

MINUTES OF BUDGET AND CONTROL BOARD MEETING

JANUARY 31 1972

- o -

The Budget and Control Board met in the Conference Room of the Governor's Office at 2:00 p. m. on Monday, January 31, 1972, for the purpose of reviewing the ruling of the State Employees' Grievance Committee in the case of John H. Quillen. Board members in attendance were Governor John C. West, Henry Mills and R. J. Aycock. Also attending were Messrs. P. C. Smith and W. T. Putnam.

Mr. Harry Lightsey, attorney for the South Carolina Wildlife Commission, appeared on behalf of that Organization to appeal to the Board to reverse the decision of the Grievance Committee. Mr. Quillen was not represented, but the hearing was attended by Messrs. Lindsay Robinson and Joe Mack of the Personnel Division.

After hearing the presentation of Mr. Lightsey and after much discussion, the three Board members in attendance unanimously approved the following statement:

"On December 30, 1971, the Grievance Committee unanimously recommended that Mr. John H. Quillen be reinstated and that his dismissal be set aside.

"On January 3, 1972, the South Carolina Wildlife Resources Commission requested a review by the Budget and Control Board of this recommendation.

"Today the Budget and Control Board held the hearing and determined that no further action was warranted, thereby affirming the recommendation of the Grievance Committee."

A copy of transcripts of the Grievance Committee hearing of Mr.

John H. Quillen has been retained in these files and is designated as Exhibit IV.

SOUTH CAROLINA ASSOCIATION OF COUNTIES - Governor West reported to the Board that the South Carolina Association of Counties had taken issue with the six percent budgetary reduction during the fiscal year 1970-71, as it affected State Aid to local Subdivisions. He furnished the members with copies of a memorandum pertaining to this matter for their study.

A copy of this memorandum has been retained in these files and is designated as Exhibit I.

RETROACTIVE PAY FOR STATE EMPLOYEES - Mr. Lindsay Robinson of the Personnel Division appeared before the Board to advise that word had been received from the Federal Government that pay raises which would normally have been due to State Employees during Phase I of the President's economic program may now be granted and may be paid retroactively.

He received the Board's approval to take whatever steps necessary to implement this procedure.

SOUTH CAROLINA ATTORNEY GENERAL - AUTOMOBILE - The Budget and Control Board received a copy of a letter addressed to Mr. Furman E. McEachern, Director of the General Services Division from Mr. Daniel R. McLeod, Attorney General, requesting replacement of his 1968 Buick sedan. The letter further indicated that this automobile had been driven approximately 80,000 miles.

The Board approved the acquisition of this vehicle. A copy of Mr. McLeod's letter has been retained and is designated as Exhibit II.

STATE BOARD OF EDUCATION - TEXTBOOK NOTES - On January 18, 1972, Mr. P. C. Smith, Secretary to the Budget and Control Board forwarded a letter to each Board member indicating that the State Board of Education had requested approval for the issuance of \$275,000 of textbook notes to finance the purchase of books for the State rental system.

By mail, each of the Board members approved this action and the State Board of Education was so advised.

A copy of the request and the letter of January 18, 1972 are retained in these files and are designated as Exhibit III.

There being no further business, the meeting was adjourned at 4:00 p. m.

AGENDA MATERIALS
AND SUPPORTING DOCUMENTS
FOR THE MEETING OF
JANUARY 31, 1972

F-110

EXHIBIT I
JANUARY 31, 1972



South Carolina Association of Counties

John L. Greer - President
Union County

Russell B. Shetterly
Executive Director

MEMORANDUM

TO : Honorable John C. West, Governor

FROM : South Carolina Association of Counties
Review Committee on State Revenues

SUBJECT : 6% budgetary reduction as applied for Revenue collected
in Fiscal Year 1970 - 71 and its affect on state aid to
local subdivisions

DATE : January 26, 1972

The following information is respectfully submitted to you for your review and consideration as Chief Executive of the State of South Carolina by the Review Committee on State Revenues of the South Carolina Association of Counties.

THE PROBLEM

All available data and information confirm our position that the State Treasurer, State Auditor and State Comptroller, in concert with the policy enunciated by the Budget and Control Board applied a six percent reduction of statutorily derived and specifically earmarked revenues collected by the State of South Carolina for the 46 counties based on their interpretation of Governor McNair's Executive Order of November 23, 1970. It is our belief that such action by such state officials was not clearly expressed by the Governor in his order; was implemented arbitrarily and without specific notice to each of the counties and was, we respectfully submit, accomplished without consideration of the specific code sections which require a set percentage of certain revenues to be returned to local subdivisions.

THE FACTS

On November 23, 1970 following a meeting of heads of state government departments and agencies held on November 10, 1970, Governor McNair issued a memorandum to such heads of state departments and agencies in which he described the current and projected status of the State's General Fund, the constitutional and statutory provisions relating to deficits, the responsibility of the budget and control board and in the last section of said memorandum, the action of the budget and control board applicable to the various state departments and agencies.

In summary the Governor stated that the State's General (operating) Fund was faced with a projected deficit and that it had been decided by the budget and control board to take action to avoid or minimize such a deficit by applying a reduction equal to six percent of each departmental appropriation previously authorized for fiscal 1970-71.

Your attention is directed particularly to the language contained in the last section of Governor McNair's memorandum, a copy of which is enclosed herewith and marked Exhibit "A". The language leaves little doubt that this was a directive applicable specifically to the agencies and departments of the state government. Particularly significant are the final three paragraphs of the last section of his memorandum wherein he states:

"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."

It is obvious from this language that the Governor was applying what is commonly referred to as "budgetary control" to the operations of the state government. It is obvious also that in applying that managerial technique he did not intend to include the 46 counties which are not by any definition known as "operational agencies" of the state. The fact that they are constitutionally "creatures of the state" does not alter this fact. We believe this point can be further demonstrated by the fact that funds were also withheld from the municipalities, who are creatures of special charter.

The Governor stated in his memorandum that "the reduction shall not affect funds required to meet an existing contractual obligation." One of the most binding (by statute) contractual obligations the state has is its "collection and disbursement relationship" with the 46 counties.

In responding to an inquiry made to him about the six percent reduction of revenues to the counties, effected on the basis of the Governor's executive order, State Treasurer Grady L. Patterson, Jr. stated that the authority for said reduction was contained in Section 91 of the Appropriations Act of 1970-71 which provides in part the following:

"...the State Budget and Control Board shall have the power and authority to survey the progress of the collection of revenue and the expenditures of funds by all departments and institutions and is hereby authorized to make such reductions of appropriations as may be necessary to prevent a deficit...and provides further that in making such reductions, earmarked revenues shall be considered as a part of the amounts appropriated...."

It is our contention that the aforesaid administrative authority clearly relates to State Agencies and departments per se. We respectfully submit that only on a highly arbitrary and speculative basis would such authority extend to include the contractual collection and disbursement relationship between the State and the 46 counties as local units of government within the State.

Note should be made of the fact that not one of the 46 county governments, to our knowledge, was notified specifically of the cut back or in what fashion or to what degree the cut back would affect them.

We are of the opinion that our position is further strengthened by the wording of Section 73 of Act 984 of 1970 (The General Appropriations Act) which contains the following language:

PROVIDED, that the above revenues shall be deposited in the General Fund of the State, and notwithstanding the amounts appropriated in the various items in this section, shall be allocated and paid to the Counties and Municipalities of the State in conformity with the percentages or proportions of such revenues prescribed by law.

It would therefore appear clear the General Assembly reaffirmed its desire that the "State Aid to Subdivisions" be distributed according to the formula as set out in the S. C. Code of Laws, which was set by legislative action and which, we contend, only the General Assembly by subsequent and amendatory legislation may alter.

We cite the following code sections to support the foregoing statement:

Section 65-8 , Code of Laws of South Carolina, 1962

Section 65-405 , IBID.

Section 65-704 , IBID.

Section 65-1074 , IBID.

Section 65-1075 , IBID.

Section 65-1074.1 , IBID.

Section 65-1255 , IBID.

Section 37-126 , IBID.

The following is a summary of the major sources of revenues to which the six percent reduction was applied by the State Treasurer, State Auditor and the State Comptroller and which has had a marked effect on the financial stability of the 46 counties which had programmed their anticipated receipts on the basis of 100% return predicated on statutory formulae.

<u>Revenue Source</u>	(1) <u>Actual Disbursed to Counties</u>	(2) <u>Projected County Share</u>	(3) <u>Revenue Collection</u>
Alcoholic Liquor	\$ 3,594,454.68	\$ 3,823,887.95	\$20,748,953.17
Bank	782,213.52	832,142.04	1,386,903.44
Beer & Wine	1,292,763.78	1,375,280.62	23,831,945.52
Gasoline	11,476,827.93	12,209,391.41	12,209,391.44
Income	10,754,564.46	11,441,026.02	151,533,143.79
Insurance	3,353,558.42	3,567,615.34	7,135,230.68

A cursory analysis of the foregoing demonstrates that the difference between column 2 (projected county share) and column 1 (actual disbursed to counties) is, in each instance, six percent or very close thereto.

The specific amounts withheld by the state in each category follows:

<u>Revenue Source</u>	<u>Amount of Reduction</u>
Alcoholic Liquor	\$ 229,433
Bank	49,929
Beer & Wine	82,517
Gasoline	732,564
Income	686,462
Insurance	<u>214,057</u>
Total Reduction Applied to Counties	\$1,994,962

CONCLUSION

The action taken by the State of South Carolina through its Treasurer, Auditor, and Comptroller General, based on their interpretation of the Governor's memorandum and Section 91 of Act 984 of 1970 (the General Appropriations Act) resulted in the withholding of approximately \$2,000,000 of funds, designated as state "aid to subdivisions" and identified above, from the 46 counties. It is our firm belief, based on the foregoing, that such action was inappropriate and without proper support of law. We respectfully base our beliefs on the following:

1. The Governor of South Carolina in his memorandum dated November 23, 1970, intended this reduction to apply to state government departments and agencies as an administrative and/or managerial action and not to local units of government each with their own particular operational requirements.
2. That the State Budget and Control Board in its role as the collection and disbursement agency has no authority to alter appropriations or percentages thereof which were set by the legislature and are specifically stated in the Code of Laws of South Carolina.
3. That the State Treasurer, Auditor, and Comptroller did not have the authority, either under the Administrative Directive of November 23, 1970, or Section 91 of Act 984 of 1970 or by directive of the Budget and Control Board to withhold a portion of those funds designated as "State Aid to Subdivisions".
4. That Section 73 of Act 984 of 1970 clearly directs that the revenues involved be allocated and paid to the Counties and Municipalities as "Subdivisions" of the State in conformity with the percentages of proportions of such revenues as prescribed by law.
5. The Code of Laws of South Carolina clearly and concisely sets out the percentages or proportions of

these revenues which shall be returned to the counties, thereby removing the element of discretion and in so doing precluding the alteration of these amounts by any officer, board, or body except the legislature itself.

We now respectfully submit the foregoing for your consideration and subsequent action. We do this because counties have been denied revenues upon which they by contractual relationship with the State depend each year and this action has created in the fiscal year 1970-71 a hardship on all 46 counties. We further wish to bring to your attention that the continuation of such a policy by the State places every unit of local government in serious financial jeopardy.

It is our fervent hope that through your good offices a solution to this problem can be reached.

Respectfully submitted,

South Carolina Association of Counties
Review Committee on State Revenues

Richard L. Black, Chairman

J. Mitchell Graham

J. Hugh McCutchen

Edward M. Royall

Russell B. Shetterly
Executive Director



ROBERT E. MCNAIR
GOVERNOR

STATE OF SOUTH CAROLINA

Office of The Governor

Columbia 29211

November 23, 1970

EXHIBIT A

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

OFFICE OF THE STATE AUDITOR

P. O. BOX 11333

COLUMBIA

December 28, 1970

P. C. SMITH -
STATE AUDITOR

Honorable Grady L. Patterson, Jr., State Treasurer
Honorable Henry Mills, Comptroller General

RE: 1970-71 Appropriation Reductions

Department: _____

Total Amount of Reduction \$ _____

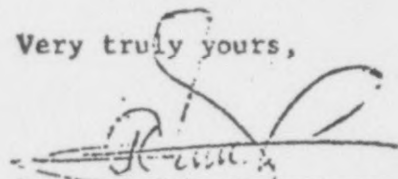
Gentlemen:

Under the authorization and direction contained in Section 91, of Part I, of the General Appropriation Act for 1970-71 (Act No. 984 of 1970), the Budget and Control Board at its meetings on November 23 and December 3, 1970, took action to effect reductions of 1970-71 appropriations to departments and agencies of the State Government in order to avoid a projected deficit in the General Fund at the end of the current year.

This is to advise you of the amount of reduction applicable to the above department or agency. Attached is an itemization of the specific appropriation accounts on your records affected by the reduction.

Please make the required entries on your records to reflect these reductions.

Very truly yours,


P. C. Smith, Secretary
State Budget and Control Board

PGS:dr:

To the Department or Agency Referred
to Above:

This copy of the above communication constitutes the Budget and Control Board's official notice to you of this action.

P. C. S.

1117

The State of South Carolina

EXHIBIT II
JANUARY 31, 1972



Attorney General
DANIEL R. MCLEOD

Attorney General
Columbia

January 11, 1972

Honorable F. E. McEachern, Jr.
Director, Division of General Services
300 Gervais Street
Columbia, South Carolina 29201

Dear Mr. McEachern:

I request that a replacement for the motor vehicle presently assigned to me be made as soon as possible. The car which I now have is a 1968 Buick Sedan, with approximately 80,000 miles on it. It is now reaching the stage where it would undoubtedly be more economical to trade it in on another vehicle rather than to undergo the costs of maintenance which are increasingly becoming apparent.

A copy of this request is being forwarded to Mr. P. C. Smith, State Auditor, with the request that the same be submitted to the Budget and Control Board for its consideration, should that be necessary.

Very truly yours,

Daniel R. McLeod
Attorney General

DRM/hm

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

B+C
ok
1/31/72

EXHIBIT III
JANUARY 31, 1972

January 28, 1972

Mr. Ralph A. Durham, Deputy Superintendent
Division of Finance and Operations
State Department of Education
1429 Senate Street
Columbia, South Carolina 29201

Dear Mr. Durham:

This is to advise that the Budget and Control Board has approved the request of the State Board of Education for authority to issue \$275,000.00 of notes to finance textbook purchases in accord with details outlined in your letter of January 14, 1972.

Very truly yours,

P. C. Smith
State Auditor

PCS:dr



STATE OF SOUTH CAROLINA
OFFICE OF THE STATE AUDITOR
P. O. BOX 11333
COLUMBIA

P. C. SMITH
STATE AUDITOR

January 18, 1972

RECEIVED
JAN 19 1972
GOVERNOR'S OFFICE

TELEPHONE
(803) 758-3106

TO THE STATE BUDGET AND CONTROL BOARD

Gentlemen:

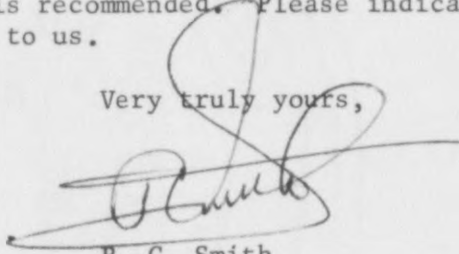
The State Board of Education has requested the Board to approve their issuance of \$275,000.00 of Textbook Notes to finance purchases of books for the State Rental System.

This amount is required to make the annual settlement with publishers for books purchased for the operation of the Rental System for this fiscal year. This annual settlement is a rather routine financial transaction, originating with the beginning of the Rental System in 1936.

The Notes are authorized by the law cited in the attached letter. Also attached is information submitted with the request indicating the status of amounts due publishers and current funds on hand.

Approval of the request is recommended. Please indicate your position below and return one copy to us.

Very truly yours,

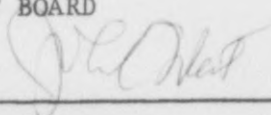

P. C. Smith
State Auditor

PCS:dr
Enclosures

I APPROVE

I DISAPPROVE

HOLD FOR NEXT MEETING OF BOARD

(SIGNED) 

1120

COPY



STATE OF SOUTH CAROLINA
OFFICE OF THE STATE AUDITOR
P. O. BOX 11333
COLUMBIA

P. C. SMITH
STATE AUDITOR

January 18, 1972

TO THE STATE BUDGET AND CONTROL BOARD

Gentlemen:

The State Board of Education has requested the Board to approve their issuance of \$275,000.00 of Textbook Notes to finance purchases of books for the State Rental System.

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P. C. Smith
State Auditor

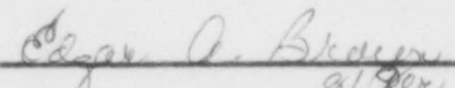
PCS:dr
Enclosures

I APPROVE

I DISAPPROVE

HOLD FOR NEXT MEETING OF BOARD

(SIGNED)


9/Per Sen. Brown
1121

COPY



STATE OF SOUTH CAROLINA
OFFICE OF THE STATE AUDITOR
P. O. BOX 11333
COLUMBIA

P. C. SMITH
STATE AUDITOR

January 18, 1972

TO THE STATE BUDGET AND CONTROL BOARD

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Approval of the request is recommended. Please indicate your position below and return one copy to us.

Very truly yours,

A handwritten signature in cursive script, appearing to read "P. C. Smith".

P. C. Smith
State Auditor

PCS:dr
Enclosures

I APPROVE

I DISAPPROVE

HOLD FOR NEXT MEETING OF BOARD

(SIGNED)

A large, handwritten signature in cursive script, appearing to read "P. C. Smith".

1100



STATE OF SOUTH CAROLINA

OFFICE OF THE STATE AUDITOR

P. O. BOX 11333

COLUMBIA

P. C. SMITH
STATE AUDITOR

TELEPHONE
(803) 758-3106

January 18, 1972

TO THE STATE BUDGET AND CONTROL BOARD

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Very truly yours,

P. C. Smith
State Auditor

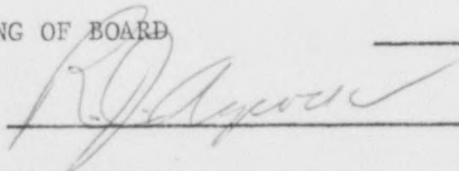
PCS:dr
Enclosures

I APPROVE

I DISAPPROVE

HOLD FOR NEXT MEETING OF BOARD

(SIGNED)



1123

COPY



STATE OF SOUTH CAROLINA
OFFICE OF THE STATE AUDITOR
P. O. BOX 11333
COLUMBIA

P. C. SMITH
STATE AUDITOR

January 18, 1972

TO THE STATE BUDGET AND CONTROL BOARD

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Approval of the request is recommended. Please indicate your position below and return one copy to us.

Very truly yours,

A stylized, handwritten signature of P. C. Smith.

P. C. Smith
State Auditor

PCS:dr
Enclosures

I APPROVE

I DISAPPROVE

HOLD FOR NEXT MEETING OF BOARD

(SIGNED)

A handwritten signature of Henry Mills, written over a horizontal line.

January 18, 1972

TO THE STATE BUDGET AND CONTROL BOARD

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Very truly yours,

P. C. Smith
State Auditor

PCS:dr
Enclosures

I APPROVE _____

I DISAPPROVE _____

HOLD FOR NEXT MEETING OF BOARD _____

(SIGNED) _____

STATE OF SOUTH CAROLINA
DEPARTMENT OF EDUCATION

CYRIL B. BUSBEE
STATE SUPERINTENDENT OF EDUCATION



COLUMBIA
January 14, 1972

Hon. P. C. Smith, Secretary
State Budget and Control Board
Wade Hampton State Office Bldg.
Columbia, S. C. 29201

Dear Mr. Smith:

By authority vested in Section 21-459 Code of Laws of South Carolina, 1962, as amended by Act No. 994, Part II, Section 10, Acts and Joint Resolutions, 1966, the S. C. State Board of Education requests permission to issue its negotiable notes in the amount of \$275,000.00.

The notes shall be for a two year period and dated February 10, 1972 due February 10, 1974.

Attached hereto, please find Estimated Note Issue Necessary For Rental Books Purchased June 1, 1971 to December 1, 1971 and excerpt from the Minutes of the State Board of Education meeting, January 14, 1972, authorizing the sale of notes as listed above.

Sincerely yours,

Ralph A. Durham
Deputy Superintendent
Division of Finance and
Operations

RAD:bwa

Enclosures (2)

*Have already talked to Grady Patterson about
this matter and he has alerted the banks. I called your office
today,*
RAD

1126

SOUTH CAROLINA
DEPARTMENT OF EDUCATION
Columbia, South Carolina

INTER-OFFICE MEMORANDUM

DATE: January 5, 1972

TO: Ralph A. Durham, Deputy Superintendent
Finance and Operations Division

FROM: H. C. Quarles, Director
Office of Textbooks

SUBJECT: Note Issue

We are enclosing, herewith, a statement of note issue necessary in order to make payment for rental books purchased from June 1, 1971 to December 1, 1971.

You will note that we have set aside \$422,800.00 to pay outstanding notes in the amount of \$400,000.00 and interest in the amount of \$22,800.00 which are due on February 11, 1972.

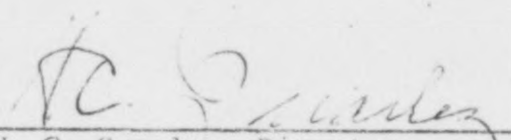
We recommend that a note issue up to \$275,000.00 be approved by the State Board subject to the approval of the State Budget and Control Board.

We further recommend that this note issue be for a two year period and that it be dated February 10, 1972 due February 10, 1974.

We also recommend that bids be received at 12 o'clock noon February 8, 1972 in the office of the State Treasurer, also, that this note issue be duly advertised on January 25, 1972, February 1, 1972 and February 8, 1972.

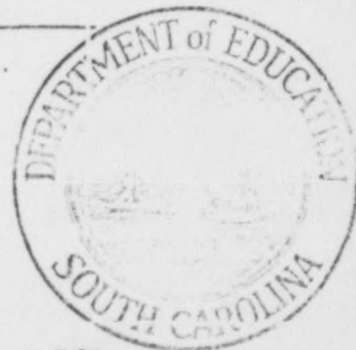
We would point out that we have rental books in the schools in the amount of \$4,819,000.00 as of November 30, 1971. In our judgment, the Textbook Rental Program will be in a very sound condition after making this note issue.

It is anticipated that sufficient funds will be collected after February 1, 1972 to cover the purchase of additional books for the balance of the current school year, the cost of rebinding and redistribution, etc.


H. C. Quarles, Director
Office of Textbooks

HCQ:bwa

Enc.



