/supervisors will maintain completed forms per the Records Retention Schedule:
    - 1. 15 and 12 Passenger Full Size Van Driver Valid License to Drive and Driving Experiences Statement, and
      - a) Offenders under supervision are exempt from this requirement.
    - 2. 15 and 12 Passenger Full Size Van Driver Safe Driving Practices Acknowledgement Statement.
  - D. Prior to initial operation of a 15 or 12 passenger van, managers/supervisors must provide 15 and 12 passenger van safety education or training, which will include, at a minimum:
    - 1. A review of the Office of Financial Management's 15-Passenger Van Drivers Basic Loss Prevention Guide, available at <http://www.ofm.wa.gov/rmd/loss/15passengerguide.pdf>.
    - 2. The National Highway Traffic Safety Administration (NHTSA) Hangtag and Flyer for 15 passenger vans, available at <http://www.nhtsa.gov/cars/problems/studies/15PassVans/15PassCustomer.html>.
- VII. Permanently Assigned Vehicles
- A. At least one of the following conditions will be met before a vehicle is permanently assigned:
    - 1. Travel requirements, not including travel between home and duty station, average 1,000 miles or more per month. This mileage must be maintained over a 12 month period.
    - 2. The individual is on 24 hour call and all of the following conditions exist:
      - a) A state vehicle is not available on a 24 hour trip dispatch basis,
      - b) It is not practical to use other Department vehicles, and
      - c) The frequency of travel is too great to justify requiring the person to use his/her private vehicle.

 <p>STATE OF WASHINGTON DEPARTMENT OF CORRECTIONS</p>	<b>APPLICABILITY</b> <b>DEPARTMENT WIDE</b>		
	<b>REVISION DATE</b> 2/5/09	<b>PAGE NUMBER</b> 8 of 10	<b>NUMBER</b> DOC 230.500
	<b>TITLE</b> <b>VEHICLE USE</b>		
<b>POLICY</b>			

3. A need exists for a specially equipped or special purpose vehicle that limits its use.

B. The permanent assignment of a vehicle is not in itself sufficient justification to use the vehicle for travel between the duty station and home.

**VIII. Use of a State Vehicle Between Duty Station and Official Residence**

A. Travel between duty station and official residence may be approved by the Secretary/designee when:

1. It is economical or advantageous to the state,
2. Staff's home is also the official duty station,
3. Staff commences or completes a trip when the motor pool is not open, and/or
4. There is a reasonable threat to the personal security or safety of the staff (e.g., darkness, isolated location, area has a record of crime).

B. Travel between the duty station and official residence may be approved for staff:

1. Whose duties require use of assigned vehicles,
2. Who are on 24 hour call, and
3. Whose off duty calls average a minimum of 10 times per month.

C. Justification for exceptions must be submitted to the Office of Financial Management Director through the Department Secretary/designee.

D. Staff are advised to check current Internal Revenue Service Publication 535 fringe benefit rules regarding the reporting, taxability, and value of operating a state motor vehicle between a staff's official duty station and official residence.

**IX. [4-4198] Privately Owned Motor Vehicles**

A. The use of a privately owned vehicle in conducting official state business may be authorized by the Secretary/designee when it is more advantageous or economical to the state than travel by common carrier or a state vehicle.

1. Authorization should be obtained prior to commencement of the trip.
2. DOC 03-423 Authorization for Mileage Payment must be submitted and the Travel Voucher System used when a trip is more than 120 miles round trip.
3. Staff will not be reimbursed for mileage when they elect to use a privately owned vehicle for convenience rather than use a state vehicle.



