

AGENDA MATERIALS  
AND SUPPORTING DOCUMENTS  
FOR THE MEETING OF  
JANUARY 7, 1971



Budget & Control Board Meeting

Thursday, Jan. 7, 1971 - 11:00 A.M. - Conference

Room of Governor's Office

All members present

- also Gov. - elect, John C. West, JR.

The following business was transacted.

1. Richland County Airport

Mrs. John Green, Stuart Shope, and — Grimsley, representing the Richland County Council, and Mr. Sam Elliott, County Treasurer, appeared before the Board to request State funds for improvements to Owens Field (airport) in the City of Columbia.

Mr. Shope spoke for the group. A recent study of Owens Field has led to a decision to retain it as an airport for the benefit of the City of Columbia, and to make certain improvements to better adapt it to present and prospective future requirements. It is expected that future air travel development will accentuate the need for a facility of this type near the center of the urban area than are the modern, larger airports. Extended runways constitute the major change recommended for Owens Field.

The traffic engineering firm of Wilbur Smith & Associates was employed to survey the matter and make recommendations. Two plans are proposed:

(1) Meeting full requirements for Federal Aid. This would include instrumented landing equipment. Estimated cost \$2,000,000, with Federal participation of \$1,000,000.

(2) Extension of runways only, with no provision for

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instrument landing. Estimated cost, \$1,000,000, with no Federal participation.

Local conditions in the general area of Duane Field are such that instrument landing equipment cannot practically be operated because of electrical interference. The County has therefore elected to follow plan (2).

The group asked that the State participate in the proposed improvements to the extent of \$100,000.

The request was denied as information at this time.

## 2. Claim of Mr. B. W. Walker

Mr. B. W. Walker appeared before the Board to present a claim for alleged additional <sup>compensation</sup> due him as a former employee of the Dept. of Agriculture.

Mr. W. L. Hamilton, Commissioner of Agriculture, appeared also, after Mr. Walker had begun his presentation.

Mr. Walker stated his case as follows:

- 1) That his employment with the department terminated October 27, 1967.
- 2) That he had previously advised the Dept. that his physical condition was such that he should be allowed the 90 days sick leave allowable under employment regulations of the Dept. in force at that time.
- 3) That his compensation continued without change or interruption through January 26, 1968, during which period there were 55 working days (after consideration of holidays).
- 4) That he should have been paid for a total of 101 working days after Oct. 27, 1967, - the 90 days sick leave, and 11 days terminal leave accumulated to his credit, [REDACTED]



5) That he is accordingly due further compensation for the remaining 59 days (the above total of 114, less the 55 for which he was paid).

6) That the Industrial Commission had ascertained his physical condition, giving him a Workmen's Compensation award of \$5,105, and which should substantiate his claim for sick leave.

The matter was discussed by the Board after Messrs. Walter & Staebgen withdrew. It was the Board's opinion that the award of the Industrial Commission had adequately met any disability compensation due Mr. Walter by the State, and that an allowance for medical and home pay would be a duplication to that extent. The Secretary was asked to present this view to the Attorney General, and if concurred in by him to notify Mr. Walter that his claim was disallowed.

### 3. Auto for Lt. Governor

At the request of the Lt. Gov. - Mr. Hon. Earl E. Morris, the Board approved an allocation from the Civil Contingent Fund of such amount as may be necessary to trade the present auto assigned to the Lt. Gov. for a new one.

### 4. University of South Carolina - Permanent Improvement Projects

The following permanent improvement projects were approved for the University of South Carolina:

a) Baker Hall - West. A dormitory for women, estimated to cost \$3,000,000, to be financed by issuance of housing revenue bonds as authorized by law.

b) Warehouse - Green St. To be bought from the A.L.

1001



1

Byam Co. at a cost of \$200,000, to be paid for by issuance of State Institution Bonds as authorized by law and for which the community has submitted the required financial data to show its capacity.

c) Law School Building. A new facility, to be located on Duane St., between Main and Assembly. Estimated cost is \$6,532,000, to be financed by (1) \$5,900,000 of Capital Improvement Bonds, (2) \$597,000 of State Institution Bonds, and (3) \$35,000 appropriated for that purpose in the 1967 Supplemental Appropriation Act.

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5. Budget Recommendations for 1971-72

The Secretary presented for the Board's consideration proposed State Budget recommendations for 1971-72.

Discussion of this budget draft was confined mainly to the matter of an increase in State Aid for salaries of public school teachers. No increase was included; although a margin of unallocated funds of about \$3,400,000 remained in the total budget as presented.

In consideration of Gov.-elect Whelan's interest in recommending some increase for teachers, no final action on recommendations was taken, so as to allow him to confer with the Secretary and staff on possibilities of an increase.

Adjournment - 2:00 PM

BC Pl

1-7-71 - 11:00 A - Gm. Ofc

All Present

Walker & Harrison present

- Bldg. Comm.

- Walk Comp. cannot risk same - suggest you  
risk same going around the duplication

Refer to Bldg. Gm.

Rich Co. authors

Elliott, Gm.

Ch. Grace, John

Wage

Grimsby

Rich Co. Council

Wage -

Re Progr. Reunions - Census Field

Current union - in-town aspects needed

Study made as to future of union

- Reason: Keep field - renovate (renovate, etc - change division)

Ask William Smith to union & est. cost.

- report: 1,000,000 (Construction 800,000 + other)

- Not in Fed Standards (F.S. = 2,000,000) 1004



Acts : State to cover 4<sup>th</sup> construction cost (\$100,000  
 $\div 4 = 25,000$ )

~~(Do not want Fed plan)~~

(Fed measurements cannot practically be met -  
instrument fixed (rain difference) not possible  
because of local interference).

Ru or info

{ See SC E & re wires underneath  
- put under ground (cables) }

AGENDA

MEETING OF BUDGET AND CONTROL BOARD

11:00 A. M., THURSDAY, JANUARY 7, 1970

CONFERENCE ROOM, GOVERNOR'S OFFICE

-0-

1. RICHLAND COUNTY COUNCIL

Representatives of the Council will appear before the Board to discuss a matter relating to Owens Field (old Columbia City Airport).

2. CLAIM OF B. W. WALKER AGAINST DEPARTMENT OF AGRICULTURE

Mr. B. W. Walker is a former employee of the Department of Agriculture, his employment terminated October 27, 1967. In settling with him his terminal pay, etc., it is his claim that he is entitled to compensation for an additional 59 days beyond that for which he was paid.

