

assignment of a State vehicle. This form will be provided by the Agency fleet manager.

3.3 COMMUTE RECORDS

All commute miles shall be recorded in the Vehicle Mileage Log. If an authorized driver leaves home in a State vehicle and comes to the assigned office any time during the day, the normal one-way commute mileage shall be recorded on the Vehicle Mileage Log. If the authorized driver returns home that same day, a normal two-way commute shall be recorded on the Vehicle Mileage Log. However, if an authorized driver leaves home and conducts business without stopping at the assigned office, mileage up to the driver's normal round trip commute is to be recorded as commute miles on the Vehicle Mileage Log, and only those miles in excess of the driver's normal commute are to be recorded as official miles on the Vehicle Mileage Log.

Authorized drivers whose duties are primarily field assignments and who report to the designated office on an average of once a week or less, and have a DBM approved commute exemption (see Section 3.4) are not required to record commute miles. Commute miles includes the mileage from your home to your first work location of the day and the mileage from your last work location of the day to your home.

As provided in Section 2.4, Elected Officials, Department Secretaries, and heads of independent Agencies are exempt from this requirement.

3.4 COMMUTE EXEMPTIONS

In a limited number of situations, upon request by the Agency Head, an assigned driver may be exempted by DBM from paying the commute charge. These exemptions are limited to situations in which (1) the assigned driver does not commute in the vehicle, (2) the vehicle is assigned to field personnel who report to the assigned office one day or less per week, (3) the assigned driver is a law enforcement officer, or (4) the assigned driver responds to emergency situations and requires highly specialized equipment to perform the driver's job. The decision to grant an exemption rests with DBM. Questions concerning eligibility for an exemption should be directed to the Agency fleet manager.

Assigned drivers who are eligible for an exemption shall complete a Certification of Exemption, State Motor Vehicle Commute Charge MFOMS-18, have the form signed by their supervisor, and submit the form to the Agency fleet manager for review and processing. The Agency fleet manager will provide this form.

3.5 TAX LIABILITY

Every individual who commutes in a State-owned or leased motor vehicle is required to report use of the vehicle as a fringe benefit for income tax purposes. **This requirement applies to authorized drivers who pay the State commute charge as well as those who the State exempts from paying the commute charge.** The exception is those employees who commute on an occasional or infrequent basis (once a month or less) or commute in a qualified non-personal use vehicle as defined by the IRS. In both cases, exceptions must be determined by the agency.

Each individual is personally responsible to the IRS for the submission of accurate information to his

employer. The taxable fringe benefit will be calculated based on IRS guidelines, and reported on an Auto Fringe Value Calculation/Reporting Form (a sample reporting form is included as Appendix 4). For certain reporting categories, these benefits include all capital costs and expenses incidental to the operation of the motor vehicle, including all salaries, fringe benefits and other expenses of a chauffeur less the amount paid to the State for use of a vehicle. The Agency will notify authorized drivers annually of reporting requirements and provide forms and instructions.

More information concerning the fringe benefit program is available on the DBM website at:
<http://dbm.maryland.gov/agencies/Pages/VehicleFringeBenefitReporting.aspx>

4. VEHICLE MODIFICATION

Modifications to State vehicles for personal reasons are prohibited. If necessary for official State business, the Agency may approve the modification of a State vehicle. Bumper stickers are prohibited.

5. FUEL

State vehicles shall be fueled from the Statewide Automated Fuel Dispensing and Management System except for emergencies or rare and unusual instances when such use is not possible. When available, alternative fuel shall be used in bi-fuel and flexible-fuel vehicles.

6. MAINTENANCE AND REPAIRS

6.1 DRIVER'S RESPONSIBILITY

Authorized drivers who are assigned a vehicle share responsibility with the Agency fleet manager for assuring that their assigned vehicle is properly maintained. Authorized drivers should discuss the Agency maintenance requirements, procedures, and the driver's specific responsibilities for maintenance with the Agency fleet manager or their designee.

Authorized drivers of pool vehicles are responsible for reporting observed mechanical problems to the Agency fleet manager or their designee.

6.2 FLEET MAINTENANCE AND REPAIR SERVICES AGREEMENT

Drivers shall use the existing contract for maintenance and repair services for all sedans, light trucks and vans with the exception of:

- Agencies having in-house maintenance and repair capabilities.
- Emergency conditions when the vehicle cannot be safely driven or towed to a network vendor.
- An Agency has been exempted in writing by DBM.

Each State vehicle that is enrolled in the Fleet Maintenance and Repair Services Agreement will have a Maintenance Service Coupon book. The Maintenance Service Coupon(s) may only be used for expenses

Get Directions

A 200 prison rd enoree sc

B 220 pond oak drive columbia sc

» Reverse Directions

Get Directions

Directions

Print | Send Email

Shortest Time Shortest Distance

Total Distance: 71.2 miles

Total Time: About 1 hour, 12 minutes

A 200 prison rd enoree sc

71.2 miles/ about 1 hour, 12 minutes

- 1. Depart Prison Rd toward SC-56 / Highway 56 0.4 mi
- 2. Turn right onto SC-56 / Highway 56 5.5 mi
- 3. Turn right onto SC-49 / Union Hwy 3.2 mi
- 4. Take ramp left for I-26 East toward Columbia 57.3 mi
- 5. At exit 101B, take ramp right and follow signs for US-176 East 0.2 mi
- 6. Bear right onto US-176 / Broad River Rd 0.9 mi
- 7. Turn left onto Kunnery Rd 1.3 mi
- 8. Turn right onto Hollingshed Rd 1.0 mi
- 9. Turn right onto Lost Creek Dr 1.1 mi
- 10. Turn left onto Pond Oak Ln 0.3 mi

B 220 pond oak drive columbia sc

71
71
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Tim Riley
220 Pond Oak Dr.
Columbia

Department of Correction
Division of Prisons
831 West Morgan Street, MISC 4260
Raleigh, NC 27699-4260
Phone: (919) 838-4000
Fax: (919) 733-8272

DIRECTOR'S OFFICE

Fax: 9197338272

Sep 9 2011 09:30am P001/011

**North Carolina Department
of Correction
Division of Prisons**

Fax

To: Jim Martin From: Mary Beth Carroll
Fax: 1803-896-4309 Pages: 11
Phone: _____ Date: _____
Re: _____ cc: _____

Urgent For Review Please Comment Please Reply Please Recycle

• Comments:

Mr. Martin - In addition to the pages that relate to the subject in DOC's Policy, I have included both N.C. G.S. that relate to the subject.

Tell me know if I can help further.

MBC

STATE OF NORTH CAROLINA
DEPARTMENT OF CORRECTION

SUBJECT:

TRAVEL TRANSPORTATION ALLOWANCE
AND REIMBURSEMENT

POLICIES - PROCEDURES

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3. Super Saver Rates

When traveling by common carrier to conduct official state business, employees traveling to their destination earlier than necessary and/or delaying their return to avail the State of reduced transportation rates, may be reimbursed subsistence for additional travel days, if in the opinion of the Division head, the amount saved in transportation costs due to the early and/or delayed travel is greater than the amount expended in additional subsistence. When the reduced airfare rates require staying overnight one Saturday night, to be eligible for reimbursement, the state employee must stay overnight on the Saturday closest to the first or last day of official state business to which the employee is attending.

With sufficient justification, the Division head can make an exception to this requirement prior to travel commencing.

4. Frequent Flyer Miles and Other Benefits

General Statute 143.58.1 and North Carolina Administrative Code Chapter 5D.1510 prohibits the use of public purchasing power for private gain. Any benefits that accrue to individuals as a result of travel at state expense, i.e., frequent flyer miles, are the property of the State of North Carolina. Frequent flyer miles accumulated by an individual state employee during previous state business trips should, to the extent possible, be used by the state employee accumulating the frequent flyer miles while traveling on future state business trips.

5. Coupons or Certificates For Reduced Air Fare

Coupons or certificates for reduced air fare if acquired by a state employee while traveling on state business at state expense are the property of the State and should be used, to the extent possible, by the state employee on future state business trips.

D. Transportation by Personal Vehicle

1. *Approval* – Use of a personal vehicle requires approval from the employee's supervisor. Supervisors shall consider whether it is in "the best interest of the State" when approving the use of a personal vehicle for State business travel, including factors such as: (a) if the roundtrip mileage is 100 miles or less and the use of a personal vehicle is cost effective; (b) if a

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State vehicle is readily available; (c) if an employee is handicapped and the vehicle requires specialized equipment; and (d) if there is an advantage to the State to avoid identification.

2. *Calculation of Actual Mileage* – When a State employee drives their personal vehicle for State business purposes, actual mileage is reimbursable. Mileage is measured from the closer of duty station or point of departure to destination (and return).
3. *Rate of Reimbursement* – The employee shall be reimbursed the business standard mileage rate set by the Internal Revenue Service (currently 55.5 cents per mile) if one of two situations occur: (1) a State-owned vehicle is not available, which includes situations where an employee is handicapped and needs to drive their personal vehicle with specialized equipment to accommodate their limitation; or (2) the round trip for the approved travel does not exceed 100 miles. Otherwise the State employee shall be reimbursed the motor fleet mileage rate (30 cents per mile) when an employee drives their personal vehicle for State business.
4. *Parking Fees and Tolls* – Parking fees and tolls are reimbursable. Receipts are required. These shall be reported under the "Transportation" column on the DC-114.
5. *Other Uses* – Prudent use of a personal vehicle to obtain meals may be eligible for reimbursement when the vehicle is used at the destination during travel periods. Use of private vehicle for private purposes or entertainment while off duty at travel destination is not reimbursable.
6. The Department does not provide insurance coverage for personal vehicles driven on State business.

E. Transportation by a Rental Vehicle

Rental vehicles may be used; however, rental vehicles are not to be used at state expense solely for the convenience or personal preference of the employee. A receipt is necessary for reimbursement. No reimbursement will be made for rental insurance purchased because state employees are covered under the state's auto insurance program. Use of a rental vehicle must be pre-approved as all other travel. This is accomplished by use of the DC-114. Reimbursement for expense shall be shown under the "Transportation" column. Rates for rental vehicles vary substantially. Often a greatly reduced rate can be obtained if the rental is arranged

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in advance. Whenever possible, rental vehicle rates should be investigated and arranged in advance in order to minimize costs.

F. Transportation by Chartered Aircraft

The use of charter aircraft by state employees on official state business may be approved by the Secretary of the Department of Correction or designee, provided the following determinations are made and put in writing:

1. A state aircraft is not available or not appropriate for the size of the party traveling or the destination airport;
2. The use of a charter flight is more economical than a commercial flight; or
3. The use of a charter flight is necessary because of unusual circumstances.

G. Transportation by Use of Aircraft Owned by a State Employee

Reimbursement for costs incurred in the use of aircraft, owned by a state employee, on official state business may be approved by the Secretary of the Department of Correction or designee, provided the following is substantiated and put in writing:

1. The use of the aircraft owned by a state employee is necessary because of unusual travel circumstances and is not for the sole convenience of the employee who owns the plane.
2. The use of the aircraft, owned by a state employee, at the rates published below is cheaper than any other method of air travel.
3. The allowable rate for aircraft owned by a state employee is \$.68 per mile per passenger.

H. Transportation by State Vehicle



1. State-Owned Vehicles - State owned vehicles shall be used for official State business only. G.S. 14-247 prohibits the private use of publicly owned vehicles. "It shall be unlawful for any officer, agent or employee of the State of North Carolina, or of any county or of any institution or agency of the state, to use for any private purpose whatsoever any motor vehicle of any type or description whatsoever belonging to the state, or to any county, or to any institution or agency of the state. It shall be unlawful for any person to violate a rule or regulation adopted by the Department of Administration and approved by the Governor concerning the control of all

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state owned passenger motor vehicles as provided in G.S. 143-341(8) with the intent to defraud the State of North Carolina.”

2. Permanently assigned vehicles - Individuals assigned a state owned vehicle, shall not use such vehicle for commuting or other personal use. Exceptions may be requested through the chain of command to the Director of Departmental Purchasing and Services. The Director of Departmental Purchasing and Services will make recommendations to the Secretary and approved exceptions by the Secretary will be submitted for approval from the Office of State Budget and Management.
3. Hitchhikers - Hitchhikers are not permitted in state owned vehicles.
4. Non-State Employee Riders - Non-state employees may accompany state employees in state vehicles when they have a business interest in the purpose of the trip and their presence is related to state business. Spouses and children of state employees may accompany them in state owned vehicles if ample space is available and all travel is strictly for official state business. G.S. 143-341.8(I)(7).
5. State Vehicle Use at Destination - At the employee's destination, state vehicles may be used prudently for travel to obtain meals, but not for private purposes or for entertainment while off duty. No common carriers or public transportation fares are reimbursable on a trip on which an employee uses a state vehicle, unless it is shown that such transportation was more economical in a particular situation.
6. State Vehicle and Vacation - State vehicles shall not be used while employee is in vacation status.
7. Commuting - No reimbursement shall be made for the use of a personal car in commuting from an employee's home to his duty station.

Note: No mileage reimbursement is allowed to employees on "call back" status.

8. Duty Station - "Duty station" is defined as the location where the employee is assigned. The designation of an employee's home as the duty station requires the approval of the Secretary or designee. In determining whether the employee's home should be his/her duty station, the best fiscal interests of the Department shall be considered. The home duty

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designation shall be determined by the position rather than by the employee or their circumstances in the particular position. Typically, employees with special skills who may be required to travel state-wide and who do not have a fixed office location are those considered for this designation. Requests shall be sent to the Controller with justification attached prior to the designation of home duty station.

I. Travel to/from Airport at Employee's Duty Station

Reimbursement for travel between the employee's duty station and the nearest airline terminal and for appropriate parking may be made under the following circumstances. For travel by:

- Taxi or Airport Shuttle - Actual costs with receipts
- Private vehicle - the business standard mileage rate set by the Internal Revenue Service per mile for a maximum of two round trips with no parking charge, or for one round trip with parking charges. Receipts are required for airport parking claims.
- Use of Public Transportation - In lieu of using a taxi or airport shuttle, employees can be reimbursed without receipts \$5 for each one-way trip either from the employee's duty station to the airport or from the airport to the employee's duty station, or the actual cost of the travel with the submission of receipts.

J. Travel to/from Airport at Employee's Destination

Reimbursement for travel to and from the airline terminal at the employee's destination may be made where travel is via economical mode available as listed below:

- Taxi or Airport Shuttle Service - Actual costs with receipts.
- Rental vehicles - may be used with the prior approval of the Secretary or his or her designee; however, rental vehicles may not be used for the sole convenience of the employee (receipt required).
- Use of Public Transportation - In lieu of using a taxi or airport shuttle, employees can be reimbursed without receipts \$5 for each one-way trip either from the airport to hotel/meeting or from hotel/meeting to the airport, or the actual cost of the travel with the submission of receipts.

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§ 14-247. Private use of publicly owned vehicle.

It shall be unlawful for any officer, agent or employee of the State of North Carolina, or of any county or of any institution or agency of the State, to use for any private purpose whatsoever any motor vehicle of any type or description whatsoever belonging to the State, or to any county, or to any institution or agency of the State. It is not a private purpose to drive a permanently assigned state-owned motor vehicle between one's official work station and one's home as provided in G.S. 143-341(8)i7a.

It shall be unlawful for any person to violate a rule or regulation adopted by the Department of Administration and approved by the Governor concerning the control of all state-owned passenger motor vehicles as provided in G.S. 143-341(8)i with the intent to defraud the State of North Carolina. (1925, c. 239, s. 1; 1981, c. 859, ss. 52, 53; 1983, c. 717, s. 75.)

paragraph. Any person who violates a rule adopted by the Department and approved by the Governor is guilty of a Class 1 misdemeanor.

7a. To adopt with the approval of the Governor and to enforce rules and to coordinate State policy regarding (i) the permanent assignment of state-owned passenger motor vehicles and (ii) the use of and reimbursement for those vehicles for the limited commuting permitted by this subdivision. For the purpose of this subdivision 7a, "state-owned passenger motor vehicle" includes any state-owned passenger motor vehicle, whether or not owned, maintained or controlled by the Department of Administration, and regardless of the source of the funds used to purchase it. Notwithstanding the provisions of G.S. 20-190 or any other provisions of law, all state-owned passenger motor vehicles are subject to the provisions of this subdivision 7a; no permanent assignment shall be made and no one shall be exempt from payment of reimbursement for commuting or from the other provisions of this subdivision 7a except as provided by this subdivision 7a. Commuting, as defined and regulated by this subdivision, is limited to those specific cases in which the Secretary has received and accepted written justification, verified by historical data. The Department shall not assign any state-owned motor vehicle that may be used for commuting other than those authorized by the procedure prescribed in this subdivision.

A State-owned passenger motor vehicle shall not be permanently assigned to an individual who is likely to drive it on official business at a rate of less than 3,150 miles per quarter unless (i) the individual's duties are routinely related to public safety or (ii) the individual's duties are likely to expose the individual routinely to life-threatening situations. A State-owned passenger motor vehicle shall also not be permanently assigned to an agency that is likely to drive it on official business at a rate of less than 3,150 miles per quarter unless the agency can justify to the Division of Motor Fleet Management the need for permanent assignment because of the unique use of the vehicle. Each agency, other than the Department of Transportation, that has a vehicle assigned to it or has an employee to whom a vehicle is assigned shall submit a quarterly report to the Division of Motor Fleet Management on the miles driven during the quarter by the assigned vehicle. The Division of Motor Fleet Management shall review the report to verify that each motor vehicle has been driven at the minimum allowable rate. If it has not and if the department by whom the individual to which the car is assigned is employed or the agency to which the car is assigned cannot justify the lower mileage for the quarter, the permanent assignment shall be revoked immediately. The Department of Transportation shall submit an annual report to the Division of Motor Fleet Management on the miles driven during the year by vehicles assigned to the Department or to employees of the Department. If a vehicle included in this report has not been driven at least 12,600 miles during the year, the Department of Transportation shall review the reasons for the lower mileage and decide whether to

terminate the assignment. The Division of Motor Fleet Management may not revoke the assignment of a vehicle to the Department of Transportation or an employee of that Department for failure to meet the minimum mileage requirement unless the Department of Transportation consents to the revocation.

Every individual who uses a State-owned passenger motor vehicle, pickup truck, or van to drive between the individual's official work station and his or her home, shall reimburse the State for these trips at a rate computed by the Department. This rate shall approximate the benefit derived from the use of the vehicle as prescribed by federal law. Reimbursement shall be for 20 days per month regardless of how many days the individual uses the vehicle to commute during the month. Reimbursement shall be made by payroll deduction. Funds derived from reimbursement on vehicles owned by the Motor Fleet Management Division shall be deposited to the credit of the Division; funds derived from reimbursements on vehicles initially purchased with appropriations from the Highway Fund and not owned by the Division shall be deposited in a Special Depository Account in the Department of Transportation, which shall revert to the Highway Fund; funds derived from reimbursement on all other vehicles shall be deposited in a Special Depository Account in the Department of Administration which shall revert to the General Fund. Commuting, for purposes of this paragraph, does not include those individuals whose office is in their home, as determined by the Department of Administration, Division of Motor Fleet Management. Also, this paragraph does not apply to the following vehicles: (i) clearly marked police and fire vehicles, (ii) delivery trucks with seating only for the driver, (iii) flatbed trucks, (iv) cargo carriers with over a 14,000 pound capacity, (v) school and passenger buses with over 20 person capacities, (vi) ambulances, (vii) [Repealed]. (viii) bucket trucks, (ix) cranes and derricks, (x) forklifts, (xi) cement mixers, (xii) dump trucks, (xiii) garbage trucks, (xiv) specialized utility repair trucks (except vans and pickup trucks), (xv) tractors, (xvi) unmarked law-enforcement vehicles that are used in undercover work and are operated by full-time, fully sworn law-enforcement officers whose primary duties include carrying a firearm, executing search warrants, and making arrests, and (xvii) any other vehicle exempted under Section 274(d) of the Internal Revenue Code of 1954, and Federal Internal Revenue Services regulations based thereon. The Department of Administration, Division of Motor Fleet Management, shall report quarterly to the Joint Legislative Commission on Governmental Operations and to the Fiscal Research Division of the Legislative Services Office on individuals who use State-owned passenger motor vehicles, pickup trucks, or vans between their official work stations and their homes, who are not required to reimburse the State for these trips.

The Department of Administration shall revoke the assignment or require the Department owning the vehicle to revoke the assignment of a State-owned passenger motor vehicle, pickup truck or van to any

individual who:

- I. Uses the vehicle for other than official business except in accordance with the commuting rules;
- II. Fails to supply required reports to the Department of Administration, or supplies incomplete reports, or supplies reports in a form unacceptable to the Department of Administration and does not cure the deficiency within 30 days of receiving a request to do so;
- III. Knowingly and willfully supplies false information to the Department of Administration on applications for permanent assignments, commuting reimbursement forms, or other required reports or forms;
- IV. Does not personally sign all reports on forms submitted for vehicles permanently assigned to him or her and does not cure the deficiency within 30 days of receiving a request to do so;
- V. Abuses the vehicle; or
- VI. Violates other rules or policy promulgated by the Department of Administration not in conflict with this act.

A new requisition shall not be honored until the Secretary of the Department of Administration is assured that the violation for which a vehicle was previously revoked will not recur.

The Department of Administration, with the approval of the Governor, may delegate, or conditionally delegate, to the respective heads of agencies which own passenger motor vehicles or to which passenger motor vehicles are permanently assigned by the Department, the duty of enforcing all or part of the rules adopted by the Department of Administration pursuant to this subdivision 7a. The Department of Administration, with the approval of the Governor, may revoke this delegation of authority.

Notwithstanding the provisions of this section and G.S. 14-247, the Department of Administration may allow the organization sanctioned by the Governor's Council on Physical Fitness to conduct the North Carolina State Games to use State trucks and vans for the State Games of North Carolina. The Department of Administration shall not charge any fees for the use of the vehicles for the State Games. The State shall incur no liability for any damages resulting from the use of vehicles under this provision. The organization that conducts the State Games shall carry liability insurance of not less than one million dollars (\$1,000,000) covering such vehicles while in its use and shall be responsible for the full cost of repairs to these vehicles if they are damaged while used for the State Games.

8. To adopt and administer rules for the control of all state-owned passenger motor vehicles and to require State agencies to keep all records and make all reports regarding motor vehicle use as the Secretary deems necessary.
9. To acquire motor vehicle liability insurance on all State-owned motor vehicles under the control of the Department.
10. To contract with the appropriate State prison authorities for the furnishing, upon such conditions as may be agreed upon from time to time between such State prison authorities and the Secretary, of prison

labor for use in connection with the operation of a central motor pool and related activities.

- 11. To report annually to the General Assembly on any rules adopted, amended or repealed under paragraphs 3, 7, or 7a of this subdivision.
 - j. To establish and operate central mimeographing and duplicating services, central stenographical and clerical pools, and other central services, if the Governor after appropriate investigation deems it advisable from the standpoint of efficiency and economy in operation to establish any or all such services. The Secretary may allocate and charge against the respective agencies their proportionate part of the cost of maintenance and operation of the central services which are established, in accordance with the rules adopted by him and approved by the Governor and Council of State pursuant to paragraph k, below. Upon the establishment of central mimeographing and duplicating services, the Secretary may, with the approval of the Governor, require any State agency to be served by those central services to transfer to the Department ownership, custody, and control of any or all mimeographing and duplicating equipment and supplies within the ownership, custody, or control of such agency.
 - k. To require the State agencies and their officers and employees to utilize the central facilities and services which are established; and to adopt, with the approval of the Governor and Council of State, reasonable rules and procedures requiring the utilization of such central facilities and services, and governing their operation and the charges to be made for their services.
 - l. To provide necessary information service for visitors to the Capitol.
 - m. To perform such additional duties and exercise such additional powers as may be assigned to it by statute or by the Governor.
- (9) Repealed by Session Laws 1989, c. 239, s. 2.
- (10) Block Grants. – To establish and maintain a block grants manual that will ensure uniform administration of block grant funds. The manual shall be a comprehensive source of reference for all general and statewide administrative procedures for block grant funds. The manual shall contain the applicable procedures for: the contents of an application, which shall be as simple as possible; the awarding of or contracting with block grant funds; auditing, which shall, to the extent possible, promote the use of single audits of grantees; the ensuring of civil rights compliance by grantees; and monitoring.
- (11) Energy-related matters. – To exercise those powers and perform those duties prescribed in Article 1 of Chapter 113B and Part 1 of Article 3B of Chapter 143 of the General Statutes and Parts 2 and 3 of this Article. (1957, c. 215, s. 2; c. 269, s. 1; 1959, c. 683, ss. 2-4; c. 1326; 1963, c. 1, s. 5; 1965, c. 1023; 1969, c. 1144, s. 2; 1971, c. 1097, s. 3; 1975, c. 399, ss. 1, 2; c. 879, s. 46; 1979, c. 136, s. 1; c. 544; 1979, 2nd Sess., c. 1137, s. 38; 1981, c. 300; c. 859, ss. 48-51; 1981 (Reg. Sess., 1982), c. 1282, s. 62; 1983, c. 267, s. 1; c. 717, s. 74; c. 761, ss. 58, 151, 173, 174; c. 923, s. 217; 1983 (Reg. Sess., 1984), c. 1034, s. 122; 1985, c. 479, ss. 168, 170, 174; c. 757, ss. 174, 175, 177; c. 791, s. 51; 1985 (Reg. Sess., 1986), c. 955, ss. 94, 94.1; 1987, c. 738, ss. 43-45, 47(a); c. 827, s. 220; c. 874; 1987 (Reg. Sess., 1988), c. 1086, s. 34(b); 1989, c. 58, s. 2; c. 239, s. 2; 1991, c. 542, s. 10; c. 689, s. 22; 1993, c. 539, s. 1030; 1994, Ex. Sess., c. 24, s. 14(c); 1995, c. 97, s. 1; c. 402, s. 1; 1996, 2nd Ex. Sess., c. 18, s. 10.2; 1997-412, s. 6; 1998-45, s. 1; 2000-140, s. 76(g); 2000-153, s. 2; 2001-424, s. 7.4; 2001-496, s. 8(d); 2002-126, s. 19.2; 2003-177, s.