1127

January 5, 1972

ESTIMATED NOTE ISSUE NECESSARY FOR RENTAL BOOKS PURCHASED

June 1, 1971 to December 1, 1971

Consignment Account with Central Textbook Depository		1,412,150.39
Less: New Book Inventory		<u>352,544.36</u>
Net Purchases		1,059,606.03
Less: 10% Discount	105,960.60	
Exchange Credits	<u>27,540.06</u>	
		<u>133,500.66</u>
Net Balance Due on Purchases		926,105.37
Less: Cash on Hand 1-3-72	705,480.43	
Estimated Collections to Feb. 1, 1972	<u>370,000.00</u>	
Estimated Funds Available Feb. 1, 1972	1,075,480.43	
Less: Notes Due Feb. 11, 1972	400,000.00	
Interest Due Feb. 11, 1972	<u>22,800.00</u>	
	<u>422,800.00</u>	
Available Funds to Apply on Purchases		<u>652,680.43</u>
Estimated Amount for Note Issue		<u><u>273,424.94</u></u>

Notes Outstanding: Dated Feb. 11, 1971, Due Feb. 11, 1972 \$400,000.00
Interest 2.6% per annum (Provided for in
above statement)

Notes Outstanding: Dated Feb. 11, 1971, Due Feb. 11, 1973 \$400,000.00
Interest 3.1% per annum

Estimated Rental Revenue for 1972-73

1,200,000.00

EXHIBIT III
JANUARY 31, 1972

*Butt
no info
P.C.*

January 18, 1972

TO THE STATE BUDGET AND CONTROL BOARD

Gentlemen:

The State Board of Education has requested the Board to approve their issuance of \$275,000.00 of Textbook Notes to finance purchases of books for the State Rental System.

This amount is required to make the annual settlement with publishers for books purchased for the operation of the Rental System for this fiscal year. This annual settlement is a rather routine financial transaction, originating with the beginning of the Rental System in 1936.

The Notes are authorized by the law cited in the attached letter. Also attached is information submitted with the request indicating the status of amounts due publishers and current funds on hand.

Approval of the request is recommended. Please indicate your position below and return one copy to us.

Very truly yours,

P. C. Smith
State Auditor

PCS:dr
Enclosures

I APPROVE _____

I DISAPPROVE _____

HOLD FOR NEXT MEETING OF BOARD _____

(SIGNED) _____

1129

STATE OF SOUTH CAROLINA
DEPARTMENT OF EDUCATION

CYRIL B. BUSBEE
STATE SUPERINTENDENT OF EDUCATION



COLUMBIA
January 14, 1972

Hon. P. C. Smith, Secretary
State Budget and Control Board
Wade Hampton State Office Bldg.
Columbia, S. C. 29201

Dear Mr. Smith:

By authority vested in Section 21-459 Code of Laws of South Carolina, 1962, as amended by Act No. 994, Part II, Section 10, Acts and Joint Resolutions, 1966, the S. C. State Board of Education requests permission to issue its negotiable notes in the amount of \$275,000.00.

The notes shall be for a two year period and dated February 10, 1972 due February 10, 1974.

Attached hereto, please find Estimated Note Issue Necessary For Rental Books Purchased June 1, 1971 to December 1, 1971 and excerpt from the Minutes of the State Board of Education meeting, January 14, 1972, authorizing the sale of notes as listed above.

Sincerely yours,

R. A. Durham
Ralph A. Durham
Deputy Superintendent
Division of Finance and
Operations

RAD:bwa

Enclosures (2)

*Have already talked to Grady Patterson about
this matter and he has alerted the banks. I saw your office today.*
RAD

1130

DEPARTMENT OF EDUCATION
Columbia, South Carolina

INTER-OFFICE MEMORANDUM

DATE: January 5, 1972

TO: Ralph A. Durham, Deputy Superintendent
Finance and Operations Division

FROM: H. C. Quarles, Director
Office of Textbooks

SUBJECT: Note Issue

We are enclosing, herewith, a statement of note issue necessary in order to make payment for rental books purchased from June 1, 1971 to December 1, 1971.

You will note that we have set aside \$422,800.00 to pay outstanding notes in the amount of \$400,000.00 and interest in the amount of \$22,800.00 which are due on February 11, 1972.

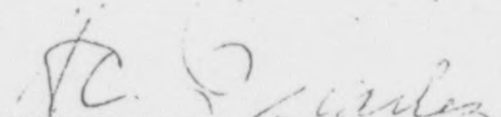
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We further recommend that this note issue be for a two year period and that it be dated February 10, 1972 due February 10, 1974.

We also recommend that bids be received at 12 o'clock noon February 8, 1972 in the office of the State Treasurer, also, that this note issue be duly advertised on January 25, 1972, February 1, 1972 and February 8, 1972.

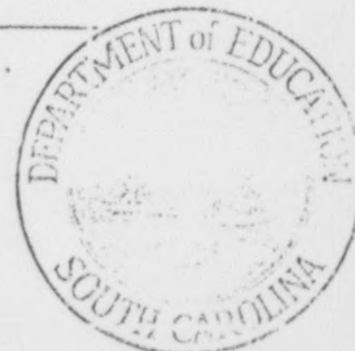
We would point out that we have rental books in the schools in the amount of \$4,819,000.00 as of November 30, 1971. In our judgment, the Textbook Rental Program will be in a very sound condition after making this note issue.

It is anticipated that sufficient funds will be collected after February 1, 1972 to cover the purchase of additional books for the balance of the current school year, the cost of rebinding and redistribution, etc.


H. C. Quarles, Director
Office of Textbooks

HCQ:bwa

Enc.



1131

January 5, 1972

ESTIMATED NOTE ISSUE NECESSARY FOR RENTAL BOOKS PURCHASED

June 1, 1971 to December 1, 1971.

Consignment Account with Central Textbook Depository		1,412,150.39
Less: New Book Inventory		<u>352,544.36</u>
Net Purchases		1,059,606.03
Less: 10% Discount	105,960.60	
Exchange Credits	<u>27,540.06</u>	
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Interest 2.6% per annum (Provided for in
above statement)

Notes Outstanding: Dated Feb. 11, 1971, Due Feb. 11, 1973 \$400,000.00
Interest 3.1% per annum

Estimated Rental Revenue for 1972-73 1,200,000.00

CONFIDENTIAL

EXHIBIT IV

JANUARY 31, 1972

A transcription of the hearing of the
appeal of John H. Quillen, Jr., before
the State Employee Grievance Committee

1133

1133

STATE OF SOUTH CAROLINA
PERSONNEL DIVISION

F. E. ELLIS
STATE DIRECTOR



TELEPHONE
(803) 758-3334

700 KNOX ABBOTT DRIVE
CAYCE, SOUTH CAROLINA 29033
January 8, 1972

TO: MEMBERS OF THE BUDGET AND CONTROL BOARD

Enclosed for your personal use is a copy of the transcript of the hearing of Mr. John H. Quillen, Jr. of the Wildlife Resources Department before the State Employee Grievance Committee.

Yours truly,

A handwritten signature in cursive script, likely of F. E. Ellis.

F. E. Ellis
State Director of Personnel

FEE:mll
Enc.

CC: The Honorable P. C. Smith
Secretary, Budget and Control Board

On December 17, 1971, the State Employees' Grievance Committee convened at 10:30 A.M. in Room 323 of the Mental Health Administration Building at 2414 Bull Street. Committee members present were:

Mr. Charlie Redding
Mrs. Margaret DuBose
Mr. Bruce Templeton
Mr. Robert Stoudemire, Chairman
Miss Madelyn Walker
Mrs. Willie Brown
Mr. Curtis Anderson

APPELLANT:

John H. Quillen, Jr., Appellant, was assisted by Dr. William H. Wesson, Jr. and Mr. Grady B. Wingard. Witnesses for the appellant were:

Mr. Lloyd G. Webb
Mr. Philip M. Wilkinson
Mr. Robert W. Gooding
Mr. Sam W. Stokes
Mr. Robert L. Joyner
Mr. Walter H. Schrader
Mr. Frank P. Nelson
Mr. Jefferson C. Fuller, Jr.

EMPLOYER:

Wildlife Resources Department

Employer's representatives were:

Mr. James W. Webb
Mr. Harry Lightsey, Jr.

Mr. Ed Latimer was in attendance from the Attorney General's Office. Witnesses for the employer were:

Mr. James W. Webb
Mr. Pat Ryan
Mr. Jefferson C. Fuller, Jr.

Robert Stoudemire: Your attention is kindly called to the fact that this hearing will be conducted as informally as is compatible with an equitable presentation of both sides of the case. I am the presiding officer of the Committee and it is my duty to take whatever action is necessary to insure an equitable, orderly and expeditious hearing. We will not be bound by strict rules of evidence. In the event a member of the Committee objects to a decision to accept evidence, the majority of the vote of the Committee will govern. If either party to the case feels compelled to offer an objection, it will be noted in the record for subsequent consideration. A file comprising appellant's employment record with the agency and records and papers pertinent to this appeal have been furnished members of the Committee by the State Personnel Division. This file is being entered into the record as the Committee's exhibit and will be known as Exhibit 1.

Ed Latimer: May I interrupt you at this point? Due to an oversight on behalf of the Department, minutes of two Commission meetings were inadvertently not sent to you and we would like to submit those on behalf of the Department at this time. . The minutes of the Commission meeting of October 27, 1971, and pertinent pages of the Commission meeting of November 19, 1971. We will furnish copies to Mr. Quillen.

Robert Stoudemire: Is this agreeable to you people?

John Quillen: I was discussing with Dr. Wesson -- did you say they were copies for . . .

Robert Stoudemire: Of November 19 and October 27.

John Quillen: Did you say copies for me also sir?

Robert Stoudemire: He has them and I believe he is getting them. Any objections or have I given you time? The two omissions appear to be acceptable to the chair. Normally the appellant or his representative will present his case first and if he so does, in this case he will, may make an opening statement before the presentation of the case or present his documentary evidence in support of his appeal. Thereafter the appellant may call and examine witnesses in support of

his case. After the appellant has completed his presentation, the agency will present its case which may be prefaced by an oral statement -- any oral statement it may wish to make. Thereafter, it may call and examine witnesses in support of its case. Each side will be given the opportunity at the appropriate time to ask questions of the witness. The presiding officer or any member of the Committee may direct questions to anybody at any time during the proceedings. Before closing the hearing, the presiding officer will allow both parties to present a summary or closing statement if they so desire. I wish to point out that only testimony and evidence pertinent to the charges on which the agency's action is based or pertinent to the grounds on which the appeal is based will be allowed. Testimony or evidence which is repetitive or cumulative in nature will not be permitted. Are there any questions at this point by either party?

William Wesson: Mr. Chairman, it is possible that some of the testimony from Mr. Quillen may be regarded as repetitive. I will simply rely on you or the Committee to tell us . .

Robert Stoudemire: We will be happy to do so. Now, are all witnesses testifying in this hearing present? Mr. Quillen, are all of your witnesses here?

John Quillen: Yes sir.

Robert Stoudemire: Mr. Webb, are yours here?

James Webb: Yes.

Robert Stoudemire: Now, a word to the witnesses. The witnesses are asked not to discuss this case either before or after testifying until they are excused. This is not intended to preclude either party to the case from entering into discussion with their respective witnesses. Does any witness not understand this? Witnesses are to remain available after testifying until they are excused by the presiding officer with the consent of both parties. After the opening statement, witnesses shall not remain in the hearing room except when called to testify. After hearing this appeal, the Committee will report its findings and decision to the State Budget and Control Board as soon as possible and in no case later than twenty days. The

Budget and Control Board after reviewing the case will submit copies of its final decision as soon as possible but no later than thirty days to the employee, the employing agency, the State Personnel Division and the Grievance Committee. This concludes our opening statement. I believe before I ask the witnesses to retire, I think we need to enter into the record Exhibit 2 and that is the formal Grievance Application Form submitted by Mr. John H. Quillen, Jr. dated November 24. I believe you have a copy of that and two pages and this will make it a part of the record. I will ask the witnesses to please retire. I know you may get tired of waiting. You don't have to sit there, but if you do go off, please let someone know where you may be so that we can get you and keep these proceedings running along smoothly.

Ed Latimer: Before they leave, Mr. Chairman, may I make a short statement? I am Ed Latimer, Assistant Attorney General assigned as legal counsel to the Wildlife Commission and Wildlife Department. I have been acting in general capacity as counsel for the Department during the initial stages of this procedure. However, at a conference with the Attorney General yesterday, the Attorney General himself handed down an opinion to this effect: That in a hearing of this nature, before the Grievance Committee, that the State agency involved shall not be represented by counsel. Now, that being the case, I want it to read into the record the statement that I will be withdrawing along with these witnesses and that the Wildlife Commission and Department will be in effect be represented by Mr. Webb who will stay in the room during the course of the hearing as the witnesses for the Commission and the Department come back. Based on the opinion of the Attorney General, the Commission and Department will not have a legal representative at this hearing and with that statement, I will retire.

Robert Stoudemire: Mr. Latimer, we appreciate your statement and I apologize for overlooking the opportunity to give it and we appreciate your position.

Harry Lightsey: Mr. Chairman, may I make a statement at this time?

Robert Stoudemire: Yes, Mr. Lightsey, you certainly may.

Harry Lightsey: I was called this morning by the Chairman of the Commission and one other member of the Commission requested that I be present with Mr. Webb on an

advisory capacity. I would like to state for the record that it was my understanding that my appearance here is not authorized by a majority of the Commission so that I cannot state to the Chairman that I am officially representing the Commission. I would like to say, however, that I did have a conversation with the Attorney General this morning by telephone and my understanding from him that his ruling was not to the effect that the agency could not be represented by counsel but that they were not entitled to representation from the Attorney General's office. In other words, the Attorney General was not obligated to furnish the agency with counsel but not that his ruling automatically barred representation of an agency by counsel, but with the Chairman and Committee's permission, I would like to ask that I be allowed to remain present with Mr. Webb and to advise him.

Robert Stoudemire: I believe the Committee will be happy for you to stay, Mr. Lightsey. For the record, the Committee Chairman did say on several occasions that as a Committee, we had no objections from the standpoint of an Assistant Attorney General and that was for the Attorney General to decide -- not us.

Ed Latimer: I have no further statement to make. I have not been able to contact the Attorney General this morning. My understanding was different, that his opinion was to the effect that the State agency should not be represented by legal counsel, but if Mr. Lightsey says that his opinion this morning does authorize him to appear as private counsel then I have no information one way or the other.

Robert Stoudemire: I don't think any member of the Committee questions that -- do you?

Harry Lightsey: Except I want it to be clear on the record, Mr. Chairman, that I am not here at the official request of a majority of the Commission. In other words, I think in fairness to Mr. Quillen and to the Commission, they should realize that as my understanding that there has not been a Commission meeting at which I was authorized by a majority of the vote to appear on behalf of the Commission.

Robert Stoudemire: Is that agreeable, Mr. Quillen?

John Quillen: If it agreeable with Mr. Webb, it certainly is agreeable with me.

Robert Stoudemire: I hate to be so formal, but will the witnesses please retire? We have extra copies of opening statements up here if anybody wants one -- they are not secret by any means. Mr. Quillen, are you ready? I am not quite sure whether I made it clear, but these sessions are executive sessions and the findings and the full transcript and so on, according to our rules, are made available only to the Budget and Control Board. I believe at this time we will call on the appellant to present his case. According to our rules, he may make an opening statement, submit any documentary evidence that he may have and proceed to call his witnesses.

John Quillen: Thank you, Mr. Chairman. I will count on your guidance to keep me straight. I am not real clear on procedure. I first want to thank the Committee for the opportunity to present my grievance before you. I would like to read a brief opening statement, if I may. You all have read the charges made against me by the Wildlife Resources Commission. I submit that these charges have been made without just cause. I will present my employee evaluations, a statement from the federal aid supervisor of the Atlanta regional office, a letter from the soil conservation service watershed party leader and testimony of Wildlife Department employees to refute these charges. As you know, I was notified October 7 of this year that by action of the Commission I was to be terminated as an employee effective the 31st of December of this year. At this time, I was not given any reasons for the action. Following this, I met informally with the Commission on the 27th of October to request re-instatement. The earlier action of dismissal was upheld at this meeting. At this time I was given three verbal reasons for the Commission's action. Number 1: Bad attitude. Number 2: Not working. Number 3: Being inefficient. The apparent dissatisfaction with my job performance was first mentioned to me at the October 27 meeting. Following this, I instituted the first step of the Wildlife Department Grievance and Appeal procedure on the 5th of November. I was advised by Mr. Pat Ryan, Director, at step 1, that since this action was entirely by the Commission that I go to the next step. Mr. James W. Webb, Executive Director, at step 2 recommended

due to the action of the Commission, I advance to step 3. Step 3 was to request a hearing before the Wildlife Commission. On November 19, I had a brief meeting with the Commission at which time I submitted a written statement requesting that they reconsider their action. I was asked one question and then dismissed. Later that day, I was finally presented three written charges concerning my job performance. Since that I do not feel that I was shown by any of the three steps in the department's grievance procedure just cause for my dismissal, I requested a hearing before the State Grievance Committee. I do not feel the proper employer-employee relationship has been exhibited throughout any of the actions by the Commission. I mention Commission, as I gathered from my replies to step 1 and 2, that this was an action entirely by the Commission. As an example, I have yet to receive anything in writing that I have been fired or by what date I am to be relieved of my duties. This has all transpired verbally. I definitely feel that I am qualified to perform my job. I have a BA degree in Biology and an MS degree in Wildlife Management. I came to work with the Wildlife Department in February of 1960 as a Research Project Leader in Beaufort. In 1961, I transferred to Moncks Corner as a District Biologist and came to Columbia in 1963 as Assistant Chief of Game Management. Each of these moves was a promotion. I held the last position until July of 1969, at which time I became Federal Aid Coordinator under the Department reorganization. I have held this last position until the present time. At no time from 1960 until October 27 of this year was I told my work was not adequate. I feel that dismissal of an employee with the qualifications and length of service I possess without some flagrant violation on my part is unduly harsh.

Robert Stoudemire: Are you ready to proceed with your witnesses?

John Quillen: I have some documents to introduce at this time.

Robert Stoudemire: Let me interrupt you just one minute. I overlooked one thing which I should do. According to the law, the State Personnel Division can send a representative here to advise on technical questions and so Mr. Earl Ellis, Director, is here.

John Quillen: Before I introduce the first two, Mr. Chairman, I understand that your Committee petitioned the Wildlife Department for my personnel files and records. Is that correct, sir?

Robert Stoudemire: That is according to the normal procedure by the law that when an employee brings a grievance, the department must furnish certain types of information to the State Personnel Division. This record becomes a part of the record and it is that information we have entered into the record as Exhibit 1. Here is a copy if you don't have one. (See Exhibit 1, attached.)

John Quillen: My question, I think, can be answered briefly, sir. My question is, were my two performance appraisals - career development inventory evaluations included in this file?

Robert Stoudemire: No, they were not.

John Quillen: The first two pieces of documents I would like to introduce then, sir, would be copies for the Committee of my performance rating -- if I may, sir.

Robert Stoudemire: It seems reasonable. Mr. Webb?

James Webb: Okay.

John Quillen: Should I just go through all of these before I give them to you?

Robert Stoudemire: Please do.

John Quillen: The second document is a letter from Mr. E. B. Chamberlain, Jr., Federal Aid Supervisor in Atlanta. Since 1963, I have been working through the Atlanta Federal Aid office and this Federal Aid office is the supervising office for the twelve state southeastern region and I have performed either as assistant or full time work of initiating the project, document preparation, all amendments forms and so forth concerning our operations with a federal aid program with our department through this office. I feel that the statement he has to make would have bearing on my job performance and how well it was carried out between the Wildlife Department and the U. S. Fish and Wildlife Service. I would like to submit that. Naturally, I feel that Mr. Chamberlain could not appear in person as a witness due to the distance that he would have to travel. The second letter I

would like to introduce is from Mr. Jim Kesecker with the U. S. Department of Agriculture Soil Conservation Service here in Columbia. Mr. Kesecker volunteered to come as a witness today, but I suggested that since he would have to take annual leave and so forth that I thought this letter would probably be sufficient but he did volunteer to come. This letter was written as a personal letter to me on October 13, prior to initiation of any grievance procedure, but in this letter I think you will find he makes reference to the liaison work I did between our department and the Soil Conservation Service. I think it would also have bearing upon my job performance. I have his permission to submit this letter. I have both these gentlemen's permission to submit these letters.

Robert Stoudemire: These two letters are agreeable?

James Webb: I don't know what the content is.

John Quillen: I have copies for you all.

Robert Stoudemire: I believe, Mr. Quillen, it might be better to give them their copies now if you don't mind. Perhaps the Chair should have a copy at this point too. Mr. Quillen, you are asking that this be submitted as a part of Exhibit 1 -- is that correct? Or as separate exhibits?

John Quillen: I thought separately, Mr. Chairman. I'm not real sure how it should go. I think the evaluations should be part of Exhibit 1.

Robert Stoudemire: Yes, all right. I believe to make sure we all know where we are, the Wildlife Department had no objections to admission of the evaluations. Now we are down to the next phase of the two letters.

James Webb: Our question, of course, is the people really understand the nature of his work, but as far as and we have not intention of questioning them but for what they are worth, I believe that . . .

Harry Lightsey: I think, Mr. Chairman, I understand and, of course, Mr. Webb does too your proceedings are informal and you are interested in getting as much information as you can, we would, of course, want the Committee to be aware that this type of evidence is not normally admissible in proceedings for the reason that we would have no

opportunity to ask any questions of the people who have prepared the letters and signed them and I think our position -- Mr. Webb and I just talked briefly -- would be that we would have no objections to the Committee receiving them for information purposes, recognizing the fact that we don't have the opportunity to question these people as to the content and also that we will -- we do, perhaps, as Mr. Webb points out question the amount of information and the offerings it would have directly about the responsibilities of this employee and this I think is the question.

Robert Stoudemire: We appreciate that.

Harry Lightsey: Surely we would want permission to have all the information that . .

Robert Stoudemire: And we will let the record show your evaluation and reservations. Agreeable? I will mark the one from the U. S. Department of Interior as Exhibit 3 (see attached exhibit at end of transcript) and mark the one from Mr. Kesecker as Exhibit 4 (see attached exhibit at end of transcript).

William Wesson: Mr. Chairman, I would merely note Mr. Quillen's indication of the willingness of these people to appear as witnesses.

Robert Stoudemire: Okay, Mr. Quillen. Are you ready for your next step?

John Quillen: I have copies for each member of the Committee.

Robert Stoudemire: Yes, if you will get those out, please.

James Webb: Mr. Chairman, you said earlier that you were going make a transcript of the proceedings. Will that be made available to the Department?

Robert Stoudemire: Mr. Webb, our Committee -- under our rules as they stand now -- no.

John Quillen: Mr. Chairman, I was talking. I didn't hear the question.

Robert Stoudemire: Whether a transcript will be available to the Department and our rules now say that the transcript will be available only to the Budget and Control Board.

James Webb: Our Commission would particularly want a transcript of it.

Robert Stoudemire: Are you making that in the form of a specific direct request?

James Webb: Yes.

Robert Stoudemire: Mr. Webb, I think that we will enter your request in the record and this the Committee will have to consider because this means, in effect, that the Committee would have to consider changing one of its current rules. I think that would have to be done after the hearing and we will let you know our decision. Agreeable?

James Webb: I believe it is.

Robert Stoudemire: That is all I think I can do.