Mr. Walker's regular compensation continued without interruption from October 27, 1967 through January 26, 1968, three calendar months. According to Mr. Walker, this three months period consisted of 63 working days. After eliminating 8 holidays occurring during these three months there remain 55 working days for this period.

Mr. Walker contends that because of his physical condition during the latter part of 1967 that he was entitled to 90 days sick leave after October 27, 1967 and an additional 24 days terminal leave, making a total of 114 days beyond October 27. Since there were only 55 working days during the three months period, he accordingly contends that he is due compensation for the remaining 59 days.

As to his physical condition, he points to the fact that about May 20, 1968 he received a Workmen's Compensation award of \$8,125.00 from the Industrial Commission. His claim for disability benefits had been filed about December 1, 1967.

Mr. Walker and Commissioner Harrelson, of the Agriculture Department, will appear before the Board.

3. AUTOMOBILE FOR LIEUTENANT GOVERNOR-ELECT

MD from CC7  
Lieutenant Governor-Elect Earle Morris is requesting the Board's approval to trade the State-owned automobile currently assigned to the Lieutenant Governor.

4. UNIVERSITY OF SOUTH CAROLINA - PERMANENT IMPROVEMENT PROJECTS

The following projects are before the Board for consideration.

✓ (1) Construction of a Residence Hall for Women (Bates Hall - West) -

This project was originally presented at the last meeting of the Board but carried over without action. Estimated cost \$3,000,000.00.

✓ (2) Purchase of Warehouse now Owned by R. L. Bryan Company on Green Street -

It is proposed that this warehouse be used for maintenance and general supply storage for the University. Estimated cost \$400,000.00. This project was also submitted at the last meeting but carried forward with no action.

Each of the above two projects has been recommended for Board approval by the Commission on Higher Education.

✓ (3) New Law School Building -

This project is proposed for the originally planned site on Devine Street, between Main and Assembly. Estimated cost is \$6,532,000.00, to be financed by the issuance of \$5,900,000.00 of Capital Improvement Bonds authorized by the 1970 Bond Act, \$597,000.00 of State Institution Bonds and the appropriation of \$35,000.00 in the 1967 Supplemental Appropriation Act.

5. 1971-72 BUDGET RECOMMENDATIONS



August 3, 1970

MEMORANDUM:

RE: Claim of B. W. Walker against the Department of Agriculture for additional compensation allegedly due on termination of employment.

The following is a resume of conversation between Mr. B. W. Walker and myself on July 31 regarding his claim against the Department of Agriculture:

Mr. Walker's employment terminated October 27, 1967. He continued to receive his regular compensation without interruption through January 26, 1968 (three calendar months).

According to Mr. Walker's computation, this three-month period consisted of 63 work days. After eliminating eight holidays occurring during these three months, there remain 55 work days during the period.

Mr. Walker contends that he was due ninety days for sick leave after October 27, 1967 and an additional twenty-four days' terminal leave, making a total of 114 days.

He accordingly claims additional compensation for the 59 days' difference between the total of 114 and the 55 days for which he was paid, according to his computation.

The following is a digest in chronological order of his contacts with the Department of Agriculture regarding this claim:

1967

October 27 Mr. Walker states that he was called by Mr. W. L. Harrelson, Commissioner of Agriculture to Mr. Harrelson's office on this date. Mr. Harrelson stated to Mr. Walker that he would like Mr. Walker to retire January 1, 1968.

Mr. Walker inquired as to why the request was being made.

Mr. Harrelson responded that Mr. Walker's work was satisfactory but that the funds available for his salary were needed to train a younger person for Mr. Walker's position.

Mr. Harrelson further requested Mr. Walker to inquire about retirement benefits. He further stated that he would continue Mr. Walker in employment by the department at the maximum rate that would not affect his receipt of retirement and Social Security benefits.

Mr. Walker advised Mr. Harrelson that he was not agreeable to retirement as requested. He stated that Mr. Harrelson requested that he nevertheless proceed as requested.

November 28 On this date Mr. Walker contacted Dr. William M. Barr of Columbia for a physical examination. Dr. Barr's report on

this examination indicated his opinion that Mr. Walker was totally and permanently disabled.

December 1 As a result of the visit to Dr. Barr, Mr. Walker on this date wrote to Mr. Loadholdt, his immediate supervisor in the Department of Agriculture, enclosing a copy of the communication from Dr. Barr regarding his physical condition. He asked Mr. Loadholdt to advise him as to the amount of sick leave benefits to which he would be entitled under the Department of Agriculture.

Mr. Walker also advised Mr. Loadholdt that he was submitting a claim for disability benefits to the State Industrial Commission.

December 5 On this date Mr. Loadholdt wrote Mr. Walker acknowledging receipt of his letter December 1 indicating that he would advise Mr. Walker as soon as the matter of sick leave available under the department's regulations had been determined.

December 13 On this date Mr. Walker again wrote to Mr. Loadholdt requesting a reply to his letter of December 1st.

There was no reply received by Mr. Walker to this second request.

December 18 On this date Mr. Walker wrote W. L. Harrelson requesting that he be allowed all accumulation of sick leave that might be due him in accord with the medical report of Dr. Barr.

December 22 On this date Mr. Walker inquired of Attorney General McLeod as to what legal steps he might take to secure an answer to his request of December 22 addressed to Mr. Harrelson.

Mr. Walker states that Attorney General McLeod indicated to him that there was no procedure by which Mr. Harrelson could be compelled to reply.

On this date, however, Mr. Walker did receive a reply from Mr. Harrelson indicating that he would be paid through the payroll period ending January 26, 1968.

#### 1968

February 12 On this date Mr. Walker received a call from Mr. Nelson, a member of the Industrial Commission advising that Mr. Walker would be expected to present witnesses and other evidence in support of his claim. Mr. Walker stated further that Mr. Nelson suggested that he retain legal counsel to represent him. Attorney Isadore Lourie was subsequently engaged by Mr. Walker.

March 18 On this date Mr. Walker wrote Mr. Harrelson requesting that Mr. Harrelson furnish him an analysis of the basis on which his compensation had been computed for the three-month period, October 27, 1967, through January 26, 1968. Mr. Walker's primary purpose for this inquiry was to determine the amount of this compensation applicable to sick leave benefits and which could be excluded from his taxable income for the calendar year 1967.



March 19 Mr. Walker on this date received a reply from Mr. Harrelson stating that the department had no record of any compensation having been paid Mr. Walker for sick leave benefits. This letter gave no further details on just how the department had computed the compensation paid Mr. Walker during the October-January period.