Case # 2011-30

Referral Date: 08/11/2011

Department of Correction – The complainant alleges that the warden of Tyger River CI is using his state owned vehicle to primarily travel to and from work on a daily basis. The warden is said to live in the Columbia area and travel from Columbia to his office at the Tyger Ricer CI. The complainant also, alleges that his two (2) associate wardens and a major who lives in the Columbia area rides with the warden on a regular basis.

August 12, 2011 - Contacted Mont Alexander with the SC Department of Revenue regarding the taxability of fringe benefit received from the personal use of the state owned vehicle. Mr. Alexander advised that the commuting cost could be considered a fringe benefit and referred me to the IRS Publication 15-B-2011. Law Enforcement Officers are exempt for the IRS rule on commuting.

Commuting Rule

Under this rule, you determine the value of a vehicle you provide to an employee for commuting use by multiplying each one-way commute (that is, from home to work or from work to home) by \$1.50. If more than one employee commutes in the vehicle, this value applies to each employee. This amount must be included in the employee's wages or reimbursed by the employee.

You can use the commuting rule if all the following requirements are met.

- You provide the vehicle to an employee for use in your trade or business and, for bona fide noncompensatory business reasons, you require the employee to commute in the vehicle. You will be treated as if you had met this requirement if the vehicle is generally used each workday to carry at least three employees to and from work in an employer sponsored commuting pool.
- You establish a written policy under which you do not allow the employee to use the vehicle for personal purposes other than for commuting or *de minimis* personal use (such as a stop for a personal errand on the way between a business delivery and the employee's home). Personal use of a vehicle is all use that is not for your trade or business.
- The employee does not use the vehicle for personal purposes other than commuting and *de minimis* personal use.
- If this vehicle is an automobile (any four-wheeled vehicle, such as a car, pickup truck, or van), the employee who uses it for commuting is not a control employee. See *Control employee* below.

Vehicle. For this rule, a vehicle is any motorized wheeled vehicle, including an automobile manufactured primarily for use on public streets, roads, and highways.

Control employee. A control employee of a nongovernment employer for 2011 is generally any of the following employees.

- A board or shareholder-appointed, confirmed, or elected officer whose pay is \$95,000 or more.
- A director.
- An employee whose pay is \$195,000 or more.
- An employee who owns a 1% or more equity, capital, or profits interest in your business.

A control employee for a government employer for 2011 is either of the following.

- A government employee whose compensation is equal to or exceeds Federal Government Executive Level V. (See the Office of Personnel Management website at www.opm.gov/oca/payrates/index.asp for 2011 compensation information.)
- An elected official.

Highly compensated employee alternative. Instead of using the preceding definition, you can choose to define a control employee as any highly compensated employee. A highly compensated employee for 2011 is an employee who meets either of the following tests.

1. The employee was a 5% owner at any time during the year or the preceding year.
2. The employee received more than \$110,000 in pay for the preceding year.

You can choose to ignore test (2) if the employee was not also in the top 20% of employees when ranked by pay for the preceding year.

August 12, 2011 - Mr. Martin contacted DOC to schedule a meeting with Mr. Bob Ward, Interim Director of DOC. The meeting is scheduled for Friday, August 19.

August 12, 2011 - Contacted Kevin Paul, BCB Office of Human Resources, obtained name, address and position classification information from Mr. Paul.

Warden of Tyer River CI

Timothy Riley, Warden II, 220 Pond Oak Drive Columbia, SC

Associate Wardens

Laura Caldwell, Warden I, 233 Dove Trace Drive West Columbia, SC

Gary Lane, Warden I, 370 Wharfsdale Road, Irmo, SC

Estimated Cost for commuting mile from Columbia to Tyger River CI. :

Miles Drive Per day one way 75

Complete miles per day- $75 \times 2 = 150$

Weekly miles- $150 \times 5 = 750$

Weekly Cost @ 750×1.50 (under the IRS commuting rule) = 1,125

Monthly Cost @ $1,125 \times 4 = 4,500$

Annual Cost @ $4,500 \times 12 = 54,000$

Questions:

- 1) Does the Warden have a second home located closer to the Tyger River CI?
- 2) Are the individuals using the state vehicle Law Enforcement Officers or required to be on 24 hour call by the agency?
- 3) What is the written policy on commuting mileage and use of state owned vehicles?
- 4) How does this policy affect the other individuals who are benefiting from the use of the vehicle? If they not assigned a vehicle, should they have access to a state vehicle for commuting to work? Are they law enforcement or on 24 hour call?
- 5) Is there any policy in place for working with outside employment recruiting agency?

My RDO which is my regular day off is on the Saturday of the three day weekend I work. August 20th was my RDO and I was approved off on Sunday the 21st. I was told by Lieutenant Carson on Wednesday the 17th that I needed to work Saturday and I told him I can't I'm moving and I won't be back till Monday. When I got off work Saturday morning working overtime with rapid response team I text Tucker and told him how much overtime I had, he said tell him when I come into work I told him I'm off and approved off Sunday. In our conversation he said I needed to come in at midnight, I told him I can't I'm moving this weekend, I didn't work neither day. We have been short on a-2 shift some in the month of July and entire month of August, one officer in unit nine and one wing officer in SMU/SML which both lock up suppose to have two wing officers and unit nine suppose to have two officers. I worked in unit nine alone and Lieutenant Brown worked in unit nine alone two times. On 8-23-11 I received an employee corrective action for unauthorized absence. Policy ADM 11-04 (090) unauthorized absence from work states does not report for work; does not obtain approval for authorized leave; does not report for scheduled training; and will not be paid for day[s] of absence. Saturday was my RDO and Sunday I was approved off so how can I be charged unauthorized absence. I already had plans to move, I do have a private life and just because I didn't change what I was doing Tucker got upset and wrote me up that's wrong and very unprofessional. I showed a copy of my approved time off, I just didn't show up for work. When I explain it to AW Lane he stated to me "when your supervisor tell you come into work you need to come in". I do not and will not change my plans if and when my supervisor tells me to come in. August 11th Associate Warden Caldwell worked on A2 shift she came to unit nine and signed the log book, she asked me who working with you and I said me myself. She paused a few seconds then she stated " I'm going to leave so you can do what you have to do".

Property Card Information



Lexington County, SC

Good Friends and Great Communities



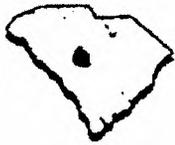
Data last updated: 08/10/2011

TMS#: 001927-03-016 [Show Map](#)
 TAX YEAR: 2010
 OWNER: LANE, GARY & CRYSTAL
 ADDRESS: 370 WHARFSDALE RD
 IRMO, SC 29063
 PROPERTY ADDRESS: 370 WHARFSDALE RD
 LEGAL DESCRIPTION: FRIARSGATE B SEC 5E2 LOT 57 BLK R2
 DEED BOOK & PAGE: 9321-10
 PLAT: 283-114
 LAND USE: 1001:RESIDENTIAL - IMPROVED
 TAX DISTRICT: 5IFW

<u>ASSESSMENT INFORMATION</u>	<u>BUILDING INFORMATION</u>
LOTS: ACRES: .3 TAXABLE LAND: 17500 TAXABLE BUILDING: 61530 ASSESSMENT LAND: 700 ASSESSMENT BUILDING: 2460 HOMESTEAD EXEMPT ASSESSMENT: 0 TAX RELIEF EXEMPT ASSESSMENT: 3160	SQUARE FOOT LIVING AREA: 1063 UNFINISHED AREA: 0 YEAR BUILT: 1983 NUMBER OF BEDROOMS: 3 NUMBER OF FULL BATHS: 2 NUMBER OF HALF BATHS: 0 HEATING SYSTEM: 3-CENTRAL A/C HEAT: 3-HEAT PUMP

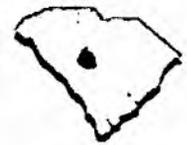
<u>SALES INFORMATION</u>				
<u>SALE DATE</u>	<u>SELLER</u>	<u>BUYER</u>	<u>PRICE</u>	<u>BOOK/PAGE</u>
05/25/2004	WOODHAM, ALLISON R	LANE, GARY & CRYSTAL	88000	<u>9321-10</u>
03/01/1998	IRMO PROPERTIES	WOODHAM A R	67700	<u>4561-047</u>

Property Tax Information



Lexington County, SC

Good Friends and Great Communities



[View Current Tax Bill](#)

Bill#	2010054098100	TxYr	2010	Rev#	0 00 09/28/10	Dstr	1
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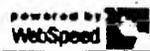
OWNER NAME/ADDRESS	SPECIAL MAILING NAME/ADDRESS
CALDWELL, LAURA E	

CALCULATED TAXES AND FEES DUE BY 01/18/11

PROP ASMT	4,080	TAXES	1,773.48	COSTS	0.00
ASMT DEDCT	0	CREDIT/RELIEF	1,257.40	FEES	0.00
ADJ RATIO	1.000000	H/S EMPT	0.00	TOTAL	516.08
# OF MONTHS	12	PENALTY	0.00	PAID	12/16/10
Adj Value	4,080	INTERNET/INTEREST	0.00	REFUND	

PROPERTY TYPE - REAL ESTATE

Fair Mkt	102120	Addr	233 DOVE TRACE DR						
Land Asmnt	920	TMS#	005537-02-035	AP		MTG	10		
Imprv Asmnt	3160	H/S%	0	LR	Y	AG	N	NT	



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Revised: October 26, 2006

Note to File:

R. Myers

Records Request for Tyger River on 2011-30
August 31, 2011, Request made to
Bob Ward, Acting Director of SCDOC.

As of September 7, 2011, OIG had
not received information requested
for DOC.

Original Due date for records was
August 22, 2011, Second request
August 31, 2011

class code

JD30

STATE OF SOUTH CAROLINA

Correctional Officer I

General Nature of Work:

Maintains discipline, safety and security among inmates/residents of an adult or juvenile correctional facility; may supervise and instruct subordinate officers in the performance of security duties.

Guidelines for Class Use/Distinguishing Characteristics:

This work ranges from entry-level security in a facility of incarceration to the first line supervision and training of entry-level officers.

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.)

Maintains control in inmate/resident dorms, cafeteria, work sites and surrounding areas.
Instructs and directs inmates/residents assigned to various work details.
Maintains and reports inmate/resident count and daily logs; prepares and submits miscellaneous reports.
Maintains surveillance and searches for contraband.
Maintains and inspects buildings for cleanliness and sanitation; requisitions and directs issuance of supplies, tools and equipment; maintains inventory of equipment.
Escorts visitors and civilian employees through assigned facility.
Ensures that inmates/residents receive prescribed treatment including medical and behavioral prescriptions.
Controls gate tower or other special post.
Makes prescribed security inspections and searches of specified buildings, building contents, grounds, vehicles and people and takes necessary action.
Maintains and operates security devices in a security setting, such as gates and doors, weapons and mechanical devices.
Instructs and counsels officers concerning duty requirements.
Investigates inmate/resident complaints and takes appropriate action.
Serves as backup for any dorm/building dispute requiring assistance and crisis intervention; makes reports to appropriate personnel.
Serves as member of treatment staffing team by observing and reporting activities of the inmates/residents assigned; implements appropriate aspects of the treatment program.

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, agency regulations and institutional rules and requirements for the Knowledge of purposes, methods and practices of correctional facilities.
Skill in first aid, CPR, the prevention and management of aggressive behavior and fire safety procedures.
Ability to successfully complete requirements of basic training programs.
Ability to supervise, direct and control activities of inmates/residents and to influence inmates'/residents' actions in a controlled environment for adherence to desired behavior standards.
Ability to establish and maintain satisfactory working relationships with inmates/residents, peers, inmates'/residents' families and the general public.

Ability to supervise and provide direction and instruction to subordinate officers.

Necessary Special Requirement:

Some positions require completion of the Correctional Officer Basic Certification Course and completion of the Correctional Officer Supervisory Course or completion of both courses within the first six months after placement into the position. Incumbents may be required to fulfill all South Carolina Law Enforcement Training Board requirements for law enforcement certification. Some positions require a commercial driver's license.

Minimum Requirements:

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

A high school diploma.



SCDC POLICY/PROCEDURE

NUMBER: ADM-15.08

TITLE: CELLULAR TELEPHONE USE

ISSUE DATE: OCTOBER 1, 2010

RESPONSIBLE AUTHORITY: DIVISION OF RESOURCE AND INFORMATION MANAGEMENT

OPERATIONS MANUAL: ADMINISTRATION

SUPERSEDES: New Policy

RELEVANT SCDC FORMS/SUPPLIES: NONE

ACA/CAC STANDARDS: 4-ACRS-2C-01, 4-4192

STATE/FEDERAL STATUTES: S.C. Code Ann. §16-13-400

PURPOSE: To establish guidelines for the South Carolina Department of Corrections concerning the possession and use of cellular telephones.

POLICY STATEMENT: The South Carolina Department of Corrections recognizes that cellular telephones play an integral role in both the professional and personal lives of its employees and visitors. However, the Department has a zero tolerance policy regarding the intentional or inadvertent introduction, or attempted introduction of any cellular phone into any institution. (4-ACRS-2C-01, 4-4192)

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- 1. SCDC PROVIDED CELLULAR TELEPHONES**
- 2. PERSONALLY OWNED CELLULAR TELEPHONES**
- 3. USE OF A CELLULAR TELEPHONE WHILE OPERATING A STATE VEHICLE**
- 4. CORRECTIVE ACTION**
- 5. DEFINITIONS**

SPECIFIC PROCEDURES:

1. SCDC PROVIDED CELLULAR TELEPHONES:

1.1 SCDC provides cellular telephones for the purpose of conducting official SCDC business. SCDC provided cellular telephones may not be taken into SCDC institutions unless approved prior to entering the institution. An employee who has a qualified need to carry his/her state telephone into an institution must communicate with the Warden or Designee prior to entering the institution with the telephone to explain the need and seek approval. Failure to do so may result in the telephone being confiscated. Authorization to carry a state issued telephone into an

SCDC institution may also be approved by the Agency Director, the Division Director of Operations/Designee, or the Inspector General. (4-ACRS-2C-01, 4-4192)

1.2 Employees are discouraged from placing personal calls via SCDC provided cellular telephones. Payment for personal calls is the employee's responsibility. If the employee must use the cellular telephone for a personal call, s/he will highlight personal calls on the cellular telephone bill and reimbursement will be made via cash or check to the Accounts Payable Section of the Financial Accounting Branch, Division of Budget and Finance. The employee will attach the SCDC receipt of payment to his/her SCDC cellular telephone bill and maintain both for audit purposes.

2. PERSONALLY OWNED CELLULAR TELEPHONES:

2.1 INSTITUTIONS: Unless approved as noted in this policy, all personally owned cellular telephones will remain secured in vehicles while on institutional property. Employees may not carry or use personally owned cellular phones on any assigned post, when transporting inmates, or during perimeter patrols. EXCEPTION to 2.1, will be at the discretion of the Warden/Designee or appropriate Division Director/Designee for employees who must travel in a SCDC vehicle to meetings, training, or who are required to transport inmates but are not issued a state phone, etc. (NOTE: The use of a personal cellular phone to/from the state vehicle while on Institutional property is strictly prohibited. Corrective action will be taken if an employee has been found violating this procedure.) (4-ACRS-2C-01, 4-4192)

2.1.1 EMPLOYEES: If an employee is found to be in possession of a personally owned cellular phone prior to entering an institution, and there appears to be no attempt to intentionally introduce the phone into the institution, the employee will be allowed to return the phone to his/her vehicle. If there is evidence or suspicion that the employee was attempting to intentionally introduce the cellular phone into the institution, the phone will be confiscated and held as evidence pending the investigation of the matter. The Warden has the discretion to return the phone after the completion of the investigation. Employees who are found to be in possession of a cellular phone inside an institution will have the phone confiscated and retained pending an investigation. (NOTE: In all these cases, disciplinary action will be taken in accordance with SCDC Policy/Procedures ADM-11.04, "Employee Corrective Action," which may include suspension without pay, and/or termination.) The investigation could also result in criminal prosecution.

2.1.2 INMATE VISITOR: If an inmate visitor is found to be in possession of a cellular telephone prior to entering an institution, and there appears to be no attempt to intentionally introduce the phone into the institution, the inmate visitor will be allowed to return the phone to his/her vehicle, and the visit will be terminated for that day. If there is evidence or suspicion that the inmate visitor was attempting to intentionally introduce the phone into the institution, the telephone will be confiscated and held as evidence pending the investigation of the matter. The inmate visitor will not be allowed to visit, and the Warden will review the matter to determine if a visitation suspension is warranted. The Warden has the discretion to return the phone after the completion of the investigation. Inmate visitors who are found to be in possession of a cellular phone inside of an institution should be aware that the phone will be confiscated and retained pending an investigation. The visit will be terminated immediately, and the visitor will face a visitation suspension. The investigation could also result in criminal prosecution.

2.1.3 VENDORS, VOLUNTEERS, OUTSIDE CONTRACTORS: Personally owned cellular telephones and business owned cellular telephones used by vendors, volunteers, or outside contractors must be secured in their vehicles, and may not be taken into SCDC institutions. Vendors, outside contractors, volunteers, etc., who are found intentionally (i.e., cell phone is discovered hidden during a search) attempting to introduce a cellular telephone into an institution will be denied access into the facility, and the cellular telephone will be confiscated. The decision to allow access into the facility for vendors, outside contractors, volunteers, etc., who have inadvertently (i.e., forgotten their cellular telephone is hooked to their belt, etc.) failed to secure their cellular telephone in their vehicle will be at the discretion of the Warden/Designee, after they have returned their cellular telephone to their vehicle. (NOTE: An exception may be granted to vendors and contractors who are there to make equipment repairs at the discretion of the Warden/Designee.) The intentional introduction of a cellular telephone into an institution could result in criminal prosecution.

2.1.4 OUTSIDE LAW ENFORCEMENT: Outside law enforcement agents on official business are authorized to carry cellular telephones into an institution, with the approval of the Warden/Designee. Each such event will be documented, with the name, title, and agency of the law enforcement officer recorded.

3. USE OF A CELLULAR TELEPHONE WHILE OPERATING A STATE VEHICLE: The use of either a SCDC issued, or personally owned cellular telephone for the purpose of texting or emailing while operating a state vehicle is strictly prohibited. During inmate transport, if two Correctional Staff are present, the use of ANY cell phone must be by the passenger of the vehicle. If a single staff member is transporting inmates, and a telephone call must be made, every effort should be made to pull over to the side of the road.

4. CORRECTIVE ACTION:

4.1 Employees: Any employee who violates this policy/procedure will be subject to corrective action in accordance with SCDC Policy/Procedure ADM-11.04, "Employee Corrective Action."

5. DEFINITIONS:

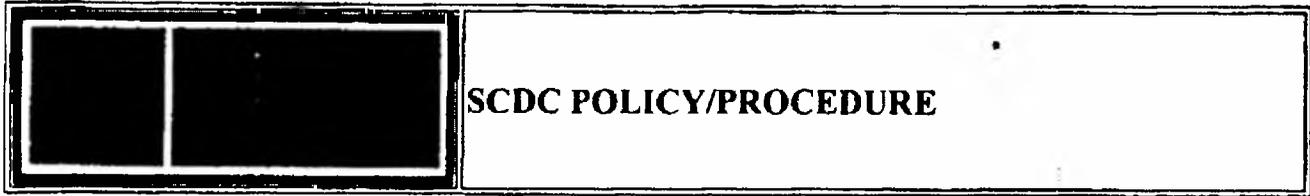
Intentional refers to the deliberate actions of an individual.

Inadvertent refers to an unintentional action of an individual.

SIGNATURE ON FILE

s/Jon E. Ozmint, Director

ORIGINAL SIGNED COPY MAINTAINED IN THE OFFICE OF POLICY DEVELOPMENT.



NUMBER: ADM-11.17

TITLE: EMPLOYEE CONDUCT

ISSUE DATE: December 1, 2008

RESPONSIBLE AUTHORITY: DIVISION OF HUMAN RESOURCES

OPERATIONS MANUAL: ADMINISTRATION

SUPERSEDES: ADM-11.17 (December 1, 2005)

RELEVANT SCDC FORMS/SUPPLIES: 16-69, 16-90, 19-29A&B

ACA/CAC STANDARDS: 4-ACRS-3A-07,4-ACRS-7E-04, 4-ACRS-7E-07, 4-4048, 4-4056, 4-4069

STATE/FEDERAL STATUTES: (This list is not all inclusive.) Section 24-3-950, South Carolina Code of Laws, 1976, as amended; Section VII (707.02), South Carolina Office of Human Resources Regulations; Title VII of the 1964 Civil Rights Act; Article 7, Sections 8-13-700 through 8-13-795, Rules of Conduct

THE LANGUAGE USED IN THIS POLICY/PROCEDURE DOES NOT CREATE AN EMPLOYMENT CONTRACT BETWEEN THE EMPLOYEE AND THE AGENCY. THIS POLICY/PROCEDURE DOES NOT CREATE ANY CONTRACTUAL RIGHTS OR ENTITLEMENTS. THE AGENCY RESERVES THE RIGHT TO REVISE THE CONTENTS OF THIS POLICY/PROCEDURE, IN WHOLE OR IN PART. NO PROMISES OR ASSURANCES, WHETHER WRITTEN OR ORAL, WHICH ARE CONTRARY TO OR INCONSISTENT WITH THE TERMS OF THIS PARAGRAPH CREATE ANY CONTRACT OF EMPLOYMENT.

PURPOSE: To outline general guidelines regulating the conduct of Agency employees (to include nepotism and incompatible activity) governed and authorized under applicable state and federal laws and regulations and Agency directives.

POLICY STATEMENT: To promote the ethical, professional, and lawful conduct of all SCDC employees, the Agency will ensure that employees are aware of the applicable regulations, laws, and directives governing their conduct as it relates to their employment with the South Carolina Department of Corrections and with the state (to include, but not be limited to, prohibitions against nepotism and incompatible activity) and of the action that can or may be taken for violations of any of the same. (4-ACRS-3A-07, 4-ACRS-7E-04, 4-ACRS-7E-07, 4-4048, 4-4056, 4-4069)

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5. INCARCERATED RELATIVES
6. REPORTING INCIDENTS OF SEXUAL CONDUCT, SEXUAL ABUSE, OR SEXUAL HARASSMENT BETWEEN EMPLOYEES AND INMATES
7. SUPERVISOR/SUBORDINATE RELATIONSHIPS
8. DEFINITIONS

SPECIFIC PROCEDURES:

1. NOTIFICATION: Employees will be provided access to information pertaining to the rules, regulations, and statutes governing their conduct. Unless otherwise noted herein, information will be made generally accessible to all employees through publication of this policy/procedure and related Agency policies/procedures and post orders. The Agency reserves the privilege and/or right to discipline and/or to prosecute to the fullest extent of the law any employee deemed in violation of any rules and regulations either mandated by state or federal statutes or by Agency directives. See SCDC Policy/Procedure ADM-11.04, "Employee Corrective Action," for additional information. (4-ACRS-7E-07,4-4048)

2. NEPOTISM:

2.1 No immediate family member related by blood or marriage shall be employed (whether by hire, transfer, promotion, or demotion) at the same time under the following conditions:

- if one member would be under the supervision of another member of the family, or
- if such employment would result in an employee occupying a position having influence over the relative's employment, promotion, transfer, salary administration, or other related management or personnel matters.