STATE OF WASHINGTON  
DEPARTMENT OF CORRECTIONS

APPLICABILITY  
**DEPARTMENT WIDE**

REVISION DATE  
2/5/09

PAGE NUMBER  
9 of 10

NUMBER  
DOC 230.500

**POLICY**

TITLE

**VEHICLE USE**

4. Staff will refer to the Department Travel Manual for authorization and reimbursement rules.
- B. Privately owned motor vehicles will not be used to transport offenders.
- X. Rental Motor Vehicles
- A. A rental vehicle may be used for in-state, official state business when:
    1. A state vehicle is not available,
    2. The use is advantageous to the state, and/or
    3. The use has been approved in advance by the Secretary/designee.
  - B. A rental vehicle may be used for out-of-state official business with prior Secretary/designee approval.
  - C. Washington State master vehicle rental contract provides insurance coverage.
    1. Vehicle liability for Washington State is provided as a part of the State Agency Self-Insurance Liability Program.
    2. Property damage is not covered under the rental contract. Therefore, collision/loss damage waiver insurance should be purchased through the rental company.
  - D. The rental vehicle will be obtained through a motor vehicle rental card or state rate code from rental firms approved by the Department of General Administration's Office of State Procurement in those places where such rental firms offer the service. In places where such services are not offered, another state travel charge card system will be used.
    1. If the traveler does not have access to the state travel charge card system, the traveler's personal funds may be used. Rental car costs may be submitted for reimbursement as travel expenses per DOC 200.900 Travel Regulations.
  - E. If a personal vacation is combined with official state business, staff will execute a personal contract to rent a motor vehicle for the vacation portion of the trip.
  - F. Incidental personal use is restricted to meals or incidental supplies.
  - G. 15 passenger vans rentals for passenger transport is prohibited.
- XI. Volunteer and Student Drivers

10:45 Sgt. Eddie Newton ✓

11:00 Lt. Leonard Long ✓

11:15 C/o Sharon Sims ✓

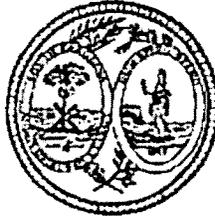
11:30 Sgt. Susan Williams ✓

11:45 C/o James Bater ✓

12:00 Lt. Terry Cady ✓

12:15 Cpl. Betty Rodgers

12:30 Sgt. Troy Gardner



*7903 Library  
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Justified  
Redundant*

The State of South Carolina  
**OFFICE OF THE ATTORNEY GENERAL**

HENRY McMASTER  
ATTORNEY GENERAL

January 25, 2005

James A. Preacher, Jr., Chief of Police  
Norway Police Department  
P. O. Box 127  
Norway, South Carolina 29113

Dear Chief Preacher:

In a letter to this office you questioned whether Class 3-SLE certified police officers may be used for duties such as sporting events, crowd control, traffic at fairs, football games, court room security and transportation of prisoners.

Based upon my review, there are no State statutes that comment on or prescribe the duties of the referenced officers. Department of Public Safety Regulation 38-007(c) provides that

**Class 3 Certifications.** Candidates for basic certification as law enforcement officers with limited powers of arrest or special duties shall successfully complete a training program as approved by the Department and will be certified as Class 3-SLE.

I discussed your question with Kevin Stogner with the Department and he informed me that the Department considers Class 3-SLE police officers as having the authority to perform the duties set out by you as referenced above when they are commissioned by their local chief. This office would defer to the Department's interpretation since they are the agency that generally oversees the training requirements for these officers. As Mr. Stogner noted, by the

Chief Preacher  
Page 2  
January 25, 2005

referenced Regulation, these officers while having limited powers of arrest do in fact have custodial arrest authority. These officers undergo training at the Criminal Justice Academy but are generally considered as having duties which are more limited in scope, such as those outlined above, than regular law enforcement officers such as deputies or State troopers.