March 20 Mr. Walker again wrote Mr. Harrelson regarding sick leave. He referred to his letter of December 1, 1967, to Mr. Loadholdt, to which was attached Dr. Barr's report. He advised Mr. Harrelson that in his opinion this communication to Loadholdt with the physician's report attached constituted due notice of his physical condition in accord with regulations of the department.

May 8 On this date Mr. Walker received a copy of a letter from Attorney Lourie to Mr. Harrelson enclosing a current report from Dr. Barr confirming his previous statement as to Mr. Walker's physical condition. This was submitted to Mr. Harrelson for information.

May 20 On or about this date Mr. Walker received an award of \$8,125.00 from the Industrial Commission.

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Mr. Walker's claim for additional compensation for sick leave from the Department of Agriculture is based primarily on the fact that his condition was sufficient to justify an award from the Industrial Commission.

PCS/rd



July 28, 1970

Mr. B. W. Walker  
Apartment 3  
1819 Senate Street  
Columbia, South Carolina 29201

Dear Mr. Walker:

I would appreciate your contacting me at your convenience to discuss the matter which you would like to bring before the Budget and Control Board and to arrange for your appearance at the next meeting.

The date for the next meeting of the Board has not yet been set but will probably be some time in the early part of August.

Sincerely,

P. C. Smith  
State Auditor

PCS/rd



STATE OF SOUTH CAROLINA  
Office of The Governor  
Columbia 29211

ROBERT E. MCNAIR  
GOVERNOR

July 20, 1970

Mr. B. W. Walker  
Apartment 3  
1819 Senate Street  
Columbia, South Carolina

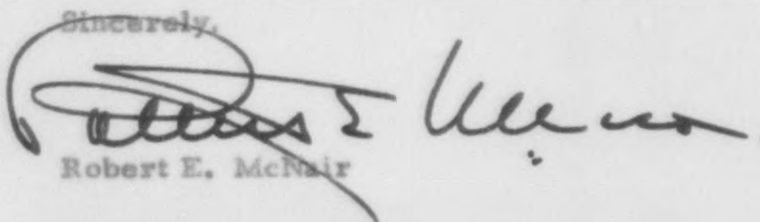
Dear Mr. Walker:

I regret that your previous letter was not answered and please accept my apologies.

In an effort to be of assistance to you I am sending a copy of your letter to our State Auditor so that your request can be taken into consideration.

With kind regards, I am

Sincerely,

  
Robert E. McNair

REM:BR

CC: The Honorable P. C. Smith  
State Auditor  
Hampton Office Building  
Columbia, South Carolina

ask to  
Refer to  
Mr. Pat Smith  
to set up

Columbia, South Carolina.  
July 11, 1970.

Hon. Robert E. McNair,  
Governor State of South Carolina,  
Capital Building,  
Columbia, S.C. 29201

RECEIVED  
JUL 13 1970  
GOVERNOR'S OFFICE

Dear Sir;

On June 16, 1970 I wrote you a letter requesting a meeting with you or the Budget and Control Board to present my claim for Salary due me. Much to my surprise I have received no word from you or your Office concerning this request.

I understand that I am entitled to a hearing on this claim before the Budget and Control Board, and I hereby respectfully request that I be given the opportunity to present my claim.

It is quite hard after working for the State for Twenty-Nine Years to be ignored in this matter as I have been.

I trust that you will grant this request as graciously as the Queen Mother granted your request for a hearing on the invitation to visit South Carolina.

Sincerely yours,

B. W. Walker  
B. W. Walker,  
1819 Senate St. Apt 3.  
Columbia, S.C.

1013





STATE OF SOUTH CAROLINA

OFFICE OF THE STATE AUDITOR

P. O. BOX 11333

COLUMBIA

P. C. SMITH  
STATE AUDITOR

July 28, 1970

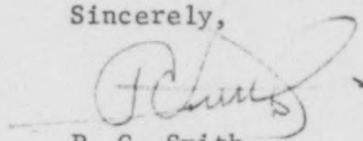
Mr. B. W. Walker  
Apartment 3  
1819 Senate Street  
Columbia, South Carolina 29201

Dear Mr. Walker:

I would appreciate your contacting me at your convenience to discuss the matter which you would like to bring before the Budget and Control Board and to arrange for your appearance at the next meeting.

The date for the next meeting of the Board has not yet been set but will probably be some time in the early part of August.

Sincerely,

  
P. C. Smith  
State Auditor

PCS/rd

| 1014



ROBERT E. MCNAIR  
GOVERNOR

STATE OF SOUTH CAROLINA  
Office of The Governor  
Columbia 29211

July 20, 1970

Mr. B. W. Walker  
Apartment 3  
1819 Senate Street  
Columbia, South Carolina

Dear Mr. Walker:

I regret that your previous letter was not answered and please accept my apologies.

In an effort to be of assistance to you I am sending a copy of your letter to our State Auditor so that your request can be taken into consideration.

With kind regards, I am

Sincerely,

Robert E. McNair

REM:BR

CC: The Honorable P. C. Smith  
State Auditor  
Hampton Office Building  
Columbia, South Carolina

1015

Columbia, South Carolina.  
July 11, 1970.

Hon. Robert E. McNeil,  
Governor State of South Carolina,  
Capital Building,  
Columbia, S.C. 29201

Dear Sir;

On June 16, 1970 I wrote you a letter requesting a meeting with you or the Budget and Control Board to present my claim for Salary due me. Much to my surprise I have received no word from you or your Office concerning this request.

I understand that I am entitled to a hearing on this claim before the Budget and Control Board, and I hereby respectfully request that I be given the opportunity to present my claim.

It is quite hard after working for the State for Twenty-Nine Years to be ignored in this matter as I have been.

I trust that you will grant this request as graciously as the Queen Mother granted your request for a hearing on the invitation to visit South Carolina.

Sincerely yours,

B. J. Walker,  
1819 Senate St. Apt 3.  
Columbia, S.C.



Columbia, South Carolina.  
June 15, 1970.

Hon. Robert E. McEair,  
Governor State of South Carolina,  
Capital Building,  
Columbia, S.C.

Dear Sir;

On March 16, 1970 I wrote the enclosed copy of a letter to William L. Harrelson, Commissioner of Agriculture, not hearing from Mr. Harrelson I put a tracgrom my letter with the Post Office and on March 28 I received a photostatic copy of the letter to The Attorney General from Mr. Harrelson Copy of which is enclosed

As of this date I have not received a reply from either Mr. Harrelson or Mr. McLeod, which leaves me not alternate but to contact you about this matter.