2.2 No immediate family member of the Agency Director may be employed by the Agency, regardless of position, unless otherwise approved by the Governor of the State of South Carolina. No immediate family member of the Director - Office of Budget and Resource Management, Director of Health Services, Director of Programs and Services, General Counsel, Inspector General, or Division Director of Operations may be employed, regardless of position, unless otherwise approved by the Agency Director.

2.3 The Agency considers the potential employment of immediate family members on a case by case basis with safety, security, and employee morale as paramount. Any such new hires or other assignments must have the approval of the Division Director of Human Resources.

2.4 New or existing assignments of immediate family members within the same institution, division, or work area may cause employee or inmate relations problems. If reasonable evidence of such problems is found, then employees should be aware that involuntary transfer of one or both employees may be required. It will be the responsibility of the Warden, Division Director, or higher authority to identify such situations and to coordinate any transfers with the Division Director of Human Resources.

2.5 The Agency reserves the right to deny employment of individuals who, by virtue of their relationship (blood, marriage, other) to another employee or inmate, may pose a substantial risk to the Agency or its operation or its mission. (4-ACRS-3A-07, 4-4069)

3. STATE ETHICS ACT/RULES OF CONDUCT: To uphold compliance with South Carolina Ethics Commission Standards, no employee of the Agency will be authorized to engage in any other employment or activity deemed incompatible or inconsistent with his/her employment with the SCDC. Incompatible/Inconsistent Activity refers to employment and conduct including, but not limited to, the following categories:

- use of the prestige or influence of the state, the Agency, or official position within the state or the Agency to obtain privileges or private gain or advantage;
- employment or participation in any activity of an illegal nature;
- employment or activity which would prevent an employee from doing his/her job in an efficient and capable manner;
- employment or activity that would prevent a prompt response to a call to report to duty in an emergency or when otherwise required to be present by his/her immediate supervisor or other higher authority;
- use of SCDC equipment, vehicles, computers, weapons, badges, or other identification for purposes other than officially assigned duties;
- use for private gain the time, facilities, equipment, or supplies of the state and/or the Agency; providing information deemed as confidential, either by Agency policies/procedures or by state or federal laws, to persons to whom the issuance of such information has not been authorized or for private gain or advantage;
- receiving or accepting money or other consideration from anyone other than the state for performance of an act which an employee would be required or expected to render in the regular course of his/her employment or as a part of his/her official duties as a state employee;
- receiving or accepting any gift of value from anyone under circumstances from which it could be reasonably inferred that the gift was intended as a reward or for the purpose of influencing any official action on the employee's part;
- *relationships between SCDC Employees (See Section 7)*
- payment beyond reimbursement for expenses for public speaking when such invitation is extended because of the nature of the employee's duties/position with the Agency. (4-ACRS-3A-07, 4-4069)

3.1 In compliance with the South Carolina Rules of Conduct for Public Employees, an employee of the SCDC may not receive anything of value beyond reimbursement for expenses for speaking before a public or private group if the speech is incidental to the employee's duties as a public official, public member, or public employee. However, a meal can be accepted if it is provided in conjunction with the speaking engagement where all participants are entitled to the same meal and the meal is incidental to the speaking engagement.

3.2 An Agency employee may not receive money in addition to that received in his/her official capacity for advice or assistance given in the course of his/her employment as a public official, public member, or public employee.

3.3 Other Activities: The Agency encourages employees to clarify in advance any activity or employment that could be construed as inconsistent or incompatible by the State or the Agency. The following procedures are recommended for clarification/decision:

3.3.1 An employee should submit a written request through his/her immediate supervisor to the Division Director of Human Resources on any activity or employment which s/he feels could be

misconstrued as inconsistent or incompatible by the State or the Agency.

3.3.2 The Division Director of Human Resources may require an opinion from the Agency's Office of General Counsel and/or the South Carolina Ethics Commission.

3.3.3 After a decision is made and documented, the Division Director of Human Resources will notify the employee in writing through his/her immediate supervisor.

3.3.4 If the employee objects to the decision, s/he may appeal through the appropriate supervisory chain or the Agency Director.

3.4 Should an employee be involved in any activity found to be incompatible or inconsistent for which s/he did not follow the above referenced procedures, s/he may be subject to corrective action (up to and including termination) as well as prosecution under federal and/or state law. Any proposed corrective action under these provisions must be justified in writing by the appropriate Warden, Division Director, or member of the Director's Staff and approved through the Division Director of Human Resources or designee. (4-ACRS-3A-07, 4-4069)

4. REPORTING ARREST, RECEIPT OF WARRANT, CONVICTION, DISPOSITION OF ARREST, RESTRAINING ORDERS AND SUSPENSION OF DRIVER'S LICENSE; OR DEFAULT ON STUDENT LOANS:

4.1 All employees are required to report any receipt of arrest warrant/disposition of arrest, restraining orders and conviction/disposition (other than minor traffic violations) and court-issued restraining orders regarding a family member or co-habitant through their immediate supervisor to the appropriate Warden/Division Director and to the Division of Human Resources within five (5) working days of the receipt of arrest warrant and conviction/disposition or of receipt of the restraining order. The arrest and conviction/disposition and restraining order must be reported on SCDC Form 16-69, "Notification of Arrest/Disposition." A copy of the original warrant, restraining order, or final court disposition **MUST** be attached. The following provisions apply:

4.1.1 Failure to report an arrest and conviction/disposition or restraining order within five (5) working days will result in corrective action up to and including termination, regardless of the severity of the charge and conviction/disposition and/or restraining order.

4.1.2 Restraining orders required to be reported must meet the following three (3) conditions:

- the order must be issued after a hearing of which the person had actual notice and an opportunity to participate;
- the order restrains the person from harassing, stalking, or threatening an intimate partner, or engaging in other conduct that would place an intimate partner in reasonable fear of bodily injury;
- the order includes a finding that the person represents a credible threat to the physical safety of the partner or by its terms explicitly prohibits the use, attempted use, or threatened use of physical force against the intimate partner that would reasonably be expected to cause bodily harm.

4.1.3 All security and non-security employees may be terminated, as directed by the Division Director of Human Resources, for the following:

- defaulting on the repayment of certain guaranteed government student loans;
- workers compensation cases which prevent the employee from returning to work and performing the essential functions of their positions;
- absences for any employee which causes them to exceed leave requirements of the State of South Carolina;
- indictment of a crime that carries a potential sentence of one year or more;
- conviction of a Felony;
- conviction of a DUI, (i.e., Driving Under the Influence, Driving While Impaired, Driving While Intoxicated, etc.); and
- certain crimes which are serious enough in nature to create a substantial security risk or pose a threat to the Agency or Agency's image; or failure to report arrests and dispositions or restraining orders in a timely manner as required by policy.

4.1.4 In addition, security employees may be terminated by the Division Director of Human Resources if convicted of crimes that would cause their de-certification as a Class I or II Officer for any reason as directed by the State Criminal Justice Academy. In the above listed cases, the termination provisions of Agency Policy/Procedure ADM-11.04, "Employee Corrective Action" are not required.

4.2 Employees who must drive state/SCDC vehicles as part of their job are required to report a suspended or revoked driver's license to the SCDC within five (5) working days of the notification of the suspension or revocation. The employee will provide this information by memo (See Appendix A) to his/her supervisor who will forward it to the Division of Transportation. (4-ACRS-3A-07, 4-4069)

5. INCARCERATED RELATIVES:

5.1 Employees must complete SCDC Form 16-90, "Report of Employee and/or Inmate Relative," and submit it to their immediate supervisor if an inmate incarcerated within the SCDC is a current or previous relative of the employee. The supervisor will forward the SCDC Form 16-90 to the appropriate Warden/Division Director, who will send the original to the Division Director of Human Resources. The original will be filed in the employee's personnel folder. A copy will be confidentially maintained by the appropriate personnel specialist. While no action will normally be taken against the employee, security issues may require the movement or restriction of movement of the inmate.

5.2 Any employee requesting to visit an inmate must follow the procedures outlined in SCDC Policy/Procedure OP-22.09, "Inmate Visitation." (4-ACRS-3A-07, 4-4069)

6. REPORTING INCIDENTS OF SEXUAL CONDUCT, SEXUAL ABUSE, OR SEXUAL HARASSMENT BETWEEN EMPLOYEES AND INMATES:

6.1 The South Carolina Department of Corrections is committed to protecting the public by operating a safe, secure, humane, and efficient state prison system in accordance with statutory and constitutional mandates. In order to meet this mission, the public must have confidence that all incidents of sexual conduct, sexual abuse, or sexual harassment are properly reported, immediately and thoroughly investigated, and that each incident is resolved with an appropriate response. Unless the disclosure is otherwise protected by law, as soon as an incident of sexual conduct, sexual abuse, or sexual harassment performed by an employee(s) with or to an SCDC inmate(s) comes to the attention of an employee (this includes rumors and "inmate talk," and all kissing even though such kissing may not amount to sexual contact, sexual abuse, or sexual harassment), the employee who receives the information will immediately inform the Warden, or other appropriate SCDC official or supervisor

verbally and follow-up with a written report using SCDC Form 19-29A, and if necessary, SCDC Form 19-29B.

6.2 Failure to report such information may result in corrective action up to and including termination from employment with this agency. During the course of an official investigation, employees are to cooperate fully by providing all pertinent information that they may have. Full cooperation requires truthfully responding to all questions and providing a signed statement or affidavit, if necessary. (See SCDC Policy/Procedure ADM-11.04, "Employee Corrective Action," for additional information.) All such cases will be investigated and when required, referred to the appropriate law enforcement agency and/or solicitor's office. (4-ACRS-7E-04, 4-4056)

7. RELATIONSHIPS BETWEEN SCDC EMPLOYEES: Romantic relationships between employees at the same institution are prohibited. Employees who are not assigned to an institution are prohibited from having a romantic relationship with any SCDC employee. Existing marriages of public record, or common law marriages, which are documented in SCDC official Personnel records prior to the date of this policy change, will be grandfathered. When an employee is suspected of committing a rules infraction(s) of this nature, he/she will be charged with 020, "Unprofessional Conduct, Incompatible Activities, Malicious Profanity, Unethical Conduct, or Other Employee Behavior Having Potential or Actual Detriment to the Agency or State Operations of Their Image" (conduct can occur on/off the job), pursuant to Agency Policy/Procedure ADM-11.04, "Employee Corrective Action." The appropriate corrective action(s) will be determined after the particular circumstances of the case have been considered.

7.1 As these relationships are detrimental to the organization and our mission, the practical reality is that the only effective remedy in most cases will be termination of one of the employees involved in an inappropriate romantic relationship.

7.2 While this policy still allows limited romantic involvement between SCDC employees, the better practice is to avoid romantic relationships within our ranks. Even relationships that are allowed under this policy can limit opportunities for promotions, transfer, and job assignments, as such decisions cannot result in a violation of this policy.

7.3 No employee will participate in an employment decision, (e.g. hiring, termination, corrective action, promotion, EPMS planning stage or evaluation, etc.), involving an applicant or employee with whom there exists a personal or romantic relationship.

7.4 Employees hired prior to the revision to this policy on April 15, 2008 that were in a relationship considered grandfathered should not be denied a promotional opportunity within the agency as long as the position does not allow the individual to fall within the same chain of command of the person with whom they have a relationship. For any employee hired April 15, 2008 and after, the policy clearly indicates that an employee cannot have a romantic relationship with an employee at the same institution and an employee who is not assigned to an institution cannot have a relationship with any SCDC employee.

8. DEFINITIONS:

Arrest/Conviction/Disposition/Suspension refers to any charge other than minor traffic violations and/or suspension of the individuals' driver's license. A charge must be reported, regardless of the type of offense, whether or not a warrant was issued; the employee was fingerprinted; the charges were dropped, not processed, dismissed, resulted in probation, plea bargained, reduced, or changed; or the

individual was found guilty or not guilty. These include, but are not limited to: crimes of moral turpitude (fraudulent check, shoplifting, any illegal drug charge, misdemeanor crimes, etc.); misdemeanor crimes of domestic violence (simple assault or other types of assault on family members or co-habitants); restraining orders (court-issued restraining orders regarding a family member or co-habitant); DUI - driving under the influence of alcohol or drugs; leaving the scene of an accident; any felony; any other type of misdemeanor or felony conviction; and suspended or revoked driver's license (for employees required to drive state/SCDC vehicles). See SCDC Policy/Procedure OP-20.02, "Transportation Management," for additional reporting for accidents/tickets while driving a state/SCDC vehicle. (4-ACRS-3A-07, 4-4069)

Employee refers to any full-time, part-time, or contract services employee; or any other individual regularly working in the SCDC.

Five Working Days refers to five (5) workdays based on the employee's work schedule, regardless of the number of hours in the workday.

Immediate Family Member refers to the wife, husband, mother, father, brother, sister, daughter, son, mother-in-law, father-in-law, daughter-in-law, son-in-law, grandmother, grandfather, granddaughter, or grandson; and, for purposes of this policy/procedure, includes a member of the individual's immediate family defined as follows: a child residing in an immediate family member's household; spouse of an immediate family member; or an individual claimed by the employee or applicant or his/her spouse as a dependent for income tax purposes (e.g., step-children claimed as dependents).

Incarcerated Relative refers to an inmate who is related to either the employee or the employee's current or previous spouse. (4-ACRS-3A-07, 4-4069)

s/Jon E. Ozmint, Director

ORIGINAL SIGNED COPY MAINTAINED IN THE DIVISION OF POLICY DEVELOPMENT.

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS

MEMORANDUM

THROUGH: _____

TO: Division Director, Transportation

FROM: _____

SUBJECT: NOTIFICATION OF SUSPENDED/REVOKED
DRIVER'S LICENSE OR MOVING VIOLATION

DATE: ____/____/____

Section I: (to be completed by employee)

Name of Employee: _____

Social Security #: _____

Date of Birth: ____/____/____

Position: _____ Location: _____

Driver's License #: _____

State of Driver's License: _____

** Date Driver's License Suspended/Revoked: ____/____/____

*** Date of Moving Violation while driving a State/SCDC Vehicle: ____/____/____

Section II: (to be completed by Division of Transportation)

Date Notification Received: ____/____/____

Action Taken: _____

****Suspension/revocation must be reported within five (5) working days.**

***** An employee receiving a citation for a moving violation will be held personally liable for the payment of any fines incurred upon him/her. The South Carolina Department of Corrections will not be held responsible for payment of any such fines.**



SCDC POLICY/PROCEDURE

NUMBER: ADM-11.04

TITLE: EMPLOYEE CORRECTIVE ACTION

ISSUE DATE: AUGUST 1, 2004

RESPONSIBLE AUTHORITY: DIVISION OF HUMAN RESOURCES

OPERATIONS MANUAL: ADMINISTRATION

SUPERSEDES: ADM-11.04 (July 1, 2000); Change 1 (February 7, 2001); Change 2 (March 9, 2001); Change 3 (May 29, 2001); Change 4 (July 18, 2001)

RELEVANT SCDC FORMS/SUPPLIES: 16-5, 16-50

ACA/CAC STANDARDS: 4-ACRS-7E-07, 3-4048

STATE/FEDERAL STATUTES: State Office of Human Resources Regulations

THE LANGUAGE USED IN THIS POLICY/PROCEDURE DOES NOT CREATE AN EMPLOYMENT CONTRACT BETWEEN THE EMPLOYEE AND THE AGENCY. THIS POLICY/PROCEDURE DOES NOT CREATE ANY CONTRACTUAL RIGHTS OR ENTITLEMENTS. THE AGENCY RESERVES THE RIGHT TO REVISE THE CONTENTS OF THIS POLICY/PROCEDURE, IN WHOLE OR IN PART. NO PROMISES OR ASSURANCES, WHETHER WRITTEN OR ORAL, WHICH ARE CONTRARY TO OR INCONSISTENT WITH THE TERMS OF THIS PARAGRAPH CREATE ANY CONTRACT OF EMPLOYMENT.

PURPOSE: To establish uniform guidelines for the application and administration of corrective action for employees who have committed rules infractions.

POLICY STATEMENT: In order to maintain a staff committed to professionalism, the Agency will develop and administer uniform employee corrective action procedures for the processing of employees who have committed rules infractions. Such procedures will be designed to encourage positive behavioral changes and to improve employee *conduct*. (4-ACRS-7E-07, 3-4048)

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SPECIFIC PROCEDURES:

1. GENERAL:

1.1 The specific procedures contained herein are applicable to all Agency personnel in *covered* positions, and may be applicable to contract personnel, if stipulated in the employment contract.

1.2 Employees attending the Basic Officer Certification Class may be terminated by the *Assistant* Division Director of *Security and Training* for academic failure or violation of Agency/Academy rules or regulations. Employees failing to qualify under *Continuing Law Enforcement Education (CLEE)* requirements will be terminated by the applicable Warden or Division Director. In these cases, the termination provisions of this policy/procedure are not required.

1.3 Employees may be terminated *as directed* by the Division Director of Human Resources for defaulting on the repayment of certain guaranteed government student loans, upon *indictment of a crime that carries a potential sentence of one year or more*, upon *conviction of crimes that would cause decertification* for any reason *as directed* by the state Criminal Justice Academy (for those positions requiring certification), or for workers' compensation cases which prevent the employee from returning to work and performing the essential functions of their position or which cause them to exceed leave requirements of the State of South Carolina. Employees may be terminated if convicted of certain crimes which are serious enough in nature to *create a substantial security risk or pose a threat to the Agency or a detriment to the Agency's image*, or for failure to report arrests and/or *dispositions or restraining orders* in a timely manner as required in policy/procedure. In those cases listed above, the termination provisions of this policy/procedure are not required.

1.4 There is no *requirement for this policy to be applied* to probationary status employees who may be disciplined and terminated, at the discretion of the Agency. Probationary status employees may only be terminated *with the concurrence of the Chief, Employee Relations Branch or designee*.

2. EMPLOYEE REVIEW MEETINGS:

2.1 Employees suspected of committing a rules infraction(s) will be afforded the opportunity to have his/her case heard by the Reprimanding Authority to review the information concerning each case; to determine whether the employee has committed a violation; to properly characterize the violation; and, if necessary, to assess corrective action. All employee corrective actions taken must conform with directives outlined in this policy/procedure.

2.2 Employees *will be notified at least 24 hours* in advance of their scheduled Review Meeting with the Reprimanding Authority. *This notification may be served on the employee by the Reprimanding Authority, any supervisor in their chain of command or by certified mail as stated in Section 4.2.* SCDC Form 16-50, "Employee Corrective Action," will be used for this purpose. *In some cases, however, circumstances (i.e., employee incarceration, out of state, illness/injury, etc.) may prevent a formal scheduled review meeting.* Documentation of the *inability to have a review meeting or of the employee's receipt of this notification* should include the employee's signature, certified mail receipt, or a signature of a witness (if the employee refuses to sign). *The 24-hour notice of the review meeting may be waived by the employee. The waiver must be noted on SCDC Form 16-50, "Employee Corrective Action."*

2.3 There is no review meeting required for employees charged with *violation 270 – Positive Drug Test Results and 280 - Failure to Submit to a Drug Test*. Upon notification of the positive test result, the Reprimanding Authority will immediately place the employee on suspension. If the employee requests a reconfirmation test, s/he will remain on suspension until the results are confirmed. If no reconfirmation test is requested, the Reprimanding Authority will *proceed with* the termination process.

3. REVIEW MEETING PROCESS:

3.1 Employee Review Meetings should be conducted within ten (10) calendar days after the employee has been notified of the meeting. For the *Division of Investigation* cases, the Reprimanding Authority should convene the

hearing within 15 calendar days from the date that the investigative report/summary is received by him/ her.

3.2 The Employee Review Meeting will be convened at the appointed date and time, and the employee will, again, be advised of the alleged violation. Should the employee fail to appear as scheduled, the Reprimanding Authority may conduct the meeting in the employee's absence. All participants will be advised that the issues being addressed are confidential in nature and should not be discussed outside the meeting. The employee may NOT be represented by counsel at this meeting.

3.3 The Reprimanding Authority will allow the employee the opportunity to respond to the allegation(s), present a defense on his/her behalf, and present pertinent supportive documentation relating to the allegation. **(NOTE:** Supportive documentation used by the Reprimanding Authority may include written documentation, statements, investigative reports/summaries, incident reports, and any other material available to the Reprimanding Authority concerning the allegation. *If such information is used, the information or a summary must be provided to the employee prior to the meeting.* Based upon the available information, the Reprimanding Authority must determine if an alleged violation did, in fact, occur. The review meeting will also serve to determine the proper characterization of the violation. (For example, employees may have been notified that they were suspected of "negligence," but at the review meeting, it was determined they were asleep on their duty post. The characterization of the violation would then be changed to "sleeping on duty.")

3.4 If the Reprimanding Authority determines that a violation has occurred, s/he will complete SCDC Form 16-50, "Employee Corrective Action." The guidelines described in Attachment 1-A to these procedures have been established to assist the Reprimanding Authority in identifying the violation and imposing appropriate corrective action. The Reprimanding Authority will then arrive at a decision for corrective action based on the following:

- the seriousness of the violation;
- prior corrective actions against the employee (when considering such disciplinary matters, the Reprimanding Authority will give consideration to the amount of time that has elapsed since the employee's last corrective action);
- the employee's work record, length of service, and job performance; and
- multiple violations, associated with a single incident, may warrant more severe corrective action than a single violation.

3.5 Where an employee is found to have committed multiple violations, associated with a single incident, all the violations should be listed on SCDC Form 16-50, "Employee Corrective Action." The corrective action imposed should be in accordance with the range of corrective actions recommended for the most serious violation listed.

3.6 For any case heard by the Reprimanding Authority that results in no corrective action being imposed, the Reprimanding Authority *must* record his/her decision and reason in the "NO ACTION IMPOSED" space on SCDC Form 16-50, "Employee Corrective Action." *The form should be retained at the work site, but not placed in the employee's personnel file.*

3.7 **Office of Record:** All original signed SCDC Forms 16-50, "Employee Corrective Action" will be placed in the employee's personnel file with copies to the *Employee Relations Branch*. Records of all corrective actions will be maintained by the *Employee Relations Branch* to be used in all matters relating to the employee. All corrective actions, with support documentation from both the employee and the *Reprimanding Authority*, will be forwarded to the *Employee Relations Branch* within five (5) workdays after final action is taken. Employee corrective action information will also be entered on the mainframe Automated Employee Disciplinary System by the Reprimanding Authority *or designee* immediately after final action has been taken.

3.8 **Informal Resolution:** *At the discretion of the Reprimanding Authority, and after the employee has been informed of the corrective action, s/he may be offered the opportunity to voluntarily accept a lesser action as an informal resolution of the charge. (NOTE: Informal resolution cannot be used when the employee does not come to the review meeting nor when termination is the only option.)*

3.9 When an employee accepts the informal resolution, the employee agrees to waive any available appeal rights. The employee must sign and date the informal resolution section on SCDC Form 16-50, "Employee Corrective Action."

3.10 An employee may, within seven (7) calendar days, by certified letter to the Reprimanding Authority, reconsider his/her decision to accept informal resolution and have the original corrective action restored.

4. CORRECTIVE ACTION GUIDELINES:

4.1 General: All corrective actions must be documented on SCDC Form 16-50, "Employee Corrective Action," and, *if possible*, should be signed by the employee. (Refer to Section 4.2, below.) All corrective actions will become a permanent part of the employee's official personnel file, except written warnings. The employee may request that written warnings be removed from his/her file after a 24 month period if no additional corrective actions of any kind have been issued. (*NOTE: Written warnings issued for violation of the following policies/procedures are permanent documents and may not be removed from the record*):

- *Sexual Harassment;*
- *Employee-Inmate Relations; and*
- *EPMS; Substandard Job Performance.*

4.2 In lieu of the employee's signature on SCDC Form 16-50, "Employee Corrective Action," the following documentation will serve to verify the employee's receipt of the form *or the inability to serve the form*:

4.2.1 If certified mail was used to notify the employee of the corrective action, "CERTIFIED MAIL" and the number assigned to the certified mail receipt will be written in the employee's signature space by the Reprimanding Authority. *The Reprimanding Authority and one (1) witness must sign the form.*

4.2.2 If the employee refuses to sign, "REFUSED TO SIGN" will be entered in the employee signature space by the Reprimanding Authority. The Reprimanding Authority and one (1) witness must sign the form.

4.2.3 *In the case of inability to serve the form, "Unavailable for Signature," will be entered in the employee's signature space.* The Reprimanding Authority and one (1) witness must sign the form.