John Quillen: Mr. Chairman, if the Committee does change and decides to give the Commission a copy of the proceedings, I would also like to have a copy -- only if they receive one also.

Robert Stoudemire: Let the record show that the appellant makes the same request in the event a copy of the transcript is released to the Wildlife Resources Department or the Commission thereof. Just to pause a moment now, does everybody have the four copies? The two efficiency ratings are part of Exhibit 1. Unless there is some objection, we will proceed. Mr. Quillen?

John Quillen: Since they have both been entered, Mr. Chairman, I assume that we may refer to these exhibits anytime we feel . .

Robert Stoudemire: I think that would be reasonable.

John Quillen: You want me to give the name of my first witness? Dr. Lloyd Webb.

Robert Stoudemire: Dr. Lloyd Webb. We will give the Department opportunity to cross examine after the witness finishes if you so wish. While we are waiting, both sides, I am going to ask you this a little bit later -- whether or not you are through with the witness and if we are, in other words, I don't see any point in somebody cooling his heels there if we are through with the person, but we will decide that . . Mr. Webb, if you will just remain standing, I am going to ask our secretary, Miss Walker, to -- our witnesses must testify under oath according to our rules and I will ask her to give you the oath.

Madelyn Walker: Do you solemnly swear to tell the truth, the whole truth and nothing but the truth so help you God?

Lloyd Webb: I do.

Madelyn Walker: Be seated.

John Quillen: Prior to the initiation of questions, I would like to read the three charges that have been made against me. These are the three areas that I hope to be able to disprove. Number 1: This is quoting from a letter that is in your exhibit of my proceedings, from Roger Seamans, Secretary of the Wildlife Resources Commission, on November 19, 1971. This is a letter to me in answer to step 3 in the Department's Grievance Appeal Procedure, in answer from the Commission. I will read what I think are pertinent points here. The reasons for the dismissal of John Quillen, Jr. are: From the period of July 1969 to October 1971, Mr. Quillen did: (1) Fail to exhibit an attitude of cooperative action and work toward the common good of the Department. (2) Failed to work diligently toward the accomplishment of the duties assigned to him, and that he socialized with other employees excessively during working hours. (3) And that he was not efficient in the performance of his duties.

Robert Stoudemire: Mr. Quillen, it might be useful to the Committee -- what is Mr. Lloyd's position?

John Quillen: I was going to . .

Robert Stoudemire: Excuse me.

John Quillen: First, I would like to ask you, Lloyd, the length of our knowing each other, our work association and your present position.

Lloyd Webb: To answer your last question first -- I am a joint employee of the Wildlife Resources Department and Clemson University. My work with the Wildlife Department is project leader of the statewide Wildlife Research Project under the Federal Aid Coordinator which is under the Chief of Game and Fish Management.

John Quillen: Length of time we have known each other?

Lloyd Webb: I am having a little trouble recalling dates -- I believe it was either '62 or '63 when I first met John. I believe he was stationed at that time --

to know him -- well, I may have met him incidentally before that. I believe he came to the Department a year or two, which he worked at Beaufort, and I had little contact with him. I believe it was in the fall of '62 or maybe '63 that I met John first in Moncks Corner, South Carolina, where he was stationed at that time. I was down there with a class and met John down there and subsequently had many trips with him. Quite a few trips with him in connection with the University classes and also with relation to the statewide Wildlife Research Project which I tried to lead.

John Quillen: I think it only fair, Mr. Chairman, that any of my witnesses that are not stationed in the Columbia office, I should keep my questions to charges one and three since they really have not had an opportunity to observe my actions that much around the office, so I would like to ask you a fairly general question, Lloyd, concerning, in your own words and your own ideas, how you feel about it, concerning my attitude and the efficiency and performance of my job. I realize that I am not real good at asking these questions -- maybe that is why I have to be somewhat general, but to try to pinpoint in on these charges one and three concerning my attitude and efficiency.

Lloyd Webb: I may have to -- if I understand this now, we are only supposed to testify in regards to information since 1969, July of '69, or before? I believe I would have to go back a little, if I may, with the Committee's permission. During my association with John, and most of it has come since he moved down to the Columbia office which I think happened in '63 or '64 in which he was then Assistant Federal Aid Coordinator. During or since that time and while we were writing the research project annually, I was associated with John usually a couple of days at a time in which he came to Clemson and we'd sit down and along with Frank Nelson if he was involved, with Dr. Cochran who was head of the department at that time in which the Wildlife curriculum was administered at the University and prior to July of '69 we had several meetings for that occasion, almost annually, and we had several -- I can recall two field trips or trips to Raleigh prior to that time in which we were both attending a statistical workshop and then, of course, we have had the normal

meetings of the biologists throughout the State in which I have been associated with John at these. Now I mention these because of the changes that may have taken place and may be important to the Committee since 1969. We have had only one meeting at that time and I think that perhaps is a change in policy within the Wildlife Department in which we were required to write the project and come into the Clemson office rather than John coming to see us. The only reason that I would know of such change in policy. Now, the turnover from the first attitude to me that was exhibited by John prior to 1969, July of 1969, I believe that is what the statement - dates that the statement - concern. I cannot honestly say that I realized any great change in the attitude that would be detrimental to the Department, that is, in his relationship with me, his relationship with the work in which him and I are associated. As to efficiency, I have to relate that to a comparison between the two periods of time. The work within the Department, I am sure, has increased two-or three-fold. It has within our own research project and the efficiency with which John has done his part or at least in supervising me and keeping me straight from a federal aid angle and that was primarily his objective. I see little change in his efficiency -- certainly no decrease in it as I can note. However, I say this as a small part - I want that understood -- a small part of my work is with, a small part of it is with other activities not concerned with this. I did not realize any change as far as my own research project is concerned. I do find myself, and this, as I stated before, is favorable - maybe a change in Department policy - that heretofore when John wrote up the research project after our discussion in Clemson before 1969. Thereafter most of the time we did meet on one occasion, I believe, when the federal aid -- I believe that was since 1969 -- when federal aid representatives out of Atlanta had to meet with us. But other than that, we have been rewriting the project initially and bringing it to Columbia and going over it with John, who was in the position of Chief of Game Management. Maybe that doesn't answer all of your questions, John.

John Quillen: I think you have basically related our relationship and all and I don't

mean to be unfair to you but I am going to ask you a direct question. I know you will answer it honestly. Do you think that the attitude that you have seen exhibited by me and the performance of my work, just in our relationship, do you think this would warrant dismissal? In other words, do you think my attitude has been such and the efficiency of my performance been such that I should be dismissed?

James Webb: I don't believe he would be qualified to answer that question.

John Quillen: Between the two of us is all I am asking.

Lloyd Webb: I don't mind answering it if you desire such.

Robert Stoudemire: I will let you answer but I will also note Mr. Webb's objection.

Lloyd Webb: It is kind of putting me on the spot, but for the information from what my contact with John prior to and after this period, as I was trying to bring out, I have seen no change. I probably perhaps should have brought this out before. There has been remarkable change in federal aid operations itself which has required a turnover which Mr. Webb and John is aware of, much more than I am, and it has required, I am sure it has required more in-depth thinking and work on his part than it did before. Now when this change actually took place, I don't recall because it has been two or three years -- I don't think it had anything to do with any July 1, 1969, date but the federal aid work has changed. But now as far as his efficiency goes, I did say I didn't notice any change. I know the workload has increased but I don't know it is any decrease in efficiency and I personally do not think from my connections with John, I don't think that his attitude nor his efficiency is grounds for a dismissal. If I may comment, that is my personal belief. I want it understood as John mentioned though that I am not in contact with our Columbia office as much as some other people are.

William Wesson: Mr. Chairman, I would like to ask Dr. Webb just one question.

Robert Stoudemire: All right, go ahead.

William Wesson: Dr. Webb, what is the nature of your duties with Clemson University.

Lloyd Webb: The Wildlife Research Project, statewide Wildlife Research Project, is jointly sponsored by the University which contributes a small amount of the operational

expenses. It is a joint operation between the University and Mr. Webb's Department and has so operated since, I believe, 1949 with Clemson participating financially since 1956. In addition to that, I also teach the undergraduate and the graduate courses there in Wildlife Biology for the University.

Robert Stoudemire: Mr. Webb, do you have any questions you would like to ask?

James Webb: Lloyd, are you stationed at Clemson? About how often do you get here in the Columbia office?

Lloyd Webb: Perhaps not often enough. I would guess, and it will vary, I made three trips at weekly intervals during the past year and years before it was only for a short time, but years before it was once every two or three months.

James Webb: Then you get in Columbia eight to ten times a year?

Lloyd Webb: I doubt that -- yes, it could be eight to ten.

James Webb: You said once every two to three months.

Lloyd Webb: When I had to go three times, it was exceptional when I had to come down there three times -- you know, week after week after week. I might say that and Mr. Webb is aware of this a lot of my trips to Columbia concerned Mr. Webb and Mr. Ryan only from the academic standpoint and the work had nothing to do with Mr. Quillen. A lot of times the work did involve Mr. Quillen also.

James Webb: And when did Mr. Quillen get to Clemson?

Lloyd Webb: I don't believe he has been there but once since '69. Now, prior to that, I believe, him or Frank or both of them came every year. I don't recall -- they usually came together -- at least once.

James Webb: With that infrequent contact -- do you think you could pass on John's qualifications, not qualifications but efficiency?

Lloyd Webb: Jim, I think it is the way the question is worded and perhaps it was my interpretation of it based on my association -- you can form an opinion. Now whether or not my association was good enough, perhaps that is what you are trying to establish. I couldn't answer that -- it's a question some people just feel like they can make an opinion but upon contact sometime, which I know this is wrong. I

realize that I am not qualified as some of the other witnesses will be that have been in contact with him all the time.

James Webb: You have no first-hand knowledge of his day-to-day activities?

Lloyd Webb: No, sir.

John Quillen: Mr. Chairman, I don't know -- maybe you will call it redirect.

I'm not real sure about the legal terminology, but I would like to ask one question. Even though personal contact may not have been real heavy, but do you think possibly-- what I am getting around to is -- we did have quite a bit of contact over the telephone which is not really person to person but this is a manner of our present society and we do a lot work over the phone and possibly this might be considered in this, that we have done a lot of work over the phone, which would add a little more to your opinion.

Lloyd Webb: That is true and perhaps I should have mentioned this -- on these two occasions we went to Raleigh to a statistical -- I think John is intellectual, I think he is honest too. I feel like in knowing him then and through his conversation and telephone conversations, too, I made that opinion while ago as I told you then. It may not be, in your estimation, enough contact.

Robert Stoudemire: Mr. Webb, do you have any more questions? Does the Committee have any questions you would like to . .

Lloyd Webb: I would like to say, also, that I am no relation to Mr. Webb, although I would like to be -- when I work for him.

Robert Stoudemire: I think it would be mutually complimentary. Committee members, any questions for Mr. Webb? No questions -- then I would ask the appellant and also the Department is there any reason for our keeping Mr. Webb here -- would you want to bring him back or is he free to go?

John Quillen: Mr. Chairman, the reason I called Dr. Webb and also will be calling the second witness that I am calling first -- they are in the midst of a field trip right now, so the first two witnesses probably, I wanted to let them testify first so in case they did need to go on with their field trip.

Robert Stoudemire: You have no objection, then, to Committee dismissing Mr. Webb?

John Quillen: It would be contingent, then, upon the second witness since they are riding together.

Robert Stoudemire: Dr. Webb, insofar as the Committee is concerned as soon as you can get you a ride, you can go. Who is your next witness?

John Quillen: Mr. Philip M. Wilkinson.

Robert Stoudemire: Would you have him come in please? Mr. Wilkinson, if you will remain standing -- our witnesses must testify under oath and I will ask our secretary, Miss Walker, to give you the oath.

Madelyn Walker: Do you solemnly swear to tell the truth, the whole truth and nothing but the truth, so help you God?

Philip Wilkinson: I do.

Robert Stoudemire: Have a seat, please.

John Quillen: I hope you don't think I am repetitious but I will go through charges quickly in case he is not aware of what we are referring to as the three charges. . . Failing to exhibit an attitude of cooperative action and work toward the common good of the Department; failing to work diligently toward the accomplishment of the duties assigned to me; and that he socializes with other employees excessively during working hours; and that he is not efficient in the performance of his duties. Due to the nature of you being in the field, we will define our remarks to charges one and three dealing with attitude and efficiency. You would not be aware of actions in the office. Philip, I would like first ask your position, the length of time we have known each other and our basic work relationship we have had over the years.

Philip Wilkinson: I am a Field Biologist.

Robert Stoudemire: Only with the Department? Or are you associated with Clemson, too?

Philip Wilkinson: No, I am only with the Department and I went to work shortly after John did, I think about a year, I went to work in '62 and my first assignment was under John -- he was at Moncks Corner and I was at Georgetown and I worked very closely with John in the early days of our employment with the Department, probably '62 to some time in '64, I worked directly under John and then a few years after that I worked right

closely with him, although he had, by this time, gone to Columbia. I was still more or less under John's -- he was sort of the field man that was liaison between the other Field Biologists and the Columbia office, so most of my contact with my superiors was through John. We had a very good relationship. I felt like I was well supervised and I felt like we got a lot done together because we had open communication and a spirit of team work and I had a feeling of accomplishing something myself because of John's leadership.

Robert Stoudemire: Mr. Wilkinson, how about from the period July '69 to '71.

Philip Wilkinson: By this time, John was no longer directly over me or in any way really connected with my particular job. About the only time I had any direct contact with John was at meetings and we got together and discussed policy. For instance, the setting of seasons, the change in the financial procedures of the Department or if I needed to get something through the Columbia office sometimes, if I couldn't get somebody else I would deal directly with John and always found him helpful. He was very cooperative and he never forgot things -- you could call him up and ask him and you knew it would get done. A lot of times it was not always something that was in his line of work and he just knew where to get it done and who to see and all of that and you just called him up and he'd look out for your requests pretty well. At the meetings, a lot of times John more or less was in a presiding situation, handled himself very well and we moved through the procedures very rapidly and he was very good at describing a situation if we had a change in policy, he could describe exactly what we had to do and answer questions and handle a large crowd in the field he knew very well because he was familiar with their problem as well as administrative problems in the office and is one of the few men that I have direct association with in the office that had done a lot of field work and also a lot of office work so he knew both people's side of the problem. I personally felt like in these later years, like you say, '69 to '71 that my relationship with John at these meetings and what not was always good.

John Quillen: In just our relationship only, Philip, I would like to ask you,

though I have been somewhat general, and I will try to be a little more specific, at this time. Have you noticed in our relationship that I have exhibited a bad attitude of cooperativeness and have been inefficient in the performance of my duties in our association?

Philip Wilkinson: You mean toward me?

John Quillen: In any association that we have had together or any that you have observed.

Philip Wilkinson: Well, right after the reorganization, John, this is my opinion of course, was sitting in a position where he could -- should have been -- in a position to go up and he didn't. Immediately after this, I think that rather than say that his attitude was bad, I would say that he was in sort of a state of shock, which I thought was very normal. I'll have to admit that I was rather sympathetic to him in his situation and I felt like he would be the only one to do the position which he was to move up into, yet he didn't for some reason. That is not my business.

Robert Stoudemire: This reorganization you mentioned was about when?

John Quillen: July of '69.

Philip Wilkinson: So he was in sort of a state of shock and I had several talks with him at meetings like the southeastern in the fall of each year and by this time I think he was beginning to get back on his feet. We talked about it a little bit and he had pretty well resolved that the best thing for him to do was accept it and I think in my relationship with him that he did. He seemed to finally bound back and take the thing as though it was one of the lumps of life you have to live with and it appeared to me that in every occasion, as time went on, he had less and less of this feeling of shock, as I would say, or as a matter of fact he had pretty well gotten over the initial and had gone on and tried accept it.

James Webb: Phil, are you stationed at South Island?

Philip Wilkinson: Yes, sir.

James Webb: You get to come back now, how often? Once or twice a year?

Philip Wilkinson: No, I would say more than that maybe -- maybe four times a year. It depends on the number of meetings. We have as many as four meetings in a year and then I will be called in for other engagements for something else.

James Webb: When did you go to South Island?

Philip Wilkinson: In 1966.

James Webb: So your contact with Mr. Quillen since '66 has been very rare?

Philip Wilkinson: That's right. I said that after about '65 probably . .

William Wesson: Mr. Chairman, I didn't hear the word after very to which he seems to be agreeing. If I could ask Mr. Webb to please restate the question so I would know exactly what it is.

James Webb: Since '66, your contact with Mr. Quillen has been very rare, I said.

Philip Wilkinson: No, not really. Not only do we have the meetings that are department type meetings, but I have had meetings with him as far as the PR people coming through and inspecting and also I have seen him at the southeastern and other type meetings rather than just in the Columbia office. My contact is not, say only on a monthly basis even. It would be less than that.

James Webb: But your contact with him at different meetings and not much contact officially.

Philip Wilkinson: It depends on whether or not you call a meeting official or not.

James Webb: You have no knowledge of his day-to-day work?

Philip Wilkinson: That's right. I would not have any knowledge of his behavior in the office at all, except, like I said, at these meetings -- which I have already said.

James Webb: Or even his work otherwise -- other than just in general his occupation.

Philip Wilkinson: Well, for instance, in this new budget set-up that we are working under now, it was my understanding that John had a lot to do with the setting it up so we could understand it and working with us to get these different field people in the groove and change over from the old system and I assume that this is part of his job.

James Webb: You assume that but you don't know.

Philip Wilkinson: He was working with me and he was working with all the other Biologists. He was in the meetings and in the field, somewhat, and, like I say, I am assuming that this was part of his job because he is the only one that I have had any contact with on this new financial set-up and if they have a new financial set-up and he is not the one doing it, then nobody else is either.

Robert Stoudemire: This is the new financial set-up related to Federal Aid Coordinator?

Philip Wilkinson: Yes.

James Webb: Not only that is what he is referring to, actually we changed our accounting system completely.

Philip Wilkinson: That's what I am referring to -- the accounting system.

John Quillen: Well, for a little clarification, there is an additional point above the general Department accounting system that has been instituted which is the cost accounting system for all of the biological projects around the state, both federal aid and state and I was given that full job to institute this working through General Services in development on this particular cost accounting system. Therefore, since I am the only one working on it, I did have contact with all people -- both the state and federal aid -- to explain the system and explain the changeover from the old system. This was an additional system beyond the regular overall Department fiscal change.

Robert Stoudemire: Mr. Webb, I am sorry the meeting was taken over from you.

James Webb: You have no knowledge how efficient he has been?

Philip Wilkinson: No, only with my relationship with him in that particular thing and I thought the natural thing in any case like this is to resist change. John was very good in selling the fellows on how easy it was going to be ironing out the problems and what not and in that respect, I felt like my observations on him doing his job was good. This is the most recent thing I have had to work with him on.

James Webb: You have had very little contact with John since '66.

Philip Wilkinson: That's right.

Robert Stoudemire: No further questions? Any member of the Committee have a question?
Miss Walker?

Madelyn Walker: You said when the reorganization of the Department in '69, that he was not promoted, did he appear to have been bitter? You said he was shocked.

Philip Wilkinson: I said that -- I think that probably this would be a description too, that he was bitter and in a state of shock. I think it was a surprise to all of us and probably more to him because he was personally involved. But as I said, it seemed that the bitterness did not linger any longer that you would expect any person -- you would probably expect anybody to react this way immediately. I don't think he maintained this feeling of bitterness. It didn't appear to me so anyway, any longer than you would expect anybody else to feel the same way.

Robert Stoudemire: Any further questions from the Committee? Is there any objection from either party to excusing Mr. Wilkinson?

Philip Wilkinson: In other words, I can go ahead and leave.

Robert Stoudemire: As I understand now, both parties have finished asking you questions and you are free to go, Mr. Wilkinson. We appreciate your coming. The next witness, gentlemen, is Mr. Robert Gooding.

Harry Lightsey: Mr. Chairman, could we have just a short recess? Mr. Latimer has the files for the Commission and he hasn't gotten them back to us yet and we wanted to go ahead and cooperate and get these first two witnesses out of the way because we knew that they wanted to leave. If we could have a break so that we could get the file, I would like to have a minute to take a look at them.

Robert Stoudemire: It sounds reasonable. (Recess) Mr. Quillen is calling Mr. Robert W. Gooding. Mr. Gooding, we require our witnesses to testify under oath. I will ask Miss Walker, our secretary, to give you the oath please.

Madelyn Walker: Do you solemnly swear to tell the truth, the whole truth and nothing but the truth, so help you God?

Robert Gooding: I do.

Madelyn Walker: Be seated please.

John Quillen: Robert, before we start, I have done this with each witness to zero in on the three charges that have been made against me so that we will try to confine it to this area. The first one is that I fail to exhibit an attitude of cooperative action and work toward the common good of the Department; fail to work diligently toward the accomplishment of the duties assigned to me; and that I socialize with other employees excessively during working hours; was not efficient in the performance of my duties. Due to the nature of our relationship, I feel that we would have to ignore at this time number two -- socializing around the office -- and work on attitude and efficiency. First, I would like to ask your position with the Department, the length of time we have been associated with each other and somewhat of the nature of our association, rather generally, in any particular order you would like to take it.

Robert Gooding: I am District Biologist stationed at Greenwood at the present time. When I first came to work with the Department in September of '62, I was stationed at McClellanville as your assistant for about a year, perhaps a little longer. Then I took over that district as District Biologist down there. I have been working with you since September of 1962. I have been in three different locations in the State -- at McClellanville or rather in Moncks Corner in that general area; in the Hampton, Jasper, Beaufort, Allendale section of the State; and in Greenwood since then. All three locations worked very closely with you.

Robert Stoudemire: Can you speak of July '69 to October of '71, the real point in question?

Robert Gooding: During that time, I was at Greenwood and I was really amazed when things that happened, when I heard that they were happening, that John had not been promoted as Chief of Game because I thought that he was the one person in the State that was qualified for this position.

Robert Stoudemire: Is this back to the July '69 reorganization again?

Robert Gooding: Yes, sir. He had been in the Columbia office more or less in training for this type of position since he had been there and he was, as I say,

about the only person I thought who was in the Department at that time who was really capable or should have taken that position.

Robert Stoudemire: Another question, Mr. Quillen?

John Quillen: Could you refer to just in our relationship or any relationships you were a party to or involved with, to make any statement concerning my attitude of cooperative action in work and any statement concerning the efficiency of the performance of my duties.

Robert Gooding: As far as attitude goes, John has been really one of the few people I thought I could go to at any time and get an answer to a question or a problem solved -- even during the time after this reorganization in '69, which before that time he was Assistant Chief of Game. At that time, while he was Assistant Chief, my contacts were with him. Even during the time after the reorganization when he was Federal Aid Coordinator, it was still a matter of if you really wanted to get the answer to the problem, you had to go talk to John. He was always willing to do anything he could to help you. If he didn't know an answer, he would always try to go seek an answer or would go out of his way to get some kind of an answer to solve whatever problems you might have. As far as attitude goes, I think, at least I hope I have the same attitude that he has, that our Department is here to try to serve the people of this State -- primarily to manage the wildlife resources of this State. If this Department does anything in which this is not the foremost consideration, when any other sort of consideration takes precedence over what is actually best for the resource itself, then we are not doing the job that we should be doing and I feel like this is John's attitude and I hope it is mine. I feel like it should be the attitude of every person who is a member of the Wildlife Department.