I respectfully request a meeting with you at your convience or a meeting with the Budget and Control Board to present my claim.

I would like to have Mr. Harrelson present at either of the meetings decided on by you so that I can have the oportunity to hear Mr. Harrelson on his refusal to pay this claim.

I am sincerly sorry that it was nescessary to contact you in this matter as I know you are very busy, however common courtsey would require a answer to my letter by Mr. Harrelson.

Sincerly yours.

B.W. Walker,  
Apt, 3 1819 Senate St,  
Columbia, S.C. 29201.

Columbia, South Carolina  
March 16, 1970

Mr. William L. Harrelson, Commissioner  
S. C. Department of Agriculture  
P. O. Box 12030  
Columbia, South Carolina

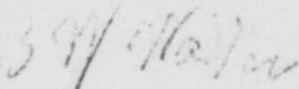
Dear Sir:

My attorney has advised me to get in contact with you and see if we cannot come to some agreement on the salary due me under the Rules and Regulations set forth by you in 1957, before I enter suit for recovery of that salary.

I will be free to meet with you at any time between now and the first of April with the exception of Wednesday, March 18th between the hours of eleven and one.

Hoping to get a speedy reply, I am,

Sincerely yours,



B. W. Walker



SOUTH CAROLINA  
DEPARTMENT OF AGRICULTURE

Post Office Box 11280  
Columbia, South Carolina 29211

WILLIAM L. HARRELSON  
Commissioner

March 18, 1970

C  
O  
P  
Y

The Honorable Daniel R. McLeod  
Attorney General of South Carolina  
Wade Hampton Office Building  
Columbia, South Carolina 29201

Dear Dan:

I am enclosing herewith a letter received from  
Wilson Walker, a former employee of the South  
Carolina Department of Agriculture. This letter  
is self-explanatory. I shall await your advice in  
this connection.

Cordially yours,

*William L. Harrelson*  
Commissioner of Agriculture

H:s

cc: Mr. B. W. Walker  
1819 Senate Street  
Columbia, S. C. 29201



LOURIE AND KING  
ATTORNEYS AT LAW  
SUITE 607 BARRINGER BUILDING  
COLUMBIA, SOUTH CAROLINA 29201

ISADORE E. LOURIE  
KERMIT S. KING  
WALTER W. BROOKS

TELEPHONE  
779-3064

May 8, 1968

C  
O  
P  
Y

The Honorable William L. Harrelson  
Commissioner of Agriculture  
Department of Agriculture  
Post Office Box 11088  
Columbia, South Carolina 29211

Re: Mr. B. W. Walker

Dear Commissioner Harrelson:

Mr. Walker was in to see me about his claim for sick leave pay for 1967. According to our calculations, he still has due him approximately fifty (50) days.

I have reviewed the correspondence between you and Mr. Walker on this matter and I am enclosing herein a report of February 23, 1968, from Dr. William M. Barr, which somewhat elaborates the medical summary previously submitted to you.

If you need any additional information concerning treatment in 1967, I would appreciate your letting me know.

Very truly yours,

ISADORE E. LOURIE

IEL:rs  
Encl.

cc: Mr. B. W. Walker  
1819 Senate Street, Apt. 3  
Columbia, South Carolina



State of South Carolina

## Department of Agriculture

WILLIAM L. HARRELSON, COMMISSIONER

WADE HAMPTON OFFICE BUILDING

P. O. BOX 12080

COLUMBIA, S. C. 29211

May 16, 1968

The Honorable Isadore E. Lourie  
Lourie and King, Attorneys at Law  
Suite 607 Barringer Building  
Columbia, South Carolina 29201

Dear Mr. Lourie:

Thank you for your letter of May 8th, 1968 regarding sick leave pay for Mr. B. W. Walker.

Mr. Walker's work with the Department of Agriculture was terminated on October 27th, 1967, and although he did no further work for the department, he was kept on the payroll until January 26th, 1968.

For your information, Mr. Walker was recently awarded the sum of \$8,125.00 by the South Carolina Industrial Commission. I trust this is the information you desire.

Yours truly,

Commissioner of Agriculture

H:s

cc: Mr. B. W. Walker  
1819 Senate Street, Apt. 3  
Columbia, South Carolina 29201

1021

THIS CASE MAY HAVE SOME OR ALL OF THE FOLLOWING DEFECTS WHICH MAY BE QUESTIONABLE WHEN READING. IN SPECIAL PROBLEM AREAS, THIS ROLL NOTE MAY BE REFILMED BEFORE THE DOCUMENT OR DOCUMENTS IN QUESTION.

1. PHOTOCOPY NOT CENTERED PROPERLY CUTTING OFF SOME OF THE INFORMATION.
2. DOCUMENTS ARE OF POOR LEGIBILITY AND MAY NOT PHOTOGRAPH WELL.
3. DOCUMENTS DAMAGED OR TORN BEFORE ARRIVING FOR FILMING.
4. DOCUMENTS CONTAIN A DOUBLE-COPY IMAGE, THE UNDERLYING IMAGE IS IRRELEVANT TO THE READABLE INFORMATION.
5. OVERSIZED DOCUMENTS THAT COMPRISE TWO OR MORE FRAMES.
6. DOCUMENTS WITH GLUED INSERTS WHICH WERE OR COULD NOT BE REMOVED, INFORMATION MAY OR MAY NOT BE UNDER THE INSERT.



Columbia, S.C. June 7, 1968

Mr. L. L. Mc Kenzie, Director;  
State Workmens Compensation Fund.  
1429 Senate St.  
Columbia, S.C. 29201.

Dear Sir;

I am enclosing herewith a bill for \$15.00 which was paid  
by me on May 7, 1968.

Your Mr. Scott made this appointment with Mr. Barr, this  
appointment was made for your interest in contesting the claim made  
by me, and was made without my consent and I have never authorized  
Mr. Scott to make this appointment or to charge the consultation to  
me, under the circumstances I think that your Department should re-  
imburse me .

Very truly yours,

B. Wilson Walker,  
1919 Senate St.  
Apt. 3,  
Columbia, S.C.



ROBERT E. MCNAIR  
GOVERNOR

STATE OF SOUTH CAROLINA  
**Office of The Governor**  
Columbia 29211

December 4, 1970

MEMORANDUM

TO: Heads of All Departments and Agencies

FROM: Governor Robert E. McNair

Enclosed for your information and action are statements of policies and procedures recently adopted by the Budget and Control Board for the handling of employee grievances and the hearing of grievance appeals.