4.3 Reprimanding Authorities are required to discuss the procedural actions that can be taken for repeated infractions as well as recommendations for improvement with the employee.

4.4 Corrective Actions: The appropriate corrective action(s) will be determined after the particular circumstances of the case have been considered. *The Sanctions/Violations (see Attachment 1-A) should only be used as a guide and are intended to be flexible rules except when termination is the only option. Corrective actions imposed outside the Sanctions/Violations (see Attachment 1-A) must be approved by the Employee Relations Branch, appropriate member of the Director's staff, and/or the Agency Director. Attachment 2-A is intended to be used as a guide for the Reprimanding Authority to ensure that the appropriate approvals are obtained and forms are completed based on action taken. Corrective action should be progressive in nature when possible. It is the Agency's position that each situation requiring corrective action is unique. Thus, the Reprimanding Authority should consider the totality of the circumstances and identify any aggravating or mitigating factors when determining an appropriate course of corrective action. The factors which should be considered by the Reprimanding Authority include, but are not limited to the following:*

- *Employee's work history;*
- *Previous disciplinary history;*
- *Employee Performance Management System (EPMS) appraisals;*
- *Action inadvertent or intentional; and*
- *Security, safety, or mission of the institution/division jeopardized.*

The Reprimanding Authority may impose the following actions: (**NOTE:** These actions will be documented on SCDC Form 16-50, "Employee Corrective Action.")

4.4.1 Written Warning; *Disciplinary* probation may be added at the discretion of the reprimanding authority to indicate the severity of the offense.

4.4.2 Suspension; (*See Attachment 1-A*) *The Reprimanding Authority is advised to contact the Employee Relations Branch for additional guidance.*

4.4.3 Termination: A termination is the most severe type of corrective action. *The Reprimanding Authority will determine if termination of an employee is warranted with the concurrence of the Office of General Counsel and the Branch Chief, Employee Relations Branch or designee. Justification for termination must be documented on SCDC Form 16-50, "Employee Corrective Action." The Reprimanding Authority is responsible for submitting SCDC Form 16-50 with supporting documents and a termination recommendation to the Employee Relations Branch for approval and final action. Prior to final approval of termination by the Employee Relations Branch, the Reprimanding Authority may take one of the following actions:*

- temporary job change to another position;
- voluntary use of annual leave by mutual consent; and/or
- administrative suspension without pay pending investigation.

The Employee Relations Branch is responsible for:

- preparing and forwarding a letter of termination to the employee, and forwarding a copy to the appropriate institution/division and to the Division of Human Resources' Payroll Branch.

The institution/division is responsible for:

- completing payroll documentation (SCDC Form 16-5, "Personnel Advice") and forwarding the completed form, and all other pertinent documents, i.e., personnel file, leave file, etc., to the Division of Human Resources, Payroll Branch. (4-ACRS-7E-07,3-4048)

4.4.4 Demotion, Reassignment, or Other Appropriate Action may also be implemented to address undesirable conduct or a disciplinary offense. *A demotion and/or reassignment may be used as an alternative to suspension or termination in some cases. The Reprimanding Authority is advised to contact the Employee Relations Branch for additional guidance.*

4.4.5 Temporary Assignment: In addition to the above, but not necessarily as a corrective action, the Reprimanding Authority may deem it in the best interest of the Agency, or the individual, to temporarily reassign (less than 90 days) the employee from one position to another in order to limit contact with inmates or other employees. In such cases, the following actions will be taken in the order listed:

- Work the employee in a non-contact position in the unit/department;
- Coordinate with the Warden, Division Director, or *appropriate members of the Director's staff* to temporarily move the employee to another unit/department; and/or
- Coordinate through the *Employee Relations Branch*, if necessary.

4.4.6 Employee Assistance Program (EAP): *An employee may be given the opportunity to participate in the EAP as outlined in SCDC Policy/Procedure ADM-11.19, "Employee Assistance Program."*

4.5 *The Reprimanding Authority may place an employee on administrative suspension (a period of suspension without pay that may exceed 15 workdays) if the alleged violation requires that an employee not be allowed to return to work pending the outcome of an internal/external investigation or when the presence of an employee presents a perceived threat or danger to the health and/or safety of other employees or to the operation or*

security of an office or institution. (NOTE: If an employee is authorized to return to work, reimbursement for back pay may or may not be approved by the Division Director of Human Resources based on the circumstances of the administrative suspension.)

5. **JOB ABANDONMENT:** Any employee absent for three (3) consecutive workdays, regardless of his/her work schedule (7.5, 8, or 12 hours), without notifying his/her unit/department supervisor or a supervisor in his/her chain-of-command or other Agency official designated by his/her Warden or Division Director, will be considered to have voluntarily resigned his/her employment. This is an administrative procedure and will not be reported as a corrective action, nor will it be a grievable action. *Upon notification from the employee's work location, the Employee Relations Branch will be responsible for forwarding a certified letter to the employee accepting his/her voluntary resignation in these cases.*

6. **SUBSTANDARD JOB PERFORMANCE:** Action issued for "Substandard Job Performance" will be in accordance with all SCDC policies/procedures related to the employee performance management system and must be coordinated through the *Employee Relations Branch*. Final approval on measures taken in these cases must have the concurrence of the *Division Director of Human Resources*.

7. RESIGNATION IN LIEU OF CORRECTIVE ACTION/TERMINATION:

7.1 If an employee voluntarily resigns in lieu of corrective action/termination, the following notation must be made on SCDC Form 16-5, "Payroll Advice Form": "Resigned in Lieu of Corrective Action/Termination." *The Employee Relations Branch is responsible for preparing a letter accepting the employee's resignation and sending the letter to the employee acknowledging his/her voluntary resignation by certified mail. See Attachment 2-A for additional information.*

7.2 An employee will be considered to have resigned in lieu of corrective action if s/he was:

- Notified in writing that an Employee Review Meeting would be conducted for a suspected rules violation and the employee opts to resign before the *meeting*; or
- Charged with an allegation, but resigned before the appropriate Division Director/Warden rendered a *decision* in the matter; or
- Charged with other disciplinary infractions and resigned before any corrective action could be completed.

7.3 Resignations will not be accepted for the following:

- *Positive drug test results;*
- *Failure to submit to a drug test; and*
- *Sexual misconduct with an inmate.*

7.4 No-Rehire Statement: If applicable, the appropriate Reprimanding Authority may prepare a "No-Rehire Statement" and attach it to the SCDC Form 16-50, "Employee Corrective Action" to recommend that the employee be considered as unsuitable for rehire. (4-ACRS-7E-07, 3-4048)

8. RESIGNATION WHILE UNDER INVESTIGATION:

8.1 Employees who have knowledge that they are the subject of an on-going investigation by federal, state, local, or Agency officials, and elect to resign before the investigation is completed will be considered to have resigned while under investigation. *Refer to Attachment 2-A.*

8.2 The following notation, "Resigned While Under Investigation," will be placed on the "Payroll Advice Form" (SCDC 16-5). *The Employee Relations Branch is responsible for preparing a letter accepting the employee's resignation and sending the letter to the employee acknowledging his/her voluntary resignation by certified mail.*

8.3 No-Rehire Statement: *If applicable, the appropriate Reprimanding Authority may prepare a "No-Rehire Statement" and attach it to the SCDC Form 16-50, "Employee Corrective Action" to recommend that the employee be considered as unsuitable for rehire. (4-ACRS-7E-07, 3-4048)*

9. EMPLOYEE GRIEVANCE PROCEDURE: Corrective actions may be grieved pursuant to the provisions of SCDC Policy/Procedure ADM-11.02, "Employee Grievance and Appeals," provided the action is grievable under provisions of the State Employee Grievance Act. Terminations can be grieved only after the effective date of the corrective action rendered by the *Reprimanding Authority*. (4-ACRS-7E-07, 3-4048)

10. DEFINITIONS:

Administrative Suspension refers to a period of suspension without pay that may exceed 15 workdays if the alleged violation requires that an employee not be allowed to return to work pending the outcome of an internal/external investigation or when the presence of an employee presents a perceived threat or danger to the health and/or safety of other employees or to the operation or security of an office or institution. (NOTE: If an employee is authorized to return to work, reimbursement for back pay may or may not be approved by the Division Director of Human Resources based on the circumstances of the administrative suspension.)

Aggravating Factor refers to the existence of facts that make the offense worse or more serious.

Appropriate Director's Staff Member refers to the Division Director of Office of Budget and Resource Management, Programs and Services, Operations, Health Services; the Chief of Staff; the Inspector General; and the General Counsel.

Charging Party refers to the supervisor making the initial charge allegation. (If a Warden, Division Director, or an appropriate member of the Director's staff is the charging party, s/he may also serve as the Reprimanding Authority. If s/he does not wish to serve as the Reprimanding Authority, s/he will consult with his/her supervisor, who may serve as the Reprimanding Authority or may select another Warden, Division Director, or appropriate member of the Director's staff, or higher authority to serve as the Reprimanding Authority.)

Date of Corrective Action refers to the effective date of the corrective action entered by the Reprimanding Authority on the "Employee Corrective Action Form."

Demotion refers to the movement of an employee from one position to another position having a lower pay band.

Disciplinary Probation refers to corrective action imposed by the Reprimanding Authority upon an employee for a period of 30 to 180 calendar days. Disciplinary probation may be imposed as the only corrective action for an offense; however, disciplinary probation *may* also be included as a part of the corrective action if suspension or demotion is imposed. *Multiple* disciplinary probations will be served consecutively, not concurrently. In determining the starting date for disciplinary probation, the following guidelines are established:

- If an individual is not currently on disciplinary probation, the disciplinary probation period will start on the effective date of the corrective action as determined by the Reprimanding Authority. Disciplinary probation periods must not be back dated to the date of the violation, nor should the effective date be postponed in order for the employee to receive a pay increase, promotion, etc.
- While on disciplinary probation, an employee may not be recommended for or receive a performance pay increase, salary adjustment/reclassification, voluntary demotion, or voluntary promotion. Employees on disciplinary probation will receive legislated cost-of-living increases, merit increases, and class reallocation increases as authorized by the State Office of Human Resources.
- If an individual is currently serving a period of disciplinary probation, any subsequent period of disciplinary probation will start the calendar day after the current disciplinary probation period ends.
- Following the initial period of suspension, any time an employee's disciplinary probation period is interrupted due to removal from the payroll for any reason, upon the employee's return to work, the

amount of time off the payroll will be added to the ending date of his/her disciplinary probation period.

Dual Supervision refers to situations in which an employee is accountable to both the security and technical (e.g., food service, *support services, and prison industries*) lines of authority. Should it become necessary to impose corrective action upon a dual supervision employee, the following guidelines for determining the appropriate Reprimanding Authority must be followed:

- If the violation is technical in nature (e.g., food service, *support services, and prison industries*), the technical line of authority *may, in agreement with security*, issue the corrective action with communication and notification to the security supervisor prior to administering the action to the employee.
- If the violation is general in nature, or security related, the security line of authority *may, in agreement with the technical supervisor*, issue the corrective action, with communication and notification to the technical supervisor prior to administering the action to the employee.

Employee Review Meeting refers to a meeting between the Reprimanding Authority and the employee to determine if a violation occurred; to determine the proper classification of the violation; and to assess whether corrective action is warranted.

Mitigating Factor refers to the existence of facts that lessen the severity of the offense.

Probationary Status refers to the status of a full-time or part-time employee occupying a part or all of an FTE position in the initial working test period of employment with the State of 12 month's duration.

Reassignment refers to an assignment of a position in one class to another class which is the result of a natural or an organizational change in duties or responsibilities.

Reprimanding Authority refers to an individual occupying a position who has been empowered to impose corrective action upon employees in accordance with the procedures outlined in these guidelines. Individuals temporarily filling these positions may administer corrective action commensurate with the position during their tenure. The following positions are designated as Reprimanding Authorities:

- Agency Director;
- *Appropriate Director's Staff member or designee;*
- *Wardens or designee (i.e., the Warden may elect to designate the Associate Warden when imposing a written warning as indicated in Attachment 2-A) or;*
- Associate Wardens (In official absence of the Warden); and
- *Division Directors or designee (i.e., the Division Director may elect to designate the Assistant Division Director when imposing a written warning) or the Assistant Division Director in the official absence of the Division Director as indicated in Attachment 2-A.*

Rules Infraction refers to one (1) or more of the violations listed in this directive, or any rule or regulation of the Agency, or the provisions of any proper order or orders. An infraction may consist of, but is not limited to, any of the following:

- Engaging in the specified behavior;
- Attempting to engage in the specified behavior;
- Conspiring to engage in the specified behavior; and/or
- Aiding others in conspiring to or attempting to engage, or actually engaging in the specified behavior.

Subsequent Violations refers to a process whereby violations are considered cumulative in nature and subsequent violations must result in additional corrective action being imposed. Subsequent violations will be considered in the following manner:

- Prior violations, regardless of the previous number of violations, that resulted in the employee receiving

a "Written Warning" will be considered for *two (2)* years from the date the Reprimanding Authority imposed corrective action;

- Prior violations, regardless of the previous number of violations, which resulted in the employee receiving a "Reprimand other than a Written Warning" (e.g., suspension, probation; etc.) will be considered for *three (3)* years from the date the Reprimanding Authority imposed corrective action;
- For repeated infractions, the employee should receive the recommended corrective action for a second, third, or fourth offense, depending on the circumstances.

Support(ive) Documentation refers to all written material submitted to and used by Reprimanding Authorities in arriving at their decision in the case.

Suspension refers to action taken to remove the employee from pay status. Periods of suspension for corrective action may be from 1 to 15 workdays depending upon the violation. To ensure uniformity throughout the SCDC and for all work schedules, each day of suspension will equal 8.0 hours for those employees working a 40 hour work week or 28 day cycle, and 7.5 hours for those employees working a 37.5 work week.

Use of Force refers to any physical contact with an inmate, or application of chemical agents, or mechanical physical restraints, or electronic stun devices to modify the inmate's behavior or anticipated behavior. The SCDC authorizes the minimum reasonable use of force to promote the safety and security of the inmate, other inmates, and staff members; as a precaution against escape; to prevent self injury or injury to others; and/or to prevent property damage. For the purposes of this policy/procedure, use of force does not include the use of restraints for the movement or transportation of inmates based on their custody level. Refer to SCDC Policy/Procedure OP-22.01, "Use of Force," for more information.

Violation Codes refers to *numbers and descriptions* used to define the rules violation and *the method* used to establish recommended corrective action for the violations listed.

Written Warning refers to a written document that outlines the rules infraction(s) committed by an employee and informs him/her of future corrective action if similar rules infractions occur.

SIGNATURE ON FILE

s/ Joe E. Ozmint, Director

ORIGINAL SIGNED COPY MAINTAINED IN THE DIVISION OF POLICY DEVELOPMENT.

ATTACHMENT 1-A

SANCTIONS/VIOLATIONS

(NOTE: Accumulation of any three (3) offenses of any type in a 90-day period where the first offense calls for a oral or written warning may result in corrective action of a suspension up to termination on the third offense.)

#	VIOLATION	1st OFFENSE	2nd OFFENSE	3rd OFFENSE	4th OFFENSE
010	Inappropriate Behavior - Conduct Unbecoming a SCDC Employee (may be related to poor judgement in the performance of duties or interaction with employees and/or managers)	Written Warning up to 5 day Suspension	Written Warning up to 10 day Suspension	1 to 10 day Suspension up to Termination	Termination
020	Unprofessional Conduct, Incompatible Activities, Malicious Profanity, Unethical Conduct, or Other Employee Behavior Having Potential or Actual Detriment to the Agency or State Operations or Their Image (conduct can occur on/off the job)	Written Warning up to Termination	1 to 10 day Suspension or up to Termination	Termination	
030	Sleeping or Inattentiveness while on Duty (Failure to provide a quick response to circumstances while on duty)	Written Warning up to 5 day Suspension	1 to 10 day Suspension	5 to 15 day Suspension up to Termination	Termination
040	Negligence in Carrying Out Job Responsibilities in a Security or Non-Security Setting	Written Warning up to Termination	1 to 10 day Suspension up to Termination	5 to 15 day Suspension up to Termination	Termination
050	Violation of Written Rules, Regulations, or Policies	Written Warning up to Termination	1 to 10 day Suspension up to Termination	Termination	
060	Refusal to Carry Out Oral or Written Direction of Supervisor	Written Warning up to Termination	1 to 10 day Suspension up to Termination	Termination	
070	Reporting for Work Late, Failure to Observe Assigned Work Hours or Changing Work Schedule without Authorization	Written Warning	Written Warning up to 5 day Suspension	1 to 10 day Suspension up to Termination	Termination
			Written	5 to 10 day	

080	Excessive Use and/or Abuse of Sick Leave	Written Warning	Warning up to 5 day Suspension	Suspension up to Termination	Termination
090	Unauthorized Absence From Work (Does not report for work; does not obtain approval for authorized leave; does not report for scheduled training; <i>and will not be paid for day(s) of absence</i>)	Written Warning	1 to 5 day Suspension	5 to 10 day Suspension up to Termination	Termination
100	Substandard Job Performance (This violation will not be used for progressive corrective actions. See SCDC Policy/Procedure ADM-11.06, "Employee Performance Management System," for additional information on the appropriate procedures for addressing substandard performance.)	Written Warning	Written Warning	Written Warning up to Termination	
110	Gambling on State Property	Termination			
120	Sexual Harassment (See SCDC Policy/Procedure ADM-11.32, Sexual Harassment, for additional information)	Written Warning up to Termination	1-10 day Suspension up to Termination	Termination	
130	Gross Misconduct and Intentional Improper Behavior (occurs when conduct of employee evidences willful or wanton disregard of employer's interest as in deliberate violations or disregard of standards of behavior which employer has a right to expect; improper actions can occur on/off the job)	1-10 day Suspension up to Termination	Termination		
140	Employee/Inmate Relations (See SCDC Policies/Procedures ADM-11.34, "Employee-Inmate Relations," for additional information)	1-10 day Suspension up to Termination	Termination		
150	Staff Sexual Misconduct with Inmates (See ADM-11.39, "Staff Sexual Misconduct with Inmates," for additional information)	1-10 day Suspension up to Termination	Termination		
160	Harassment of a non-sexual nature to an Employee or Inmate <i>related</i> to Gender, Race, Color, Religious Preference, National Origin, Age or Disability	Written Warning to 5 day Suspension	1 to 10 day Suspension up to Termination	Termination	
170	Insubordination, Failure to be Cooperative With Supervisor. (Consideration should be given as to how insubordination was expressed, who witnessed the insubordination, e.g., inmates, and circumstances giving rise to the insubordination.)	Written Warning	Written Warning up to 5 day Suspension	5 to 10 day Suspension up to Termination	Termination
180	Falsification of Official Documents	Written Warning up to Termination	1-10 day Suspension up to Termination	Termination	
	Leaving a Security Post Without	Written Warning up			

200	Authorization	to Termination	Termination		
210	Reporting to Work Under the Influence of Alcohol or the Consumption of Alcohol Immediately Prior to or During the Employee's Scheduled Regular Work Hours (EAP Referral Mandatory)	1 to 5 day Suspension	5 day Suspension up to Termination	Termination	
220	Introduction or Possession of Contraband; Drugs, Alcohol, or Firearms/Weapons into a Prison Unit or onto State Property	1-10 day Suspension up to Termination	Termination		
230	Possession of Contraband /Unauthorized Items Other than Drugs, Alcohol, and/or Firearms	Written Warning up to 5 day Suspension	1 to 10 day Suspension up to Termination	Termination	
240	Failure to Comply with Agency Training Requirements	Written Warning up to 5 day Suspension	1 to 10 day Suspension	5 to 15 day Suspension	Termination
250	Use of Unnecessary and/or Excessive Force	1 to 10 day Suspension up to Termination	10 to 15 day Suspension up to Termination	Termination	
260	Making False Statements During the Course of an Official Investigation in a Work-Related Matter, Refusal to Cooperate with an Official Investigation, or Destroying Evidence	Written Warning up to Termination	Written Warning up to Termination	Termination	
270	Positive Drug Test Results (Note: See SCDC Policy/ Procedure GA-03.02, "Drugfree Workplace Program," for additional information.)	Termination			
280	Failure to Submit to a Drug Test	Termination			
290	Fighting	Written Warning up to Termination	Written Warning up to Termination	Termination	
300	Failure to Turn in all Evidence Seized (consideration should be given to nature of evidence, e.g., cash or drugs would merit termination on first offense)	Written Warning to Termination	1 to 10 day Suspension up to Termination	Termination	
310	Falsification of Employment Information, i.e., Employment Application, Medical History, Failure to Report an Arrest and/or Disposition or Restraining Order.	Written Warning up to Termination	Written Warning up to Termination	Termination	
320	Threatening Another Employee or Inmate (Consideration should be given to the specificity of threat, or ability to carry out threat, or circumstances under which threat was made)	Written Warning up to Termination	1-10 day Suspension up to Termination	Termination	
330	Stealing	Written Warning up to Termination	Written Warning up to Termination	Termination	

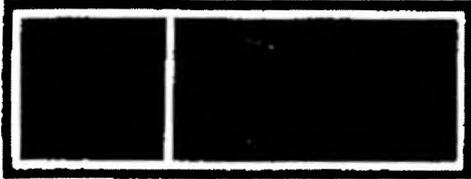
340	Conviction of a Crime Requiring Decertification if in a Position that Necessitates Certification	Termination			
350	Unauthorized Solicitation, Sales, or Distribution of Written or Printed Material of Any Kind on State Property Without Written Permission	Written Warning	Written Warning up to 5 day Suspension	1 to 10 day Suspension up to Termination	Termination
360	Improper or Untidy Uniform or Failure to Follow Grooming Standards	Written Warning	Written Warning up to 5 day Suspension	1 to 10 day Suspension up to Termination	Termination
370	Excessive Use of Working Hours for Personal Matters	Written Warning	Written Warning up to 10 day Suspension	5 to 10 day Suspension up to Termination	Termination
380	Unauthorized Use or Destruction of State Equipment or Property to include using Agency computer or software for non-agency related business or the use of Agency computer and software for non-authorized purposes, e.g., accessing information without a bona fide reason; unauthorized use of personal software on Agency computer. NOTE: Some inappropriate uses of Agency computers may be prosecutable, which is separate from and in addition to administrative responses to violation.	Written Warning up to Termination	5 to 10 day Suspension up to Termination	Termination	
390	Failure to Report Incident(s) of Sexual Misconduct, Sexual Abuse, or Sexual Harassment Between Employees and Inmates or Knowingly or Willfully Submitting Inaccurate or Untruthful Information Concerning Sexual Misconduct. (See SCDC Policy/Procedure ADM-11.39, Staff Sexual Misconduct with Inmates, for additional information)	1-10 day Suspension up to Termination	Termination		

ATTACHMENT 2-A

GUIDELINES FOR EMPLOYEE CORRECTIVE ACTION

TYPE OF ACTION	REPRIMANDING AUTHORITY	CONCURRENCE REQUIRED	REVIEW MEETING WITH EMPLOYEE REQUIRED	DOCUMENTATION REQUIRED	DOCUMENTATION RETENTION
Written Warning	Warden/Division Director, or any designated supervisor	Warden/Division Director	Yes	Corrective Action Form (SCDC 16-50)	Retain in personnel file; employee request removal after 1 yr. with no further disc. actions
Administrative Suspension	Warden/Division Director, (or designee in the absence of)	Warden/Division Director, & Employee Relations	No	Letter to employee, copy to Employee Relations, and Human Resources, PA Form (SCDC 16-5)	Retain in personnel file until final action is taken or if an employee resigns while on administrative suspension
Disciplinary Suspension	Warden/Division Director, (or designee	Warden/Division Director and	Yes	Corrective Action Form (SCDC 16-50), letter to	Permanent in personnel file

	in the absence of)	Employee Relations		employee with copy to Human Resources, PA Form (SCDC 16-5)	
Transfer for Disciplinary Reasons	Warden/Division Director, (or designee in the absence of)	Warden/ Division Director, & Employee Relations	Yes	Corrective Action Form (SCDC 16-50), letter to employee with copy to Human Resources, Budget Unit Change Form, & PA Form (SCDC 16-5)	Permanent in personnel file
Demotion or Reassignment With or Without a Loss in Pay	Warden/Division Director, (or designee in the absence of)	Warden, Division Director, and Employee Relations	Yes	Corrective Action Form (SCDC 16-50), letter to employee with copy to Human Resources, PA Form (SCDC 16-5)	Permanent in personnel file
Disciplinary Probation	Warden/Division Director, (or designee in the absence of)	None	Yes	Corrective Action Form (SCDC 16-50)	Permanent in personnel file with corrective action form
Termination – Permanent Status Employee	Warden/Division Director, (or designee in the absence of)	Warden/Division Director, Employee Relations, & Office of General Counsel	Yes	Corrective Action Form (SCDC 16-50), and recommendation to Employee Relations, and PA Form (SCDC 16-5) to Human Resources	Permanent in personnel file
Termination – Probationary Employee	Warden/Division Director, (or designee in the absence of)	Warden/Division Director and Employee Relations	No	Corrective Action Form (SCDC 16-50), and recommendation to Employee Relations, and PA Form (SCDC 16-5) to Human Resources.	Permanent in personnel file
Resignation in lieu of Termination or Corrective Action (Resignation not accepted for refusal to submit to a drug test or positive drug test or sexual misconduct with an inmate)	N/A	Warden/Division Director, and Employee Relations	N/A	Notify Employee Relations Branch to prepare letter to employee accepting resignation in lieu of termination	Permanent in personnel file
Resignation While Under Investigation	N/A	Warden/Division Director, and Employee Relations	N/A	Notify Employee Relations Branch to prepare letter to employee accepting resignation in lieu of termination while under investigation	Permanent in personnel file



SCDC POLICY/PROCEDURE

NUMBER: ADM-11.28

TITLE: APPLICANT SELECTION PROCESS

ISSUE DATE: APRIL 1, 2010

RESPONSIBLE AUTHORITY: DIVISION OF HUMAN RESOURCES

OPERATIONS MANUAL:ADMINISTRATION

SUPERSEDES: ADM-11.28 (July 1, 2007), (July 1, 2004), Change Memo #1, (dated November 1, 2005)

RELEVANT SCDC FORMS/SUPPLIES: 16-9, 16-60, 16-67, 16-81, 16-82, 16-83, 16-90, 16-113

ACA/CAC STANDARDS: 4-ACRS-7B-07, 4-ACRS-7F-04, 4-ACRS-7E-07, 4-ACRS-7E-05, 4-ACRS-7E-03, 4-ACRS-7C-02, 4-ACRS-7E-06, 4-ACRS-7B-05, 4-ACRS-7D-06, 4-4048, 4-4053, 4-4054, 4-4055, 4-4057, 4-4058, 4-4061, 4-4062, 4-4063, 4-4102

STATE/FEDERAL STATUTES: Equal Employment Opportunity Act (Title VII), Civil Rights Act, Including Subsequent Amendments); Americans With Disabilities Act; South Carolina Code of Laws, 1976, as amended, Sections 8-11-120, 23-23-50, and 59-111-50.