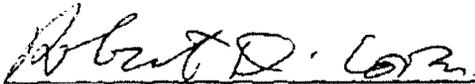
With kind regards, I am,

Very truly yours,



Charles H. Richardson  
Senior Assistant Attorney General

REVIEWED AND APPROVED BY:



Robert D. Cook  
Assistant Deputy Attorney General

cc: Mr. Kevin Stogner  
Criminal Justice Academy  
Certification Unit  
P. O. Box 1993  
Blythewood, South Carolina 29016



HENRY McMASTER  
ATTORNEY GENERAL

May 6, 2009

James A. Preacher, Jr., Chief of Police  
Town of Ehrhardt  
P. O. Box 185  
Ehrhardt, South Carolina 29081

Dear Chief Preacher:

In a letter to this office you questioned whether a Class 3 officer has "full police custodial arrest powers and would the arrest be legal?" You referenced a prior opinion of this office dated January 25, 2005 which commented that, generally, although these officers undergo training at the State Criminal Justice Academy, they are typically considered as having duties limited in scope, such as working at sporting events, crowd control, traffic at fairs and football games, and court room security. It was stated in the opinion that the duties of these officers are more limited than those duties of regular law enforcement officers, such as full-time deputies and State troopers. Such conclusion was in keeping with the determination of the powers of these officers by the Department of Public Safety which promulgated regulations regarding training requirements for basic law enforcement certification and, in particular, Department of Public Safety Regulation 38-007. The January, 2005 opinion commented that "[t]his office would defer to the Department's interpretation since they are the agency that generally oversees the training requirements for these officers."

The 2005 opinion referenced DPS Regulation 38-007 which distinguishes between Class 1 ("law enforcement officers with full powers"), Class 2 ("jailers, correctional officers and juvenile correctional officers") and Class 3 certifications. As to Class 3 certifications, subsection (C) of such provision states that

[c]andidates for basic certification as law enforcement officers with limited powers of arrest or special duties shall successfully complete a training program as approved by the Department and will be certified as Class 3-SLE. (emphasis added).

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As far as statutes referring to Class 3 officers, S.C. Code Ann. § 56-5-170 refers to "county government litter enforcement vehicles used by certified law enforcement Class 3 litter control officers." Therefore, litter control officers are generally considered as having Class 3 law enforcement certifications. S.C. Code Ann. § 4-9-145(A) provides for the appointment and commissioning of code enforcement officers as litter control officers. However, such provision further states that "...no code enforcement officer commission under this section may perform a custodial arrest, except as provided in subsection (B)." Subsection (B)(2) states that

(a) A litter control officer appointed and commissioned pursuant to subsection (A) may exercise the power of arrest with respect to his primary duties of enforcement of litter control laws and ordinances and other state and local laws and ordinances as may arise incidental to the enforcement of his primary duties only if the officer has been certified as a law enforcement officer pursuant to Article 9, Chapter 6, Title 23...(now S.C. Code Ann. §§ 23-23-10 et seq.)...

(b) In the absence of an arrest for a violation of the litter control laws and ordinances, a litter control officer authorized to exercise the power of arrest pursuant to subitem (a) may not stop a person or make an incidental arrest of a person for a violation of other state and local laws and ordinances. (emphasis added).

Similarly, an opinion of this office dated April 14, 2000 dealt with the question of whether a Class 3 officer could detain a suspect until a Class 1 officer arrives to take the suspect into custody. The opinion stated that

[t]he United States Supreme Court has held that such a detention constitutes an seizure and is, therefore, subject to the same protection under the Fourth Amendment as that of an arrest...Similarly, this office has advised that the detention of an individual longer than necessary to issue the citation by a code enforcement officer would be unlawful...Thus, a Class 3 officer, or an administrative code officer, is similarly without statutory authority to detain a suspect until another officer arrives because the detention, itself, is an arrest.

Consistent with such restrictions on the powers of a Class 3 litter officer, in the opinion of this office, a Class 3 officer does not have full police custodial powers and is limited in his law enforcement authority with limited duties consistent with the Regulations and statutory authority cited above.