Your attention is directed in particular to the statement concerning the State Employee Grievance Committee. This Committee, under the guidance of the Budget and Control Board, will provide to any permanent employee whose employment or career in the State service is in jeopardy, the opportunity to make a final appeal to an impartial, non-agency connected panel consisting of neutral State employees.

In selecting the five members of the Grievance Committee from among the many thousands of State employees, the Board considers it essential to ensure a representative group comprising a cross section of the entire employment population. On the basis of an analysis of broad job characteristics and of employee distribution by sex, race, age, and geographic location, we have concluded that the following criteria for the selection of the five members of the Committee are as equitable and reasonable as can be determined and should provide the representative cross section and balance desired:

All of the diverse positions in the State service are grouped into one of five broad categories and one appointment is to be made from each.

1. Professional and Executive
2. Clerical, Secretarial and Administrative Service
3. Technical, Skilled and Trades
4. Service and Custodial
5. Other Unskilled and Semi-skilled Positions

A tabulation of employees by sex, race, age, and geographic location suggests that equitable representation requires the following composition of Committee members:

<u>Sex</u>	<u>Race</u>	<u>Age</u>	<u>Geographic</u>
Male - - - 3	Caucasian - - 4	Under 30 - - 1	Midlands - - - 3
Female - - 2	Negro - - - - 1	30 - 40 - - 1	North-West - 1
		40 - 50 - - 1	South - East - 1
		50 - 55 - - 1	
		Over 55 - - 1	

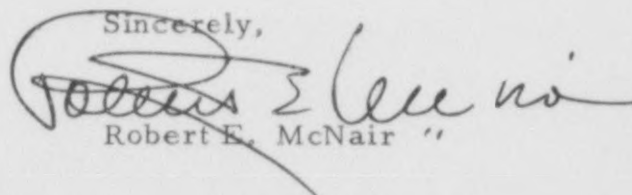
In fostering the concept of career service for the State, preference will be given to the selection of those employees who already have acquired some tenure in office and, in any event, who have rendered not less than two years of service to the State.

The Board has requested the State Personnel Director to render advice and assistance in nominating the five employees to serve as members of the Grievance Committee. We are urging you to provide assistance also by submitting to the State Personnel Director within the next 10 days a list of employees from within your own agency who in your opinion could render service to their fellow employees and to the State in a fair, impartial, and just manner. Please be guided by the stated criteria and by the knowledge among responsible officials and supervisors of your agency of the characteristics, ability, and dependability of the agency employees. Submit as many names as you wish, but in each instance identify the individual by job title, grade, sex, race, and age, and provide a brief biographical sketch.

I cannot emphasize too strongly the importance of the action which the State is taking in providing a fair and orderly means for resolving the problems and adjudicating the grievances of its employees. The State Employee Grievance Committee will serve a major role in this process, and it is essential that its members be ones who are accepted and respected by their fellow workers. Please give us the benefit of your recommendations. You may use the attached form for this purpose.

Thank you for your cooperation and assistance.

Sincerely,

  
Robert E. McNair "

REM:GHC



PROVISION FOR A GRIEVANCE AND APPEAL PROCEDURE FOR THE EMPLOYEES OF THE  
STATE OF SOUTH CAROLINA

In order to maintain a harmonious and cooperative relationship between the State and its employees, provision must be made for the settlement of grievances and problems through an orderly grievance procedure. Every employee should have the right to present his problem or grievance in accordance with established procedures prescribed within his agency free from interference, coercion, restraint, discrimination or reprisal.

The head of each agency is urged to establish, as soon as possible, a formal procedure for submission of problems or grievances by employees and for prompt and orderly consideration and determination of such grievances by supervisors and the Agency Head. It is suggested that the procedures should provide for no more than three stages within the agency.

It is a responsibility of supervisors at all levels, consistent with authority delegated, to consider and take appropriate action promptly and fairly on a problem or grievance of any employee or employees.

Each Agency Head should take necessary steps to insure that all employees and supervisors under his jurisdiction are fully informed of the grievance procedure adopted and of their rights and obligations under the policy.

Outlined below are some points which deserve consideration in planning steps in a procedure within the agency.

Step One: As is customary in all formal grievance procedures, the first step should provide that the employee discuss his problem or grievance with his immediate supervisor. This gives the supervisor an opportunity to settle a grievance or answer an employee's question at as early a stage

as possible. A common mistake in many formal grievance procedures is to require that an employee, if he is not satisfied with the answer or decision of the immediate supervisor, continue his appeal through each level of supervision until he reaches the top administrative head. To require a review by too many supervisory levels is unduly time consuming and complicated, quite often to the point that employees are discouraged from appealing a legitimate grievance on up to the top. Generally, when a grievance is taken higher up the supervisory line, more knowledge and a broader point of view is brought to bear on employee problems or grievances. But this does not necessarily mean a grievance procedure must require the employee to appeal a decision at each of the supervisory levels. If higher supervisors have more knowledge or a broader viewpoint on what is causing a grievance, or an appropriate way to handle a complaint, this information should be made available to the immediate supervisor before he gives the first answer or makes the first decision. Therefore, it is recommended that provisions be made in the first step whereby the immediate supervisor may, if he so desires, seek any needed advice or counsel from higher level supervisors before making a decision or giving an answer. Normally, the immediate supervisor would not consult with the Agency Head, since the top authority may be required to review the entire appeal and render a final decision for the agency.

Step Two: If the decision or answer in step one is not satisfactory to the employee, a further appeal should be provided in the second step. At this step, it is suggested that discussions take place between the employee and agency Personnel Officer. (In agencies that do not have a full-time Personnel Officer, it may be desirable to assign this responsibility to the person who serves as personnel officer or someone deemed appropriate by the Agency Head.) In this step, we suggest that emphasis

to reach an acceptable solution before a final review and decision is necessary by the Agency Head.

In any consideration of a formal grievance procedure, the question always arises as to "if" and "when" a problem or grievance should be reduced to writing. It is probably not advisable to require written statements in the first step. The reason being that once a grievance is written down during the first discussions, the thinking behind it on the part of the employee, and often on the part of the supervisor, becomes crystalized, making it more difficult to reach a mutually satisfactory agreement. There is some risk that if writing down the grievance is put off too long, the issues may become confused. But it is believed the risk is worth taking if it results in a much better chance of an agreement that satisfies both parties. It is generally agreed that grievances can be satisfactorily handled without reducing them to writing unless the appeal goes to the Agency Head. However, we are suggesting that a decision as to when and to what extent facts should be put in writing be provided in the second step.