THE LANGUAGE USED IN THIS POLICY/PROCEDURE DOES NOT CREATE AN EMPLOYMENT CONTRACT BETWEEN THE EMPLOYEE AND THE AGENCY. THIS POLICY/PROCEDURE DOES NOT CREATE ANY CONTRACTUAL RIGHTS OR ENTITLEMENTS. THE AGENCY RESERVES THE RIGHT TO REVISE THE CONTENTS OF THIS POLICY/PROCEDURE, IN WHOLE OR IN PART. NO PROMISES OR ASSURANCES, WHETHER WRITTEN OR ORAL, WHICH ARE CONTRARY TO OR INCONSISTENT WITH THE TERMS OF THIS PARAGRAPH CREATE ANY CONTRACT OF EMPLOYMENT.

PURPOSE: To provide standardized guidelines for the selection and hiring of qualified individuals by the South Carolina Department of Corrections.

POLICY STATEMENT: The South Carolina Department of Corrections will consider all persons who submit an application for (a) vacant position(s) provided that they meet the minimum qualifications for the position(s) and comply with the established guidelines of the application process. In compliance with applicable state and federal statutes and regulations, the South Carolina Department of Corrections will not make any employment selections based on an applicant's creed, race, religion, age, sex, national origin, or disability except when such conditions would either significantly interfere with a person's ability to perform required essential duties, would jeopardize the security procedures of the Agency, or would jeopardize the health or safety of the employee. (4-ACRS-7E-05, 4-ACRS-7E-03, 4-4053, 4-4054)

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SPECIFIC PROCEDURES:

1. GENERAL:

1.1 The SCDC actively promotes compliance with the Equal Employment Opportunity Act, Affirmative Action Act, and Americans with Disabilities Act. *SCDC participates in the E-Verify System to ensure compliance with work eligibility requirements.* Any selecting official who willfully or negligently fails to comply with the requirements of these Acts or with the requirements of the Agency's Equal Employment Opportunity and Affirmative Action plans and programs will be subject to corrective action, up to and including termination. To further promote compliance with the Equal Employment Opportunity Act and Affirmative Action Act, the SCDC recommends that all screening and selection panels include minority and female representation. The *Office of Budget and Resource Management* will establish Affirmative Action programs for all institutions, divisions, and offices and will establish appropriate monitoring processes to advise selecting officials of classifications that are under-represented by minorities and women in accordance with SCDC Policy/Procedure ADM-11.20, "Equal Employment Opportunity/Affirmative Action." The Agency will ensure that no business transactions, employment advertisements, etc., are conducted with any organization, contractor, or sub-contractor, vendor, etc., who promotes discrimination or who federal or state authorities have determined is not in compliance with equal employment opportunity guidelines. (4-ACRS-7E-07, 4-ACRS-7E-05, 4-ACRS-7E-03, 4-4048, 4-4053, 4-4054)

1.2 The South Carolina Department of Corrections (SCDC) will comply with all provisions of the State Office of Human Resources Rules and Regulations Manual, as well as all applicable state and federal statutes and regulations, and Agency directives with regard to the hiring, selection, and employment of individuals to positions within the Agency. Only those positions that have been established and classified in accordance with State Human Resource Regulations will be available for filling. In the case of unclassified positions (executive staff), employment will be made in accordance with the policies/procedures of the State Budget and Control Board.

2. REQUEST TO FILL A VACANCY:

2.1 All current vacancies or projected vacant positions, to include Associate Warden and Warden vacancies, must be requested by the appropriate official and entered into the Automated Vacancy System (AVS) by the requesting Division/Institution Human Resource Manager or designee.

2.2 Unclassified executive staff and temporary positions will not be announced through the AVS.

2.3 Positions for announcement will be automatically routed to the Classification and Compensation Branch to review elements related to the position, review the state minimum, and define the SCDC additional requirements.

2.4 After review/approval by the Classification and Compensation Branch, vacancy announcements must be approved by the designated approving official, i.e., Warden, Division Director, or Central Office Supervisor. All Central Office positions must be approved by the designated Central Office official in consultation with the Warden/designee. (Note: An institution does not approve a Central Office position for announcement.)

2.5 Upon approval by the approving official, all announcements will automatically be routed to the Recruiting and Employment Services Branch for the designated recruiter's final review and approval for an automated announcement.

2.6 If, at any stage identified in Sections 2.2 through 2.5, above, incorrect information is found, the vacancy announcement may be delayed until all information is corrected.

3. ANNOUNCING POSITIONS:

3.1 All vacant positions will be announced in accordance with Section 8-11-120 of the South Carolina Code of Laws, 1976, as amended, *as well as Section 19-703 of the State Office of Human Resources Rules and Regulations.*

3.2 The Recruiting and Employment Services Branch will announce vacant positions through the AVS two (2) times per week unless a holiday occurs on the scheduled announcement date. Vacant position announcements will remain active for seven (7) working days, excluding weekends and holidays, except when otherwise approved by the Division Director of Human Resources. (4-ACRS-7E-07, 4-4048)

3.3 The Recruiting and Employment Services Branch will be responsible for electronically forwarding vacancy announcements to the appropriate Human Resource Manager/Liaison in each SCDC institution and/or designated divisions. Human Resource Managers/Liaisons will retrieve the vacancy announcements from the Agency's messaging system on Tuesdays and Thursdays, unless informed otherwise. (NOTE: The Chief, Recruiting and Employment Services Branch, must be notified of any changes to the Liaison responsible for receiving vacancy announcements.)

3.4 Human Resource Managers/Liaisons assigned to SCDC institutions or work sites other than Central Office must post vacancy announcements on a centrally located, tamper-proof bulletin board accessible to all SCDC employees as soon as they are announced. (4-ACRS-7E-07, 4-4048)

3.5 Announcements must remain on the bulletin board through the closing date posted on the announcement. The name of the Human Resource Manager/Liaison responsible for posting job announcements at his/her location must also be posted on the bulletin board. Designees other than the Human Resource Manager/Liaison must be appointed by the Warden or Division Director. (NOTE: The Central Office Vacancy Announcement Board will be maintained by the Recruiting and Employment Services Branch.)

3.6 The general public will have access to vacancy announcements through the Applicant Telephony System, *the SCDC website*, by visiting the Recruiting and Employment Services Branch, or by visiting an institution. The Recruiting and Employment Services Branch will also forward vacancy announcements to other state agencies and recruitment sources as designated.

3.7 Classified newspaper advertisements may be requested at the time a request to fill a vacant position is made. The Recruiting and Employment Services Branch will coordinate with designated newspapers for publication of the vacant position. (4-ACRS-7E-07, 4-4048)

3.8 The guidelines listed below should be followed when requesting classified newspaper advertisements of vacant positions:

3.8.1 Newspaper advertisements should be requested only for those positions that are considered difficult to fill.

3.8.2 No advertisement for a position(s) will be placed with periodicals that segregate their ads on the basis of race, creed, religion, age, sex, national origin, and/or disability. All advertisements will clearly state the Agency's position on equal employment opportunity.

3.8.3 The Chief, Recruiting and Employment Services Branch, or designee will review all advertisement

requests and may deny a request for advertising due to the cost and/or the suitability of recruiting.

3.9 If a position becomes vacant and a previously announced position with the same job classification, band/level, and location had been previously announced within 90 days of the current vacancy, the selecting official may request to fill the position from the referrals of the previously announced position, as follows:

3.9.1 To request to fill a vacancy based on a previously announced position, the position must be keyed into the AVS providing all pertinent information. However, under the "Comments" section, it must state, "Position to be filled from previously announced position-psn#-----." These positions will not be announced electronically and will not be posted.

3.9.2 *Or a request to fill a vacancy may be submitted in writing and forwarded to the Recruiting and Employment Services Branch with all required approvals.*

3.9.3 Selecting officials utilizing the referrals from a previously announced position may select either the second highest scoring candidate from the prior interview process, or select new candidates to interview.

4. APPLICATION PROCESS:

4.1 Applicants, to include current SCDC employees, who do not have an active application in the SCDC Applicant Referral System (ARS) and wish to be considered for a specific position must complete SCDC Form 16-9, "SCDC Employment Application," and may apply for specific position(s). A resume may be attached to SCDC Form 16-9; however, it will not be accepted in lieu of the application. Applicants must be explicit in submitting background information by which they are to be evaluated. Missing information, i.e., type of employment and duties performed, inclusive dates of employment (month and year), academic training, special skills, etc., may disqualify applicants from a position(s).

NOTE: All applicants for employment with the SCDC will be responsible for presenting accurate information regarding themselves and their backgrounds on their employment application, official documents, and correspondence. SCDC will verify information, but the primary responsibility for reporting accurate information rests with the applicant. Falsification, omission, or misrepresentation of official information or facts may result in the withdrawal of an official offer of employment or immediate termination if the individual in question has already begun work.

4.2 Staff assigned to the Recruiting and Employment Services Branch will review all completed applications and enter information provided on SCDC Form 16-9 into the ARS.

- Information on an applicant not currently employed with SCDC will remain active for 90 calendar days. Non-employee applicants can reactivate their application through the Applicant Telephony System.
- Applications for SCDC employees will remain active as long as they are employed by the Agency. Upon termination, an employee's application will be deactivated.

4.3 The Recruiting and Employment Services Branch will notify a new applicant in writing that his/her application was received and will assign him/her a Personal Identification Number (PIN) with instructions on use of the Applicant Telephony System. The applicant may then use his/her PIN in conjunction with the Agency's Applicant Telephony System (Dial-A-Job) to inquire about the status of his/her application in the ARS, apply for vacant positions, and hear a list of up to ten (10) positions for/to which s/he has been referred in the past 30 days.

4.4 All applicants should apply for a specific vacant position to ensure referral to the selecting official. (See Section 6., below.) Referral to the selecting official does not guarantee an interview.

4.5 Non-employee applicants may update their application by completing and submitting SCDC Form 16-81, "Applicant Referral System Change Form," to the Recruiting and Employment Services Branch. The Personnel System (PERS) will automatically update the ARS on active employees with regard to address, telephone (home and work), and SCDC employment history.

4.6 Upon completion of 12 months of employment with SCDC, any employee may apply for vacancies that are equal or lower in pay band/pay level than the position they currently occupy. Permanent state employees must be in their current position six (6) months before being eligible to apply for vacancies that are equal or lower in pay band/pay level than the position they currently occupy. Employees with less than the required months of experience in their current position who apply for a vacancy that is equal or lower in pay band/pay level will be automatically screened out by the ARS. Requests for a waiver of this waiting period, for serious hardship reasons, must be submitted in writing for approval to the Division Director of Human Resources or designee prior to consideration for *the position*.

4.7 Employees may apply for announced promotions at any time. (4-4058)

4.8 A former employee disapproved for rehire will automatically be screened out for positions in the Applicant Referral System.

5. APPLICATION DEADLINES:

5.1 The deadline for applying for an announced position will be close of business (4:30 pm) of the closing date on the vacancy announcement. Exceptions must be approved by the Division Director of Human Resources or designee.

5.2 Applications must be postmarked by the U.S. Postal Service; date-stamped at an SCDC institution, division, or office; or received in the Recruiting and Employment Services Branch by the closing date. **NOTE:** Applications received in an office, a division, or an institution must be date-stamped and immediately forwarded to the Recruiting and Employment Services Branch. Applications received after the closing date without the location's date-stamp may not be considered for the requested vacant position.)

6. APPLICANT REFERRALS:

6.1 Within five (5) working days after the closing date of a position, the Recruiting and Employment Services Branch will prepare a package for the selecting official which will consist of the following:

- Profiles (computer generated summaries of applications) of those applicants who meet the Minimum State Requirements and/or possess work experience that may be equated for the state minimum education requirement;
- A roster of all applicants who applied for the position with a projected cancellation date;
- A copy of the vacancy announcement;
- An "Applicant Screening/Interviewing Form" (SCDC Form 16-82); and
- An "Applicant Interview Evaluating Form" (SCDC Form 16-83).

6.2 Profiles of applications received after, or not postmarked by, the closing date will not be forwarded to the selecting official.

6.3 The selecting official will be notified by the Recruiting and Employment Services Branch when the profile package is ready to be picked up. Upon pick-up, the package must be signed for. If profile packages are not picked up within two (2) working days, they will be placed in interdepartmental mail and will be logged-out.

7. SCREENING AND SELECTION PROCESS:

7.1 The Screening and Selection Process establishes the process for filling all levels of positions within the South Carolina Department of Corrections. (See Attachment A.) All final decisions to fill vacant positions rest with the selecting official and appropriate concurring officials (as required by SCDC policy). (4-ACRS-7E-07, 4-4048)

7.2 No employee personnel file(s) or performance appraisal(s) may be requested or used to evaluate internal applicants during the screening, interviewing, and selection process. Any applicant may, however, submit resumes and copies of performance appraisals, letters of recommendation, and other relevant personal work history

information that s/he wishes to be considered to the selecting official.

7.3 The selecting official must ensure that all screening and selections are conducted within 30 days of receipt of the profile package of the position for which s/he is interviewing. Vacancy announcements for positions that are outstanding after 90 days from the closing date may be cancelled by the Recruiting and Employment Services Branch and may have to be re-announced in order to be filled.

7.4 Screening Process Steps:

7.4.1 The selecting official may appoint a panel of one (1) or more employees to screen applicant profiles for a vacant position. The employee(s) must occupy a position(s) equal to or higher in pay band and level than the vacancy being filled. Should the selecting official choose to utilize more than one employee for screening, panelists should include minority and female representation.

7.4.2 If the panel consists of more than one (1) employee, panel members may discuss an applicant's qualifications in order to ensure consistency and clarify credentials.

7.4.3 The ARS will automatically screen out previous SCDC employees who were terminated for a positive drug test or refusal to take a drug test. The ARS will also automatically screen out any/all applicants who tested positive or refused to take a pre-employment drug test.

7.4.4 *Recruiting and Employment Services staff will screen applicants against the State Minimum, and the SCDC Additional Requirements using screening codes S01 and S02. (See SCDC Form 16-82, "Applicant Screening/Interviewing Form.")*

7.4.5 Applicants who meet the SCDC Additional Requirements will be screened against specific screening criteria and points will be determined by the selecting official. *Each screening panel member must complete and initial a score sheet on each applicant being screened.*

7.4.6 The selecting official may request that applicants scoring within a determined point range be referred for interview. (NOTE: Only applicants scoring within the determined point range may be selected for a position. *SCDC does not conduct courtesy interviews.*)

7.4.7 The selecting official must select an employee to be responsible for entering into the Automated Applicant Selection System (AAS) the appropriate code(s) beside each applicant indicating whether the applicant has been screened out or referred for an interview. The selecting official must indicate in the AAS the responsible employee's name and social security number.

7.4.8 Screening Process for certain Operations Vacancies:

- Majors: Screening for these vacancies will be conducted by an Associate Warden appointed by the selecting official. Upon completion of screening, applicant profiles will be forwarded to the appropriate Warden for interview.
- Associate Wardens: Screening for Associate Warden vacancies will be conducted by Wardens appointed by the Division Director of Operations. Upon completion of screening, applicant profiles will be returned to the Division Director of Operations.

7.5 In the event that a sufficient number of applicants are not received, or none of those referred meet the position criteria as specified by the selecting official, the selecting official may request to re-announce and advertise through the AVS. Comments on the position announcement should reflect "re-announcement." Administrative changes may also require a position to be re-announced.

7.6 Selection Panel:

7.6.1 The selecting official may designate any employee in his/her chain of command to serve as the

selecting official for vacancies in the selecting official's area of responsibility. The designee must be in a position that is equal to or higher in pay band and level than the vacancy being filled.

7.6.2 The selecting official may personally choose to conduct interviews for a vacant position or appoint a panel of one (1) or more employees to conduct interviews. Panel members must be in positions equal to or higher in pay band and level than the position being filled.

7.6.3 Should the selecting official choose to utilize more than one (1) employee for the selection panel, panelists should include minority and female representation.

7.6.4 The selecting official may choose to conduct second interviews of applicants. The number of applicants referred for a second/final interview will be determined by the selecting official.

7.6.5 Selections for Central Office positions located in an institution, i.e., Food Service, Classification, Commissary, Education, Grievance, etc., must be made jointly between the Central Office area of responsibility and the Warden/designee. Coordination of the selection will be made by the Central Office selecting official.

7.6.6 The SCDC Form 16-83, "Applicant Interview Evaluation Form," must be used to evaluate referred applicants' education and related work experience. Education and related work experience must be evaluated using the pre-determined schedules below (4-4057):

Education	Points
High School (Non-Graduate)	0 points
High School Graduation	1 point
Associate Degree	3 points
Bachelor's Degree	5 points
Master's Degree	7 points

Related Work Experience (as it exceeds the SCDC Additional Requirements)	Points
1-1.99 year(s) of related experience	1 point
2-3.99 years of related experience	2 points
4-5.99 years of related experience	3 points
6-7.99 years of related experience	4 points
8-9.99 years of related experience	5 points
10 + years of related experience	6 points

If related work experience is not clearly evident on the applicant's profile, interview panelists must denote on the score sheet what experience was counted to award points for this category, e.g. 10 years secretarial/administrative experience in a legal/law enforcement/judicial setting is MORE related for an administrative position in Classification/Inmates Records than 15 years secretarial/administrative experience in a hospital setting.

Other categories may be defined by the selecting official prior to the selection process. The rating in each of these categories will require use of an SCDC Form 16-83, "Applicant Interview Evaluation Form." Evaluation categories should not exceed 100 total possible points. *Each interviewing panel member must complete and initial a score sheet on each applicant being interviewed.*

7.6.7 Each applicant's final evaluation (first or second) will be totaled by the selection panel member(s), and the applicant with the highest total score will be recommended for the vacant position.

7.6.8 In the event of a tie, the selecting official will use objective criteria to break the tie. (The criteria may include years of related experience, type of education, special related experience, etc.) (NOTE: The selecting official may contact the Chief, Recruiting and Employment Services Branch, to obtain a copy of the original application or resume, when necessary, to provide more complete information on the candidates who were selected for an interview.)

7.6.9 The selecting official must select an employee to be responsible for entering into the AAS the appropriate code for those applicants interviewed but not selected. The same employee may be responsible for entry into AAS for both screening and selection. (The applicant selected will have no numeric reason code entered.)

7.6.10 The selecting official or designee will key the individual selected and a salary recommendation into the automated system which will automatically route to the Classification and Compensation Branch for salary review and appropriate approvals as specified in SCDC Policy/Procedure ADM-11.03, "Employee Compensation." (NOTE: Should the selected applicant be an employee of the Agency and be on disciplinary probation, the system will not allow the selecting official or designee to finalize the selection, but will store the record. An employee who is on disciplinary probation cannot be selected for any vacant position [demotion, reassignment, and/or promotion]. In such cases, the selecting official must choose the second highest scoring individual as the selection for the position or must initiate the process to have the position re-announced.)

7.6.11 The selecting official will ensure that all documentation relating to the screening and selection process, i.e., referral roster, profiles, *interview questions*, *written exercises (if applicable)* and evaluations on the screening and selection process, are *returned* to the Recruiting and Employment Services Branch. Once all paperwork has been received and all required approvals are obtained, an official offer of employment may be made by the Chief, Recruiting and Employment Services Branch, or designee.

7.6.12 No member of the selection panel may contact the selected individual to inform him/her that s/he was selected. All contact with the selected applicant concerning an offer of employment must be made or authorized by the Recruiting and Employment Services Branch staff, Division of Human Resources. The Recruiting and Employment Services Branch will notify the selecting official by CRT message after all required approvals have been obtained.

7.7 Should personal reasons prevent an applicant from keeping his/her appointment to appear for an interview during the selection process, the priority of filling the job vacancy will take precedence over the applicant's inability to meet the appointment. However, a reasonable effort will be made to accommodate an applicant's schedule.

7.8 SCDC employees will be allowed reasonable time off from their job for an interview. Reasonable time should include travel time to and from an interview, as well as the time necessary for the actual interview. Employees must request time off in advance through their immediate supervisor. Annual leave must be requested for any additional time desired.

7.9 When a SCDC employee is selected for a position, the Recruiting and Employment Services Branch will notify all appropriate losing and gaining officials (institutional, Central Office, and Human Resource Manager). The SCDC employee will be released by the losing location no later than 15 calendar days from the date the Recruiting and Employment Services Branch notifies the losing official. If the 15th day falls in the middle of a pay period, the effective date will coincide with the beginning of the following pay period. Official notification to the losing official will not occur until all required approvals for the selection have been received by the Recruiting and Employment Services Branch. (4-ACRS-7E-07, 4-4048)

7.10 Coordination for a release date with the losing official will be by the Recruiting and Employment Services Branch through the facility Human Resource Manager, the selected employee's supervisor, or the appropriate

Warden/Division Director/Office Director. Effective dates will be the 2nd or 17th of each month.

7.11 When a non-SCDC employee is selected, all pre-employment requirements must be met before an official offer will be extended and a hire date established. (4-ACRS-7E-07, 4-4048)

8. CORRECTIONAL OFFICER/CADET CENTRAL RECRUITING:

8.1 The Division of Human Resources, Correctional Officer Recruiting Section staff, will be responsible for hiring all Correctional Officers and Correctional Officer Cadets. (4-ACRS-7E-07, 4-4048)

8.2 Correctional Officer/Cadet vacancies will be announced and entered into the AVS only as specified in Section 8.3, below. Applicants interested in a Correctional Officer/Cadet position may apply at any SCDC institution, any Job Service Office, or the Recruiting and Employment Services Branch. All applicants interested in Correctional Officer/Cadet vacancies must use the job class code "JD30" when applying.

8.3 When necessary, special announcements, flyers, and classified newspaper advertisements may be used to recruit for Correctional Officer/Cadet vacancies. These vacancies will be announced through the AVS by position number, listed on the Applicant Telephony System (Dial-A-Job) line, posted on Agency bulletin boards, posted at Job Service sites, etc. Recruiting efforts for Correctional Officers and Cadets may also include the following:

- Newspaper advertisements in local papers;
- Recruiting visits, made by assigned Lieutenant Recruiters, to area high schools, career fairs, military bases, job services, technical schools, and county fairs; and
- Recruiting visits, made by assigned Lieutenant Recruiters, to geographical locations throughout the state weekly to talk with prospective applicants and receive applications.