Robert Stoudemire: Any more questions, Mr. Quillen?

John Quillen: Not right now, sir.

William Wesson: Mr. Chairman, may I ask just one just to be sure it gets to be specifically into the record. Has Mr. Quillen, in your opinion, been inefficient in the performance of his duties since July of 1969?

Robert Gooding: Not at all.

Robert Stoudemire: Mr. Webb, are you ready?

James Webb: Robert, you were transferred to Greenwood in what year?

Robert Gooding: I believe it was '68, Mr. Webb. I have to think back. I have been there a little over four years.

James Webb: You made the statement you could not get any results from any body other than John in the Columbia office. You mean that Nelson, who is Chief of Game Management, wouldn't give you the answer or couldn't give you the answer?

Robert Gooding: Not so much that he couldn't or wouldn't, but the working relationship that I had with John, it was a matter of practicality. It was easier to go to John to get some kind of answer and, in most cases, John, I think, could give me the answer just as easily, perhaps easier, than Frank.

James Webb: You and John have been very close workers for such a long time wasn't it easier -- actually what you are saying is that because of your personal relationship with John, you could get information and cooperation quicker from John than from other people in the office who were fully qualified to give the information.

Robert Gooding: Our relationship had a lot to do with it, but I still say that for a matter of qualification, that John was probably better qualified to give me most answers than most everybody else.

James Webb: He is better qualified than his immediate supervisor now?

Robert Gooding: In some respects, yes sir.

Robert Stoudemire: Any questions from the Committee? Any further questions for Mr. Gooding?

John Quillen: The first two witnesses, sir, had a field trip to make and if Mr. Gooding wouldn't mind waiting around for some length of time, maybe we could just wait and see how things progress -- if this would be all right with him.

Robert Gooding: That will be all right.

Robert Stoudemire: So you are asking Mr. Gooding to stay? At this time, I believe that is all. And your next witness is, please?

John Quillen: Mr. Sam Stokes.

Harry Lightsey: Mr. Chairman, I wonder if we might get some idea of how many witnesses we will have and where we are going to break for lunch.

Robert Stoudemire: We have five more, I believe. Is that right?

John Quillen: Yes, sir.

Robert Stoudemire: Mr. Stokes, our witnesses must testify under oath and I will ask Miss Walker, our secretary, to give you the oath, please.

Madelyn Walker: Do you solemnly swear to tell the truth, the whole truth and nothing but the truth, so help you God?

Sam Stokes: I swear.

Madelyn Walker: Be seated, please.

John Quillen: Sam, I will hurriedly go over the charges against me so that we will try to confine ourselves to these particular charges. First is failure to exhibit an attitude of cooperative action and work toward the common good of the Department; failing to work diligently toward the accomplishment of duties assigned to me; and I socialize with other employees excessively during working hours; I was not efficient in the performance of my duties. Due to the nature of number two which refers to actions around the office, we will try to confine ourselves to the first and third charges concerning attitude and efficiency. I would first like to ask you your position with the Department, the length of time we have known each other and something along the line of our work relationship during this period.

Sam Stokes: I have known Mr. Quillen since September of '63. This is the time I was employed by South Carolina Wildlife. At that time, the same day I went to work, he went to work in the Columbia office and this was the first time that I had met him. We have always had a real good working relationship in all the duties that we had together.

John Quillen: And you are presently employed as a District Biologist?

Sam Stokes: Yes, as a District Biologist.

John Quillen: In order to facilitate the proceedings, Mr. Chairman. Sam, if you

would, give the Committee your reaction to the charges of my exhibiting a poor attitude of cooperative action. In other words, in our association through the years, specifically as the Chairman has been pointing out and I keep forgetting this, although we almost have to consider prior to 1969 but specifically from July of 1969 to October of 1971, how has our work relationship concerning my attitude and efficiency in performing my job?

Sam Stokes: Well, I tell you, in 1969 it was kind of a hard time for all of us in the field because it was a change and we knew that we were going to have to go through this change and I think Mr. Quillen had a lot to do with making the change go over as smoothly as possible because he was always the one that lifted your spirits, so to say, when you were beginning to feel down low.

John Quillen: What about concerning the efficiency of my work in my job? Do you think I was -- this will take it to the point -- did you notice that I was inefficient?

Sam Stokes: I never noticed anything like that. In any of the work we had together, you were always efficient. I will say since I've known Mr. Quillen we have been on several meetings, sometimes for a week's duration, he is always very interested in what he is doing at the time and in doing a good job with it.

Robert Stoudemire: Are you through?

John Quillen: Yes, sir.

Robert Stoudemire: Mr. Webb?

James Webb: Sam, where do you live?

Sam Stokes: Pickens.

James Webb: Do you get in the Columbia office often?

Sam Stokes: Possibly about once a month.

James Webb: John gets up to your area how often?

Sam Stokes: About maybe once a year -- something like that.

James Webb: So your contact with John is some ten to twelve times a year?

Sam Stokes: Right. Plus the correspondence.

James Webb: Then you would not be aware of his daily activities?

Sam Stokes: Not daily, no, sir.

James Webb: That is all.

Robert Stoudemire: Committee members, do you have any questions?

Bruce Templeton: You say you are the District Biologist stationed in Pickens?

Sam Stokes: Yes, sir.

Robert Stoudemire: Any other questions for the witness?

John Quillen: I would also like to make the same request on this witness as on the last one, Mr. Chairman.

Robert Stoudemire: All right. They may wish to recall you and if you could stay, we would appreciate it. The next witness is?

John Quillen: Mr. Robert Joyner.

Robert Stoudemire: Mr. Joyner, our witnesses must testify under oath so I will ask Miss Walker, our secretary, to give it to you.

Madelyn Walker: Do you solemnly swear to tell the truth, the whole truth and nothing but the truth, so help you God?

Robert Joyner: I do.

Madelyn Walker: Please be seated.

Robert Stoudemire: All right, Mr. Quillen.

John Quillen: I know this is getting repetitious for the Committee, so I will just read the two specific charges that will have some bearing on this and not the one concerning my socializing around the office. We are going to try to confine ourselves to these points. In that I failed to exhibit an attitude of cooperative action and work toward the common good of the Department and that I was not efficient in the performance of my duties. Now, to lead off, if you would please tell the Committee your position with the Department and how long we have been associated with each other and generally our association over the years, but we will be zeroed in on the period from July 1969 to October 1971.

Robert Joyner: Well, I'm District Biologist in Moncks Corner assigned to a Federal Aid project there at the Francis Marion National Forest and also an area on Lake Marion for waterfowl management for Canada Geese in the Santee-Cooper community. I met John in 1966 when I was employed by the South Carolina Wildlife Resources Department. At that time, John was my immediate supervisor in the capacity of Assistant Federal Aid Coordinator and Assistant Chief of Game Management. I have been in Moncks Corner on the Francis Marion since that time. In 1969, of course, John went and when the Wildlife Resources Department changed and so I had contact with John from that time to this in his position as Federal Aid Coordinator and my projects were through John's work as Federal Aid Coordinator. I found John very cooperative in my efforts with the Department. John has always been sort of a stronghold for the field biologists and game biologists and many times has boosted our morale when we had troubled times in the field. He is one of the few people we always felt like we could go to and discuss any problems that we have. I've always felt like his opinion is very high. From 1969 until the period that is in question, I believe, we had a meeting with six hatcheries in regard to a mass survey being used on all the Biologists districts and this occurred simultaneously with the selection of the new Chief of Game Management who was Walt Schrader. John had been considered for this position and, in our opinion, was the next one in line for it, so at this time, the Field Biologists who were present at this meeting were rather discouraged and forlorned that John did not get this position. We found that at that time it was remarkable that his attitude was so good. I'm afraid if it happened to me or probably to many of you, your attitude would have been much poorer. He boosted our morale at a time when we felt like it wasn't much hope and he really exhibited a remarkable personal character. From that time on, we were constantly concerned with John's position and that he had sort of been by-passed, in our opinion, and through this period of time, of '69 to present he was subject to many changes and responsibilities, remoteness from the Field Biologists and such as this. As far as I was able to determine, he was still above

the average in terms of being able to accept these changes and still exhibit a responsible attitude toward his job. I, in my capacity in Moncks Corner and in this field position, have had contact with many of the conservation officers, people we work with every day and I have been asked nearly weekly in regard to John's present position, how he was getting along and all his men, and I am speaking of approximately twelve or fifteen conservation officers, found John when he was in the same position that I was in on the Francis Marion, very cooperative worker and are still concerned with his plight. I have not met anybody in the local area where I live who had anything against John and to sum it up, that is about all I can say. I am probably leaving things out and stumbling over things I should make more clear.

Robert Stoudemire: Are you through?

John Quillen: Yes, sir.

Robert Stoudemire: Mr. Webb?

Robert Joyner: One other thing just crossed my mind. In terms of -- I believe one of the charges was socializing excessively as I heard previously. I have on the occasions that I visit the Columbia office and this is based only on those times, John has appeared to be a very efficient worker as far as our Federal Aid projects and whatever goes. I have formed a personal opinion that could possibly be effective a man can be efficient and still be friendly with his co-workers which would probably lead someone to believe that he is socializing too much. He could be working a shorter period of time, it may take someone a longer time to do who didn't have the experience and go that he has.

Robert Stoudemire: Mr. Webb, please.

James Webb: Robert, you being in Moncks Corner, you are not associated with him daily?

Robert Joyner: That's true. From the period of 1966 when I was employed while he was my supervisor, I met with him probably bi-weekly. He was visiting me or I was in the Columbia office. From the time his position changed in 1969, I got to see him once a month.

James Webb: We are not concerned right now with his field work in the early '60's, just later when he had left. Have you been associated very closely with him in the past year or so?

Robert Joyner: Only in regard to private work and times when we would have Federal Aid Project reports, updating the project activities, probably averaging more than once a month.

Robert Stoudemire: Committee members, any questions for the witness?

John Quillen: I'd like to make the same request.

Robert Stoudemire: Mr. Joyner, the appellant would like for you to stay in case you need to be recalled. The next witness is?

John Quillen: Mr. Walter Schrader.

Robert Stoudemire: Mr. Schrader, our witnesses must testify under oath, so I will ask Miss Walker, our secretary, to give it to you please.

Madelyn Walker: Do you solemnly swear to tell the truth, the whole truth, and nothing but the truth, so help you God?

Walter Schrader: I do.

Madelyn Walker: Please be seated.

Robert Stoudemire: Okay, Mr. Quillen.

John Quillen: Walter, we will quickly run over the charges against me and we will be working in that area primarily. Failing to exhibit an attitude of cooperative action and work toward the common good of the Department; failing to work diligently toward the accomplishment of duties; excessive socializing in the office; failure to work efficiently. Due to the nature of this, we will zero in more to the period of July 1969 to October of this year. There is some relevancy in some portion of our work experience prior to 1969, July of '69. If you would, please, state to the Committee your present position with the Department, the length of time we have been associated with each other and something about our work relationship with these particular charges.

Walter Schrader: At the present time, I am District Biologist with the South

Carolina Wildlife in the central Piedmont area. I have been working with John every since he hit South Carolina. I believe the first time I met him was in Beaufort. He had been here about a week when Frank Nelson and I went down to commune with him, and when he went from Beaufort to the Francis Marion, I worked with him very closely on the Francis Marion. He was over there, I would say, maybe once a month, at least, with him on the Francis Marion. Since he has been in the Columbia office, I have seen John, I'd say, probably about once a week. Being rather close to the Columbia office, many times I've come in rather than calling by telephone. I have seen John quite regularly since he has been in the Columbia office. At the time of the reorganization, in '69 I believe, I came in the Columbia office as Chief of Game for -- I was actually in there for about two and one half months. I had to leave because my wife was on the sick list and the doctor said I couldn't move her from Rock Hill, so I had to go back to the field. During that time, of course, I was with John every day that we were both in the office. During all of this time, John has been, I would say, one of the most cooperative men that we had in the state office. A lot of times it seemed like when the Biologists came in, we might go down and commune with John. We knew that he would primarily keep us posted in what was going on. In other words, if we had a problem John was our Father Confessor for what you had. We had problems in the fields and several times something would come up that the Biologists would get quite upset about and I think during most of these times John would probably be the most, you might say, the soothing cover-up or get us straightened out on our feelings again. One time, this goes back a little before, well actually this was at the time of the reorganization. Most of the guys in the field figured that John should go in as Chief of Game and when it didn't go that way, we were very, very upset. I guess there was a lot of talk like -- well, I wonder where we could get a job, where we could move. We happened to have at that time a biologists meeting in cooperation with Dr. Webb, studying different types of mass evaluation. Remember particularly that John told us all just to keep our shirts on and go ahead with the

job -- that that was what we had to do and that wasn't our worry. In other words, as I say, John has pretty well been godfather to me.

John Quillen: Just one brief question. Could you make a comment, Walter -- I think you covered attitude and you have been in the office a lot more than anyone else that has been here so far and are much more familiar with the operations around the office and I would also like your comments concerning excessive socializing and also comment on my efficiency and performance of my duties concerning our relationship, in other words

Walter Schrader: It was the general feeling in the field -- I pretty well know because we all get together as guys out, all biologists we get together and ladies aid a little bit -- it was the general feeling that if we needed something and wanted it done, one particular man we would go to to get it done. It could be that fraternization and so forth might have been growing out of the fact that -- as I say, field men come in, we automatically had to go see John and that's probably our fault rather than John because it was always we going into to John's office and not John coming around to anywhere else. At noon hour, we would always eat together and so forth. There was always the comment that John was the most business like man in the office as far as the ones that we were associated with.

Robert Stoudemire: Any more questions, Mr. Quillen.

William Wesson: Mr. Chairman, if I may ask one. Mr. Schrader, is it your opinion that the socializing or the fraternization to which you referred resulted in any detrimental effect on the quality of the work that Mr. Quillen did.

Walter Schrader: Negative. To the other extreme. In other words, as I say, it was a very soothing effect. We'd have something that we were on the prod about and we would come in and socialize with John, as it were, and he would straighten us out. He has always been one of the most straight thinking and straight forward men that I have ever known.

Robert Stoudemire: Any additional questions? Mr. Webb?

James Webb: Walter, you came to the Department in what year?

Walter Schrader: I came to the Department in 1949, as your assistant.

James Webb: You have worked on the farm-game project since?

Walter Schrader: For approximately ten years.

James Webb: Did you think it unusually strange that you were named Chief of Game Management instead of John?

Walter Schrader: Everybody has his own rights to figure that maybe he is appreciated and I have been with the Department, other than you, longer than any other man in the management end of it and I had worked state-wide, I'd worked everywhere, every part of it. The main feeling was -- we all automatically figured that John, as coordinator, would go in. It never got around to the question of any of us guys out in the field coming in. I was conceited enough to think maybe I did know a little about game management and it made me feel good that I was picked to come in. John and I have always been very close and the feeling on John was more for his sake than for mine because I liked the idea. I liked the idea very much of being it. As I say, I was conceited enough to figure that maybe I did know something about game management.

James Webb: After you decided you could not take that job -- after you took the job, shortly -- they filled your job and you were left without a job. Did we go out of our way to make arrangements so you could stay with us.

Walter Schrader: Yes, you did. You have always -- I have no complaint at all on anything. I never did know exactly -- I did know that when it came out the doctor said my wife couldn't move. There was about a month I was inquiring about a position because my job as District Biologist had been filled. The man was ready to move. His wife had accepted a teaching job in that district.

James Webb: You were out of a job?

Walter Schrader: I was out of a job and the Department, through the cooperation of you, the Biologists and others, did arrange it so I could go back on as District Biologist.

James Webb: There wasn't any deals in the intermove?

Walter Schrader: No. That's the first made of my own personal experience. I have

never worked for -- actually, I have only worked for three outfits in my life, forest service, soil conservation service and S. C. Wildlife.

Robert Stoudemire: Any more questions?

John Quillen: Two brief ones, Mr. Chairman. Do you recall our conversation shortly after the announcement was made that you would be Chief of Game, do you recall any of our conversation and my comments to you?

Walter Schrader: You were very complimentary. In fact, you said that I don't know of any man that's better fitted for the job.

John Quillen: Were you surprised that after you had to go back to the field because of your wife's illness that the job you were in, that I did not receive the job?

Walter Schrader: Let me say -- I wasn't surprised but I was very disappointed.

Robert Stoudemire: Does the Committee have a question? Do you want Mr. Schrader to stay around also?

John Quillen: Yes.

Robert Stoudemire: Mr. Schrader, we would appreciate your staying in the event the appellant would like to bring you back. The next witness is?

John Quillen: I'd like to call Mr. Frank Nelson.

Harry Lightsey: Mr. Chairman, I might mention -- Mr. Fuller is listed as a witness for the employer also. I presume we may have some substantial questions from both sides. It is now approaching a quarter til one. I thought it might be convenient if we broke now and started back.

Robert Stoudemire: Before this witness?

Harry Lightsey: It's Mr. Fuller, isn't it?

Robert Stoudemire: No, not this one. If we would all agree to hear Mr. Nelson and then we can take a lunch break.

Harry Lightsey: I'm sorry.

Robert Stoudemire: Mr. Nelson, our witnesses must testify under oath, so I will ask our secretary, Miss Walker, to give you the oath.

Madelyn Walker: Do you solemnly swear to tell the truth, the whole truth and nothing

but the truth so help you God?

Frank Nelson: I do.

Madelyn Walker: Be seated.

John Quillen: Frank, I know I have gone over these specific charges with everyone else. I think you are probably quite familiar with them since we have been in the office together. The charges are failing to exhibit an attitude of cooperative action and work toward the common good of the Department; failing to work diligently toward the accomplishment of duties assigned to him; and he socializes with other employees excessively during working hours; he is not efficient in the performance of his duties. Of course, zeroing in on the period of time from July of '69 to October of 1971 but some points of performance and association prior to July of 1969 might be relevant to this, but if you would please state to the Committee your present position with the Department and the length of time you have known me and our association over the years.

Frank Nelson: My name is Frank P. Nelson and I am employed by the South Carolina Wildlife Resources Department in the capacity of a planner and my title is Chief of Planning. I have known Mr. Quillen since sometime in 1960 when he first came to work. In fact, I had my first acquaintance with John at a time when I interviewed him for employment at Virginia Tech. I saw him, of course, when I came down here to work. From that time, 1962 to 1969, I was his immediate supervisor. In this capacity, I was Chief of Game Management up to 1969 and in the capacity of Mr. Quillen's immediate supervisor, in my opinion, he has worked diligently. In fact, there is probably only one blemish that I can think of would maybe be a factor in his record and it had to do with some time prior to 1969 and a shuffle was made in our inspection procedure and this developed in my spending more time in the field on inspection and John spending more time in the office, in the Columbia office.

John Quillen: Referring to that blemish, the time that it occurred, I'm not aware of the time that it occurred either, the details are very vague, and I don't believe either one of us thought there was a whole lot to it. We both tried to figure out

what this meant -- am I correct? We were not sure what this was about, whether I was spending too much time in the field and you were spending too much time in the office or if there was a problem in the field or we tried to figure out what this meant. Am I correct in this? Please correct me if I am wrong.

Frank Nelson: The whole thing is really kind of vague to me too. I remember the occasion when this occurred and the background that led up to it is still kind of a puzzle to me. To me it was kind of an insignificant matter that was corrected by a change in our operational schedule.

John Quillen: If we could move into specifics on these three charges. Could you make comment concerning my attitude and socializing and efficiency of performance. Even though since 1969, you have not been my immediate supervisor, we have still had a relatively close day-to-day situation and have worked some together on some projects and so forth. In other words, we have seen each other almost daily.

Frank Nelson: I think this is correct, as far as my observation. Your work and our association has been about the same as it always has been. Our contact has not been as much as it once was but I think whatever happened before 1969 was bound to have occurred since then. I don't see '69 as a magic time.

William Wesson: Mr. Nelson, going further into the period since July 1969 -- is it your opinion on the basis of your observations that Mr. Quillen has performed his duties efficiently?

Frank Nelson: Yes, he has.

William Wesson: Do you regard him as being professionally qualified for his assignment?

Frank Nelson: Yes. No reservations in my mind that he is professionally qualified.

William Wesson: In connection with the matter of socializing, would you say that there has been socializing which has resulted in any failure or reduction of the quality of his work.

Frank Nelson: No, I don't think it would have any effect on it.

William Wesson: You referred to a blemish during a period prior to 1969. Does this in any sense mean in your opinion that Mr. Quillen prior to July of 1969 was not

performing his duties efficiently.

Frank Nelson: No, not at all. The implication I am trying to make is that any assignments we gave Mr. Quillen were carried out effectively and efficiently. This blemish that I refer to is more of a difference of opinion type thing than what actually is involved in the work. The work itself moves right on. It's a matter of differences of ideas on how to do something.

William Wesson: Did Mr. Quillen display a bad attitude beginning in July 1969?

Frank Nelson: Not so far as I know.

Robert Stoudemire: Any more questions? Mr. Webb?

James Webb: Could we adjourn for lunch and then let me question him?

Robert Stoudemire: Do you have a reason for this? I would prefer to get through with the witness now.

James Webb: I would like to discuss this with counsel and so forth before I complete questioning.

Robert Stoudemire: Do you have any objections to delaying the cross-examination?

John Quillen: I feel the way you do, Mr. Chairman. We'll finish with the witness unless there may be a recall later.

Robert Stoudemire: I would prefer to go ahead now; if you want to recall, Mr. Webb, I would give you that privilege in order to be fair to both sides.

James Webb: Frank, going back. . . you had been with the Department for a year. . . you referred to the matter prior to 1969 in which John was taken off field inspection work and you recall the reasons for that?

Frank Nelson: Not exactly. I recall the occasion. The background had something to do with a difference of opinion and possibly some law enforcement personnel which might have related to fish and game or a different approach to some of the harvesting of some of the game. I don't know if that is the case or not. To me, it was kind of insignificant. It was not that important. I don't remember all the details of it.

James Webb: Did it involve friction between the technicians and law enforcement people?

Frank Nelson: It could be truth in it. That's what I meant when I said there was a conflict of opinion on that harvest.

James Webb: And wasn't harvest -- hadn't that been ironed out and regulations for the harvest adopted by the Department. . . the procedures to be followed, the regulations . . . and the differences in the approach that has resulted in not following the policy that was established by the Department.

Frank Nelson: I don't know that that was anti-departmental policy. This situation was, I think, didn't have anything to do with regulations. Regulations were established, that was it. This may have had something to do with leading up to the regulations at work. That's one area where. . . As I say, the details of that time . . . because I didn't put a whole lot of emphasis on it. The matter of correcting the problem was taken care of and was satisfactory with everyone concerned.

James Webb: By replacing him in the field?

Frank Nelson: By limiting him to some extent in his contact with the field personnel. I think the point was that he would spend more time in the office and I would spend more time in the field than had been such up to that time.

James Webb: Let me ask you this. It had been a long established policy of this Department for a very close working relationship between our technicians and our law enforcement personnel. Do you agree?