Step Three: In the event the employee's question or problem is not resolved to his satisfaction in step two, an appeal to the Agency Head may be provided in the third step. In some agencies, it may be desirable to consider a three or five-man committee to hear appeals prior to a final decision by the Agency Head. Responsibility could be delegated to the committee to determine that the evidence or questions are all inclusive, the records accurate, and the proceedings fair, and to make its recommendation to the Agency Head.

Attachment: A Sample Procedure

The attached procedure may be of some assistance to each agency in



planning its own procedure. It has been compiled after a study of a large number of procedures already in effect in other jurisdictions, both public and private, and incorporates the best of each to the extent that they are compatible with the conditions of employment in the South Carolina State service.

## EMPLOYEE GRIEVANCE AND APPEAL PROCEDURE

### PURPOSE

To provide a means whereby any employee who feels that he or she has been subjected to unfair, discriminatory, or abusive treatment may secure a hearing without delay and be assured of a prompt, orderly, and fair response to the grievance or appeal.

### POLICY

It is State policy that every employee has the right to present a grievance or appeal free from interference, restraint, coercion, discrimination, or reprisal.

The employee shall be entitled to such time off from his regular duties as may be necessary and reasonable for the presentation and processing of his grievance or appeal without loss of pay, vacation, or other time credits.

When presenting an appeal, the employee may, if he so desires, be accompanied and/or be represented by a state employee of his own choosing, either from his own agency or from another agency.

This policy and the procedure shall be communicated directly to all employees and posted in a conspicuous manner in as many work areas as may be necessary.

### PROCEDURE

#### STEP 1

If an employee has a problem or grievance which cannot be resolved through the normal process of informal discussion, he may notify his immediate supervisor of his wish to present a formal grievance. The supervisor must schedule a hearing with the employee

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promptly.

In this first step, the employee may, but shall not be required to, present his grievance in writing if it is his wish to do so. He may also be accompanied to the first-step hearing by another state employee of his own choosing at his discretion. The supervisor may call higher level supervisors into the discussion if the employee agrees. Or, the supervisor may consult with higher level supervisors outside the hearing to secure advice or counsel from higher administrative superiors before making a decision. If the employee has presented his grievance in writing, the answer of the supervisor must be in written form.

The employee shall receive an answer within five working days of the hearing or be advised as to the conditions which prevent an answer within five working days and when an answer may be expected.

#### STEP 2

If the decision is not satisfactory to the employee in Step 1, or if he fails to receive an answer within the designated period provided in Step 1, the employee may take his appeal to the next step. In the Second Step the appeal shall be made to the agency Personnel Officer or to the official designated by the Agency Head to be responsible for personnel matters. The employee must present his request within five working days after receipt of the Step 1 decision.

The agency Personnel Officer, or other designated official, will schedule promptly a hearing with the employee and the supervisor or supervisors concerned. Depending on the nature of the appeal, he will determine to what extent facts will be required in writing. The supervisor(s) and the employee, along with the latter's representative,



if any, shall provide all pertinent information to the Personnel Officer who will review the facts and hold whatever discussions he deems desirable or the employee or supervisor may request.

The Personnel Officer or other designated official shall make his decision within five working days after all necessary discussions are held, present his decision along with his recommendations to the proper agency administrator or superior and, at the same time, advise the employee of his recommended course of action.

In the absence of objection or appeal by either the employee or the supervisor, the Agency Head would expect the recommendation in Step 2 to be carried out within a reasonable period of time.

### STEP 3

If the decision reached in Step 2 is not satisfactory to the employee or the supervisor or is not promptly implemented, the matter may be referred by the employee, the supervisor, or the Personnel Officer to the Head of the Agency or to his duly appointed Grievance Committee. Any request for review at this stage shall be submitted within five working days after receipt of the Second-Step decision.

The party requesting the further appeal shall provide a written summary of the specific facts of the complaint, copies of which shall be provided at the same time to all other parties concerned. A request from the employee or the supervisor for a hearing shall be made to the Personnel Officer, or other designated official, who shall transmit the request without delay to the Head of the Agency or his Grievance Committee.

The Agency Head or the Grievance Committee shall conduct

whatever hearings, interrogations, investigations, and fact-findings they may consider necessary. At the conclusion of the hearings by the Grievance Committee, it will be the responsibility of the Chairman of that Committee to inform the Agency Head of the details of the problem, the reasons why it was not resolved at lower levels, and the recommendations of the Committee. The Agency Head will make the decision for the agency within five working days, and his decision will be announced immediately to all parties concerned.

### STATE EMPLOYEE GRIEVANCE COMMITTEE

Permanent State employees who have completed six months of satisfactory service shall have the right to appeal to the State Employee Grievance Committee any grievances involving issues which affect their career status or continuing employment with the State after all means of securing acceptable adjudication within their own agency have been exhausted. Such grievances may include, but not necessarily be limited to, dismissals, suspensions, involuntary transfers, and demotions.

The State Employee Grievance Committee shall consist of five members who shall be appointed by the State Budget and Control Board to serve for terms of three years, except that of the five members appointed initially, two members shall be appointed for three years, two for two years, and one for one year. All subsequent appointments shall be for the full three years. Any interim appointment to replace a member who drops from the Committee prior to the completion of his term shall be for the duration of the unexpired term. Any member may be reappointed for succeeding terms at the discretion of the Budget and Control Board. All members of the State Employee Grievance Committee shall be selected from among the career service or appointed personnel of the several State agencies, with the provision that whenever a grievance comes before the Committee initiated by or involving an employee of an agency of which a Committee member also is an employee, that member shall be disqualified from participating in the hearing.

The Committee shall select its own Chairman from among its members. The Chairman shall serve as the presiding officer at all hearings which he attends but may designate some other member to serve as presiding officer in his absence.



A quorum shall consist of at least three Committee members and no hearing may be held without a quorum.

The presiding officer will have control of the proceedings. He will take whatever action is necessary to insure an equitable, orderly, and expeditious hearing. Parties will abide by his decisions, except when a Committee member objects to a decision to accept evidence, in which case the majority vote of the Committee will govern.

The Committee shall have the authority to call for files, records, and papers pertinent to any investigation, to determine the order of the testimony and the appearance of witnesses, to call additional witnesses, and to secure the services of a recording secretary in its discretion.