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With kind regards, I am,

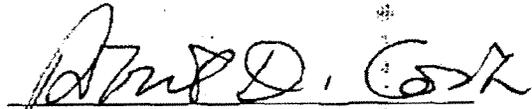
Very truly yours,

Henry McMaster  
Attorney General



By: Charles H. Richardson  
Senior Assistant Attorney General

REVIEWED AND APPROVED BY:



Robert D. Cook  
Deputy Attorney General

## DEFINITIONS

**AGENCY HEAD:** The chief executive officer at the Agency, or the officer's designee.

**ALTERNATIVE FUEL:** Fuel other than gasoline or diesel such as methanol ethanol and other alcohols; mixtures of 85% or more of these other alcohols with other fuels such as gasoline; natural gas; liquefied petroleum gas; hydrogen; coal-derived liquid fuels; fuels derived from biological materials, electricity, etc.

**ASSIGNED VEHICLE:** Any State vehicle assigned to an individual in accordance with the DBM assignment criteria.

**AUTHORIZED DRIVER:** A State employee who meets the eligibility criteria to drive a State vehicle as set forth in the *Policies and Procedures for Drivers of State Vehicles*, and has certified an understanding of the rules by signing the Acknowledgement Statement.

**BI-FUEL VEHICLE:** Vehicles that have two fuel systems, one with an alternative fuel and one with a conventional fuel, and which may operate on one fuel at a time, or, in some medium- and heavy-duty systems, a combination of the alternative and conventional fuels.

**COMMUTE MILES:** Distance traveled between driver's home and the driver's assigned office location.

**COMMUTE CHARGE:** A bi-weekly charge assessed to non-exempt authorized drivers for commuting privileges.

**DBM:** The Department of Budget and Management

**FLEET MAINTENANCE AND REPAIR SERVICES AGREEMENT:** An agreement between a Fleet Maintenance and Repair Services Contractor and the State permitting the State to access a network of maintenance and repair facilities and obtain pricing on vehicle maintenance and repair services for those State vehicles enrolled with the Contractor.

**FLEXIBLE-FUEL VEHICLE:** Any motor vehicle engineered and designed to be operated on an alternative fuel, a petroleum fuel, or a broad mixture of the two.

**LTVs:** Pick-up trucks and vans with a gross vehicle weight of 8,500 pounds or less.

**LAW ENFORCEMENT OFFICER:** A person who in an official capacity is authorized by law to make arrests.

**MAINTENANCE SERVICE COUPON:** The coupon provided to agencies from the National Fleet Service Contractor used to obtain maintenance, repairs, and emergency road services from approved network vendors.

**MOBILE COMMUNICATIONS DEVICE:** A mobile communications device is a mobile telephone, email appliance, wireless personal digital assistant, or a device combining two or more of these functions.

**OFFICE:** The principal office or official duty station to which an authorized driver is assigned as determined by the Agency Head.

**POOL VEHICLE:** Any State vehicle that is not assigned to an individual.

**SECRETARY:** The Secretary of Budget and Management or the Secretary's designee.

**STATE VEHICLE:** Any motor vehicle titled, rented or leased to the State of Maryland.

## **1. INTRODUCTION**

### **1.1 SCOPE**

These policies and procedures apply to all State-owned or leased motor vehicles used for official State business within the Executive Branch of the State Government. These policies and procedures are adopted pursuant to State Finance and Procurement Article §3-503 of the Annotated Code of Maryland. Unless otherwise provided, all requests, reports and forms required by these policies are to be submitted to the State Fleet Administrator in the DBM Fleet Administration Unit.

These policies and procedures are designed as minimal requirements and do not prohibit agencies from establishing and enforcing more stringent requirements within their own jurisdiction. State agencies shall establish necessary procedures to ensure compliance with established policies and procedures.

### **1.2 EXCEPTIONS**

Exceptions to any of the provisions of the Policies and Procedures for Drivers of State Vehicles require written authorization from the Secretary.

### **1.3 FAILURE TO COMPLY WITH THE POLICIES AND PROCEDURES**

Failure to comply with these policies and procedures may subject an employee to disciplinary action, including termination.