Frank Nelson: I think this is true and I'm not upset by this truth. I've. . .

James Webb: Did his activities in the field cause friction?

Frank Nelson: It would depend on the degree of friction. I think. . . you're talking about losing that friction. One of John's best attributes is his ability to get along with people. I don't think it was that much friction at all.

James Webb: But it was enough to relieve him of field . . .

Frank Nelson: Not relieve -- change the practice. .

James Webb: Wasn't he going to remain in the office to do the office work?

Frank Nelson: He was going to spend more time in the office and less time in the field. I was going to spend more time in the field and less time in the office.

James Webb: The reason for that, though, was because of his activities in the field, wasn't it?

Frank Nelson: Yes, that was the basis.

Robert Stoudemire: What time period are you talking about, Mr. Webb?

James Webb: This is immediately before the '69 . . just prior to the reorganization, probably in '69 or '68-'69.

John Quillen: My question is this. I am sure that had this occurred in 1969, it would have been much more clear in my mind and Frank and I discussed this and I should direct my question to Frank. It was my opinion, Frank, and I can't pin-point the date -- it was some time prior to '69 and in my opinion, to the best of my memory, the way I recollect it. .

Harry Lightsey: Mr. Chairman, I don't mean to get technical. I want to be as cooperative as I can, but Mr. Quillen is testifying now. . . I don't know if Mr. Quillen is going to take the stand or not. .

John Quillen: May I start over, Mr. Chairman. I apologize. I don't know court room procedure.

Robert Stoudemire: You are asking him to make a direct question.

John Quillen: Mr. Nelson, in our discussion of this of this situation, do you recall. . came up with some time period in '65, '66, '67 -- somewhere along in there.

Frank Nelson: No, I can't. . I don't remember when it was and I don't recall you and I discussing it. Whatever we talked about . . I don't remember when it was. Sometime before '69.

Robert Stoudemire: Mr. Webb, you have any more questions.

James Webb: Mr. Nelson, you in the office every day and you are aware of John's habit of visiting in other offices and knocks off and attracts an audience. .

William Wesson: Mr. Chairman, I think the same remark which Mr. Lightsey made just a little while ago is applicable here. I think it would be in order if Mr. Webb wanted to ask a direct question . . I don't think we would object to it.

Robert Stoudemire: Please state the question, Mr. Webb.

James Webb: Frank, you are aware of John's visiting in the different offices.

Frank Nelson: Yes, I am aware of it.

James Webb: And he would from time to time have his feet propped up on the desk?

Frank Nelson: I have seen a lot of people with their feet on the desk. . . He socialized just like everybody else did, not any more or any less. .

Robert Stoudemire: You are referring now to the time period . .

James Webb: Mr. Chairman, I would like to reserve the right to recall the witness.

Robert Stoudemire: Any questions for Mr. Nelson from the Committee?

William Wesson: Mr. Chairman, could I ask about four quick questions for the record? Mr. Nelson, during the period that you were Mr. Quillen's supervisor, did you, at any time, warn him of inefficiency, of failure to perform duties properly?

Frank Nelson: No.

William Wesson: Did you make any entry in his record to this effect?

Frank Nelson: No.

William Wesson: Does the Department of Wildlife have a departmental regulation against people putting their feet on the desk, to your knowledge?

Frank Nelson: No.

Robert Stoudemire: Mr. Nelson, I believe Mr. Webb has asked for the privilege of questioning you further and the chair has granted that so we would ask you to come back after lunch. It has been suggested that at this point we take a luncheon break.

ADJOURNED FOR LUNCH

Robert Stoudemire: I will call this hearing back to order and our witness for the appellant will be Jefferson Fuller, Jr. Mr. Fuller, our witnesses must testify under oath according to our rules and I will ask our secretary, Miss Walker, to give it to you please.

Madelyn Walker: Raise your right hand. Do you solemnly swear to tell the truth, the whole truth and nothing but the truth, so help you God? .

Jefferson Fuller: I do.

Madelyn Walker: Be seated.

Robert Stoudemire: Mr. Fuller, I believe, with your agreement, that the appellant will ask you some questions to which the Department will cross-examine and then we will let you put on your other hat and let the Department . .

John Quillen: Jeff, I didn't realize you were going to be in this position. I apologize for that. With all the other witnesses, I have gone over the three charges and I think you are probably aware of the three charges. The first one is exhibiting a bad attitude and not cooperating for the further good of the Department; excessive socializing around the office; and not working efficiently. I think it would probably be well if you would tell the Committee your present position with the Department and also your relationship with me over the years, but we will be primarily discussing that period of time from July of 1969 to October of 1971.

Jefferson Fuller: In July of 1969 in the reorganization setup, I was appointed to the office of Chief of Game and Fish Management and John was Federal Aid Coordinator under me about the same time.

Robert Stoudemire: Mr. Fuller, you were Chief of Game and Fish Management. . Mr. Quillen was under you. Is that correct?

Jefferson Fuller: Yes, as of that time but not prior to that time.

John Quillen: Prior to that time, he served as Chief of Fish. In our association prior to 1969, I was not in any contact on supervisory level, just co-workers.

Jefferson Fuller: Co-workers but in different sections.

John Quillen: In 1969, the position for Chief of Game Management and we were all aware of it. Would you please tell us the man you recommended for the job.

Jefferson Fuller: Yes, when the position came open for Chief of Game Management, I recommended John Quillen for that position.

John Quillen: Subsequently, when Walter Schrader had to return to Rock Hill and this position came open again, would you please tell us who you recommended for the position, later on in the fall of 1969, I'm not real sure of the exact date-- somewhere around October or November.

Jefferson Fuller: After Walter couldn't move to Columbia, Bob Conrad.

John Quillen: This was your first recommendation?

Jefferson Fuller: As I recall, after Walter couldn't accept the position, I said Bob Conrad.

John Quillen: Maybe I am trying to recall a conversation we had. Did we have a conversation following this when Walter had to go back to Rock Hill -- correct me please if I am wrong but I am trying to remember this -- did you tell me at that time that you would still have liked to have had me have that job?

Jefferson Fuller: I can't recall if I did or not, John.

John Quillen: As my immediate supervisor now, you are basically responsible for filling out my performance evaluation form. Is this correct?

Jefferson Fuller: That is correct.

John Quillen: I believe you filled out two evaluation forms concerning my performance. In both of these forms, did you recommend me for a merit increase? Do you have one before you? Maybe it would be better if we opened them up and looked at them.

Robert Stoudemire: You are speaking of the forms that have been put in as part of exhibit one, are you not?

John Quillen: Yes, sir.

Jefferson Fuller: I presume the ones I have are the same..

Robert Stoudemire: To be sure, mine says 8/1/69 to 1/16/71; the other one says 3/2/71 to 7/8/71.

Jefferson Fuller: That is right. The question was did I recommend him for a merit increase on both of these --- I did, yes.

John Quillen: Going up to question number one, on discussing the employee's strength and plus qualities. . we will discuss number one first .. in looking back to the section where an individual is marked as unsatisfactory, marginal, and all the way to outstanding, we will look at the section on relationships with others and you will note that that is marked as marginal. You will turn back to question number one on discussing the employee's strength and plus qualities, you will notice the statement

that he is well liked by his fellow employees. Do you find this rating and that statement to be compatible?

Robert Stoudemire: That's the one beginning August 1, 1969, I believe.

John Quillen: Do you find that being well-liked by fellow employees is the same as having a poor relationship with other employees?

Jefferson Fuller: I am basing my yes statement on the entire category, listed it under marginal, relationship with others. There are different factors involved other than relationship with others.

John Quillen: I feel like I need to ask this next question, if it's upsetting at all, I apologize beforehand, but in the middle sheet here where you see average, marginal and so forth -- was this the way you originally marked my evaluation prior to the next step which was through Mr. Ryan.

Jefferson Fuller: No.

John Quillen: Was your original evaluation higher or lower than this?

Jefferson Fuller: Higher.

John Quillen: In other words, in your estimation, my performance was better than it says here.

Jefferson Fuller: Yes.

John Quillen: The statements in the back in section two, the rating officer's summary of employee appraisal and recommendations -- these are just as you originally marked or wrote them in. Is this correct?

Jefferson Fuller: As far as I recall, these are correct.

John Quillen: In the first rating, section two. . . In other words, this was not changed from your original at all?

Jefferson Fuller: When I asked the question. . . No, as far as I know, this was not changed here.

John Quillen: And for the record, this number one appraisal . . we have an overall of an average. Is this correct?

Jefferson Fuller: This is correct.

John Quillen: And for interpretation, average is work is satisfactory and acceptable but seldom exceeds normal job requirements, but in that category this does not warrant dismissal. Is this correct?

Jefferson Fuller: Are you reading from the front?

John Quillen: Right. I have just read what average is -- work is satisfactory and acceptable but seldom exceeds normal job requirements. My question -- would this overall average, this overall rating -- would you say this overall rating would warrant dismissal?

Jefferson Fuller: I would not .

John Quillen: Referring to the second evaluation which was from 3/2/71 to 7/8/71, number two, I believe it is marked number two on the top, in the centerfold -- you will notice everything is either average or above average -- is this correct?

Jefferson Fuller: Yes, that is right.

John Quillen: Would you say this shows considerable improvement over the previous performance rating.

Jefferson Fuller: I would say this form indicates that.

John Quillen: If you turn over to the narrative section, do you agree with what you put in the narrative section?

Jefferson Fuller: No, not all of it.

John Quillen: Could I ask -- I don't mean to be rude again -- but being an employee under this new system initiated in the State and being part of the State government - a state employee - to have in writing an evaluation form judging job performance and job performance is a considerable improvement, in writing, on the two forms in number one and number two and has acceptable standards put forth here in performing each job, such as in number two where it says no special weaknesses that are significant. Well versed in knowledge of his career field specialty, works well with others, shows exceptional interest and initiative when working with challenging problems. Is this the sort of evaluation an employee expects if he is soon to be terminated with the department he is working with . . . ?

Jefferson Fuller: Mr. Chairman, I am in a position that I don't know how to answer. I can answer it yes or no but I don't think it would be complete.

Robert Stoudemire: You try to answer it like you feel.

Jefferson Fuller: If it is permissible. This number two rates John pretty good. It's signed by me, my name is on it. One reason for the rating being improved on number one was an attempt to provide encouragement to him in the performance of his job.

Robert Stoudemire: Is that satisfactory?

John Quillen: Going back to -- let me first ask you the question -- you being my immediate supervisor, would it be safe for me to assume that you would be more familiar with my work than any other one in the office?

Jefferson Fuller: It would be safe to say. I would say I was as familiar with it as anyone else and probably more than most.

John Quillen: With that in mind and once again I am not trying to be unfair . .

Jefferson Fuller: John, ask the questions.

John Quillen: I am not enjoying this any more than you are. Could you possibly bring to light the reason that you were influenced to lower my first evaluation from what you originally put down.

Jefferson Fuller: As to why I was caused to do this?

John Quillen: Well, were you caused or were you convinced? I think that is a good question.

Jefferson Fuller: My superior didn't agree with the rating as I submitted it to him. He also must sign these forms.

John Quillen: I don't think I should ask you . . I should probably ask him instead of you why he didn't agree on it.

Jefferson Fuller: I can't say why. He had his opinion.

John Quillen: But you will state -- I think you will agree that as an employee of the State of South Carolina, I should take into consideration what is put down in black and white for me on my evaluation form as an assessment of my work. Is this correct?

Jefferson Fuller: That is the purpose of the form as I understand it.

John Quillen: And do you think it would be safe for me to assume that form number two shows marked improvement over number one, that I had made an honest effort to work within the framework of the South Carolina Wildlife Resources Department?

Jefferson Fuller: As I explained while ago, my purpose in doing that was to encourage you in hopes that your performance would improve. I signed it.

John Quillen: Do you think that it was being fair to me to not let me know that there was apparently from your standpoint or some one else's standpoint, I am not sure at this time whose standpoint it was, that it was really being fair to me to not let me know that there was apparently - I use the word apparently - something wrong with my job performance.

Jefferson Fuller: You were aware of your job performance at that time. It was my opinion then and is my opinion now that some people perform more efficiently if they are commended, some if they are threatened, some if they are really borne down on. Different people react to different approaches. My efforts then were to achieve the best performance from you that I could. This was the approach I took.

John Quillen: Thinking back to the fall of 1969, realizing that you were not here at earlier testimony, it was brought out that by other witnesses -- if I am wrong please correct me, Mr. Chairman, if I am using the wrong approach here -- there was some disappointment, I think it would be safe to say there was some disappointment on my part being naturally someone with an ego about not obtaining this job and at that time, your background had been fisheries manager and we were moving into the fall hunting season which you are aware now is a rather busy time of the year. Would you say that considering circumstances that I might have even gone the last mile in insuring that the fall hunt program by cooperating with you would go forth in an orderly fashion.

Jefferson Fuller: I recall at the time this was an urgent problem, it was a challenging problem. You pitched in and worked very hard.

John Quillen: I don't even know whether it is fair to ask this next question. I am almost inclined to say if you don't want to answer it, don't, but I will ask it anyway

and leave it up to your judgement. Do you really believe that my performance over these years with this Department warrants dismissal? If you think this is an unfair question, it would be perfectly all right in my case, Mr. Chairman, if he would refuse to answer.

Jefferson Fuller: That puts me on the spot.

John Quillen: I gave you some wiggle room.

Robert Stoudemire: The appellant gave you a privilege. I won't tell you how.

Jefferson Fuller: I will answer by this statement. I did not dismiss you.

John Quillen: May I ask one follow-up question? It should be a little easier. Were you aware that this dismissal was underway or being considered by who ever did it?

Robert Stoudemire: You mean before you got notice?

John Quillen: Yes.

Jefferson Fuller: The first time I was aware of your dismissal was, I believe, on a Friday following our meeting which occurred, I guess, a day or two before that. I was not aware prior to your dismissal of any action underway to dismiss you.

William Wesson: Mr. Fuller, in your capacity as immediate supervisor to Mr. Quillen, did you at any time give him a warning to the effect that he had a bad attitude, that he was socializing or that he was failing to perform his duties diligently?

Jefferson Fuller: On socializing, I did not. On performance of his duties, yes we did talk about that.

William Wesson: And what was the nature of that warning?

Jefferson Fuller: I didn't say it was a warning.

William Wesson: That's what I wanted you to answer. Yes or no -- did you give him a warning on failure to perform his duties diligently. Either yes you did or no you didn't. That's all I am asking.

Jefferson Fuller: I don't understand the question.

Robert Stoudemire: Are you asking whether he was given a warning as opposed to a discussion?

William Wesson: Yes.

Jefferson Fuller: We discussed it, but I didn't warn him.

William Wesson: And on the matter of bad attitude, did you give him any kind of official warning there?

Jefferson Fuller: An official warning?

William Wesson: On bad attitude?

Jefferson Fuller: No, I did not give him official warning on bad attitude.

John Quillen: May I ask one other brief question, Mr. Chairman? Do you recall a meeting, and Jeff I do not for the life of me recall when this meeting took place, there was a meeting between you and me, Joe Logan and Bob Conrad and it was a natural concern of yours over our normal functions being performed and being done in an orderly fashion and on time. At this meeting, the opening statement you made about, if I recall correctly, was -- John, what are you doing right now. In other words, what things do you have underway right now? And I enumerated what I was doing and did you not at that time say, that's too much. Let's take some of it off you and give to other people.

Jefferson Fuller: Yes.

John Quillen: And you did subsequently take some the duties from me and gave them to other people.

Jefferson Fuller: That is true.

John Quillen: That is all I have for right now, Mr. Chairman.

Robert Stoudemire: The Chair has a technical question. On the front of both of these forms, on the copy I have, the bottom line is not signed at all. On the second form labeled number two, the bottom line appears to have been signed but I cannot read it.

John Quillen: Would you care to answer that.

Robert Stoudemire: On number two there is a signature - -

John Quillen: Number two is signed - -

Robert Stoudemire: The review with the employee, there is a signature but it's not clear on the Xerox.

John Quillen: That's my signature.

Jefferson Fuller: On number two is John Quillen's signature.

Robert Stoudemire: On number one, is there a review or not.

John Quillen: It was not signed.

Robert Stoudemire: Do you agree with that?

Jefferson Fuller: That it was not signed? By Mr. Quillen, no.

Robert Stoudemire: I am not argueing. I just want to make sure it's not a Xerox error as opposed to --.

Bruce Templeton: Mr. Fuller, was this first evaluation form reviewed with the employee at all?

Jefferson Fuller: Yes, sir.

Robert Stoudemire: I believe we are ready over here. Are you questioning generally or are you going to try to distinguish?

Harry Lightsey: I think, Mr. Chairman, really it would be easier just to go through general questioning and not try to break it down.

Robert Stoudemire: Is that agreeable with you people?

Harry Lightsey: Mr. Fuller, I understand how difficult it is for you to be here testifying just as John Quillen does. I don't want to impose on you with any questions. All I want from you is the best information you can give us, but I would like to ask you some specifics about what you just testified to and then maybe some other general questions. I believe you testified that in 1969 you became Chief of the Game and Fish Management Department of the Wildlife Department.

Jefferson Fuller: Yes, sir.

Harry Lightsey: And prior to that time, you had been the Chief or Director of the Bureau of Fisheries of the Fisheries Department.

Jefferson Fuller: Fresh water fisheries.

Harry Lightsey: About what time in 1969 did you occupy that position?

Jefferson Fuller: I think the change took effect in July -- it was July or August somewhere in that middle of the year.

Harry Lightsey: Was it a part of a general reorganization of the Department?

Jefferson Fuller: Yes, it was a reorganization.

Harry Lightsey: Prior to that time, what position did Mr. Quillen have?

Jefferson Fuller: He had been Assistant PR Coordinator, I believe, was the title. Assistant Chief of Game or Assistant PR Coordinator.

Harry Lightsey: And after that date, were you his immediate supervisor?

Jefferson Fuller: Yes, sir.

Harry Lightsey: And have you been his immediate supervisor up until the present time?

Jefferson Fuller: Yes, sir.

Harry Lightsey: Now, in that capacity, did you have occasion to work closely with him, to be associated with him?

Jefferson Fuller: Fairly close.

Harry Lightsey: Shortly after you took the position of Chief of Game Management, did you make any requests of Mr. Quillen with regard to furnishing you with any records, documents?

Jefferson Fuller: Yes.

Harry Lightsey: Would you please tell us about it?

Jefferson Fuller: Right after the change over, I asked John to provide me with copies of all of his correspondence so that I could keep up with what he was doing and at the same time get acquainted with different functions he was performing. It went along for a while and I didn't get any and I mentioned it to John again and he said he had just forgotten and I got a few and then they quit again and then I mentioned it a third time and since that time, as far as I know, I've gotten copies of all of his correspondence.

Harry Lightsey: But did you have difficulty getting your request honored?

Jefferson Fuller: It was the third time that I talked to him before I could get anything else.

Harry Lightsey: Mr. Quillen, in his question, mentioned with you the fact that he had been passed over for the appointment, I guess Chief of the Game Department. Is that correct?

Jefferson Fuller: Yes, sir.

Harry Lightsey: At that time, would you please describe his attitude at the fact that he had not gotten it.

Jefferson Fuller: His attitude?

Harry Lightsey: Yes.

Jefferson Fuller: He was disappointed. He went through a phase there where I think he was bitter, although I think as a person he was trying to combat the bitterness within himself, but he did go through this stage of I'd say probably six months after it happened.

Harry Lightsey: Subsequent to that in really January of 1971, you filled out the first performance appraisal career development inventory form in accordance with the new personnel procedures. Is that correct?

Jefferson Fuller: Yes, sir.

Harry Lightsey: And I believe you testified that subsequent to discussion or subsequent to review by your supervisor, Mr. Ryan, that there were some changes made in the central part of that rating. Is that correct?

Jefferson Fuller: Some changes were made by Mr. Ryan. I didn't say which ones because I don't recall which ones it was.

Harry Lightsey: At this point, in order to help, I think mainly to refine the issues, Mr. Fuller, let me just ask you a few questions so that I think we can get down to the heart of what we are talking about. On that form, you stated on section two, under number one, that Mr. Quillen was well versed in his knowledge of the field. To your knowledge, is it pretty well accepted generally in the Department that he is or that he does have the knowledge required to perform proficiently at his job?

Jefferson Fuller: His education and experience background being as it is, I would say yes.

Harry Lightsey: So really the reasons for his dismissal are solely the ones given by the Department?

Jefferson Fuller: As I understand it.

Harry Lightsey: Going on down to that other rating

Jefferson Fuller: Are you still on one?

Harry Lightsey: I was going on over back into the middle part of evaluation of number one.

Jefferson Fuller: Would you repeat the question?

Harry Lightsey: I asked were the areas, that were marked marginal, areas that dealt with relationships with other employees and initiative.

Jefferson Fuller: Well, one of the main things was in this thing under marginal . . . is probably the lack of tact in dealing with other people. I think that had a lot to do with the rating.

Harry Lightsey: Do you feel that through this period that Mr. Quillen did lack tact in his dealing with other people?

Jefferson Fuller: Yes, at times.

Harry Lightsey: His fellow employees?

Jefferson Fuller: Yes. Well, yes, but other, within his work . . . with contacts with other people, you know.

Harry Lightsey: I also note on the back part, going back, and I apologize for skipping around so, but I think it is in sequence that I would like to develop this, . . . Part No. 2 or Section No. 2, which you testified to, was exactly as prepared. In question No. 2 you state that the employee is sometimes moody and disheartened, . . . understandably so in view of past experiences, but would you please tell the Committee, Mr. Fuller, as Mr. Quillen's immediate employer, was he moody and did his work performance vary as a result of this moodiness throughout his work under you?

Jefferson Fuller: Yes, it did. He was either . . . sometimes he was happy and jovial and other times he appeared to be . . . I sound like a doctor, I don't mean that . . . depressed or . . . well, some days he would come in . . . "hello, everybody" and everybody would "Hello" back and some days he would come in and was kind of blunt and quiet. Kind of one extreme to the other.

Harry Lightsey: Now I gather that in answering Mr. Quillen's questions concerning this form No. 1 that perhaps your recommendations might have been a little higher than those that were finally put on this after Mr. Ryan had reviewed it. Is that correct?

Jefferson Fuller: That is true.

Harry Lightsey: Also, now, in regard to form No. 2, which I'll discuss in a little more detail later, that I gather from your answers to the questions that perhaps on review, as at the time this was filled out, you might would have rated it a little bit lower had you not wished to encourage this employee.

Jefferson Fuller: That is true. This was discussed with Mr. Ryan, my supervisor, and myself and this was the approach we thought would possibly work -- by bringing his rating up, giving him some encouragement, and maybe his performance would improve. That is the reason.

Harry Lightsey: Why, at that time, did you feel, Mr. Fuller, that it was necessary to try to take such steps to have his performance improve?

Jefferson Fuller: I don't know why at that particular time more than at any other time, but you've got an employee here that has the background and has the experience but he is not producing as he is capable of doing and has done in the past, so it is just a problem, a personnel problem, and we are trying to come up with an answer.