The Committee shall within 30 days after hearing an appeal make its findings and decision and report such findings and decision to the Budget and Control Board. If the Budget and Control Board approves, the decision of the State Employee Grievance Committee shall be final and copies of the decision shall be transmitted by the Budget and Control Board to the employee, the employing agency, and the State Personnel Division. If, however, the Budget and Control Board rejects the decision of the Committee, the Board shall make its own decision and that decision will be final with copies transmitted to the employee, the employing agency, and the State Personnel Division.

#### Procedure

A permanent State employee who has six months of satisfactory service and who wishes to appeal the decision of his Agency Head to the State Employee Grievance Committee must file a request for such an appeal within five working days of receipt of the decision of the Agency Head. The request shall be filed with the State Personnel Director by the employee directly or through the agency personnel officer or the Agency Head.

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The State Personnel Director shall assemble all records, reports, and

documentation of the earlier hearings on the grievance and review the case to be sure that there has been full compliance with the established grievance policies, procedures, and regulations within the agency involved. The State Personnel Director shall forward to the Chairman of the State Employee Grievance Committee those requests which are determined to be in order. Promptly, upon being advised by the Chairman of the Committee as to the date and the time when the Committee, or at least a quorum of the Committee, will meet, the State Personnel Director shall notify all parties concerned of the date, time, and place of the hearing and request their presence.

The State Personnel Division shall arrange for the reproduction of pertinent records and papers and distribute copies to the members of the Committee prior to the date of the hearing. The State Personnel Director, or an alternate designated by him, shall attend all hearings of the Committee without authority to participate in the proceedings except as called upon by the presiding officer to render advice on or interpretation of applicable laws, policies, and regulations. He shall provide to the Committee from the resources of the State Personnel Division such administrative and clerical services as may be required.

It shall be the responsibility of the State Personnel Director to follow up from time to time with the respective agencies to determine the rate and degree of compliance with the decisions of the State Employee Grievance Committee as enunciated by the Budget and Control Board and report his findings to that Board.

AGENCY:

DATE: \_\_\_\_\_

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ROBERT E. MCNAIR  
GOVERNOR

STATE OF SOUTH CAROLINA  
**Office of The Governor**  
Columbia 29211

November 23, 1970

MEMORANDUM

TO: Heads of All Departments and Agencies

FROM: Governor Robert E. McNair

At the meeting of Heads of Departments and Agencies on November 10, you were informed of the current and projected status of the State's General Fund, and the probable necessity of action to reduce expenditures for the remainder of this fiscal year. The same financial report was later made, on November 18, to members of the House of Representatives at a meeting called by the Speaker.

The purpose of this communication is to formally advise you of action taken by the Budget and Control Board to immediately reduce General Fund appropriations available for the remainder of the current year, 1970-71.

Present and Projected Status of The General Fund

In order that you may understand the necessity of this action, the following brief references to the present and projected conditions of the General Fund are given. (Amounts are rounded to the nearest thousand).

For the year 1969-70, expenditures of the General Fund exceeded income by \$13,260,000. After the remaining balance of \$5,731,000 in the General Fund Reserve was applied, a deficit of \$7,529,000 was carried forward to 1970-71.

The year 1969-70 thus ended with the General Fund Reserve completely gone, and, beyond that, with an accumulated deficit of \$7,529,000 in the General Fund.

The current economic slow-down was partly responsible for the excess of expenditures over income last year. Actual revenue collections

for the year fell \$8,536,000 below the amount estimated. Since economic conditions have thus far failed to regain previous levels, it now appears to be almost certain that actual revenue for the current year will also fall below the estimates adhered to in budgeting and appropriating for 1970-71. The most optimistic outlook for 1970-71 now indicates that actual collections may drop only 1-1/2% below original estimates. On that basis, revenue would be about \$8,406,000 below appropriations for 1970-71. Other projections indicate that this figure may be as high as \$15,000,000 or \$20,000,000.

With an actual deficit of \$7,529,000 brought over from 1969-70, and a minimum projected deficit of \$8,408,000 for 1970-71, the total accumulated figure at the end of this year would be \$15,937,000.

#### Constitutional and Statutory Provisions Relating to Deficits.

There are provisions of law in both the Constitution and statutes relating to action to be taken when there is an actual or prospective deficit in the General Fund.

The Constitution (Article 10, Section 2) provides that when there is a deficit in the General Fund, it is the duty of the General Assembly to levy sufficient taxes to cover the deficit as well as operating expenses of the State Government for the ensuing year. It is thus unconstitutional for the General Assembly to deliberately create a deficit situation or to allow its continuance.

Should a deficit of \$15,937,000 in the General Fund be projected at the end of 1970-71, The Budget and Control Board would thus be compelled to recommend a 1971-72 budget that would absorb this deficit as well as provide operating funds for the year. Obviously, the necessity of covering a deficit of this amount would substantially impair the Board's capacity to adequately provide for some rather imperative needs.

In addition to the above constitutional provision, the General Appropriation Act has for a number of years directed the Budget and Control Board to note the progress of revenue collections during the year, and when it appears that a deficit is likely at the end of the year, authority is given the Board to reduce appropriations in order to prevent this occurrence. (See Part I, Section 91, General Appropriations Act for 1970-71).

#### Budget and Control Board Responsibility

In facing financial conditions as described above, the Board is confronted with two courses of action that cannot be avoided.

1. It is almost a certainty that actual revenue for 1970-71 will not be sufficient to cover appropriations. Under provisions of the General Appropriations Act, the Board must move to hold expenditures within expected revenue and avoid a deficit for the year.

2. The budget to be recommended for 1971-72 must absorb whatever amount of accumulated deficit is expected to exist in the General Fund at the end of 1970-71.

It is evident, after reviewing appropriation requests for next year, that a balanced budget for 1971-72 will be unusually difficult to develop without having to absorb a deficit. Any reduction in expenditures during the remainder of the current year will accordingly ease the budget problem for 1971-72.

#### Budget and Control Board Action

The Budget and Control Board hereby advises each Department and Agency that a reduction equal to six (6%) percent of its total General Fund Appropriations for 1970-71 is being effected immediately.

Each Department or Agency shall allocate its total reduction among its particular line-item appropriations as may best suit its needs, and shall notify the Board of such allocation in order that the reduction may be properly entered on the records of the Comptroller General and the State Treasurer.

In allocating the reduction, it is the further intent of the Board (1) that salaries of employees are to be held at present levels, with no increments to be provided during the remainder of the fiscal year, and (2) that the reduction shall not affect funds required to meet an existing contractual obligation.

The above action has been taken only after a careful review of the finances of the State Government, and with a belief that sound business judgment as well as legal requirements necessitate such a move at this time.