8.4 All applications for Correctional Officer and Cadet positions will be forwarded to the Recruiting and Employment Services Branch immediately for screening, evaluation, entry into the ARS, and consideration for the interview/selection process.

8.5 Lieutenant Recruiters will conduct interviews and make hiring recommendations for Correctional Officer and Cadet positions. A "selection recommendation" will be entered into the automated system for each selected candidate. Prior correctional, police, or security work experience will be verified by the Recruiting and Employment Services Branch staff for a non-SCDC employee. Institutional designees may assist in the interview/selection process for Correctional Officers and Cadets.

8.6 Selection of a current or prior SCDC employee for a Correctional Officer position will be processed through the Classification and Compensation Branch for security service, salary review, and approval. (4-ACRS-7E-07, 4-4048)

8.7 Once the Recruiting and Employment Services Branch receives the physical and drug screen results, and all approvals for salary and employment have been obtained, the prospective new hire's personnel and medical file will be forwarded to the designated Human Resource Manager for pre-processing.

8.8 Pre-processing, coordination of a hire date, and entry into the pre-employment system for Correctional Officer/Cadet positions, to include sign-up for payroll and benefits, will be completed by the designated Human Resource Manager where the new employee is to be assigned. The pre-processing date will be on or after the date the TB test is read at the designated institution or facility handling pre-employment physicals.

9. PROCESSING REQUIREMENTS - SUCCESSFUL APPLICANTS: The Chief, Recruiting and Employment Services Branch, or designee will extend a conditional offer of employment to a successful applicant upon receipt of the selection recommendation and upon verification that the applicant meets the minimum requirements for the position as defined in Section 9.1, below. (See Attachment B.) SCDC will not make an official offer of employment to any applicant until such time that the applicant has successfully met various pre-employment requirements either required by state statute, State Human Resource regulations, federal statutes, or Agency directives. An official offer of employment will be given in writing to successful applicants for announced

positions upon obtaining all approvals and submitting all required documents and forms to the Recruiting and Employment Services Branch as defined in Sections 9.2 through 9.16, below.

9.1 Minimum Requirements: Selected applicants must meet the State Minimum Requirements and/or their educational and work experience must equate to the SCDC Additional Requirements. (NOTE: If an applicant's experience is to be equated for the education requirement of the position, approval must be obtained from the State Office of Human Resources before an official offer of the position can be extended. Education levels will be verified by the applicant providing copies of his/her high school diploma and/or college degree. The Agency may also contact the high school and/or college to verify the education levels reported.)

9.2 Military Service: An applicant who has been in the military must provide a copy of his/her DD214 form.

9.3 Birth Certificate/Social Security Card: A successful applicant must provide a copy of his/her birth certificate and social security card.

9.4 Driver's License: Successful applicants for security positions must possess a valid, current drivers license issued by any jurisdiction of the United States *at the time of hire*. *All new hires that possess a driver's license (regardless of position) and moving from another state to South Carolina MUST obtain a South Carolina driver's license within 90 days of establishing residency and MUST provide a copy of same to the appropriate HR Manager/Liaison.*

9.5 Citizenship: Successful applicants must complete an "Employment Eligibility Verification Form" (Federal Form I-9) available through the Division of Human Resources and provide proof of citizenship. A successful applicant who is not a U.S. citizen must provide a copy of an acceptable document to prove employment eligibility as defined on the reverse of Form I-9. (NOTE: A Correctional Officer/Cadet candidate must be a U.S. citizen.)

9.6 Re-Hires: Successful applicants who previously worked for the Agency must be approved for re-hire through the Division Director of Human Resources or designee.

9.7 Student Loans: The SCDC will not knowingly employ or keep in its employ any person who is in default of a national or state student loan, or who has not entered into a satisfactory agreement with the lender to repay his/her debt. To comply with Section 59-111-50, South Carolina Code of Laws, 1976, as amended, all successful applicants must report any defaults on certain student loans. Student loans include, but are not limited to, National Direct Student Loans, National Defense Student Loans, Guaranteed Federally Insured Student Loans, Nursing Student Loans, Health Professional Student Loans, and Law Enforcement Education Loans. A successful applicant must provide written verification from the lender confirming that his/her student loan is not in default status or must agree in writing to provide such verification within the first 30 calendar days of employment to his/her immediate supervisor. Failure to provide the necessary written verification within the specified time period will be considered cause for immediate dismissal. An employee who defaults on a student loan after initial employment with the Agency will be granted 30 working days to correct the default, or enter into a satisfactory agreement with the lender/collection agency. Written verification from the lender/collection agency must be provided to the Division Director of Human Resources or designee by close of business (4:30 p.m.) no later than the 30th work day or the employee may be terminated.

9.8 Physical Examination and Drug or Alcohol Test: Successful applicants for all full/part time positions, whether permanent or temporary, must receive a pre-employment physical (to include TB Test) and drug test before an official offer of employment can be extended. In addition, selected applicants for positions requiring a commercial driver's license (CDL) will be required to take a pre-employment alcohol test. All pre-employment physicals and drug or alcohol tests will be coordinated by the Recruiting and Employment Services Branch. TB test results may be read by Medical staff of the Division of Medical and Professional Health Services, by the contracting facility for pre-employment physicals, by an applicant's personal physician, or by a local county health facility. All applicants must pass the pre-employment physical in accordance with current employment guidelines and the Americans with Disabilities Act. (NOTE: Applicants may be subject to rejection for employment due to active tuberculosis, due to a symptomatic disease that is life threatening, and/or due to a medical condition that would prevent the applicant from satisfying the physical requirements [essential functions] of a position. Rejection for employment due to an applicant's medical condition must be approved by the health care provider responsible

for conducting pre-employment physicals.) A positive result on the alcohol or drug test or an applicant's refusal to take the alcohol or drug test as scheduled will automatically disqualify the applicant, and the offer of employment will be rescinded. In such cases, the Division Director of Human Resources or designee will notify the applicant in writing. (See Attachment C.) Additionally, the ARS will automatically screen out previous SCDC employees who were terminated for a positive drug test or refusal to take a drug test. Previous applicants who tested positive or refused to take a pre-employment drug test will also be screened out. (4-ACRS71C-02, 4-4062, 4-4063)

(SPECIAL NOTE REGARDING PHYSICALS AND DRUG OR ALCOHOL TESTING: Active temporary pink-slip employees of the Agency selected for a permanent state position will not be required to take a new physical or submit to a new drug screen unless it has been more than six (6) months since the initial physical/drug test or the position requires a Commercial Driver's License (CDL). All rehires, re-employments, and/or transfers from other state agencies will be required to have a physical and to submit to a drug test.)

9.9 Requirement to Report Employee or Inmate Relatives:

9.9.1 Employee Relatives: Applicants must report on their original employment application any relative(s) who is currently employed by the SCDC. Before an official offer of employment can be extended to the successful applicant, the Chief, Recruiting and Employment Services Branch, or designee must complete SCDC Form 16-90, "Report of Employee and/or Inmate Relative," and obtain written approval for hire from the Division Director of Human Resources. See SCDC Policy/Procedure ADM-11.17, "Employee Conduct," for additional information on prohibitions against employing family members when such employment would violate state laws on nepotism.

9.9.2 Inmate Relatives: Applicants must report on their original employment application any relative(s) who is currently or was previously an inmate at any SCDC institution, including SCDC inmates who are assigned to Designated Facilities, and any other inmates with whom the applicant has a close personal relationship. Before an official offer of employment can be extended to the successful applicant, the Chief, Recruiting and Employment Services Branch, or designee must complete SCDC Form 16-90, "Report of Employee and/or Inmate Relative," and obtain written approval for hire from the Division Director of Human Resources. Overall, applicants are not approved for hire if they have a close personal inmate relative in one of the following categories: Husband, Wife, Mother, Father, Daughter, Son, Sister, Brother, Grandmother, Grandfather, Grandchild, Step Relatives, Mother-In-Law, Father-In-Law, Sister-In-Law, Brother-In-Law, Son-In-Law, Daughter-In-Law. In addition, any individual with an obvious close personal relationship (recent divorce or break-up, common-law spouse, boyfriend/girlfriend, etc.), but not related to the inmate at the time of application, may be denied employment until that inmate is released by SCDC. However, on a case by case basis, should a Warden or Division Director desire to hire such a candidate, s/he may request approval through the appropriate member of the executive staff. Selections involving a central office position located in an institution must be requested by the central office Division Director and approved by the appropriate member of the executive staff. This approval will be documented on SCDC Form 16-90, "Employee/Inmate Relative Form," and forwarded to the Division Director of Human Resources/Designee for final approval. Applicants with any other level of inmate relative such as aunts, uncles, cousins, etc., may be authorized for hire; however, the applicant may not be permitted to work at the same location as the inmate, and must obtain written permission from the Warden and other appropriate authorities in order to visit the inmate. (See SCDC Policy/Procedure OP-22.09, "Inmate Visitation." Also, see SCDC Policy/Procedure ADM-11.17, "Employee Conduct," for the procedures to be followed when a relative of an SCDC employee is incarcerated after the employee's hire date.) Note: Former employees seeking re-hire who had inmate relative(s) that were incarcerated during the employee's previous employment period must be reviewed and approved by the Division Director of Human Resources/Designee.

9.9.3 Relations Between SCDC Employees: *Romantic relationships between employees at the same Institution are prohibited. Employees who are not assigned to an Institution are prohibited from having a romantic relationship with any SCDC employee. An employee suspected of committing a rules infraction (s) of this nature, will be subject to corrective action to include termination of employment.*

9.10 Employee Victim/Witness: An SCDC Form 16-113, "Employee Victim/Witness Notification" must be completed for a selected applicant who was a victim of a crime (to include "indirect victims" if an immediate

family member was a victim) or who testified as a witness to a crime committed by an inmate(s) currently incarcerated within the SCDC. Approval must be given by the Division Director of Human Resources or designee before an official offer of employment can be extended to the successful applicant. (NOTE: Should approval be obtained, the employee will not be placed in a position of authority, direct or indirect, over the inmate[s] involved.)

9.11 Applicant Criminal History: Applicants must report all arrests, court-ordered restraining orders (*regarding a family member or a co-habitant*) and/or convictions/dispositions *on their original application*. Successful applicants will be checked through the National Criminal Information Center (NCIC) before an official offer of employment is extended. Any applicant with a felony conviction(s), drug related conviction(s), and/or sexual misconduct related conviction(s) within ten (10) years will NOT be hired by the Agency for ANY position. *All other arrests/convictions will be forwarded to the Division Director of Human Resources, and if necessary, the Division Director of Security for approval. Approval/disapproval for hire will be indicated on the original application and entered into the Applicant Referral System (ARS). Should an applicant fail to report an arrest, court ordered restraining order, and/or conviction on their application, and it is found through NCIC check or otherwise, the selecting official may be contacted to give further consideration as to whether s/he wishes an offer of employment to be extended. Intentional deception will automatically disqualify an applicant. Any applicant that has served time in any state, federal, county, or city penal system within five (5) years will NOT be hired by the Agency. (4-ACRS-7F-04, 4-ACRS-7F-04, 4-ACRS-7B-07, 4-ACRS-7D-06, 4-4055, 4-4061, 4-4102)*

9.11.1 Employees who move from a non-security to a security position, or from a non-security to another non-security position, or from a security position to a non-security position, regardless of the reason for the move (promotion, demotion, reassignment, etc.) will be checked through the National Criminal Information Center (NCIC). Employees who move from a security position to another security position, will not be checked through the National Criminal Information Center (NCIC) inasmuch as these checks are conducted during each security employee's three-year recertification cycle through the Division of Training and Staff Development.

9.11.2 Extreme caution should be exercised when considering applicants who have arrests, restraining orders, and/or convictions involving violent crimes, who have several arrests of varying nature or violent nature, or who have arrests or convictions involving drugs or alcohol. Caution should be exercised even if such arrests were not prosecuted or were otherwise dismissed.

9.11.3 Consideration should be given to whether such charges or convictions were committed in the recent or distant past. A more recent arrest or conviction should generally be regarded as more significant than an arrest or conviction that occurred 20 years ago. Also, the age of the applicant at the time the crime or arrest occurred should be considered.

9.11.4 For falsification, omission, or misrepresentation of facts or information other than arrests, restraining orders, or convictions, consideration should be given to the type of information falsified, omitted, or misrepresented and whether or not an offer of employment would have been extended if the Agency had been given accurate information initially. Intentional deception will automatically disqualify an applicant.

9.11.5 In accordance with the *Continuing Law Enforcement Education (CLEE) Training Regulations*, the Agency cannot hire applicants for positions that require certification if the applicant has been convicted of a crime for which the maximum possible penalty involves a sentence of death or imprisonment of more than one (1) year, or any criminal offense that involves moral turpitude. Security and non-security applicants applying for positions cannot be hired if they have a record during the previous five (5) years for suspension of a driver's license as a result of driving under the influence (DUI) of alcoholic beverages or dangerous drugs, driving while impaired or the equivalent, reckless homicide, involuntary manslaughter, leaving the scene of an accident, or conviction of a felony, or certain crimes which are serious enough in nature to create a substantial security risk or pose a threat to the agency or the agency's image.

9.11.6 All successful candidates with arrests and/or convictions will be forwarded to the Division Director of Human Resources/Designee and, if necessary, the Office of General Counsel and the Division Director of Security for approval/disapproval. Approval/disapproval of hire will be indicated on the original

application.

9.12 Fingerprints: All successful candidates will be finger-printed by the Recruiting and Employment Services Branch staff before establishing a hire date. (NOTE: Fingerprints will be sent to the State Law Enforcement Division [SLED] and the Federal Bureau of Investigation [FBI] for processing.) (4-ACRS-7F-04, 4-ACRS-7D-06, 4-4061, 4-4102)

9.13 Credit Checks: Credit checks will be completed on all successful applicants selected for security and investigative positions pursuant to state statute.

9.14 Salary Approvals: Salaries for successful applicants must be approved in accordance with SCDC Policy/Procedure ADM-11.03, "Employee Compensation," before an official offer of employment can be extended.

9.15 Effective Date: Effective dates for successful applicants must be in accordance with state and Agency procedures and will be coordinated with the appropriate Agency official as follows:

9.15.1 The Chief/designee, Recruiting and Employment Services Branch, will ensure that the effective date for all new hires is in accordance with SCDC Training Academy requirements. (NOTE: Approved waivers to exempt or extend an employee from SCDC Orientation Training must be obtained prior to entry into the Pre-Employment System by Human Resource Managers/Liaisons, unless the Agency Director has issued a blanket waiver for a specific job classification. The Division Director of Training and Staff Development or designee is the approving authority for individual Orientation Waivers. [See SCDC Policy/Procedure ADM-17.01 for procedural guidelines necessary to be followed to obtain Orientation Waivers.] The Director for Administration is the approving authority for Orientation/Basic Training exemptions.)

9.15.2 Promotions, reassignments, and/or demotions of existing staff must be effective at the beginning of a semi-monthly pay period, i.e., 2nd and 17th of the month.

9.15.3 Movement due to promotion, reassignment, or demotion of existing staff must be accomplished within 15 calendar days from the date the selected employee and the gaining and losing officials are notified by the Chief, Recruiting and Employment Services Branch, or designee.

9.16 Telephone Requirements for Employees Occupying Essential Positions: As a condition of employment, the SCDC will require all employees selected for "essential positions" as defined by the Agency to provide evidence that they have a working contact telephone. Applicants selected for essential positions must complete SCDC Form 16-67, "Telephone Requirement," and provide proof of a contact telephone number (e.g., copy of most recent telephone bill- home or cell) at the time of their official offer of employment for non-SCDC applicants. SCDC employees selected for essential positions must provide this information prior to the position action/movement. Telephone numbers of friends, relatives, and/or neighbors, and pagers/beepers, answering machines, and voice mails will not be accepted to meet the telephone requirement for essential positions. Failure to provide this information at the date of hire (or within 30 days from date of hire to the employee's immediate supervisor or appropriate Human Resource Manager) may be cause for termination. As a condition of promotion, reassignment, or demotion into an essential position, an employee may be required to show evidence of a working contact telephone before the position movement can be made effective. Such verification, when requested, must be submitted to the appropriate selecting official. The employee is responsible for maintaining a working contact telephone number while employed in an essential position and for notifying his/her supervisor of any changes in the telephone number. For the purposes of this procedure, essential positions are defined as:

- Correctional Officer/Cadet;
- Corporal;
- Sergeant;
- *Law Enforcement Officer (K-9)*
- Lieutenant;
- Captain;
- Major;

- Food Service Director (limited to the Chief Institutional Food Service Supervisor);
- Trades Supervisor (limited to Chief Institutional Maintenance/Trades Supervisor);
- Facilities Management (on-call personnel);
- Vehicle Management (on-call personnel);
- Medical (OIC);
- Investigator;
- Associate Warden;
- Warden;
- Division Director;
- Directors of Budget & Resource Management, Programs & Services, Operations, and Medical Services;
- Office Director; and
- Agency Director.

9.17 Pre-Processing: Successful applicants will go through a new hire pre-employment process with a Human Resource Manager designated for their work location which will include completion of payroll paperwork enrollment in State Group Benefits and verification of work eligibility through the E-Verify System.

9.18 Offer/Rejection Letters: All applicants interviewed for a position will receive a letter at their home address, as follows:

- Successful applicants who have completed all pre-employment requirements will receive written confirmation at their home address of their selection. The notification will provide each applicant with his/her effective date of employment and approved salary.
- All non-selected applicants who received an interview during the selection process will receive a letter from the Recruiting and Employment Services Branch informing them that they were not selected for the position.

10. EMPLOYMENT STATUS: Upon employment, an employee will be given status in accordance with the following:

10.1 Probationary Status: Upon initial employment or re-employment in a classified or unclassified position, an employee shall be in probationary status. An employee in probationary status must complete a probationary period that is twelve months in duration. An employee who performs unsatisfactorily during the probationary period must be terminated before becoming a covered employee. The performance review date for a probationary employee who is promoted, demoted, reclassified, experiences an unclassified state title change, is reassigned, or accepts reassignment to a new class, will have their review date adjusted twelve months.

10.2 Temporary Status: Employment is to a temporary position, i.e., pink-slip for a period not to exceed 12 months. A temporary employee must take a fifteen calendar day break in service prior to the end of the twelve months of employment. The 15 day calendar break may be taken at a time that is mutually agreed upon between the temporary employee and the immediate supervisor. The break must be requested in writing by the employee identifying the last day of work and the requested return to work date and approved by the Warden/Division Director. The approval must be submitted to the Division of Human Resources. The 15 calendar day break does not apply to individuals occupying temporary grant or time limited positions. NOTE: A temporary employee will be selected using the SCDC Form 16-119. A temporary employee selection is not processed through the automated selection system; however a temporary employee is subject to the Agency's new hire pre-processing requirements.

10.3 Trial Status: When a permanent state employee experiences position movement or a position action, s/he is placed in trial status. Trial status is a working test period in a new position to determine if the employee is able to meet the performance standards of the position. A trial status period is for six (6) months, but may be extended if the employee's overall performance is below performance standards.

10.4 Permanent Status: A full/part time employee who satisfactorily completes his/her 12 month probationary period will attain covered status. Satisfactory completion of the probationary period should be documented through a performance appraisal with a rating of "Meets" or above before the actual probationary end date. (NOTE: Employees in a probationary period or temporary position may be terminated at any time without the right to appeal the termination to the Agency or State Employee Grievance Process.)

11. POSITIONS SELECTED BY AGENCY DIRECTOR: The Agency Director will be responsible for establishing the screening and selection criteria for positions where s/he serves as the selecting official.

12. CONFIDENTIALITY OF INFORMATION: No information pertaining to prospective applicants and/or successful applicants for positions will be released without the approval of the Division Director of Human Resources or designee.

13. TRAINING: The Chief, Recruiting and Employment Services Branch, or designee will provide training on an "as-needed" basis with regard to the application and selection process either at institutional locations and/or the Training Academy.

14. DISCLAIMER: The Agency may make involuntary or administrative reassignments of employees as deemed necessary to meet its overall mission and operational requirements. Such involuntary or administrative reassignments may be made at any time outside the provisions of this policy/procedure and must have the written approval of the Division Director of Human Resources, the appropriate member of the Agency Director's staff, and the Agency Director.

15. FREEDOM OF INFORMATION ACT: Any requests for information under this Act will be processed according to SCDC Policy/Procedure GA-02.04, "Freedom of Information Act."

16. DEFINITIONS:

Applicant Telephony System refers to the Agency's telephone system (dial-a-job) in which applicants can receive information relative to all current vacancies, apply for vacant positions, reactivate their applications, and determine which positions they have been referred for consideration.

Approving Official refers to the designated official(s) who must approve vacancy announcements for positions falling under his/her area of responsibility.

AAS refers to the Agency's "Automated Applicant Selection System" where selections for vacant positions are entered for approval.

ARS refers to the "Applicant Referral System" where all applicant profiles are stored.

AVS refers to the Agency's "Automated Vacancy System" from which vacancy announcements are generated.

NCIC refers to the "National Criminal Information Center" where a record of arrests and/or convictions can be obtained.

PIN refers to an applicant's "Personal Identification Number" which is used to access the Applicant Telephony System.

Pre-Employment System refers to the SCDC system utilized by Human Resource Managers to enter new hire information and to determine an Orientation/Basic Training date.

Permanent Status refers to a full/part time employee who has satisfactorily completed his/her 12 month probationary status in state government for his/her current employment period.

Pre-Processing refers to a process whereby new hires, rehires, or transfers to the Agency are provided information regarding Agency policies/procedures and are required to complete paperwork (payroll, enrollment in state group benefits) in order to place them on payroll upon reporting to work. A new employee should be pre-processed before his/her hire date.

Probationary Period Twelve month period from the date of initial employment in state government in a full/part time classified or unclassified position. An employee who is in their probationary period and is promoted,

demoted, re-assigned, re-classified, or experiences a title change will have their review date established twelve months from the effective date of the action.

Profiles refers to computer generated summaries of applications sent to selecting officials.

Re-Employment refers to an applicant who returns to state service following a break in service.

Re-Hire refers to an applicant who has previously worked for the SCDC in any capacity.

Screening Panel refers to one (1) or more employees appointed by the selecting official to determine if applicants applying for a vacant position meet the SCDC additional requirements and any screening criteria identified by the selecting official. The employee(s) must occupy a position(s) equal to or higher in pay band and level than the vacancy being filled. Should the selecting official choose to utilize more than one employee for screening, panelists should include minority and female representation.

Selecting Official refers to the official/authority who is responsible for appointing screening and selection panel members and for selecting an individual to fill a specific position within the Agency.

Selection Panel refers to one (1) or more employees appointed by the selecting official to conduct interviews for a vacant position. The employee(s) must occupy a position(s) equal to or higher in pay band and level than the vacancy being filled. Should the selecting official choose to utilize more than one employee to conduct interviews, panelists should include minority and female representation.

Temporary Employee (Pink-Slip) refers to an individual hired to perform duties for a temporary period of time, not to exceed one (1) year.

Temporary Grant Employee refers to an individual hired to perform the duties stipulated in an approved grant. Employees may be eligible for benefits, excluding permanent or probationary employment status.

Time Limited Employee refers to an individual hired to perform the duties stipulated in an approved time limited project. Employees may be eligible for benefits, excluding permanent or probationary employment status.

Trial Status refers to a working test period of six (6) months required of a permanent state employee following a position movement/action to any class in which the employee has not held permanent status, i.e., promotion, demotion, or reclassification.

SIGNATURE ON FILE

s/Jon E. Ozmint, Director

ORIGINAL SIGNED COPY MAINTAINED IN THE OFFICE OF POLICY DEVELOPMENT.

ATTACHMENT A - SCDC SELECTING OFFICIALS

INSTITUTIONS	
POSITION	SELECTING OFFICIAL(S)
Wardens	Division Director of Operations with concurrence of Agency Director
Associate Wardens	Warden, Division Director of Operations, with concurrence of Agency Director
Majors	Warden, with concurrence of Division Director of Operations

Captains	Warden
Lieutenants	Warden/Designee
Sergeants	Warden/Designee
Corporals	Warden/Designee
Officers/Cadets	Recruiting and Employment Services Branch
Institutional Non-Security Staff	Warden/Designee
Central Office Staff (e.g., Food Service, Canteen, Commissary, Farm Staff, Health Services, Grievance, etc.)	Division Director/Warden and/or Designees

DIVISIONS/OFFICES	
POSITION	SELECTING OFFICIAL(S)
Division Directors	Agency Director/designee
Assistant Division Directors	Director of Budget and Resource Management, Programs and Services, or Medical Services/Division Director/Office Director/designee
Branch Chiefs	Division Director/ Office Director/designee
Staff	Division Director/Office Director/ Assistant Division or Office Director/ Designee (For divisions/offices that do not have Assistant Directors, the appropriate Branch Chief may serve as the designee.)