Harry Lightsey: So, that at that time you felt that he was not producing for the Department -- along the level that he was competent to produce at.

Jefferson Fuller: That's right. We don't -- I don't think he was producing at the level at which he was capable of.

Harry Lightsey: In his position, did Mr. Quillen have the responsibility for making certain studies and reports at your request that formed part of the information that had to be forwarded to Federal Agencies or others in connection with grants or reports that just generally dealt with the work of your area of the Department?

Jefferson Fuller: Yes, Sir.

Harry Lightsey: Subsequent to the No. 2 form which we have talked about, that is in July of 1971, did you initiate a proceeding under which you furnished not just Mr. Quillen but many of your employees written requests for certain information or certain documents and other data that they were to prepare for the Department?

Jefferson Fuller: I don't have the exact dates, I did initiate a program that had to do strictly with Corps of Engineers' applications and Soil Conservation Service and investigations where they would contact us for our comments concerning the projects they were contemplating and they would say that .." We would appreciate receiving your answers by such and such a date". So, in order to do this, well, it wasn't just Mr. Quillen, everyone under me who handled this type work -- they would be given a date to give me a written report, a certain date, please have this written and in my office by such a date.

Harry Lightsey: Since that time, have you had an opportunity to review those records, particularly those you request with regard to deadlines that you furnished Mr. Quillen?

Jefferson Fuller: Yes, sir.

Harry Lightsey: Do they indicate that on at least three occasions or perhaps several occasions Mr. Quillen was not able to or did not comply with the deadline date that you had used?

Jefferson Fuller: Yes, sir.

Harry Lightsey: Would you care to discuss those briefly with the Committee?

Jefferson Fuller: On July the sixth, 1971, I wrote to John and told him to check the Beaver Dam - White Creek Water Shed Project in Laurens County. Following this, he was to provide me with the written comments concerning the proposed project by August 9, 1971. On August 12, 1971, I received a written memorandum from Quillen stating he needed an additional thirty-day extension in order to coordinate the project with river basins. On that date I wrote to Quillen telling him that I needed the report on the date specified or at least a statement on why the report was not submitted on time. On July 23, 1971, I wrote to Quillen concerning R C D and B Project in Beaufort

County, and he was instructed to check into this proposed project and provide me with written comments by August 17, 1971. No report was received from Quillen as of August 24, 1971. On August 26, I wrote to Quillen and instructed that he check the proposed project, their estimate, and provide me with a written comment by September 8, 1971. He was further instructed - - it's in my memorandum, that the report should be in the form of a letter, addressed to Mr. Kesecker, for the signature of Mr. Ryan. Mr. Quillen provided the report, but it did not have it in letter form for Ryan's signature as instructed in the memorandum.

Harry Lightsey: Mr. Fuller, do you think in the list of charges prepared by the Commission - - certain reference to the socializing in the office by Mr. Quillen, did he have the habit of spending a good deal of time visiting with other employees from department to department and other areas within the Department?

Jefferson Fuller: Yes. Over the years he has had this habit, this practice, sometimes more prevalent - - - - he'll be out being in other offices just shooting the bull - - that expression covers it.

Harry Lightsey: Did he spend a good bit of time doing this, Mr. Fuller?

Jefferson Fuller: Yes.

Harry Lightsey: I gather, really, that what we are talking about here is a matter of mainly of attitude and job performance. Is that correct? On the progress of employment?

Jefferson Fuller: From my view point, yes.

Harry Lightsey: Now, you have been very candid in your comments, and I think very fair, Mr. Fuller. Let me ask you this - - have you throughout the period since July of '69, which now, I guess, is something in excess of two years, have you on occasion discussed with Mr. Quillen his attitude and performance of his work in the job that he's in?

Jefferson Fuller: Yes, we've talked - - discussed it, yes.

Harry Lightsey: You advised him that you felt that he needed to work harder and do a better job?

Jefferson Fuller: Yes, we discussed it and gave him ideas of what I thought he should do to perform better. One thing was appearance, which may not be important in his personal appearance. Important to get his reports in when they were needed so they can get up the line. Those two things are important.

Harry Lightsey: Since the period of 1969, generally, and particularly with reference to the recent period through the summer and fall, has Mr. Quillen's attitude improved after the discussions or has it been pretty much the same?

Jefferson Fuller: Since when?

Harry Lightsey: Let's say, since the middle of this summer.

Jefferson Fuller: I don't think it has materially improved and I don't think it has changed.

Harry Lightsey: But you have had difficulty getting reports done throughout that time as you testified. Is that correct?

Jefferson Fuller: Yes Sir.

Harry Lightsey: You did not have this system of record as to deadline date prior to the middle of this summer. Is that correct?

Jefferson Fuller: Prior to the middle of the summer, I don't recall when I set that date into effect .. no. It may have been a year ago or whenever we started getting so many requests from the Corps of Engineers in - I can't recall when that started.

Harry Lightsey: Now, Mr. Fuller I am going to ask you perhaps an unfair question. If you don't want to answer it - then don't. Without regard and let me pick a date. . . disregard what has happened in this case, say October 1, before all of this developed, had you had a vacancy in this position knowing all that you know of Mr. Quillen's background and performance and all, would you recommend him to fill that vacancy?

Jefferson Fuller: Repeat that again!

Harry Lightsey: I am asking you as of October, say of this year, if Mr. Quillen's job had been vacant and you knew about him what you know from the work that he has

performed, as his immediate Supervisor, would you recommend him for employment in that capacity knowing his attitude and the background of Mr. Quillen?

Jefferson Fuller: No, I don't think I would as of October 1.

Harry Lightsey: Mr. Chairman, that is the end of my questions.

Robert Stoudemire: Mr. Lightsey, are you all through, for the record, for the other side? Do you have any questions for Mr. Fuller?

William Wesson: Mr. Fuller you have stated that Mr. Quillen was lacking in tact, I believe. Would you state for the benefit of the Committee precisely what you mean by that.

Jefferson Fuller: Lack of tact?

William Wesson: Yes, according to my notes you said essentially that.

Jefferson Fuller: Tact is, you don't want a lesson in tact, do you?

William Wesson: Yes Sir, I do.

Jefferson Fuller: After this instance occurred and John was released, I had a person employed by a State Agency contact me and ask me if John's big mouth got him in trouble. I think that illustrates what I am trying to say.

William Wesson: And what do you mean by his big mouth?

Jefferson Fuller: I don't understand that question.

Robert Stoudemire: I think he's asking just for an explanation of your adjective.

Jefferson Fuller: Vociferousness.

William Wesson: You made references to his appearance . . . specifically, what did you have in mind concerning his appearance?

Jefferson Fuller: John was, and is, always in clean clothes, hair combed . . . this was not what I meant. John was in a position of authority . . . or higher up than normally, he worked in the home office of the Department. As far as I know, practically every supervisor or employee within the home office wears a tie. This is no big deal one way or the other. I mentioned it to John and his reply was that he didn't have enough money to buy a tie,

and I said I'll buy you a tie, but this didn't . . no change.

William Wesson: Mr. Fuller, does the Department have a dress regulation that male employees must wear ties?

Jefferson Fuller: No, sir.

William Wesson: Mr. Lightsey had asked you your feeling regarding Mr. Quillen's possible promotion to another position. Let me ask you again, under the same circumstances, would you recommend that he be discharged?

Jefferson Fuller: As of October 1 ? Is that the question?

William Wesson: Mr. Lightsey created a hypothetical situation here for you to consider . .

Robert Stoudemire: I believe he did put it October 1.

Harry Lightsey: Well, I'll ask it later, I was trying to do it so there would be no prejudice as a result of the procedure.

William Wesson: All right, would you, on October 1, would you have recommended that he be discharged?

Jefferson Fuller: I did not.

William Wesson: Am I to assume then that this means that you would not have? You are saying " I did not ". Does this mean that if you had been asked the question directly you would not have recommended that he be discharged?

Jefferson Fuller: That is a hypothetical question on some points I did not participate in, I don't see how I could be required to answer a question of that type.

William Wesson: Let me ask you something else concerning procedures that have occurred. The Wildlife Resources Department has a departmental grievance procedure and Mr. Quillen, I believe, has followed the steps of that procedure. Mr. Chairman, Is this a matter of record or

Harry Lightsey: Yes, we concede that Mr. Chairman.

Robert Stoudemire: It would have to be, or the State Personnel Office could not have considered the application.

William Wesson: Can you give us any idea why the first step of the procedure where it might have been possible to mention some of the things that you have mentioned here, lack of tact, dress regulations, specific dates concerning reports. Why, in fact, no hearing was held and no consideration was given to this particular evidence or information at that time.

Jefferson Fuller: On the first Step - Within the Department?

William Wesson: Yes

Jefferson Fuller: As I recall, the regulations were for the employee and the immediate Supervisor to have a discussion. I don't recall any requirements for a hearing.

William Wesson: No, I mean whatever the step in this immediate procedure required.

Jefferson Fuller: I do not understand.

William Wesson: My suggestion is that if there was definite charges against Mr. Quillen that there should have been some consideration of those charges at this particular time.

Jefferson Fuller: Mr. Chairman, I request that we read those things.

James W. Webb: Mr. Chairman, we have a letter from Mr. Quillen stating that he was satisfied with the first two steps of his hearing. They are on record and I do not believe that that is pertinent to this today.

Robert Stoudemire: Are those letters in this file sent to Mr. Ellis?

John Quillen: They are in that file.

William Wesson: One other question Mr. Fuller. Your reference to three situations in which deadlines were involved, did the failure to meet these particular deadlines or those that occurred at that time, does this seriously impair the work of the Agency?

Jefferson Fuller: Our Agency, or the agency in which the information is collected.

William Wesson: Your Agency.

Jefferson Fuller: No Sir, I would not say it was any catastrophe.

Robert Stoudemire: Any more questions for Mr. Fuller? Any members of the Committee want to ask Mr. Fuller any questions?

Bruce Templeton: I would like to ask Mr. Fuller one question. The date that Mr. Quillen came under your supervision was in 1969?

Jefferson Fuller: Yes Sir, It was July or August or some where along in there. I don't exactly remember.

Bruce Templeton: And prior to that date you were co-workers in the same office?

Jefferson Fuller: Yes Sir, he was in game and I was in fisheries, prior to that time.

Robert Stoudemire: For the sake of all the Committee members, I think it is clear but I want to make sure - Mr. Quillen reports to Mr. Fuller and Mr. Fuller reports to Mr. Ryan. Is that correct?

Jefferson Fuller: Yes.

Robert Stoudemire: Any other questions for Mr. Fuller? Mr. Fuller, I think the chair would be remiss if we didn't give you a special thanks for the two hats that you had to wear. We thank you very much. Just one minute - do we want to hold Mr. Fuller or are we going to let him go?

John H. Quillen: Let's hold him just for the time being.

Robert Stoudemire: Mr. Fuller, if you would please hold for just a little while.

James W. Webb: We call Mr. Ryan.

Robert Stoudemire: Mr. Ryan our procedure calls for the witnesses to be sworn. I'll ask Miss Walker, our Secretary, to give it to you.

Miss Walker: Do you solemnly swear to tell the truth the whole truth and nothing but the truth so help you God?

Pat Ryan: I do.

Miss Walker: You may be seated.

Harry Lightsey: Mr. Chairman, Mr. Ryan being our witness, I presume you want me to question him first.

Harry Lightsey: Mr. Ryan, would you please state your full name and where you live, for the Committee.

Pat Ryan: My name is Pat Ryan, 117 Evergreen Lane, Cayce, South Carolina.

Harry Lightsey: For whom do you work and in what position?

Pat Ryan: Work for the S. C. Wildlife Resources Department and the Director of Game and Fresh Water Fisheries.

Harry Lightsey: Tell us very briefly how long you have worked for the Commission, some of the positions you have held, and how long you have held your present position? Mr. Chairman, I recognize that is three questions, but I am trying to shorten them down a little.

Pat Ryan: I worked for the S. C. Wildlife Resources Department for approximately 12 years. I came to S. C. from Mississippi as a district biologist in the western piedmont where I served there approximately 2 years. Came to Columbia as Chief of Law Enforcement approximately 3 years then promoted to Assistant Director where I served approximately 3 years and I have been in my present position as Director of Division of Game and Fresh Water Fisheries for the remainder of the time.

Harry Lightsey: Are you Mr. Fuller's, who just testified, are you his immediate Supervisor?

Pat Ryan: I am.

Harry Lightsey: And is Mr. Quillen directly under Mr. Fuller's supervision?

Pat Ryan: He is.

Harry Lightsey: As such, is Mr. Quillen in your area of responsibility or does he work under your general supervision and direction through Mr. Fuller?

Pat Ryan: He does . . yes, sir.

Harry Lightsey: How long have you been . . how long have you known Mr. Quillen?

Pat Ryan: I think I . . Mr. Quillen came to S. C. about a year before I did and I've known him, I believe, probably about ten years.

Harry Lightsey: Have you had an occasion to be familiar with his work and see him on a day to day basis pretty much in his work over the last several years?

Pat Ryan: Over the last - since he's been in the Columbia office-whatever time that is.

Harry Lightsey: Now, you are familiar - and the Committee is already familiar with the fact that there was a fairly substantial reorganization of the Department in July of 1969. Is that correct?

Pat Ryan: Correct, yes, sir.

Harry Lightsey: Are you familiar with that?

Pat Ryan: Yes, sir.

Harry Lightsey: Then I would like for you particularly, Mr. Ryan, if you could, to keep your comments within that general range because that is the period of time we are talking about. Since that time, have you had an opportunity to be familiar with Mr. Quillen's work and to see him pretty much on a day to day basis in your office?

Pat Ryan: I have.

Harry Lightsey: In your capacity, as Mr. Fuller's supervisor and your present responsibility, since Mr. Quillen works under you, was it your responsibility to review and to sign the performance appraisal career development forms that were prepared by Mr. Fuller?

Pat Ryan: It is.

Harry Lightsey: Now, are you familiar with these - and I hand them to you . . I don't know whether you have copies . . Part No. 1 and 2.

Pat Ryan: Yes, sir. No. 1 is the appraisal covering the period 8-1-69 to January 16, '71, which I signed March 2, '71, . . No. 2 is the performance evaluation of Mr. John H. Quillen . . March 2, '71 to 7-18-71, which I signed on 7-13-71.

Harry Lightsey: To the best of your knowledge were these two reports taken to and discussed with Mr. Quillen?

Pat Ryan: I would assume so . . I was not there . . and . but this is the normal procedure.

Harry Lightsey: That would have been Mr. Fuller's responsibility?

Pat Ryan: That would have been Mr. Fuller's responsibility.

Harry Lightsey: I notice in the questions asked that the form No. 1 was not signed by Mr. Quillen. Was there any particular reason for that?

Pat Ryan: I have no idea. I have no knowledge of it.

Harry Lightsey: Mr. Fuller testified that when he originally prepared the section headed "performance characteristics", that is the middle part of this form, that he had perhaps rated Mr. Quillen a little higher than the final grade and that you felt

his grading too high, is that correct?

Pat Ryan: Now, this is on the original?

Harry Lightsey: The original, yes.

Pat Ryan: No. 1, you are talking about.

Harry Lightsey: Yes, sir, that's correct.

Pat Ryan: This is correct.

Harry Lightsey: Was that based on your contact with and knowledge of this particular employee?

Pat Ryan: Yes.

Harry Lightsey: Why did you feel, Mr. Ryan, that the grade should be lower than perhaps Mr. Fuller had given?

Pat Ryan: I felt, back in my evaluation, that Quillen was not doing the job, that would really be a higher type rating . . . deserve a higher type rating.

Harry Lightsey: This was in January of 1970 that this original form was typed.

Pat Ryan: The original form, Yes.

Harry Lightsey: I believe this was the first report filled out on the employee and it indicates that on the next page.

Pat Ryan: Yes.

Harry Lightsey: Mr. Fuller stated that he had filled out Section 2 which is the narrative part of the form. That has been left unchanged, but you signed this - so I want to ask you if you are familiar with and do you agree with the comments that have been included on the narrative part of that form?

Pat Ryan: Yes, sir.

Harry Lightsey: On that there is some reference made to the fact that Mr. Quillen is some times moody, etc., would you please explain for the Committee in your own words Mr. Ryan how you found Mr. Quillen's attitude to be and how you found his performance to be in his job that he held over this period.

Pat Ryan: At different times, Mr. Quillen, for some reason seemed to be indifferent . . . seemed to be unconcerned about the job . . . and other times it was different. But many times we found that this was the case. He appeared to be, in fact, of a moody disposition.

Harry Lightsey: Was there occasions when you felt that his work was not complete that he had done at times?

Pat Ryan: Yes.

Harry Lightsey: In the charges that were prepared by the Commission in reference made to Mr. Quillen's excessive socializing, would you please explain to the Committee what this means and your observations about this?

Pat Ryan: I think what it means is . . . it indicates the lack of proper work habits . . . leisure time or time not spent in a constructive manner . . . I think, in short, you could say loafing.

Harry Lightsey: Would you feel this was excessive on his part?

Pat Ryan: Yes, sir.

Harry Lightsey: Did you feel that that interfered with the work of the other employees?

Pat Ryan: Yes, without question.

Harry Lightsey: Did you on any occasion discuss any of these problems with Mr. Quillen and, if so, would you please describe to this Committee the nature of those discussions.

Pat Ryan: You say these problems?

Harry Lightsey: Well, just any of the specific problems we are talking about . . . about attitude. . . .

Pat Ryan: Mr. Quillen and I have had conversations with reference to his overall working habits, his attitude. I think we can go back generally to 1969, after this time, of course there were changes made as in any organization in which Mr. Quillen was passed for a promotion. After this period of

time, I remember that we sat down in my office and we discussed it, and at which time he very frankly indicated he was disappointed. He indicated at the same time that he did not know if he could overcome this thing . . . happening . . . or not. He said he was going to meditate over it and pray over it and certainly do everything he could to . . . because he liked the Department, but there were questions in my mind and his mind if he was going to be able to adjust to this occurrence. So when discussing this matter, I pointed out that he was going to have to adjust to it or else he had no choice except to sever relationships with the Organization. Now this one conversation, I remember. I think there were others, but I do not remember at this time fully of the other conversations, but , yet, we were in conversations about this thing at the time it happened.

Harry Lightsey: Mr. Ryan, I believe that you were the person who notified Mr. Quillen in October of this year of the fact that the Commission had voted to terminate his employment effective December 31. Is that correct?

Pat Ryan: That is correct.

Harry Lightsey: And did you advise him at that time of the decision of the Commission?

Pat Ryan: I believe it was on the 7th of October.

Harry Lightsey: At that time, did he ask you the reason for the action of the Commission?

Pat Ryan: Yes, sir, he did.

Harry Lightsey: Did you discuss those reasons with him?

Pat Ryan: Our conversation went as follows, . . . I asked Mr. Quillen to come to my office . . . I said, well, you have to the 31st of December. " Well, I've been expecting it," he said. "What is the reason?" I said you remember some time ago you had a chip on your shoulder and your attitude hasn't changed. I said I made a mistake . . . I did you an injustice . . . I should have fired

you three years ago. He said that I know you hated to tell me this. He said, I feel sorry for you, having to tell me. I've got to do an awfully lot of thinking because I have a family. I said, John, one thing you have on your side . . you have youth. Possibly things will work out for you better. As I remember, this was the extent of our conversation.

Harry Lightsey: Mr. Ryan, as the sort of overall Division Head or what ever the title is, prior to the time of the action of the Wildlife Commission, were you asked questions by the Commission with regard to Mr. Quillen?

Pat Ryan: I was.

Harry Lightsey: Were you asked whether or not you felt he was doing a good job at the time?

Pat Ryan: At what time are you talking about?

Harry Lightsey: At the meeting in early October of 1971.

Pat Ryan: I was.

Harry Lightsey: What were your feelings and response to that to the Commission?

Pat Ryan: I remember the question as asked to me. . in essence the question was asked as to whether or not I felt that Mr. Quillen was doing a good job. And I replied in the negative.

Harry Lightsey: You told then that you did not. In so far as the particulars are concerned here, you are familiar that Mr. Quillen has asked some of the witnesses some specific questions about them . . I want to be clear for the purposes of the Committee . . I think we understand this . . we are not discussing the lack of technical confidence and know how or education on the part of Mr. Quillen. Is that correct?

Pat Ryan: That is correct.

Harry Lightsey: What really were the basic reasons that the Commission or that you felt that he was not properly performing his job? .

Pat Ryan: I feel primarily that improper work habits, brought about by an

indifferent attitude, which, of course, prompted leisure operation.

Harry Lightsey: I think that is all.

Robert Stoudemire: Mr. Quillen.

John Quillen: Did you or did you not tell me we . . let me back up to October 7, first, the day you informed me of the action of the Commission. When I asked you the reason, as my memory serves me correctly, the only reason I received . . . tell me whether this is what transpired or not. Did you or did you not tell me that the only thing you knew of was my previous trouble? I'm trying to paraphrase as close as I can the exact words you gave me.

Pat Ryan: Previous trouble? As I remember it . . I can't answer the question to what I said to Previous trouble, but I do remember going back to 1969.

John Quillen: Yes, I remembered the conversation . . that is the only thing I recall . . and I ask you once again to think again through this. It is my understanding that the only reason that I was given was the one just stated.

Pat Ryan: Previous trouble? No, I don't remember that.

John Quillen: Several days after that we were in discussion concerning . . please excuse me, Mr. Chairman, I'm liable to ramble a little bit here, but we were discussing this particular situation and did you or did you not tell me that you were not even aware that the Commission was going to do this until it happened?

Pat Ryan: I told you . . yes, in fact, I told you that I was not aware until I was called in on the meeting of . . whatever meeting that was, whatever date that was . . on October 6.

John Quillen: Going back to 1969, you related first to the conference concerning the reorganization and my initial reaction to this. I think, to the best of my memory, you presented to the Committee pretty much what happened, realizing this has been over two years ago. Subsequent to that, well, I'll take the same date, there is one other thing I want to cover before I go

beyond this. Do you recall me saying to you at that time . . asking you the question, Pat, if you did not want me to stay with this Department, tell me now and I will leave today?

Pat Ryan: This was our first conference in 1969?

John Quillen: I am trying to remember, I think it was immediately following the first one. That same day or the next day, I went to you and asked you if you did not want me to stay with the Department to please tell me and I would leave then.

Pat Ryan: This is one thing I don't recall.

John Quillen: Do you recall us discussing this a few days ago?

Pat Ryan: Yes.

John Quillen: We have been attempting to stay in the neighborhood of July, 1969, to October of '71. I feel like I must go back and ask another question, whenever it happened. It had to transpire before July 1969, because with the transfer of Frank Nelson into Planning and Development that immediately left an opening as Chief of Game, right? My question to you is . . you have made the statement that you thought I had exhibited a bad attitude, the 3 charges. Would you care to comment on why you did not see fit to recommend me for that job in 1969?

Pat Ryan: Yes, because I felt that you were not the man that I wanted to fill that position.

John Quillen: Any specifics?

Harry Lightsey: Mr. Chairman, I think we are getting a little far afield, now. We are not concerned with the grievance as to that particular time. I . .