REM:LT



STATE OF SOUTH CAROLINA  
PERSONNEL DIVISION

F. E. ELLIS  
STATE DIRECTOR



TELEPHONE  
(803) 758-3334

700 KNOX ABBOTT DRIVE  
CAYCE, SOUTH CAROLINA 29033

December 10, 1970

TO: Heads of Agencies, Departments and Institutions

You have been previously informed that the action of the Budget and Control Board to effect appropriation reductions for the remainder of this fiscal year was taken without having to "freeze" normally scheduled salary increments under the regular operation of the Classification and Compensation Plan.

While it is our understanding that the projected deficit was very nearly covered by the reductions, the Board is nevertheless of the belief that a further determined effort to operate as economically as possible during the remainder of the year may yet be necessary to offset a possible revenue decline beyond that now anticipated. This view is based not only on the uncertainty of the future but the fact that we no longer have the benefit of any reserve fund to absorb the result of spending in excess of actual income.

With this in mind, the Board has determined that (1) filling of any vacancies, (2) proposed promotions, (3) upgrading of classifications, (4) establishment of new positions, and (5) any other actions (except normal increments) that would increase expenditures for personnel must be subject to Board approval. Approval will be confined only to instances that appear justified under present financial circumstances.

Requests for Board approval should be submitted through the State Auditor's Office. The requesting agency will be notified of Board action. If the request is approved, the agency should then submit the change to the Personnel Division for authorization in accord with procedures followed heretofore. A copy of the Board's approval should be attached to the proposed action.

The procedure for effecting scheduled salary increments under the regular operation of the Classification and Compensation Plan will continue as in the past.

Yours truly,

A handwritten signature in dark ink, appearing to read "F. E. Ellis".

F. E. Ellis  
State Director of Personnel

TO: Heads of Departments and Agencies

You have been previously informed that the action of the Budget and Control Board to effect appropriation reductions for the remainder of this fiscal year was taken without having to impose limitations on salary increments under the regular operation of the compensation classification plan.

Although the projected deficit was very nearly covered by the reductions, the Board is nevertheless of the belief that a further determined effort to operate as economically as possible during the remainder of the year may yet be necessary to offset a possible revenue decline beyond that now anticipated. This view is based not only on the uncertainty of the future but the fact that we no longer have the benefit of any reserve fund to absorb the result of spending in excess of actual income.

With that in mind, the Board has determined that (1) the filling of any vacancies, (2) proposed promotions, (3) upgrading of classification, and (4) any other actions (except increments under the regular operation of the classification plan) that would increase expenditures for personnel must be subject to Board approval. Approval will be confined only to instances that appear justified under present financial circumstances.

Requests for Board approval should be submitted through the State Auditor's Office. The department will be notified of Board action. If the request is approved, the department should then process the change through the Personnel Division and/or the Comptroller General's Office in accord with procedures followed heretofore.

The procedure for effecting salary increments under the regular operation of the classification plan will continue without change.

TO: Heads of Departments and Agencies

You have been previously informed that the action of the Budget and Control Board to effect appropriation reductions for the remainder of this fiscal year was taken without having to impose limitations on salary increments under the regular operation of the compensation classification plan.

Although the projected deficit was very nearly covered by the reductions, the Board is nevertheless of the belief that a further determined effort to operate as economically as possible during the remainder of the year may yet be necessary to offset a possible revenue decline beyond that now anticipated. This view is based not only on the uncertainty of the future but the fact that we no longer have the benefit of any reserve fund to absorb the result of spending in excess of actual income.

With that in mind, the Board has determined that (1) the filling of any vacancies, (2) proposed promotions, (3) upgrading of classification, and (4) any other actions (except increments under the regular operation of the classification plan) that would increase expenditures for personnel must be subject to Board approval. Approval will be confined only to instances that appear justified under present financial circumstances.

Requests for Board approval should be submitted through the State Auditor's Office. The department will be notified of Board action. If the request is approved, the department should then process the change through the Personnel Division and/or the Comptroller General's Office in accord with procedures followed heretofore.

The procedure for effecting salary increments under the regular operation of the classification plan will continue without change.



TO: Heads of Agencies, Departments and Institutions

The following procedure has been established for the remainder of this fiscal year regarding the processing of actions under the Classification and Compensation Plan in order to comply with policies set by the State Budget and Control Board.

1. Normal increments of increase - Process in the usual manner.
2. Filling of vacancies - Before making a commitment ~~to an applicant~~ or submitting a Personnel Action, it will be necessary to obtain written approval from the State Auditor. A copy of the Auditor's approval is to accompany the Personnel Action when submitted to the Personnel Division.
3. Replacements for terminations occurring between now and July 1, 1971.  
Same as #2 above.
4. Promotions - Same as #2 above.
5. <sup>Increases resulting from</sup> Up-grading of class, increases - Same as #2 above.
6. Establishment of new positions - Written authorization must be obtained from the State Auditor and accompany the request to the Personnel Division.
7. Up-grading of a present class of positions - Submit written justification along with the request to the Personnel Division. The Personnel Division will obtain approval of State Auditor.
8. Other cases not defined above - Submit to the Personnel Division with justification.

It is important to note that:

- A. Normally, vacancies are not to be filled except where a position is considered to be essential.
- B. Cost of actions proposed must be within budget reductions authorized by the State Budget and Control Board.

- C. Above controls are applicable to all positions, regardless of source of funds from which paid.



ROBERT E. MCNAIR  
GOVERNOR

STATE OF SOUTH CAROLINA  
**Office of The Governor**  
Columbia 29211

M E M O R A N D U M

TO: Heads of All Departments and Agencies

FROM: Governor Robert E. McNair

At a meeting of the Budget and Control Board Thursday, December 3, a report was received on the response to our memorandum to you of November 23 regarding the condition of the State's finances and the necessity of some action by the Board to prevent a deficit at the end of the year.

It appears now that appropriation reductions can be effected to such an extent that the projected accumulated deficit at the end of 1970-71 can be avoided. It is further apparent that the objective of eliminating this deficit can be attained without interruption of the regular operation of the compensation classification plan.

The Board has accordingly rescinded that part of its action, conveyed to you in the November 23 memorandum, which would have prevented salary increments after that date.

With respect to appropriation reduction, each of you will be formally notified within the next few days of the specific amount of reduction applicable to your department or agency, and the particular line item appropriations affected thereby.

The Board is appreciative of the spirit of cooperation in which all of you have responded to this effort to maintain the State's finances in a sound condition.

REM:T

December 7, 1970

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