ATTACHMENT B - CONDITIONAL OFFER

Date

Name

Street Address

City, State, Zip Code

Dear:

RE: Position Title and Number

Congratulations! You have been recommended for the position of _____. Your employment with the Agency is contingent upon the completion and approval of all employment requirements, such as, but not limited to, any employee/inmate relative(s), approval of any prior arrest(s), a physical examination, and approval of your proposed salary.

Once all employment requirements have been satisfied, you will be contacted by the below-designated Human Resource Manager who will schedule you for processing and coordinate an official hire date.

Name of HR Manager

Location

Telephone Number

Since not all employment requirements have been satisfied, I recommend that you not resign from your present position until you have been notified of an official hire date.

If you have any questions, please call the Recruiting and Employment Services Branch at (803) 896-1651.

Sincerely,

Name of Recruiter

Recruiting and Employment Services

Division of Human Resources

cc: HR Manager
Selecting Official
New Hire File

ATTACHMENT C

DRUG OR ALCOHOL TEST

Date

Name

Street Address

City, State, Zip Code

Dear

The South Carolina Department of Corrections, Division of Human Resources, has received notification (*applicable statement*).

At the time you were directed to take the drug *test* and/or alcohol test, it was explained and provided in writing that a (*applicable statement*) would be a valid reason for the Agency to withdraw any offer of employment.

This is to advise you that the South Carolina Department of Corrections hereby withdraws any offer of employment (verbal or written) that you may have received due to (*applicable statement*).

I *also* regret to *inform you* that you are ineligible for future consideration for positions with the South Carolina Department of Corrections.

I wish you success in your search for a position with another employer.

Sincerely,

Robert E. Petersen, Director

Division of Human Resources

cc: Applicant File
Master File



SCDC POLICY/PROCEDURE

Change 1 to OP-20.02: 1.8

NUMBER: OP-20.02

TITLE: TRANSPORTATION MANAGEMENT

ISSUE DATE: JULY 1, 2008

RESPONSIBLE AUTHORITY: DIVISION OF TRANSPORTATION MANAGEMENT

OPERATIONS MANUAL: OPERATIONS

SUPERSEDES: OP-20.02 (JUNE 1, 2004)

RELEVANT FORMS/SUPPLIES: 13-6, 14-19, 14-50 A & B, 15-27, 19-19, 19-22, 19-29A, 19-126, 19-152, 20-12, B-3, State Fleet Form 6-77

ACA/CAC STANDARDS: 4-ACRS-1B-01, 4-ACRS-1B-02, 4-ACRS-1B-03, 4-ACRS-1B-04, 4-4197, 4-4198, 4-4217, 4-4225

STATE/FEDERAL STATUTES: Budget and Control Board State Fleet Management Manual; South Carolina Fleet Safety Program; FCC (Codes of Federal Regulations); S.C. Code of Laws, 1976, as amended Section 56-5-760, Operation of Authorized Emergency Vehicles; Section 1-11-141, Insurance on State-Owned Vehicles by Agencies; Liability of Employees for Cost of Repairs.

PURPOSE: To establish guidelines for the proper management and control of all transportation operations involving the use of state/SCDC owned vehicles by employees, and radio communications, as well as the operation of heavy equipment, farm equipment, or other motorized equipment by inmates, and to establish criteria for the requisition/approval of any vehicular supplies or equipment involving state/SCDC appropriated and/or agency budgeted funds.

POLICY STATEMENT: To promote public safety and the cost effective use of state funds, the Division of Transportation Management will be responsible for managing, administering, and developing rules and regulations in compliance with all applicable state and federal regulations and statutes to govern the use of state/SCDC owned vehicles by employees; radio communications; purchases and requisitions for vehicular supplies and equipment; vehicular repair and preventative maintenance; review of accidents involving employees operating state/SCDC owned vehicles; identification of state/SCDC owned vehicles; and the operation of heavy equipment, farm equipment, or other motorized equipment by inmates. (4-4197, 4-4217)

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VEHICLES**8. REQUESTS FOR BUS OR OTHER HIGH OCCUPANCY VEHICLES****9. MILEAGE REPORTS****10. PURCHASE/REPLACEMENT/REASSIGNMENT/DISPOSAL OF VEHICLES****11. REPAIRS AND PREVENTIVE/ESSENTIAL MAINTENANCE****12. EMERGENCY EQUIPMENT****13. ACCIDENTS IN STATE/SCDC VEHICLES****14. RADIO COMMUNICATIONS****15. FUEL STATIONS****16. INMATE OPERATORS OF FARM AND HEAVY EQUIPMENT OR OTHER MOTORIZED EQUIPMENT****17. EMERGENCY VEHICLE RESPONSE****18. DEFINITIONS****Attachment I, Notification of Suspended/Revoked Driver's License or Moving Violation****Attachment II, List of Authorized and Unauthorized Uses of Vehicles****SPECIFIC PROCEDURES:****1. REQUIREMENTS FOR OPERATION OF STATE/SCDC OWNED VEHICLES:**

1.1 A valid South Carolina driver's license or a valid driver's license from the state in which an employee resides is required for all SCDC employees in order to operate a state/SCDC owned vehicle. **(4-ACRS-1B-03)**

1.2 Employees are expected to abide by all applicable license restrictions and to operate a state/SCDC owned and/or special vehicle in a safe manner consistent with all traffic laws. At no time will a driver operate a state/SCDC vehicle after such driver has partaken of alcohol, drugs, or other controlled substances. The use of radar detectors in state/SCDC vehicles is prohibited.

1.3 Every SCDC employee possessing a commercial driver's license (CDL), listed as a CDL driver for SCDC, and performing safety sensitive functions must submit to random drug and alcohol testing pursuant to SCDC Policy/Procedure ADM-13.08, "Drug and Alcohol Testing of Commercial Motor Vehicle Drivers."

1.4 Each SCDC employee required to operate a state/SCDC owned vehicle must complete the eight (8) hour Defensive Driving Course (DDC8) provided through the SCDC Training Academy. Upon completion, such employees will be required to complete a four (4) hour Defensive Driving Course (DDC4) once every three (3) calendar years to continue operating a state/SCDC vehicle. If a person fails to attend DDC4 training within a three (3) year period *or has his/her drivers license suspended*, s/he may be subject to corrective action under SCDC Policy/Procedure ADM-11.04, "Employee Corrective Action."

1.5 Employees NOT authorized to drive state/SCDC vehicles include those who:

- have eight (8) or more points against their driver's license;
- have not successfully completed the DDC8 and/or DDC4;
- have had their driving privileges suspended after having two (2) or more serious at-fault accidents in a state/SCDC vehicle within a 12 month period or three (3) non-serious at-fault accidents in a state/SCDC vehicle within a 36 month period;
- have had three (3) serious at-fault accidents or four (4) non-serious at-fault accidents in a state/SCDC vehicle within a 36 month period and have been suspended for a minimum of one (1) year from driving an state/SCDC vehicle;
- have not paid fines imposed;
- are currently using medications for which precautions indicate drowsiness or other side effects that may compromise safety;
- have not signed SCDC Form 19-19, "Employee Acknowledgement of Transportation Policy and Procedures; and/or
- have used a state/SCDC vehicle for unauthorized purposes or conducted themselves in a manner that

endangers safety or security (e.g., under investigation for unsafe acts, etc.). The appropriate Division Director, Warden, or higher authority will submit a memo to the Division Director of Transportation regarding such acts and recommending that the employee not be allowed to drive a state/SCDC vehicle. The Division Director of Transportation or *the* Division Director of Programs and Services will approve or disapprove such requests.

1.6 State/SCDC owned vehicles will only be used by employees for the purpose of conducting official Agency or state business. (See Attachment II for a list of authorized and unauthorized uses of vehicles.) Under no circumstances will employees transporting inmates stop at any location for the purpose of conducting unofficial or unauthorized business.

1.7 To promote safety and security and to prevent injuries, all vehicles, parts/supplies, and equipment used to complete any operation will be accounted for at all times and will be secured when not in use. Employees will take necessary precautions to ensure the security of the vehicle and to prevent escapes when transporting inmates. Keys to every vehicle, farm or heavy equipment, or other motorized equipment will be accounted for at all times pursuant to SCDC Policy/Procedure OP-22.17, "Key Control." (4-4197)

1.8 *All security employees, any employee to whom a state vehicle is assigned, employees who routinely drive state vehicles and any employee who may reasonably be required to drive a state vehicle or may reasonably be allowed to drive a private vehicle on state business are required to maintain a valid drivers license.* (Amended by Change 1, dated August 24, 2010)

The Department of Motor Vehicles will furnish to the SCDC on a regular basis a computer generated list of those employees whose drivers licenses have been suspended. This list will be provided by RIM to the Divisions of Transportation and Human Resources.

The Division of transportation will contact via e-mail, the employee's respective Warden/Division Director to ensure that the employee is not allowed to drive a state vehicle, nor to drive a private vehicle onto state property, absent a provisional license.

The Division of Human Resources will send a letter to the employee through the Warden/Division Director putting the employee on notice that their license has been suspended, that they are not to drive a state vehicle nor a private vehicle onto state property absent a provisional license, that they have 45 days to have their license re-instated or be terminated, and that it is the employee's responsibility to advise the Division of Transportation and the Division of Human Resources within 45 days of any re-instatement of the license.

2. IDENTIFICATION OF SCDC VEHICLES:

2.1 Except for those vehicles exempted in writing by the Agency Director, state/SCDC vehicles will be required to bear the SCDC numbered decals installed by the Broad River Vehicle Maintenance Facility (BRVMF). Decals will be located on the right rear and left front bumpers of vehicles.

2.2 All state/SCDC vehicles, except those specifically requested in writing through normal administrative channels to the Division of Transportation Management and approved by the Budget and Control Board, will also display the South Carolina state decal on the left of the rear window.

2.3 No other decals or slogans will be placed on any state/SCDC vehicle unless specifically requested and authorized by the Agency Director and State Fleet Management.

2.4 Renumbering of state/SCDC vehicles is authorized only by the Division *Director* of Transportation Management.

3. VEHICLE SAFETY:

3.1 All state/SCDC motor vehicles (except buses), including farm machinery such as trucks and tractors, must be equipped with seat belts. While operating or riding in a state/SCDC vehicle equipped with seat belts, everyone must wear those seat belts. Each violation should be reported to the Division Director of Transportation Management or designee who, in turn, will be responsible for contacting the appropriate supervising authority.

3.2 All marked state/SCDC vehicles are required to have the headlights turned on anytime the vehicle is in motion.

4. PERMANENT VEHICLE ASSIGNMENTS:

4.1 Requests for Permanent Assignment: An employee who wants to request permanent assignment of a state/SCDC vehicle must submit the request on State Fleet Management Form 980-R (available from the Division of Transportation Management) through the appropriate member of the Agency Director's staff and the Division Director of Transportation Management to the Agency Director for approval. A memo with the following information must be attached to the Form 980-R:

- the employee's home and office address;
- mileage from the employee's home to his/her office;
- number of round trips per week;
- model, make, and year of vehicle to be used (if known);
- vehicle license number (if known); and
- justification for the assignment. (If the employee is authorized to commute, this must include information verifying that the employee is on "emergency status/24 hours on-call assignment per day.")

4.2 Responsibility for the proper use and maintenance of the vehicle rests with the individual to whom it is permanently assigned, to include a daily visual inspection of the vehicle.

4.3 **Commuting Mileage:** Individuals required to pay for commuting to SCDC will be identified by the Agency Director and will be provided written information pertaining to such designation. Employees required to pay for commuting will attach their reimbursement (check or money order) to SCDC Form 14-50 A and B, "Monthly Trip Logs," and submit this information to the Division Director of Transportation Management or designee on a monthly basis. The Division Director of Transportation Management or designee will be responsible for reimbursement accountability to the Financial Accounting Branch. Commuting reimbursement is due no later than the 1st of each month. If the authorized commuter did not use the assigned vehicle for commuting during the month, the trip log for that month should be annotated as follows: "Authorized to commute, but did not commute." The Agency Director will provide information on the fair market value for reimbursement of commuting expenses to those employees required to make reimbursement. The commuting reimbursement will be calculated to comply with Federal Income Tax Regulations and South Carolina Budget and Control Board directives.

5. VEHICLES ASSIGNED TO INSTITUTIONS, DIVISIONS, OR OFFICES:

Each Warden, Division Director, or Office Director is responsible for ensuring that his/her designated vehicle management officer conducts a weekly inspection of each assigned vehicle for damage, safety, operating condition, and compliance with departmental policies/procedures and directives. In addition, all employee drivers will perform and complete a pre-trip and after trip inspection report utilizing SCDC Form 20-12, "Daily Vehicle Inspection Report," for the vehicle they will be operating.

6. REQUESTS FOR SCDC POOL VEHICLES:

6.1 The issue of a pool vehicle will be on a first-come, first-served basis. Requests for the use of a state/SCDC pool vehicle should be communicated through the Division of Transportation Management. Whenever possible, requests should be submitted at least one (1) week prior to the date of travel.

6.2 The Division of Transportation Management may authorize an SCDC employee to drive a state/SCDC pool vehicle home at close of business of the afternoon/shift preceding their intended travel, provided that the employee commutes directly from home the following morning to their out-of-town location. SCDC Form 19-152,

"Authorization for Overnight/Emergency Use of a State Vehicle," must be filled out prior to the state/SCDC vehicle being used for more than one (1) day (to include overnight); for commute to residence for travel the next day; and for emergency use. The form must be signed by the employee requesting use of the car and approved by either his/her Warden, Division Director, the appropriate member of the Agency Director's Staff, or the Agency Director. The form will then be forwarded to the Division Director of Transportation Management or designee for final approval.

6.3 Any employee who operates a state/SCDC pool vehicle will be required to perform and complete a pre-trip and after-trip inspection of the operating vehicle. These inspections will be documented on SCDC Form 20-12, "Daily Vehicle Inspection Report."

7. USE OF PRIVATELY OWNED VEHICLES DUE TO THE UNAVAILABILITY OF POOL VEHICLES:

7.1 If a state/SCDC pool vehicle is not available, employees may be authorized to use their privately owned vehicle (POV). An employee desiring to use his/her POV for official SCDC business must complete Section I of SCDC Form 19-126, "Verification of Non-Availability of State Vehicle," and forward this form to his/her supervisor.

7.2 The employee's supervisor will be required to complete Section II of this form to indicate his/her approval of the employee's use of his/her POV and to stipulate whether adequate funds are available in his/her budget to cover the employee's mileage reimbursement. Upon completion, the form will be forwarded to the Division Director of Transportation Management or designee for final signature. (4-4198)

7.3 The Division Director of Transportation Management or an approved designee will be required to complete Section III of this form. A copy will be given to the employee, who must attach it to SCDC Form 15-27, "Travel Voucher," that is submitted to the Financial Accounting Branch for reimbursement. (See SCDC Policy/Procedure ADM-15.04, "Travel Regulations for SCDC Employees," for information.)

8. REQUESTS FOR BUS OR OTHER HIGH OCCUPANCY VEHICLES:

8.1 An employee may make a written request for the use of a bus or other high occupancy vehicle to conduct Agency business. Requests must be made through the appropriate Warden, Division Director, or member of the Agency Director's Staff to the Division Director of Security. At a minimum, the request should include the following information:

- Name of the requesting employee;
- Justification for the vehicle; (This must indicate that the vehicle will be used to conduct official Agency business.)
- The approximate number and, if known, the names of the SCDC employees or individuals who will be utilizing the vehicle;
- The name(s) of any non-SCDC employee(s) or person(s) who will be utilizing the vehicle;
- The date(s) the vehicle will be needed;
- Estimated number of miles to be driven; and
- Name and driver license number of the CDL driver who will be operating the vehicle.

8.2 The Division Director of Security or designee will be responsible for coordinating the arrangements for issuance of a bus or other high occupancy vehicle (e.g., van) to the requesting employee.

8.3 If a high occupancy vehicle will be used for transporting other than SCDC personnel, every effort will be made by the Division Director of Security or designee to supply a qualified SCDC employee driver.

8.4 Under no circumstances will a bus or other special transportation be dispatched for any use other than official SCDC or state business without the approval of the Agency Director or designee.

9. MILEAGE REPORTS: SCDC Form 14-50 A and B, "Monthly Trip Logs," will be maintained in all SCDC vehicles and will be turned into the Division of Transportation Management within five (5) working days after each reporting period (26th day of the month through the 25th day of the following month) or no later than the first working day of the following month. These forms may be submitted through supervisory channels, but this cannot delay their arrival at the Division of Transportation Management past the deadline. The original copy of the form will be submitted to the Division of Transportation Management and a photocopy of the form may be retained by the assignee of the vehicle. The driver's name must be clearly printed on each entry of the 14-50 A/B, "Monthly Trip Log"; and the 14-50 A/B must be signed by the driver of permanently assigned vehicles and initialed by the responsible Warden, Division Director, or appropriate member of the Agency Director's staff for vehicles used by more than one (1) driver.

10. PURCHASE/REPLACEMENT/REASSIGNMENT/DISPOSAL OF VEHICLES:

10.1 Purchase: Requests for new vehicles to include type, special equipment (if any) and budget information will be made in writing through the Division of Transportation Management for final approval through the appropriate member of the Agency Director's staff to the Division Director of Programs and Services. Requests for purchase/installation of emergency equipment, i.e., blue lights, sirens, etc., must be submitted in writing to the Division Director of Transportation Management or designee. If approved, the Division Director of Transportation Management or designee will prepare the necessary purchase requisitions/purchase orders.

10.2 Replacement: The replacement of a vehicle in service will be based upon an evaluation of the vehicle by the Division of Transportation Management. An evaluation may be requested by the user through administrative channels to the appropriate member of the Agency Director's Staff. For vehicles assigned to individuals, an evaluation may be requested directly to the appropriate Division or member of the Agency Director's Staff. All evaluations will be conducted in accordance with criteria contained in the State Fleet Management Manual. In all but exceptional cases approved through the appropriate member of the Agency Director's Staff to the Division Director of Programs and Services, a vehicle must be turned in upon issuance of a replacement vehicle.

10.3 Reassignment/Assignment: The permanent reassignment/assignment of vehicles will be based on a vehicle utilization study or report performed by the Division of Transportation Management.

10.4 Vehicle Disposal: The Division of Transportation Management is responsible for vehicle disposal. Inoperable vehicles will be turned in by the assignee to the Division of Transportation Management for disposal. When applicable, the assignee will submit SCDC Form 13-6, "Fixed Asset Update Form," to the Division of Transportation Management at the time of the equipment transfer. State Fleet Form 6-77 must be signed by the Agency Director and the Director of State Fleet Management before disposal of state/SCDC vehicles.

11. REPAIRS AND PREVENTIVE/ESSENTIAL MAINTENANCE:

11.1 Generally, all repairs and preventative maintenance to be performed on any state/SCDC vehicle or heavy equipment will be performed by the BRVMF or by an approved commercial vendor. All requests for general, emergency, or major repairs and/or preventive or essential maintenance on any state/SCDC vehicle or heavy equipment must be directed to the BRVMF supervisor/designee or one of the Division of Transportation Management's Geographical Vehicle Coordinators. The BRVMF supervisor/designee or Geographical Vehicle Coordinator will be responsible for making a determination as to whether the repairs and/or maintenance will be performed by the BRVMF staff and/or by an approved outside provider. All purchase requisitions/purchase orders for repair and maintenance of vehicles will be obtained from the BRVMF supervisor/designee or the designated Division of Transportation Management employee(s).

11.2 The Division of Transportation Management will facilitate the delivery of general, emergency, or major repairs and/or preventative maintenance to any state/SCDC vehicle or heavy equipment: by

- documenting and recording the repair of state/SCDC vehicles and equipment by utilizing the State's SCEMIS computer system;
- adhering to guidelines and procedures set forth by State Fleet's maintenance Facility Certification Program

for repairing and/or coordinating the repairs of state/SCDC vehicles and equipment; and

- procuring vehicle repair parts and services in accordance with State and Agency purchasing procedures and regulations. All purchasing requests for vehicle repair parts and services will be coordinated through and approved by the Division of Transportation Management.

11.3 Vehicle Security: The following security procedures will be followed by all staff assigned to the BRVMF:

11.3.1 All vehicles delivered to the BRVMF will be secured in a locked, fenced area, except during normal working hours. Whenever possible, any loose items or luggage in the vehicle will be removed and provided to the employee to whom the vehicle was assigned prior to the vehicle being accepted by BRVMF staff.

11.3.2 Upon delivery of a vehicle to the BRVMF, the ignition key will be removed and provided to the service attendant. The key will then be provided to the BRVMF supervisor/designee for proper maintenance/security. Under no circumstances will a BRVMF employee provide keys for any vehicle to an inmate.

11.3.3 Vehicles will always be locked when they are unoccupied or not being repaired or inspected. Vehicle steering clubs will be used during the repair of vehicles. (4-4197)

11.4 Preventative Maintenance (PM) Notices and Requests:

11.4.1 Notices: All state/SCDC vehicles will have scheduled preventative maintenance inspections on a twelve month/5,000 mile basis, whichever comes first. The Division of Transportation Management will send out Preventative Maintenance (PM) notices to assignees of vehicles when such maintenance is due. Upon receipt of such notice, the employee assigned responsibility for the vehicle must make arrangements with the BRVMF supervisor/designee or one of the Transportation Geographical Vehicle Coordinators to schedule the vehicle for maintenance at the BRVMF or at an approved commercial vendor. Preventive maintenance inspections will be conducted by qualified inspectors (i.e., Commercial Automotive Repair Vendors/Trades Specialists or Geographical Vehicle Coordinators assigned to the Transportation Maintenance Division.) (4-ACRS-1B-01)

11.4.2 Preventative Maintenance will, at a minimum, consist of the following:

- oil and air filters will be changed, if needed;
- lubrication;
- brake inspection (to include all four wheels, brake pads, brake shoes, and brake lines);
- tire inspection, balance, and rotation;
- exhaust inspection;
- radiator hoses and belts inspection;
- battery inspection;
- fluid levels, headlights, and wiper inspection; and
- inspection of emergency flashers, horn, brake lights, back-up lights, parking and emergency brakes, and seat belts; *and*
- *completion of a Preventative Maintenance Inspection Form.*

11.4.3 Responsibility for Repairs: The placement of parts on a vehicle, shop safety, working conditions, and maintenance of documentation pertaining to the repair of the vehicle will be the direct responsibility of the BRVMF Supervisor/designee or one of the Division of Transportation Management's Geographical Vehicle Coordinators, and the Division of Transportation Management.

11.4.4 Responsibility of Wrecker Service: The Division of Transportation Management will provide towing and/or wrecker service for the state/SCDC's vehicle fleet or arrange for authorized commercial vendors to provide this service. Under no circumstances should privately owned equipment be used to tow or push state/SCDC vehicles.

11.4.5 Tire Repairs: *Under no circumstances, shall any tires utilized on any SCDC's motorized/licensed vehicles be plugged, repaired, and or patched. The only exception is for a tire to be re-capped. Any vehicle tire in need of repair shall be properly discarded and replaced with a new tire.*

11.4.6 *Upon the delivery of any vehicle to the BRVMF, a tire inspection will be performed by technicians regardless of any maintenance/repair services needed. All tire inspections performed by BRVMF's technicians will be documented on tire inspection forms. A tire inspection, which will consist of visual inspection of tires, as well as obtaining pressure readings with a tire gauge, will be done at least once a month on all SCDC vehicles. These tire inspections can be performed by BRVMF's technicians, Transportation geographical Vehicle Coordinators, outside commercial vendors, and/or institutional/divisional staff members. All tire inspections/pressure readings will be documented in some form on the tire inspection report and/or an invoice.*

12. EMERGENCY EQUIPMENT: The Division Transportation Management is responsible for maintaining emergency equipment such as tire chains and booster cables for assigned vehicles.

13. ACCIDENTS IN STATE/SCDC VEHICLES: Pursuant to South Carolina Code of Laws, 1976, as amended, employees involved in at-fault accidents may be held responsible for damages over and above state insurance coverage regardless of whether the vehicle was being used for official business at the time of the accident. Under no circumstances should the driver of a state/SCDC vehicle leave the scene of an accident or move the vehicle until law enforcement arrives and instructs otherwise. (4-4198)

13.1 Vehicle Accident Reporting: When an employee is involved in an accident in a state/SCDC owned vehicle or heavy equipment, s/he will immediately notify his/her supervisor who will notify the Division Director of Transportation Management, and the Environmental Health and Safety Officer (EHSO), if there is an injury. The employee's supervisor will be required to prepare a Management Information Note (MIN) and forward the MIN to the appropriate authorities pursuant to SCDC Policy/Procedure OP-22.25, "Reporting Incidents and Accidents (Management Information Notes [MINs])." In the event that an employee is involved in an accident after normal duty hours, the employee will immediately report the accident to his/her duty warden or the Emergency Action Center (EAC). The employee involved in the accident must complete an SCDC Form 14-19, "Vehicle Accident Information Form," and SCDC Form 19-29A, "Incident Report."