John Quillen: If I'm off base, Mr. Chairman . .

Robert Stoudemire: Let him ask that and then let's get back to the period at hand.

John Quillen: I'll probably tie it in. If I'm out of line, please correct me. And if you don't want to answer me, it's all right with me.

Pat Ryan: No, I want to give you an answer. I think you deserve one.

Robert Stoudemire: State the question again because I've lost it now.

John Quillen: I was asking for the specific reasons why he saw fit to go against the recommendations made by Jeff Fuller when he recommended me for this position.

Robert Stoudemire: All right.

Pat Ryan: Well, again, I say that I felt like that you were not at that time the man that I wanted to fill that position. If you remember, as we are going back that far, we had an experience, prior to that time, where you as assistant, you were assistant Chief of Game at that time under Frank Nelson, where we had some problems develop and where we agreed that you would confine your activities to the office . . . this was immediately prior to that.

John Quillen: Well, this was discussed this morning. We were not really able to zero in on it. None of us could.

Pat Ryan: And I just felt at that time that I could not recommend you for the job.

John Quillen: Well, since . . . you can correct me here, you have the background on it, we were not able to ascertain this morning what that was all about. Would it be any light . . . if he could enlighten us on that, to have him do so, Mr. Chairman? Previous testimony that we were not able to pin point?

Robert Stoudemire: * I will permit it, but only briefly.

John Quillen: Well, if you don't want to . . . I was just thinking it might clarify . . . in my own mind I'm very confused about that.

Robert Stoudemire: Can you clarify it, Mr. Ryan?

Pat Ryan: Mr. Chairman, I hope I can, somewhat, although we are talking about a long time ago, and it's vague in my mind. I do remember, vaguely, in one sense, vaguely, but I do remember correctly the happening . . . that it did occur that we had to, in fact, ask Mr. Quillen to carry on his work within the office. This arose as a result of dissension. I believe it was created over in the Greenwood County section, between some of the technical personnel and some of the law enforcement personnel. I hesitate to get into it any deeper for fear that . . . I don't want to be unfair about the thing . . . this is vaguely the thing that I remember, Mr. Chairman. I'm not going to go into it any further because this is all

that I remember.

Robert Stoudemire: Do you have anymore questions?

William Wesson: Mr. Ryan, prior to October 7, did you at any time while Mr. Quillen was under your direction . . . either did you do this yourself or did you instruct Mr. Fuller, to give Mr. Quillen a formal warning that he was not performing his work diligently, that he had a bad attitude, that he was socializing, that he was indifferent, that he was moody or he was unconcerned about the work at hand or did not complete his work? Did you give any formal warning or direct that any such a formal warning be given?

Pat Ryan: No, sir.

William Wesson: Now, under Step 1 of the grievance procedure of South Carolina Wildlife Resources Commission, I believe you were obligated upon presentation of Mr. Quillen's grievance in writing, to hold a hearing on that grievance. The procedure reads as follows - the employee shall receive an answer within five days from the start 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. Another point, the immediate supervisor, will schedule without delay a hearing between the employee and the highest supervisor level within the aggrieved employee's Division, and is it agreed that you represented the highest supervisory level within Mr. Quillen's Division?

Pat Ryan: Right.

William Wesson: Did you hold a hearing?

Pat Ryan: This was brought to the attention of the Assistant Attorney General . . . I asked his advice on it . . . he says "it is not necessary for you to hold a hearing because you didn't initiate the action. The action was not initiated on the lowest level, so you're not required to hold a hearing at your level. It started at the top . . . that is where the hearing should be held." I went ahead and at the same time gave Mr. Quillen, I believe, confirmation of this.

William Wesson: I would like to ask this question. Then would you agree that Mr. Quillen, as a result of this particular step, was denied an opportunity to hear a great deal that you have now indicated that your Departmental procedure did provide for and which he had reason to rely on?

Harry Lightsey: Mr. Chairman, at this stage, and again I hate to be technical, but I feel that I must interpose an objection. We are dealing with matters preliminary to this hearing . . no objection that I know of prior to this time . . on the record . . has been raised as to any deficiencies in the earlier proceedings. The hearing was held at the Commission level, so I feel like we are getting into matters of prior procedure which really are not a part of the proceeding now before the Committee.

Robert Stoudemire: I don't quite agree with you Mr. Lightsey.

James W. Webb: Mr. Chairman . .

Robert Stoudemire: Yes, Mr. Webb.

James W. Webb: You want to look in your material referred to earlier in which we have a letter from Mr. Quillen, addressed to the Chairman of the Commission. "In accordance with . . we recognize that fact . . in accordance with the Department's Administrative Memorandum No. 4, dated July 15, 1971, I have taken procedures Steps 1 and 2 of the employee grievance and appeal procedures . .

Robert Stoudemire: Mr. Webb, that point may be well taken and . . I think the chair would say that perhaps is part of the reason we are here today.

James W. Webb: The letter is addressed from Mr. Quillen to the Chairman of the Commission . . . saying that he is satisfied with the first two steps.

William Wesson: Does he say he is satisfied with the first two steps?

James W. Webb: Procedure of the first two steps.

Robert Stoudemire: "My grievance has not been resolved by steps one and two, therefore, in accordance with step three, I request a hearing before the Commission."

William Wesson: He simply says that it has not been resolved. . .

John Quillen: Here are the exact words . . I said . .

Harry Lightsey: May we have one second, Mr. Chairman?

Robert Stoudemire: All right . . sure . . Mr. Quillen, did you ask for a hearing in step one and two or not?

John Quillen: Well, I'm not sure, exactly, I was just trying to go through the procedure, Mr. Chairman, I was asking for whatever would come about. I wasn't sure what would happen, but whatever was coming to me, I was requesting at these various steps.

William Wesson: Well, Mr. Chairman, if Mr. Lightsey is ready, I'll rephrase my question in another way that we can settle this very quickly.

Robert Stoudemire: All right . . if we can get out of this . . .

William Wesson: I think the simple down to earth question is this, Mr. Ryan, you did not tell Mr. Quillen prior to October 7 nor in the immediate period thereafter any specific reason for such as you've stated today . . . for any pending action or the action that was actually taken on that day.

Pat Ryan: The only reason that I gave I have already stated . . the one that I stated on October 7 . . other than that I gave them no reasons.

Robert Stoudemire: Any further questions for Mr. Ryan? Does the members of the Committee wish to ask any questions of the witness?

Bruce Templeton: Mr. Ryan, I would like to direct a question, please. On this end of the questioning, talking about on October 7, did you say that you called the employee into your office to talk with him about the action that was going to be taken against him?

Pat Ryan: Yes, sir. On October 7.

Robert Stoudemire: No further questions? Do we want to put a hold on the witness?

John Quillen: Since we are close to being through, I think it probably wouldn't hurt to.

Robert Stoudemire: Mr. Ryan, for the moment we are through but we would like for you to still stay, please.

Harry Lightsey: Mr. Chairman, there is one document that I am looking for in my file here that I can't find and I would like to have the chance for Mr. Webb to call his office and see if he can locate it.

John Quillen: Could it be anything that I have?

James Webb: We are talking about your letter to me, John,

John Quillen: The letter you requested -- yes, sir, I have it. Dated November 19 -- a very short letter. I would be glad to let you borrow it.

Harry Lightsey: Mr. Chairman, we would like to offer this into evidence. This letter states that no hearing would have been possible or desirous prior to step number three from Mr. Quillen to Mr. Webb.

Robert Stoudemire: Say it again, Mr. Lightsey. I didn't hear it.

Harry Lightsey: I have been asked to publish the whole letter and I will, Mr. Chairman.

This is a letter dated November 19, 1971, signed by Mr. John H. Quillen, directed to Mr. James W. Webb, the Executive Director of the South Carolina Wildlife Resources Department. I understand it is in your file, but we will publish it. Dear Mr. Webb:

It is hereby agreed that, under the Grievance Procedure of the South Carolina Wildlife Resources Department, that no hearing would have been possible or desirable prior to Step No. 3.

Robert Stoudemire: Mr. Lightsey, that is not in our exhibit.

John Quillen: It is supposed to be.

Harry Lightsey: It is not the list that I had either, Mr. Chairman. That was the purpose of the question that was asked.

John Quillen: Mr. Lightsey, I did that at the request of Mr. Webb -- just the way he wanted me to write it. I've always tried to do that and I am sorry that it didn't get into the file.

William Wesson: Mr. Chairman, are we taking testimony from witnesses now or not?

Robert Stoudemire: Let me read the letter first. I want to see what it says. I don't know what you are talking about yet. Now, what is your question?

William Wesson: I think we are most agreeable to have this admitted to the record, but I don't think we are discussing here exactly what it means.

John Quillen: I would like to ask if you all could make copies, I would like to have that in my files.

William Wesson: If you would permit me a moment of lightness -- just as earlier we were not able to get a definition of lack of tact. Likewise, we may not be able to get a definition of the word agreed in that letter.

Robert Stoudemire: Mr. Lightsey, your procedure now is for Mr. Webb to testify?

Harry Lightsey: Yes, this will complete our witnesses.

Robert Stoudemire: Is it agreeable with everybody to continue? It is my thinking that we will continue with Mr. Webb, that we would perhaps give both parties a short amount of time to think about a closing statement. I think we'll do that so with that understanding we will proceed. I believe the letter that is now being Xeroxed, hopefully, will be exhibit number five and we will let the record so show. Mr. Webb, I believe now you have become a witness, so we will have the secretary administer the usual oath.

Madelyn Walker: Do you solemnly swear to tell the truth, the whole truth and nothing but the truth, so help you God?

James Webb: I do.

Robert Stoudemire: All right, Mr. Lightsey.

Harry Lightsey: Mr. Webb, please state your name and address.

James Webb: I am James W. Webb. I live at 1313 Winyah Drive.

Harry Lightsey: By whom are you employed?

James Webb: South Carolina Wildlife Resources Department.

Harry Lightsey: And what is your position there?

James Webb: Executive Director.

Harry Lightsey: How long have you been associated with the Wildlife Resources Commission, Mr. Webb? How long have you held the position of Executive Director?

James Webb: I have been with the Department for 24½ years and I have been Executive Director for 2½ years.

Harry Lightsey: There has been some testimony and you have been present and I'm sure you have heard it about a reorganization in July of 1969. Was it at that time that you became Executive Director?

James Webb: That's correct -- under a special act of the Legislature. The Department was authorized to reorganize the Department and with that reorganization I became the Executive Director. At that time, I was Director of Game and Fresh Water Fisheries and Mr. Ryan was my Assistant Director. Following that my being named to Executive Director, I appointed Mr. Ryan as Director of Fish and Game. Then we went on through the other organization.

Harry Lightsey: In your work and capacity as Executive Director, to what extent have you been familiar with and have you worked with Mr. John Quillen?

James Webb: Of course, I have known John for many years, every since he came with the Department and for the last -- he has never worked directly under me -- he was under a special assignment type thing -- but I did not have the responsibility of any direct supervision.

Harry Lightsey: I don't know whether or not we have -- can you get this on the recording? Would it help if I moved the mike over, maybe?

James Webb: I have voice problems -- it comes and goes.

Harry Lightsey: Mr. Webb, would you please just generally explain your knowledge of and your feelings concerning the particular matter before this Committee?

James Webb: Yes, back when we went through the reorganization, we selected a man who was to take that job as we pointed out earlier today -- Walt Schrader who has been with the Department for some 20 odd years and who we felt was highly qualified. Of course, John, Mr. Quillen, being in the office and assistant . . . and over him and, of course, he was unhappy about it. . . and he made some . . . and not -- well, he was discontent about it. He came and talked to me about it after he had talked to the other immediate supervisors and I advised John -- now John, in order to overcome this immediate problem, you have two alternatives. First, you can settle down and do a good job or you can find another job. That's what I told him. But you all will recognize that few people would want to -- there has never been, I don't think, any question by any of the personnel about John's ability and knowledge of the work performed. It was primarily his attitude . . . I told him that I understood that if he could -- if he'd settle down and . . . and accept the responsibility and the factors that accompanied the job, then he could overcome this and have a future with our organization. If he wasn't willing to do this, go ahead and resign.

Harry Lightsey: Subsequent to that time, did he stay on with the Commission?

James Webb: He thanked me for the advice and came back later and told me he had decided to stay and that he would do a good job for us. I think that he tried to do a good job but John's overall personality is very outspoken . . . the personnel in the organization could understand . . .

Robert Stoudemire: Particularly whom, Mr. Webb. I didn't get it.

James Webb: Particularly superiors.

Harry Lightsey: Now, Mr. Webb, during the period of time from July of 1969 to date, since you have been Executive Director of the Wildlife Resources Department, have

you had occasion to talk with Mr. Quillen on occasion about his problem or problems the Department might be having with him?

James Webb: I talked with John a number of times about his problem. . .and trying to overcome it -- the handicaps in the Department. The organization, in fact; the Commission established the policy of proper grooming and I talked to him about it and . . not specifically for him and made recommendations for information -- but they said that you had to be properly groomed. John came out with a full beard and continued to be in an administrative job in the Columbia office, we thought that he ought to look better for the Department. . . I talked to him about it several times and the last time he did shave off part of his beard but he never did agree to adopting proper dress . . .

Harry Lightsey: Are you familiar with his conduct of his office or the position that he held insofar as visiting or socializing with other employees?

James Webb: Yes, I observed him in the office a number of times, visiting with other personnel. He liked to talk and was very interesting entertainment. . .it did disrupt some of the other personnel working in the office. He would make it very obvious that he was not there in an official capacity but was just visiting other offices . . Sometimes with his feet on the desk, he liked to recline in his chair . . .

Harry Lightsey: Mr. Webb, were you present at the hearing on November 19 at which Mr. Quillen requested to be heard and which the Commission did hear him relative to his grievance?

James Webb: Yes, I was.

Harry Lightsey: The letter which has been placed in evidence in order to document -- was that letter forwarded to you and did you have it at that time?

James Webb: Yes.

Harry Lightsey: At that time, I believe, subsequent to, were the three charges that are set forth here specifically formulated?

James Webb: At that time, they had not.

Harry Lightsey: They had not been released? Was there general discussion and didn't

Mr. Quillen present a statement to the Committee at that time?

James Webb: Yes, he did.

Harry Lightsey: Did the Commission take action and determine that they would not rescind their decision?

James Webb: That is correct.

Harry Lightsey: Do you have anything that you would care to state about that or any other particulars that you think would be helpful to the Committee?

James Webb: Only that I would like to clarify this other letter to me. Before requesting that letter, we were going to expedite the hearing rather than delaying a long hearing and we didn't see that there was any real value in conducting a hearing that would be conducted by the Commission members and so, in order to expedite this hearing, we followed the procedure to this. We recognized that we had not followed in detail the instructions of the procedure set up by the employee grievance within the Department. So I called Mr. Quillen and told him that we had not done this and we would go back if he wanted it and give him a hearing on each one of these. But he typed up the letter waiving that right for hearing we would have a Commission hearing on it. That was the reason for my request. Otherwise, we would have gone back and delayed three steps in the proceedings.

Harry Lightsey: Did I understand you correctly -- that at the time you indicated to him that you -- that if he did not wish to sign this letter, that you would go back and hold the hearing.

James Webb: If he wanted a hearing, with each step.

Harry Lightsey: If he wanted it. Mr. Webb, is there anything else in particular that you would like to add for the Committee's information?

James Webb: No.

Robert Stoudemire: Mr. Quillen, any questions?

John Quillen: Mr. Webb, I believe you will recall immediately after being told by Mr. Ryan who was the direct line of communication for me to be informed of the Commission's action on the 6th, I stopped by to visit with you in your office.

Please correct me if I am wrong here, but did I not understand you to say at that time and you seemed quite distraught about the whole thing, did you or did you not make the statement to me that I thought you had overcome this problem?

James Webb: I can't recall that.

John Quillen: And subsequent to that particular day and also another day after that when I happened to be in your office on some other piece of business, but I am asking you about the same statement being made twice. Did you or did you not, on that day and also several days later in conference with a particular senator, I don't even know who it was, over the telephone and I just happened to be in there, did you or did you not say both to me and to that party on the telephone that you thought this action was not justified?

James Webb: I can't recall. . . . whether I did or not.

John Quillen: I am not trying to be pushy, Mr. Webb. I wish you would take some time to try to remember it. It is very vivid that you told me that. It was very meaningful to me at the time that you told me that you felt this way.

James Webb: I just don't remember but I might have.

John Quillen: At the time of this thing that keeps coming back up, which happens to be, and it was shown this morning that I certainly have no hard feelings for Walt Schrader because he got that position as Chief of Game, but at that time during the discussion prior to the initial appointment, did you not tell me that you were going to rely upon the decision of Pat Ryan and you would not in any way override any decisions that he made due to the circumstances.

James Webb: I don't remember the specific conversation we carried on two or three years ago, but that has been my policy through the years -- that if any person recommends personnel under him, then I follow it usually unless I have some particular reason for not doing it. If the Department recommends some personnel that is going to be 65 or older . . . that is generally my policy during the years. I can't confirm that particular thing.

William Wesson: Mr. Webb, you referred to Commission policy of proper grooming. What

was the specific content of that policy? Has it been introduced into the record that you have submitted to the Committee -- any written record of this?

James Webb: No, not to my knowledge.

William Wesson: Was any kind of memorandum published and circulated to the employees of the Wildlife Resources Department in connection with this policy?

James Webb: Yes, I think it was. I know the Commission took the action. . .

William Wesson: Did you as Director ever specifically say that employees shall not wear full beards, must wear ties or shall not put their feet on the desk?

James Webb: Not as such. We specified that they had to be properly groomed. . .

John Quillen: Just to get the record straight, Mr. Webb, and this may be a minor point but was it not true that I did not have a full beard. I had longer than normal sideburns and a very feeble attempt at a mustache?

James Webb: At that time, as well as I recall you had a full beard but you trimmed it shortly thereafter.

John Quillen: I never did get stared down here. Excuse me -- I realize that was almost testimony.

William Wesson: Mr. Webb, you have stated that Mr. Quillen is very outspoken. In what way, if any, did this adversely affect his work?

James Webb: The things that were outspoken and the opinion at times was critical of procedures. . . critical of personnel or the Commission. . . by remarks he didn't quite agree with the Department.

William Wesson: Was he specifically warned at any time that he was too outspoken and that employees were not to disagree with the policies of the Commission?

James Webb: I can't recall that.

William Wesson: I want to get one word straight, if you don't mind, sir. You said he waived the right of hearing. Perhaps this issue should have not arisen at all, to some extent I apologize to you for bringing it up, but let's get it straight. You said he waived right of hearing, but it is a matter of fact that Mr. Quillen did officially, on prescribed forms through the prescribed procedures, request each

of the steps in the departmental grievance procedure?

James Webb: That is true.

William Wesson: It has been indicated to us that in spite of the published procedure, that steps one and two were not followed as a result of a ruling from the Attorney General's Office. Who requested that ruling? Was it initiated by the Attorney General?

James Webb: There was no ruling, I don't think. It was advice.

William Wesson: Can we get the record changed to note that. . I don't know exactly what we said before but there was an implication there was a ruling.

Robert Stoudemire: The Attorney General uses a number of techniques. Was this a telephone conversation or was it a letter? Do you know?

James Webb: It would seem that I need to clarify it. Mr. Latimer, who was here, is assigned to our Department as legal advisor and he has an office in our Department and his advice was asked about it.

Robert Stoudemire: So it was the Assistant Attorney General who did the advising?

James Webb: I don't know that it was anything put in writing on it, but the advice was from him.

William Wesson: However, you were not in any sense specifically told that you could not have steps one and two of your procedure followed. You were just advised?

James Webb: No. We realized that when we went through with it we had not fully complied. . . advised him of his rights to go back and be heard with a full hearing unless he just waived it.

William Wesson: And what did Mr. Quillen respond at that time?

James Webb: That he was satisfied.

William Wesson: Was this when the letter that has just recently been introduced into the record. .

James Webb: I asked for it in writing.

William Wesson: You are reasonably familiar with the hearing that Mr. Quillen had before the Wildlife Resources Commission, are you not?

James Webb: Yes.

William Wesson: How long a period of time did Mr. Quillen spend with the Commission?

James Webb: I don't recall the length of time. It was . . he appeared twice.

William Wesson: At the hearing under the grievance procedure, how long was he actually with the Commission?

James Webb: He was there very briefly.

William Wesson: What do you mean, very briefly?

James Webb: I would say it wasn't over five or ten minutes.

William Wesson: During that five or ten minutes, was Mr. Quillen, from what you know of the proceedings, was he informed of such things that he is indifferent, that he wore a beard or that he put his feet on the desk or any numerous other things that have been introduced here today?

James Webb: Not at that time, but he was given an opportunity to make a statement to the Commission on his appeal. He had a written statement. He presented it there. In fact, we have a copy of the minutes if you want to read from the minutes if you would like. That's what I thought was the point of the copies. . . and this presented for statement. He presented the statement but it wasn't even read because I didn't feel the Commissioners were willing to read it.

John Quillen: Did I ask the Commission at that time would they like for me to read my statement?

James Webb: Yes.

John Quillen: Did I receive a response?

James Webb: You were given the opportunity to present it any way you wanted and you elected to let them read the statement.

William Wesson: Mr. Webb, when and under what circumstances did it first come to your attention that Mr. Quillen was to be dismissed as of December 31, 1971?

James Webb: Could I see the minutes? It was on September 29.

William Wesson: September 29? And what was the nature of the information that you received at that time?

James Webb: The Commission called me in executive session and advised me of their intentions and advised me of their concern in doing it. They asked me for my reaction

and I said, well, it does come completely by surprise and I would like to have time to think about it. They called me back the following week to consider what they were going to do.

William Wesson: Mr. Webb, did you as executive head of the Wildlife Resources Department recommend to the Commission before their decision to dismiss Mr. Quillen that this action should be taken?

James Webb: No, I did not.

William Wesson: Mr. Webb, do the members of the Wildlife Resources Commission have the opportunity to observe Mr. Quillen in his day-to-day work? You, perhaps, will remember some of the questions that you were asking this morning of the Biologists on observation of day-to-day work so I put this man in the same context. Are the members of the Commission present in the office so frequently that they could observe Mr. Quillen's day-to-day work?

James Webb: Most of the Commission are not, but there are one or two that are pretty regular, almost regular enough to be on the payroll.

Robert Stoudemire: A matter to make sure -- you people got the September 29 date, that's from your papers, right? I was making sure we are not missing another exhibit and I believe the question that Mr. Wesson raised -- that the Chair would simply state that the advice on the grievance procedure came from the Assistant Attorney General assigned to the Wildlife Department as opposed to the Attorney General himself. I take it that it was oral advice.

James Webb: Either that or possibly he may have written a letter. I'm not sure. It was not to me, it was to Mr. Ryan.

Robert Stoudemire: Does any member of the Committee have a question for Mr. Webb?

William Wesson: May I ask one more? Is it in order? Mr. Webb, you and I both have been here all day and we have heard numerous references to Mr. Quillen's personnel records, the evaluation forms and so on. Do you know of anything of a derogatory nature which is in his written personnel records that has not come to our attention today that you would like to bring to our attention now?