## **2. DRIVER ELIGIBILITY AND USAGE OF STATE VEHICLES**

Only authorized drivers are eligible to drive a State vehicle. The privilege to drive a State vehicle is contingent upon compliance with the Policies and Procedures for Drivers of State Vehicles.

Prior to driving a State vehicle, the driver shall sign the Policies and Procedures an Acknowledgement Statement (Appendix 1). A copy of the signed Acknowledgement Statement shall be retained by the Agency fleet manager. Drivers who do not sign the Acknowledgement Statement are NOT authorized to drive State vehicles.

### **2.1 DRIVER ELIGIBILITY**

In order to be eligible to drive a State vehicle a driver must have a driver's license valid in the State of Maryland and appropriate for the class of vehicle driven and have five (5) or fewer points on his/her current driving record.

Eligibility shall be immediately suspended for a driver who is charged with any motor vehicle violation for which a penalty of incarceration is possible while driving a State vehicle. Motor vehicle citations for these violations will indicate that the violation is a "Must Appear" violation and that the driver must appear when

notified by the Court. Eligibility shall remain suspended until the Agency's Accident Review Board has reviewed the occurrence, and a decision regarding further action is made.

Drivers who have had their driving privilege suspended as a result of point accumulation, being charged with any offense for which a penalty of incarceration is possible while driving a State vehicle, or a determination by the Accident Review Board or Agency Head shall be reimbursed for use of a private vehicle at no more than one-half of the effective State reimbursement rate.

## **2.2 DRIVER RECORD REVIEW**

The driving record of each authorized driver will be reviewed by the Agency when the driver signs the Acknowledgement Statement and when information is received pertaining to an authorized driver's accumulation of points from the MVA's License Monitoring System (LMS) or Direct Access Records System (DARS), or otherwise affecting driver eligibility.

Drivers with out-of-state driver's licenses must provide a certified copy of their driver record to the Agency when they sign the Acknowledgement Statement, and annually thereafter. Drivers with out-of-state driver's licenses must notify their Agency fleet manager in the event they accumulate more than five (5) points on their driving record. This notification must occur within ten (10) days of the points being assessed.

## **2.3 PERMISSIBLE USE OF STATE VEHICLES**

State vehicles are to be used to conduct official State business. Whenever possible, trips should be planned to coincide with other authorized driver travel requirements so that vehicles are used efficiently and economically.

- a. Except in the case of State Officials who receive Executive Protection from and are provided driver services by the Maryland State Police, State vehicles shall not be used for personal reasons, including transporting friends or members of the family (e.g. transporting children to and from school).
- b. Passengers in State automobiles are limited to persons being transported in connection with State business.
- c. There shall be no smoking in State vehicles.

## **2.4 VEHICLE MILEAGE LOG**

- a. A Vehicle Mileage Log shall be maintained in each State sedan or LTV on a monthly basis.
- b. All drivers must complete a Vehicle Mileage Log, indicating all destinations by official and commute mileage. Agencies are required to maintain these logs for audit purposes. A Vehicle Mileage Log is included as Appendix 2.

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- b. Passengers in State automobiles are limited to persons being transported in connection with State business.
- c. There shall be no smoking in State vehicles.

## **2.4 VEHICLE MILEAGE LOG**

- a. A Vehicle Mileage Log shall be maintained in each State sedan or LTV on a monthly basis.
- b. All drivers must complete a Vehicle Mileage Log, indicating all destinations by official and commute mileage. Agencies are required to maintain these logs for audit purposes. A Vehicle Mileage Log is included as Appendix 2.

- c. Elected Officials, Department Secretaries and heads of independent Agencies are not required to maintain a Vehicle Mileage Log. However, month-ending odometer readings must be reported in WebFleetMaster for each vehicle driven by an Elected Official, Department Secretary or independent Agency Head.

## 2.5 SAFETY

All drivers shall operate State vehicles in compliance with the Motor Vehicle Laws of the jurisdiction in which the vehicle is being driven and in a manner that reflects concern for safety and courtesy towards the public.