13.2 Employee Reporting of Moving Violations: When an employee is cited for a moving violation in a state/SCDC owned vehicle or heavy equipment, s/he will immediately notify his/her supervisor of the citation. Attachment I, "Notification of Suspended/Revoked Driver's License or Moving Violation," should be completed and forwarded to the Division Director of Transportation Management."

13.3 Employees who have a Commercial Drivers License, are utilized as an SCDC CDL driver, and who are involved in vehicular accidents while operating a state/SCDC vehicle may be required to submit to a drug/alcohol test pursuant to SCDC Policy/Procedure ADM-13.08, "Drug and Alcohol Testing of Commercial Vehicle Drivers."

13.4 Notification to Insurance Provider: When any SCDC employee (institutional or non-institutional) is involved in an accident, the *Southeastern Claims Service* will be immediately notified via telephone by the Division Director of Transportation Management/designee no later than close-of-business the workday after the accident occurred. If an accident report is filed by the Highway Patrol or another investigating agency, the green copy will be sent to the Division of Transportation Management which will forward the information to *Southeastern Claims Service*.

13.5 Liability: When delivered, a state/SCDC vehicle is automatically insured under a fleet policy written by the State Insurance Division. This policy protects the state and its employees against claims from others resulting from an accident with a state/SCDC vehicle. Liability limits are equal to the maximum for which the state is liable, so supplementary liability insurance is not required by the state/SCDC vehicle operator (employee). Vehicles are self-insured by the state with respect to unrecoverable losses from collision, fire, vandalism, and theft. An employee may be held liable for up to \$200.00 of state/SCDC vehicle damage if the Geographical

Accident Review Committee (see Procedures 13.8 through 13.11, below) determines that the employee was at fault in an accident while operating the vehicle and may be held fully liable for an accident if the cause was due to the employee's use of alcohol, controlled substances, or illegal drugs. (4-ACRS-1B-04, 3-4190)

13.6 Failure to Report an Accident or Moving Violation: Failure to report a moving violation and/or accident through supervisory channels to the Division of Transportation Management, regardless of severity, will result in immediate corrective action in accordance with SCDC Policy/Procedure ADM-11.04, "Employee Corrective Action," and the South Carolina Fleet Safety Program. The responsible supervisor will ensure that corrective action indicated by SCDC Policy/Procedure ADM-11.04 is initiated and followed through to completion. Additionally, an employee receiving a citation for a moving violation will be held personally liable for the payment of any fines for such violations. The Agency will not be responsible for payment of any such fines.

13.7 Wrecker Assistance: Should an employee involved in an accident or moving violation need wrecker (tow) assistance, the employee or his/her supervisor should contact the following:

13.7.1 During normal duty hours, wrecker assistance may be obtained through the BRVMF by telephone at 896-2037/896-2957 or 896-1209.

13.7.2 During non-duty hours, wrecker assistance may be obtained by contacting SCDC's Emergency Action Center (EAC) at 896-2258.

13.7.3 Phone numbers for wrecker assistance will be displayed or made available in all state/SCDC vehicles.

13.8 Review of Accidents by Geographical Accident Review Committees:

13.8.1 When an accident is reported to the Division of Transportation Management Accident Coordinator or a designee, s/he will be required to immediately notify via telephone or fax the appropriate Geographical Vehicle Accident Review Committee chairperson so that a hearing can be scheduled and the accident reviewed within 60 days from the date that the accident occurred.

13.8.2 Each official designated geographical area will be required to have a Geographical Vehicle Accident Review Committee. Each Committee will be responsible for controlling, inspecting, reporting, and reviewing unsafe conditions, and accidents involving SCDC employees operating state/SCDC owned vehicles.

13.8.3 Committee Members will be appointed by the appropriate member of the Agency Director's Staff and each committee will consist of five (5) total members (four [4] members and one [1] chairperson). Except for the chairperson, the four (4) other members should be selected from facilities located in the geographical area.

13.8.4 Committees will be required to convene within 60 days of the date that a reported accident occurred. Special meetings will be called within *ten (10)* working days for serious accidents (accidents causing bodily injury or damages in excess of \$2,499.00). Accidents involving the Agency Director, members of the Agency Director's Staff, Division Directors, Wardens, and Associate Wardens will be reviewed by the appropriate Geographical Vehicle Accident Review Committee; however, a member from another Geographical Vehicle Accident Review Committee will be present as well to ensure that corrective actions and recommendations remain consistent.

13.8.5 The Committee's chairperson will be responsible for ensuring that all hearing minutes are documented and that minutes pertaining to any accidents are submitted to the Division Director of Transportation Management or designee within 30 days of the date of the committee meeting.

13.8.6 The Division Director of Transportation Management *or designee* will be responsible for contacting the respective supervisor should the Geographical Vehicle Accident Review Committee recommend that

corrective action be taken against the employee. The appropriate Warden/Division Director will coordinate any corrective action with the Employee Relations Branch to ensure compliance with Agency and state policies/procedures. The Division Director of Transportation Management will be responsible for notifying the appropriate Committee chairperson of the final disposition.

13.9 The Geographical Accident Review Committee will be required to review any accident involving monetary assessment to an state/SCDC vehicle. Each Geographical Accident Review Committee has the authority to recommend the assessment of a fine of \$200.00 or less if an employee is involved in an at fault accident.

13.10 Actions Of the Geographical Accident Review ,b> Committee for Employees Found at Fault in Vehicle Accidents may include the following recommendations:

13.10.1 Verbal counseling concerning responsibilities while driving state/SCDC vehicles;

13.10.2 Written counseling (memo of understanding) concerning responsibilities and safety requirements while driving state/SCDC vehicles (if not already done since the accident);

13.10.3 Attendance at the Defensive Driving 4 Class if records do not indicate that training has already been received since the accident date;

13.10.4 Attendance at the training class, "Vehicle Matters and You," offered by the SCDC Training Academy;

13.10.5 Review of total driving record by the Division Director of Transportation Management;

13.10.6 Three (3) months to one (1) year suspension of state/SCDC vehicle driving privileges (must be approved by the Division Director of Transportation Management);

13.10.7 One (1) year to permanent suspension of state/SCDC vehicle driving privileges (must be approved by the Division Director of Transportation Management);

13.10.8 Suspension from operating state/SCDC vehicles until training is received(must be approved by the Division Director of Transportation Management);

13.10.9 Requirement that ground guide/escorting officer must be out of the vehicle and in place to assist the driver before backing of the vehicle begins;

13.10.10 Imposition of a fine in the amount of \$200.00 as provided by Section 1-11-141, of the Motor Vehicle Act.

13.11 The Geographical Accident Review Committee *will* refer the above recommendation(s) to the Warden, Division Director, or appropriate member of the Agency Director's Staff, who will ensure that the fine is paid and training is scheduled and received. Employees who are fined may appeal the fine in writing within 15 working days upon receipt of the decision. This appeal will be sent to the Division Director of Transportation Management *for review and ruling on the appeal. If an employee challenges the ruling of the Division Director of Transportation Management will be forwarded to* the Agency Director, the State Motor Vehicle Management Council, and finally, to the State Budget and Control Board. Actions taken by the Geographical Accident Review Committee are not grievable pursuant to SCDC Policy/Procedure ADM-11.02, "Employee Grievance and Appeals Procedure."

13.12 Any SCDC employee involved in an at-fault accident while operating a state/SCDC owned vehicle will be required to complete the full "Vehicle Matters and You" class within 60 days of the date the accident occurred. When the accident is reported to the Division of Transportation Management, the Division Director of Transportation Management or designee will be responsible for contacting the employee's supervisor so that the employee is scheduled to attend the course in a timely manner.

14. RADIO COMMUNICATIONS: The Division of Transportation Management will ensure the proper procurement, maintenance, inventory control, and daily use of FCC licensed radio equipment in accordance with applicable state and federal statutes and regulations. Each institution will have a communications system within the institution and between the institution and community in the event of urgent, special, or unusual incidents or emergency situations. (4-4217)

14.1 New Radio Equipment/Supply Purchases/Replacement of Supplies: All requests will be submitted to the Division Director of Transportation Management or designee by memorandum for approval before the procurement process can be completed. The requisitioner of replacement equipment must turn in the inoperable radio equipment upon issuance of the replacement equipment. When applicable, the requisitioner will submit SCDC Form 13-6, "Fixed Assets Update Form," to the Division of Transportation Management at the time the equipment is turned in. The Division Director of Transportation Management or designee will closely monitor the Agency's request for radio communication supplies (e.g., batteries, antennas, holders) to ensure fiscal accountability and efficiency. All requests for additional security channels and radio equipment must be approved by the appropriate Warden or Division Director and the Division Director of Transportation Management.

14.2 Disposal of Radio Equipment: The disposal of all SCDC radio equipment will be the responsibility of the Division of Transportation Management. Inoperable or obsolete radio equipment will be turned in by the assignee to the Division of Transportation Management for disposal. When applicable, the assignee will submit SCDC Form 13-6, "Fixed Asset Update Form," to the Division of Transportation Management at the time of the equipment transfer. The Division of Transportation Management will initiate the proper documentation to legally dispose of any SCDC radio equipment.

14.3 Assignment/Reassignment of Radios: The permanent assignment/reassignment of radios will be based on the radio needs study conducted by the Division of Transportation Management and the Division of Security. No radio equipment transfer will be made among assignees without the prior approval of the Division of Transportation Management and the Division of Security. If permission is granted, the losing and receiving assignees of the radio equipment must submit SCDC Form 13-6, "Fixed Assets Update Form," to the Division of Transportation Management at the time of the equipment transfer.

14.4 Installation, Maintenance, and Repair of Radio Equipment: The installation, maintenance, and repair of SCDC radio equipment will be arranged through the Division of Transportation Management. All services for radio equipment will be performed by certified facilities designated by the Division of Transportation Management. Under no circumstances will an assignee of radio equipment attempt to make any repairs to any SCDC radio equipment. All purchase orders for radio repair/maintenance will be generated by the Division of Transportation Management. The Division of Transportation Management will provide the EAC with a list of on-call personnel to respond to radio emergencies after normal business hours.

14.5 Radio Use: All state and Federal Communication Commission (FCC) regulations must be observed at all times during radio communications broadcasting. The improper use of SCDC radio communications is a violation of FCC regulations and can result in severe fines and penalties. Persons found improperly using SCDC radio communication systems will be held personally liable for any fines and/or penalties resulting therefrom. All persons assigned or authorized to use radio communications must use SCDC Supply B-3, "Ten Code Signals," when using any SCDC radio communications system. The improper use of SCDC radio communications should be immediately reported to the Division of Transportation Management.

14.6 Radio Security: The security of all radio communications equipment is the responsibility of the person to whom the equipment is assigned. During hours of darkness, unattended cars should be locked and parked in a lighted area to protect mobile radios and radio equipment. Radios, walkie-talkies, etc., will be treated as sensitive equipment to ensure continuous accountability. The Division of Transportation Management will be responsible for maintaining an inventory of all SCDC communications equipment.

15. FUEL STATIONS:

15.1 Fuel and Supply Purchasing for SCDC Fuel Stations: The Division of Transportation Management will

coordinate all fuel and supply purchases for all SCDC fuel stations.

15.2 Purchase of Fuel at Other Gas Stations: Fuel may be purchased with a fuel card at any fueling station that accepts the "Wright Express Card." Fuel must be pumped at the self-service pump only. The employee will check the odometer reading and enter this number when prompted. (NOTE: Mileage will be entered without tenths.) The employee may pay at the pump or pay the cashier as follows:

15.2.1 Pay at the Pump: For "pay at the pump" dispensers, the employee will insert his/her card into the card reader and follow the instructions indicated on the computer screen. The employee will enter his/her six (6) digit Personal Identification Number (PIN) and the odometer reading and pump the gas.

15.2.2 Pay Cashier: The employee will pump the fuel and then present his/her fuel card to the cashier. The cashier may be prompted to hand the employee a PIN Pad so that the PIN and odometer reading may be entered. (NOTE: An employee must never give a cashier his/her PIN.) If the cashier does not offer the employee a PIN Pad, that facility may not have the level of automation required to capture the PIN and odometer data.

15.2.3 Employees should not stop at a station for re-fueling with inmates in their vehicle.

15.3 Abuse of Fuel Card: Employees abusing their responsibilities regarding the fuel card (e.g., making purchases other than gas) will be subject to corrective action pursuant to SCDC Policy/Procedure ADM-11.04, "Employee Corrective Action."

16. INMATE OPERATORS OF FARM AND HEAVY EQUIPMENT OR OTHER MOTORIZED EQUIPMENT:

16.1 Inmates WILL NOT be authorized to operate any state/SCDC and/or special vehicles intended exclusively for highway use. Additionally, inmates will not operate farm and heavy equipment off Agency premises unless they are under the direct supervision of an Agency employee or other person authorized by the Agency to supervise inmates (e.g., supervisors of labor crew inmates). (3-4189)

16.2 Inmates may operate farm equipment as well as construction, maintenance, and other motorized material-handling equipment which does not require a license to operate, provided that the operators are approved by their immediate civilian supervisor, appropriate Division Director, and the Warden.

16.3 An inmate operator of farm and heavy equipment or other motorized equipment may maintain custody of equipment keys only while operating the equipment. Upon completion of the job assignment, the keys to the equipment will be returned to the institution/activity transportation officer/employee who will secure the keys in accordance with SCDC Policy/Procedure OP-22.17, "Key Control." Under no circumstances will any farm and heavy equipment or other motorized equipment keys be left in equipment when not in use or while unattended.

16.4 Criteria for the selection and training of inmate operators for farm and heavy equipment or other state/SCDC motorized equipment operators will be developed and administered by the Division Director or designee responsible for the area where the inmate will be assigned to perform such work.

16.5 No inmate will be allowed to use farm equipment to push or tow farm vehicle/equipment without the proper authorization from, and supervision by, employee staff at the Agriculture Branch.

17. EMERGENCY VEHICLE RESPONSE: The driver of an authorized emergency vehicle, when responding to an emergency call, but not returning from an emergency, may exercise the privileges set forth in South Carolina Code of Laws, 1976, as amended, Section 56-5-760, "Operation of Authorized Emergency Vehicles," subject to the conditions set forth below:

17.1 Any employee required to operate an emergency vehicle and respond to SCDC emergencies will be required to successfully complete on an annual basis the Emergency Vehicle Response training course offered through the

SCDC Training Academy prior to being initially authorized to operate, or authorized to continue to operate an emergency vehicle. (Refer to SCDC Policy/Procedure ADM-17.01, "Employee Training Standards," for training and course scheduling procedures.)

17.2 All vehicle emergency operations will be classified as routine, priority, or emergency, as follows:

17.2.1 Routine: Respond as available. Response may be delayed. All traffic regulations are to be obeyed.

17.2.2 Priority: Respond without delay. All traffic regulations are to be obeyed.

17.2.3 Emergency: Respond with all emergency equipment (lights, siren) activated. When approaching traffic control lights and stop signs at intersections, STOP AND CLEAR the intersection before proceeding. DO NOT assume you will be given the right of way. Emergency response is limited to those situations in which the physical safety and well-being of an individual is directly jeopardized. Emergency operations will be normally authorized where human life is threatened or when serious personal injury appears imminent. Generally, emergency operations will be limited to riots, hostage situations, escapes (when immediate response could bring about rapid recapture), and other situations as may be directed by an appropriate authority. (4-4197, 4-4225)

17.3 The decision to initiate emergency operations must be based on good judgment, tempered with common sense and foresight of potential hazards. An employee will be required to justify the choice to initiate emergency driving based on the following considerations:

- the nature of the emergency and hazard that it creates;
- the likelihood of successful recapture of escapees or intervention in life-threatening emergencies, and the volume, type, speed, and direction of all traffic in the area;
- the nature of the location (residential, rural, business);
- the weather, road conditions, and other associated factors, including safety of third parties; and
- the employee's driving skill and the condition of the vehicle.

17.4 In all cases involving emergency operations, sound judgment is paramount. Definitive guidelines to specifically address all emergency situations are impossible. A general rule to follow, however, is to carefully evaluate the facts in each situation and to engage in emergency driving ONLY when the apparent risk to human life in a situation outweighs the potential hazards resulting from the initiation of emergency operations.

18. DEFINITIONS:

Serious Accident refers to an accident that results in death, incapacitating personal injury, or combined property damage exceeding \$2,499.99; or when the proximate cause of such accident was impairment of the state/SCDC vehicle operator by alcohol or illegal drugs; or when the proximate cause of the accident was an act by the state/SCDC vehicle operator which is a four (4) or more point violation. This determination must be made by the Geographical Accident Review Committee, after reviewing the accident report and any other pertinent information, including any convictions which may have arisen from the accident. The absence of a conviction of a four (4) point violation is not conclusive to the Board's determination.

Special Vehicle refers to any vehicle obtained for use by SCDC under federal and/or state seizures, purchased through a federal grant, loaned from the United States Government, or leased from the state motor pool, and which is subject to the same restrictions and guidelines as other state/SCDC vehicles.

SIGNATURE ON FILE

s/Jon E. Ozmint, Director

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OP-20.02
Attachment I

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS

MEMORANDUM

THROUGH: _____

TO: Division Director of Transportation Management

FROM: _____

SUBJECT: NOTIFICATION OF EMPLOYEE'S SUSPENDED/REVOKED
DRIVER'S LICENSE OR OF MOVING VIOLATION

DATE: ___/___/___

Section I: (to be completed by employee)

Name of Employee: _____

Social Security #: _____ Date of Birth: ___/___/___

Position: _____ Location: _____

Driver's License #: _____ State of Driver's License: _____

** Date Driver's License Suspended/Revoked: ___/___/___

*** Date of Moving Violation while driving a state/SCDC Vehicle: ___/___/___

Section II: (to be completed by Division of Transportation Management)

Date Notification Received: ___/___/___

Action Taken: _____

**Suspension/revocation must be reported within five (5) working days.
*** An employee receiving a citation for a moving violation will be held personally liable for the payment of any fines incurred upon him/her. The South Carolina Department of Corrections will not be responsible for payment of any such fines.

Attachment II

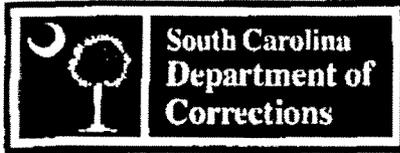
List of Authorized and Unauthorized Uses of Vehicles

Authorized Uses:

- Travel between place of vehicle dispatch and place of performance of official business.
- When on official out-of-town travel status, travel between place of temporary lodging and place of official business.
- When on official out-of-town travel status and not within reasonable walking distance between either of the above places and: places to obtain suitable meals; places to obtain medical assistance, including drugstore; places of worship; barber/beauty shops; cleaning establishments; similar places required to sustain health and welfare or continued efficient performance, exclusive of places of entertainment.
- Transport of officers, official employees, or official guests of the state. Transport of professional/commercial representatives, when in the direct interest of the state.
- Transport of materials, supplies, parcels, luggage, kits, or other items belonging to or serving the interests of the state.
- Transport of any person or item in any emergency situation, provided such movement does not further endanger life or property.
- Use of the vehicle when it is clearly serving the interest of the state.

Unauthorized Uses:

- Travel or task of a personal nature having no connection with the accomplishment of official business or beyond the rated capabilities of the vehicle.
- Transport of friends, associates, or other persons who are not serving the interests of the state.
- Transport of hitchhikers.
- Transport of items of cargo having no relation to the conduct of official business.
- Transport of acids, explosives, weapons, ammunition, non-prescribed medicines, alcoholic beverages, illegal drugs, highly flammable material, except by specific authorization or by a duly commissioned law enforcement officer acting within his or her assigned duty.
- Transport of any item or equipment or cargo projecting from the side, front, or rear of the vehicle in such a manner as to constitute a hazard to safe driving, to pedestrians, or to other vehicles.
- Extending the length of time or travel beyond that required to complete the official purposes of the trip.
- Use of the vehicle to provide transportation between home place of official business unless specifically authorized, in writing, by the agency head. The fact that an employee is "on call" does not itself justify this authorization. The urgency of employee availability and frequency of actual recall must be factually justified in order to qualify as authorized use.
- Travel to and/or from social events unless acting as an official representative of the state.
- Use of a vehicle while on vacation.
- Travel to places of entertainment (lounges, etc.) when not connected with official state business.



SCDC POLICY/PROCEDURE

NUMBER: ADM-11.26

TITLE: EMPLOYEE COMMUNICATIONS

ISSUE DATE: JULY 1, 2004

RESPONSIBLE AUTHORITY: DIVISION OF HUMAN RESOURCES

OPERATIONS MANUAL: ADMINISTRATION

SUPERSEDES: ADM-11.26 (October 1, 2002)

RELEVANT SCDC FORMS/SUPPLIES: NONE

ACA/CAC STANDARDS: 4-ACRS-7D-34, 4-ACRS-7D-35, 4-ACRS-7D-36, 3-4016, 3-4017

STATE/FEDERAL STATUTES: NONE

THE LANGUAGE USED IN THIS POLICY/PROCEDURE DOES NOT CREATE AN EMPLOYMENT CONTRACT BETWEEN THE EMPLOYEE AND THE AGENCY. THIS POLICY/PROCEDURE DOES NOT CREATE ANY CONTRACTUAL RIGHTS OR ENTITLEMENTS. THE AGENCY RESERVES THE RIGHT TO REVISE THE CONTENTS OF THIS POLICY/PROCEDURE, IN WHOLE OR IN PART. NO PROMISES OR ASSURANCES, WHETHER WRITTEN OR ORAL, WHICH ARE CONTRARY TO OR INCONSISTENT WITH THE TERMS OF THIS PARAGRAPH CREATE ANY CONTRACT OF EMPLOYMENT.

PURPOSE: To promote and establish a system of open-door communication between managers and employees.

POLICY STATEMENT: To encourage effective employee communications and enable the prompt response to employee concerns and suggestions, the Agency will promote an "open-door" policy of communication between SCDC managers and employees. Managers and supervisors will ensure that they are readily accessible to their employees to discuss any work related problems and/or suggestions; that effective steps are taken to promptly resolve problems and to respond to and/or implement suggestions; and that timely information is provided to employees when changes are made which affect Agency operations or which impact employees. (4-ACRS-7D-34, 4-ACRS-7D-35, 4-ACRS-7D-36, 3-4016, 3-4017)

POLICY DIRECTIVES:

1. To promote effective communication between managers, supervisors, and their employees, an open-door policy will be maintained throughout the Agency. Agency managers and supervisors will ensure that employees desiring to discuss concerns, suggestions, or recommendations are treated in a prompt, courteous, and fair manner, without fear of reprisal. Employees will be expected to follow the appropriate chain of command when scheduling meetings to discuss concerns, suggestions, or recommendations, or to address inquiries. (4-ACRS-7D-36, 3-4017)
2. To ensure that all employees are afforded an adequate opportunity to meet with their managers and/or supervisors, monthly meetings will be scheduled by managers and supervisors with their employees at times when the majority of employees are able to attend. Wardens will meet with the Executive Staff at least annually to facilitate communication, establish policy, and ensure conformity to legal and fiscal

requirements. (4-ACRS-7D-34, 4-ACRS-7D-35, 3-4016)

3. Managers will be required to respond promptly to their employees' questions, problems, and/or concerns. Employees should follow the appropriate chain of command when seeking answers to questions; solutions to problems and/or concerns; and/or responses to recommendations and/or suggestions that remain unresolved after initial communication with their immediate supervisor.

4. The Agency will ensure that employees are routinely informed of changes to SCDC policies/procedures and to state and federal statutes and regulations affecting operations. Such changes will be communicated via policy change memorandums, shift briefings and staff meetings, memorandums issued by the Agency Director to all staff, Agency newsletters, and similar means of communication. (4-ACRS-7D-34)

5. Managers and supervisors will be required to conduct periodic on-site inspections and visits of institutions or other areas within their realm of responsibility in order to identify and correct problems and to personally discuss issues with staff and inmates. (4-ACRS-7D-36, 3-4017)

SIGNATURE ON FILE

s/Jon E. Ozmint, Director

ORIGINAL SIGNED COPY MAINTAINED IN THE DIVISION OF POLICY DEVELOPMENT.