

BOARD OF COMMISSIONERS:

J. Marie Green, Chair
Barbara Mickens, Vice Chair
Wesley A. Furgess, Jr., Secretary
Wilbert Lewis
George D. Martin, Jr.
G. Todd Weiss
C. Todd Laniff



"Enriching Lives. Connecting Communities."

EXECUTIVE DIRECTOR

James Brown, III

7473 Parklane Road

Columbia, SC 29223

Phone: (803) 741-RCRC (7272)

Fax: (803) 741-2028

Email: info@rcrc.state.sc.us

www.richlandcountyrecreation.com

November 19, 2015

To : James Brown, III
Executive Director

From: David Stringer
Human Resources Division Head

Re: SC Ethics Act / Nepotism

I researched the S.C. Ethics Act of 1991 and how it relates to the Richland County Recreation Commission's Nepotism policy and the issues raised at Winthrop University. The S.C. Ethics Act states:

SECTION 8-13-750. Employment, promotion, advancement, or discipline of family member of public official, member, or employee.

(A) No public official, public member, or public employee may cause the employment, appointment, promotion, transfer, or advancement of a family member to a state or local office or position in which the public official, public member, or public employee supervises or manages.

(B) A public official, public member, or public employee may not participate in an action relating to the discipline of the public official's, public member's, or public employee's family member.

An employee family member is defined as: an individual who is (a) the spouse, parent, brother, sister, child, mother-in-law, father-in-law, son-in-law, daughter-in-law, grandparent, or grandchild ([S.C. Code Ann. Section 8-13-1300](#)), or (b) a member of the individual's immediate family.

Immediate family is defined as follows:

1. A child residing in a candidate's, public official's, public member's, or public employee's household;
2. A spouse of a candidate, public official, public member, or public employee; or
3. An individual claimed by the candidate, public official, public member, or public employee or the candidate's, public official's, or public employee's spouse as a dependent for income tax purposes. ([S.C. Code Ann. Section 8-13-1300](#))



Nationally Accredited:
The Richland County Recreation Commission
became South Carolina's first nationally
accredited parks and recreation agency in 2006.

Equal Opportunity Statement: The Richland County Recreation Commission is dedicated to the concept of equal opportunity. The Commission will not discriminate on the basis of race, color, religion, sex, age, disability, national origin, or marital status, in its employment practices or in the participation policies for its facilities.

With regard to the Richland County Recreation Commission, a family member of the Executive Director may not be hired into the areas supervised or managed: the Executive Division, the Human Resources Division or the Safety and Security Division.

In the case of Winthrop University, the President hired her husband into a position within the President's office – which appears to be a violation of the act – even though her husband reported to the Chief of Staff. Further compounding the issues, the President allegedly informed her IT Department to delete an e-mail from the system in which she instructed that her husband be hired.

Recommendations:

- a. The Richland County Recreation Commission Policy was recently updated (June 15, 2015) based on attorney review. However, after a review of the issues brought out in the Winthrop case I think it would be prudent to precisely document the [Ethics Act Section 3-13-750](#) and [S.C. Code Ann. Section 8-13-1300](#) in the Richland County Recreation Policy.
- b. Ethics Act Section 8-13-350 indicates that an Ethics brochure is to be provided to public officials, members and employees. The Richland County Recreation Commission should ensure that this is done.

I am attaching a draft policy that I would like to review with attorney Rick Morgan,

Sincerely,



David Stringer
Human Resources Division Head

IMPORTANT NOTICE

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



Employment of Relatives

Human Resources
Policy No. 070

Review Date: March 21, 2016
Last Revised: June 15, 2015

Policy Statement

Relatives, Household or Close Family members of current Richland County Recreation Commission employees may not be hired, promoted or reassigned to a position in which the current Richland County Recreation Commission employee directly supervises or manages. This policy is adopted to prevent the appearance of favoritism by a supervisor and to prevent potential safety, security and employee morale issues.

1. Definition of Relative, Household or Close Family Member:

A relative, Household or Close Family member is an individual who is a spouse, parent, brother or sister (and their spouse or children), child (and their spouse), mother-in-law, father-in-law, son-in-law, daughter-in-law, grandparent or grandchild, first cousin, or step-parents or step-children of a current Richland County Recreation Commission employee. Additionally, unrelated associates residing together or otherwise engaged in an apparently romantic relationship (such as a domestic partner, co-habitant or significant other) are treated as being Close Family members for purposes of this policy.

2. Exceptions:

2.1 Recruitment - **DELETE**

In the extraordinary circumstance that the Director of Human Resources determines that the Richland County Recreation Commission is unable to recruit a qualified individual to fill a particular position, the Executive Director may grant an exception to this policy.

2.2 Marriage

If employees marry, become Household or Close Family members after employment and a conflict of interest or a management problem of supervision, safety, security or morale result (determined at the sole discretion of the Richland County Recreation Commission) or, if a reorganization creates such a conflict, reasonable time may be provided to resolve the matter. If resolution is not possible, the Richland County Recreation Commission may require one or both of the employees to transfer or resign.

2.3 Temporary Employment - **DELETE**

Temporary employees or temporary assignment are not within the purview of this policy.

3. South Carolina Ethics Act:

The Richland County Recreation Commission complies with all aspects of the South Carolina Ethics Act as it relates to employment of relatives in Section 8-13-750, and any other applicable Sections. See attached Addendum A.

4. Additional information

Additional information regarding the State Ethics Act including how to file a claim can be obtained online at Ethics.sc.gov

ADOPTED BY RICHLAND COUNTY RECREATION COMMISSION BOARD

BOARD MEETING DATE: March 21, 2016
(Date Approved)

APPROVED: _____

Employment of Relatives – Addendum A

Human Resources
Policy No. 070

Review Date: March 21, 2016
Last Revised: June 15, 2015

1. South Carolina Ethics Act – January 1, 1992. SECTION 8-13-700

(A) No public official, public member, or public employee may knowingly use his official office, membership, or employment to obtain an economic interest for himself, a family member, an individual with whom he is associated, or a business with which he is associated. This prohibition does not extend to the incidental use of public materials, personnel, or equipment, subject to or available for a public official's, public member's, or public employee's use that does not result in additional public expense.

(B) No public official, public member, or public employee may make, participate in making, or in any way attempt to use his office, membership, or employment to influence a governmental decision in which he, a family member, an individual with whom he is associated, or a business with which he is associated has an economic interest. A public official, public member, or public employee who, in the discharge of his official responsibilities, is required to take an action or make a decision which affects an economic interest of himself, a family member, an individual with whom he is associated, or a business with which he is associated.

2. South Carolina Ethics Act – October, 1991. SECTION 8-13-750 Employment, promotion, advancement, or discipline of a family member, of a public official, member, or employee.

(A) No public official, public member, or public employee may cause or participate in the employment, appointment, promotion, transfer, or advancement of a family member to a state or local office or position in which the public official, public member, or public employee supervises or manages.

(B) A public official, public member, or public employee may not participate in an action relating to the discipline of the public official's, public member's, or public employee's family member.