- a. An authorized driver shall operate a State vehicle in accordance with any license requirements or restrictions, such as corrective lenses, daytime only, etc.
- b. The driver of a State vehicle should take every precaution to ensure the safety of passengers. No person may ride in a State vehicle unless properly restrained by a seat belt or, in the case of children, an appropriate child safety seat. It shall be the driver's responsibility to ensure that all passengers are properly restrained.
- c. All traffic and parking laws are to be obeyed. Posted speed limits are not to be exceeded, nor is the vehicle to be operated above safe driving speeds for road conditions. All traffic and parking violations and fines, including any late fees or penalties, are the responsibility of the driver involved. Failure to promptly pay a violation or fine may result in disciplinary action.
- d. Employees driving State vehicles are required to comply with all state and local laws regarding the use of a mobile communications device while driving. If a mobile communications device must be used by an employee while driving a State vehicle, a hands-free device must be used. Drivers are encouraged to keep mobile communications device use to a minimum. Whenever possible, employees should not make or receive calls while driving. Only in the case of an emergency is the use of a hand-held mobile communications device without a hands-free device permitted.

This policy does not apply to law enforcement officers or operators of authorized emergency vehicles.

- e. The driver of a State vehicle shall take every precaution to ensure the safety of the vehicle and its contents. The driver shall lock the vehicle and take the keys, except in those instances when a commercial parking garage requires the keys be left with the vehicle.
- f. Authorized drivers of State vehicles are personally responsible for vehicles operated by them. If a State vehicle is damaged as a result of misuse or gross negligence, the operator of the vehicle may be required to make restitution to the State. If a State vehicle is damaged beyond repair as a result of misuse or gross negligence the operator of the vehicle may be required to make restitution of the difference between the amount obtained as salvage value and the amount of the then current wholesale value of the vehicle as reported in the *National Auto Research Black Book*

## **2.6 MOVING VIOLATION REPORTING**

An authorized driver, including an Agency Head, charged with a moving violation or a must appear violation while driving a State vehicle shall notify his/her Agency fleet manager immediately, and in no case later than the following business day. In turn, the Agency shall notify DBM in writing within two business days of receiving notice of the charge. Failure to timely report the receipt of a moving violation or a must appear violation may result in disciplinary action.

## **2.7 ACCIDENT GUIDELINES AND REPORTING**

If there is an accident involving a State vehicle the State Accident Guidelines (Appendix 3) should be followed. A copy of these guidelines will be kept in the Vehicle Mileage Log folder.

Authorized drivers should familiarize themselves with the State's Accident Guidelines, which are to be provided to the driver along with a copy of the Policies and Procedures for Drivers of State Vehicles. In the event there is an accident involving a State vehicle the Guidelines should be followed.

An authorized driver, including an Agency Head, who is involved in an accident while driving a State vehicle, shall report the accident to their Agency fleet manager immediately and in no case later than one business day after the accident, even if no other vehicle is involved or there are no apparent injuries or damages.

Accidents involving State vehicles being driven by an Agency Head must be reported to DBM FAU immediately.

## **3. DRIVER ASSIGNMENT, COMMUTE AND TAX LIABILITY**

### **3.1 ASSIGNMENT CRITERIA**

Assignment of a State vehicle to an individual authorized driver is based solely on the requirement for official use, and should result in the most effective and economical use of the vehicle. In assigning State vehicles, agency fleet staff shall consider the driver's expected official mileage accumulation, specific field assignment, and the need for specialized vehicle equipment in performance of the driver's job.

### **3.2 DRIVER COMMUTE CHARGE**

**In most cases, drivers who are assigned a State vehicle are subject to a commute charge.** The commute charge is based upon the driver's normal commute from their home to their assigned office at a per mile rate determined by DBM. This charge is collected via payroll deduction and will be amended by the Agency if the driver moves, is reassigned to a new office, or is assigned a higher cost vehicle.

The assigned driver shall complete a State Auto Commute Charge Form MFOMS-17 prior to accepting