James Webb: No.

Robert Stoudemire: At this stage of the game, reservations made and quite frankly the Chair is not quite sure how to get into this -- if anybody wishes to recall any witnesses, hearing no such requests. Both sides, what would be a reasonable break here for you to get your summary statement?

RECESS

Robert Stoudemire: I think the order is that the appellant comes first, so Mr. Quillen if you are ready.

John Quillen: Yes, Mr. Chairman, all I want to do is thank you for the opportunity of appearing before you today. I appreciate all your courtesies. Dr. Wesson will make a brief statement.

William Wesson: First, I feel perfectly confident that the Committee is perfectly cognizant of the importance of this particular hearing since it is the first one under our new State law and the thousands of State employees, of course, are interested in the appropriate use of this procedure just as those of us who are here are interested. Mr. Quillen has had nine years of service with the Wildlife Resources Commission in which apparently there were no questions of his qualifications, his ability to perform his work adequately. Of course, in the testimony that has been given, some statements have been made concerning his performance since July 1, 1969. I would emphasize the fact that he gave nine prime years for of his career to services to the Wildlife Resources Department in which apparently his work was regarded at all times as being perfectly satisfactory. In fact, this was recognized with promotions. Some of the statements that have been made here today concerning his work relate to matters, which it would seem to me, do not seriously affect his performance or his effectiveness with the Wildlife Resources Commission. We have, for example, been reminded on two or three occasions that he was moody, that some people disagreed with him concerning dress, that he seemed to like other employees and he did talk with them and visit with them in a friendly way. But I would remind you that at no time were formal warnings issued to Mr. Quillen to the effect that any behavior on his part might be subject to discipline. His performance evaluations indicated that his work generally was satisfactory. There

is no record of any prior disciplinary action against Mr. Quillen, in addition to the fact that there are no warnings. It seems to me that discharge without at least one warning or some prior disciplinary action, particularly in the case of an employee who nobody seems to question as giving nine years of excellent service, and an additional two or two and a half years of service about which practically nothing of a derogatory nature appears in the record, that under these circumstances that discharge is a most unreasonable first step to take. While of course I don't admit that any step was necessary, I would call your attention to these particular circumstances. I would have you note that the nature of the proceedings this afternoon have been such that Mr. Quillen has not really had adequate opportunity to refute certain charges that have been brought here in support of the three basic charges which were finally provided to him as the reason for his discharge. I attempted, in the questioning, to bring out the fact that there had been prior opportunities for many of these things to be said to Mr. Quillen, but those opportunities were not used. However, during the morning session, Mr. Quillen did introduce a number of witnesses and I would remind you again that in the light of what has gone on this afternoon certainly they presented a great deal of testimony which I think could be reasonably regarded as countering much of what we have heard this afternoon. These people testified to Mr. Quillen's qualification, to the high level of his performance and his concern for the objectives of the agency with which he was working. Mr. Chairman and members of the Commission, this will indicate the reasons we believe Mr. Quillen should be reinstated to his position.

Robert Stoudemire: If that concludes your statement, I believe we are ready for Mr. Lightsey.

James Webb: I want to thank the Committee for their patience in the hearing all day and for the opportunity to appear before you today and we appreciate the consideration in the facts in the case.

Harry Lightsey: Mr. Chairman and ladies and gentlemen of the Committee, let me too thank you for your attention and your patience. I know it is hard sometimes to sit

and listen attentively as all of you have. I have been here and I have had the opportunity to watch and I do want to tell you how much I appreciate, I'm sure all of us here appreciate just how carefully you have listened to what has been said. I want to also, as Dr. Wesson, indicate to you my feelings personally and I am sure the feelings of the Department of Wildlife Resources Commission as to the importance of this proceeding. It is the first proceeding under the Grievance Act. As a former State employee, I am very much in sympathy with the Act. I was for it and I know something of the reasons generally for its enactment and the reasons for this Committee being here. I think it is a very fine thing so I do appreciate the chance to be here. I am here in sort of an unofficial capacity, I guess in a way, on very short notice and I appreciate your patience with me for not having had a chance perhaps to know more about this particular case and the limited amount of time I had available to let me know. I really would like to start off by saying to this Committee that I think it important that we look at exactly what we are involved with in this proceeding. If we are not here and the Department has not come here nor have I been asked to come here to pretend that Mr. Quillen does not have the ability or the competence insofar as technical knowledge and skills is concerned to perform the job that he was in the position of the job he was supposed to perform. Nor are we here to contend that at least with his fellow employees in the field along a technical level that he did not have friendly relations. Perhaps it may be a source part of the problem that this case represents. But I do think it is significant in this case that we recognize one fact and that is the fact that we are dealing with a matter or a decision relative to employment and job performance, dealing with attitude and dealing with the personality of the particular employee, dealing with his approach to the job and whether or not he is getting that job done. Perhaps this is what makes this case more significant than just the normal first case might have been before this Commission because there are those cases in which obviously the facts are going to be so clearly drawn that you can point to this, that or the other and say this specific thing was what caused the Department to take this action and I will be frank with the Committee

that such is not the case. Probably we have before you the most difficult type of case that could be called before you and yet I think it's a case we are going to have to deal with perhaps over and over again in the near future. I hope not because I have a high regard for all of our state employees, but there are those cases where a man, even though he has the ability, even though he has the technical knowledge, for some reason or other doesn't fit the job. I think this is the type of case that the Committee has before it. I am not here to say anything derogatory about Mr. Quillen. I don't know anything to say. I regard him as a gentleman and I would not make any derogatory remarks concerning him, but for whatever reasons, be it the fact that he was passed over for a particular position in July of 1969 or for whatever other reason it might be. All of his supervisors throughout that period, all of his supervisors have testified that his attitude toward his job, that his performance, that his personality in his job was not satisfactory. Now it is true that there have been people who functioned on a level in the field below Mr. Quillen who have stated that they got along well with him, that they got help from him. But really what we have before the Committee is the decision by the immediate supervisor or a feeling by the immediate supervisor, by Mr. Ryan, this particular employee did not perform the job adequately that he was involved with. Now it is true that the Commission instituted the termination of Mr. Quillen's job should it be terminated, but it did so after discussions with Mr. Webb and after discussion with Mr. Ryan. All of them have testified that they felt that because of rudeness or because of disappointment or because of bitterness or for whatever reason, that there was a substantial period of time that he did not perform satisfactorily. Mr. Chairman and ladies and gentlemen of the Commission--Committee--I have maybe sympathy for all of you because I think you have a hard decision to make. But I think all of you, as I understand it, are basically state employees. All of you recognize the importance of morale within a department, the importance of employees working together, all up and down the line toward a common goal, that the policies be accepted to the extent - employees can contribute to

implementation of those policies, that that be followed. That is what made us have, I think, a good state government in South Carolina. This willingness of our State employees to work together for a common good or a common goal and such was not the case with regard to Mr. Quillen. So I respectfully submit, without any belittling, without trying to interrogate anyone, that an agency, the supervisory personnel within an agency, must look to the morale for performance and diligence, the willingness of their employees to work for the goals of that Department, and this is the area in which Mr. Quillen was found wanting by this Commission and this was the judgement by this Commission that is supported by the testimony of the immediate supervisors of Mr. Quillen and therefore we respectfully ask that you not reverse the decision of these supervisors or the decision of this Commission.

Robert Stoudemire: As the Chairman of the Committee, I wish to thank you all -- thank the Committee members. I am especially proud, I think, of the performance of all State employees today who had disagreements but really behaved all like ladies and gentlemen. To me, this is very dear to my heart. As you know, this Committee has twenty days in which to reach a decision. We are going to meet after this adjourns for a short time to determine when we would deliberate. I don't think either side is ready to deliberate yet today. The Budget and Control Board has thirty days in which to act and of course this Committee has nothing to do with how fast the Board might act. I do not hesitate to ask the Board to act as soon as it can. Then, I will make one more statement and adjourn. As you know, these are still an Executive Session. If the press will call me, which they probably will do today, until such time as the Budget and Control Board makes its decision, I have only to say we convened at 10:30 and we adjourned at 5:04½. Thank you.



14 pgs
4 Feb 1971
South Carolina

WILDLIFE RESOURCES DEPARTMENT

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29202

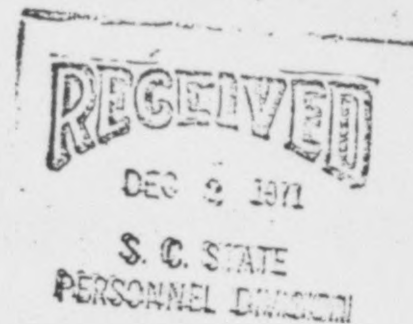


• PAT RYAN
DIRECTOR, DIVISION
OF GAME AND
FRESHWATER FISHERIES

• JAMES W. WEBB
EXECUTIVE DIRECTOR

• DR. JAMES A. TIMMERMAN, JR.
DIRECTOR, DIVISION
MARINE RESOURCES

December 1, 1971



Mr. F. E. Ellis, State Director of Personnel
700 Knox Abbott Drive
Cayce, South Carolina 29033

Dear Mr. Ellis:

In accordance with your recent request for certain information relative to the grievance request made by John H. Quillen, Jr., may I provide the following information.

Employment Record

February 3, 1960	Employed as a Project leader on Federal Aid Project W-31-R at \$4200.
February 10, 1961	District Biologist, Project W-30-D at \$5300.
July 1, 1961	Salary adjustment to \$5500.
July 1, 1962	Salary adjustment to \$6050.
July 1, 1963	Salary adjustment to \$6300.
July 1, 1965	Assistant Federal Aid Coordinator - \$7787.
July 1, 1966	Salary adjustment to \$8566.
July 1, 1967	Salary adjustment to \$9000.
July 1, 1968	Salary adjustment to \$9750.
July 1, 1969	Federal Aid Coordinator - \$10,335.
July 1, 1970	Salary adjustment to \$10,700.

Grievance Procedure

Step I:

John Quillen's letter of November 5, 1971, to Jefferson Fuller, setting forth his contention that action had been taken without just cause.

Jefferson Fuller's letter of November 8, 1971, addressed to Pat Ryan, referencing Quillen's letter of November 5, 1971, and requesting

1225

Mr. F. E. Ellis, State Director of Personnel
December 1, 1971
Page - Two

a suitable date for a hearing.

Pat Ryan's letter of November 12, 1971, to Jefferson Fuller, stating that the action was initiated entirely by the Commission and that any charges should be specified by the Commission.

Step II:

John Quillen's letter of November 15, 1971, to Executive Director James W. Webb, with attached letters indicating results judged unsatisfactory by Mr. Quillen, said letter stating that in Mr. Quillen's belief the subject action was without cause.

Executive Director Webb's letter to John Quillen advising Mr. Quillen to proceed to Step III of the Grievance Procedure.

Step III:

John Quillen's letter of November 16, 1971, to Chairman Eltzroth requesting a hearing before the South Carolina Wildlife Resources Commission.

Chairman Eltzroth's letter of November 17, 1971, inviting Mr. Quillen to appear before the Commission in Columbia at 11:00 A. M. November 19, 1971.

Statement by John Quillen, dated November 19, 1971, addressed to the Commission and presented by him as his statement at the subject hearing.

Statement of the Commission, dated November 19, 1971, in which the Commission unanimously agreed not to reverse their previous action regarding Mr. Quillen's dismissal and furthermore set forth the following reasons for this dismissal. They are:

That from the period July, 1969 to October, 1971, Mr. Quillen did:

"(1) Fail to exhibit an attitude of cooperative action and work toward the common good of the Department.

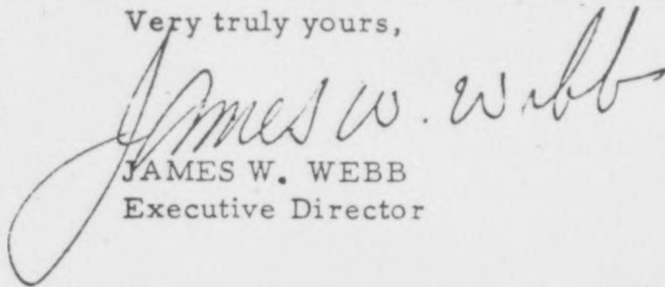
(2) Fail to work diligently toward the accomplishment of the duties assigned to him, in that, he socialized with other employees excessively during working

Mr. F. E. Ellis, State Director of Personnel
December 1, 1971
Page - Three

hours.

(3) In that he was not efficient in the performance of his duties."

Very truly yours,



JAMES W. WEBB
Executive Director

RAS/pal

Enclosure No. 1: Commission Minutes of October 6, 1971, at which time subject action was initiated.

Enclosure No. 2: Correspondence pertaining to grievance procedure.

- (a) John Quillen's letter of November 5, 1971
- (b) Jefferson Fuller's letter of November 8, 1971.
- (c) Pat Ryan's letter of November 12, 1971.
- (d) John Quillen's letter of November 15, 1971
- (e) Executive Director Webb's letter of November 15, 1971.
- (f) John Quillen's letter of November 16, 1971.
- (g) Chairman Eltzroth's letter of November 17, 1971.

Enclosure No. 3: John Quillen's statement, dated November 19, 1971, as presented to Commission on that date.

Enclosure No. 4: Page 10 of Commission Minutes of November 19, 1971, which relates to this action.

ENC. 700.1

MINUTES

SPECIAL MEETING

WILDLIFE RESOURCES COMMISSION

Columbia, S. C. - October 6, 1971

The special meeting of the South Carolina Wildlife Resources Commission was called to order at 4:30 P. M. by Chairman Eltzroth in the Commission Room in Columbia. In attendance were Vice-Chairman Glenn, Commissioner Eppes, Commissioner Thompson, Commissioner Williams and Commissioner Rhame. Also in attendance were Major Cantey and Executive Director Webb.

A motion was placed before the Commission to abolish both the Finance and Planning Sections. Action was not taken on this motion and a substitute motion was considered in which the Commission recommended to the Executive Director that effective by December 31, 1971, he replace the present Heads of the Planning and the Finance Sections. This motion was carried.

The Commission also considered a motion in which the Commission recommended to the Executive Director that he recommend to the Director of Game and Freshwater Fisheries that John Quillen be separated by December 31, 1971. This motion was carried.

Also a motion was considered in which the Commission recommended to the Executive Director that he authorize the Director of Game and Freshwater Fisheries to employ a Finance man

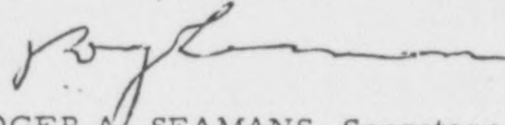
On the motion made by Commissioner Eppes, seconded by Commissioner Glenn, the Commission approved the appointment of Kirk Howell, presently a Conservation Officer in District 9, to fill the vacant position of License Supervisor within the Marine Resources Division. This motion was carried.

The Commission agreed that the regular October meeting of the Commission would be held at Belmont on Friday, October 15, commencing at 10:00 A. M. The Commission members and staff will arrive at Belmont late Thursday afternoon and spend the night before the Commission meeting at Belmont. Any Commission members desiring to stay at Belmont following the

Commission meeting are invited to do so.

The special meeting of the Commission adjourned at
7:00 P. M.

Respectfully submitted,



ROGER A. SEAMANS, Secretary
Wildlife Resources Commission

RAS/pal

Distribution of these Minutes:
Commission Members
Executive Director Webb
1 copy in Secretary's file
No other copies made or distributed

Encl. No. 2



South Carolina

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OF GAME AND
FRESHWATER FISHERIES

• JAMES W. WEBB
EXECUTIVE DIRECTOR

• DR. JAMES A. TIMMERMAN, JR.
DIRECTOR, DIVISION
MARINE RESOURCES

November 5, 1971

Mr. Jeff Fuller
Chief of Game & Fish Management
S. C. Wildlife Resources Dept.
1015 Main Street
Columbia, South Carolina

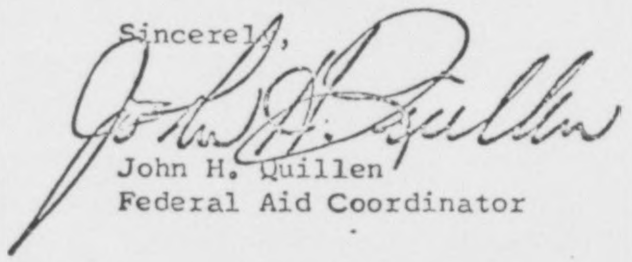
Dear Jeff:

On 7 October, 1971 I was told by Director of Game and Fish Ryan that by action of the Commission, I would be terminated as an employee effective 31 December, 1971, at which time no reasons for the dismissal were given.

Therefore, in accordance with South Carolina Wildlife Resources Department Administrative Memorandum No. 4, dated 15 July, 1971, I am taking Procedure Step No. I of the Department Employee Grievance and Appeal Procedure.

I submit that this action was taken without just cause.

Sincerely,


John H. Quillen
Federal Aid Coordinator

JHQ:mr

Encl. No. 2.



South Carolina

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DIRECTOR, DIVISION
MARINE RESOURCES

November 5, 1971

Mr. Jeff Fuller
Chief of Game & Fish Management
S. C. Wildlife Resources Dept.
1015 Main Street
Columbia, South Carolina

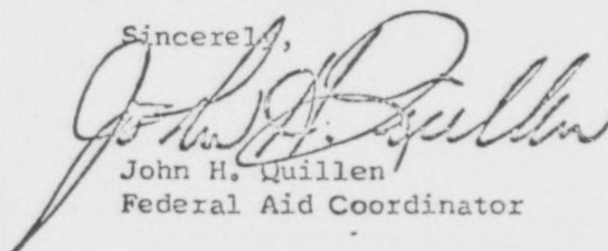
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DIRECTOR, DIVISION
MARINE RESOURCES

November 8, 1971

Mr. Pat Ryan, Director
S. C. Wildlife Resources Department
Columbia, South Carolina

Dear Mr. Ryan:

I have received a letter from Mr. John H. Quillen (copy attached) in which he states he is initiating Procedure Step Number 1 of the Grievance and Appeal Procedure. The Grievance and Appeal Procedure is in accordance with Memorandum 37 (originally Administrative Memorandum Number 4) as released on July 15, 1971.

The employee is of the opinion he has a grievance, as presented in his letter, which has not been satisfactorily resolved through informal discussions with his immediate supervisor.

Please provide me with information as to a suitable date, time and place for a hearing between you and the employee. Upon receipt of this information, I will schedule the hearing.

Yours truly,

Jefferson C. Fuller, Jr.

Jefferson C. Fuller, Jr.
Chief, Game and Fish Management

JCFjr/mb
encl.

cc: John H. Quillen ✓



South Carolina

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OF GAME AND
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• JAMES W. WEBB
EXECUTIVE DIRECTOR

• DR. JAMES A. TIMMERMAN, JR.
DIRECTOR, DIVISION
MARINE RESOURCES

November 12, 1971

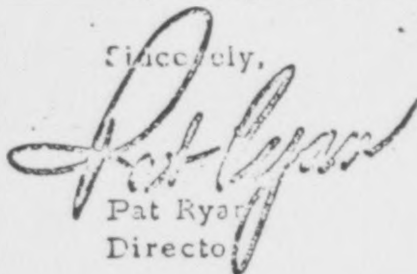
Mr. Jeff Fuller, Jr.
Chief of Game and Fish Management
S. C. Wildlife Resources Department
Columbia, South Carolina

Dear Jeff:

I have your letter of November 8 along with a copy of that of Mr. John Quillen with reference to the Department employee grievance and appeal procedure.

This is to advise that the action in this matter was initiated entirely by the South Carolina Wildlife Resources Commission and any charges should be specified by the Commission.

Sincerely,



Pat Ryan
Director

PR:ef

cc: Mr. John Quillen
Mr. James W. Webb



South Carolina

WILDLIFE RESOURCES DEPARTMENT

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• PAT RYAN
DIRECTOR, DIVISION
OF GAME AND
FRESHWATER FISHERIES

• JAMES W. WEBB
EXECUTIVE DIRECTOR

• DR. JAMES A. TIMMERMAN, JR.
DIRECTOR, DIVISION
MARINE RESOURCES

November 15, 1971

Mr. James W. Webb
Executive Director
S. C. Wildlife Resources Dept.
1015 Main Street
Columbia, South Carolina

Dear Mr. Webb:

In accordance with Department Administrative Memorandum No. 4, dated 15 July, 1971, I am taking Procedure Step No. 2 of the Department Employee Grievance and Appeal Procedure.

The attached letters will show the results from Procedure Step No. 1.

My grievance is that on 7 October, 1971 I was told by Director of Game and Fish, Ryan that by action of the Commission, I would be terminated as an employee effective 31 December, 1971, at which time no reasons for the dismissal were given.

I submit that this action was taken without just cause.

Sincerely,

John H. Quillen
Federal Aid Coordinator

JHQ:mr
Attachment(s)

November 15, 1971

C

Mr. John H. Quillen
Federal Aid Coordinator
S. C. Wildlife Resources Department
Columbia, South Carolina 29202

O

Dear John:

Your letter of November 15, 1971, addressed to me in accordance with Department Administrative Memorandum No. 4, relative to Employee Grievance and Appeal Procedures, has been received.

P

In view of the action taken by the Wildlife Resources Commission on October 6th and October 27th, 1971, I am not in a position to review and act on your grievance. I, therefore, recommend that you follow Step No. 3 of the Department's Grievance Procedure.

Y

Yours very truly,

JAMES W. WEBB
Executive Director

JWW/sa

1234



South Carolina

WILDLIFE RESOURCES DEPARTMENT

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29202



• PAT RYAN
DIRECTOR, DIVISION
OF GAME AND
FRESHWATER FISHERIES

• JAMES W. WEBB
EXECUTIVE DIRECTOR

November 16, 1971

• DR. JAMES A. TIMMERMAN, JR.
DIRECTOR, DIVISION
MARINE RESOURCES

Mr. Clyde Eltzroth
P. O. Drawer 457
Hampton, South Carolina 29924

Dear Mr. Eltzroth:

In accordance with Department Administrative Memorandum No. 4, dated 15 July, 1971, I have taken procedure steps one and two of the Employee Grievance and Appeal Procedure.

My grievance has not been resolved by steps one and two, therefore, in accordance with step three, I request a hearing before the South Carolina Wildlife Resources Department Commission.

Sincerely,

John H. Quillen
Federal Aid Coordinator

JHQ/jb

1235

CLYDE A. ELTZROTH, CHAIRMAN
P. O. DRAWER 457
HAMPTON, S. C. 29024
TELEPHONE 541 1811

FIRST DISTRICT
LEONARD C. GLENN, JR.
VICE CHAIRMAN
BEAUFORT

SECOND DISTRICT
ROBERT W. MIAMI
P. O. BOX 276
HOLLY HILL

THIRD DISTRICT
WILLIAM L. THOMPSON
118 WEST BENSON STREET
ANDERSON

FOURTH DISTRICT
ROBERT H. EPPES
ROUTE 7-BUNCOMBE ROAD
GREENVILLE

FIFTH DISTRICT
WADE M. WILLIAMS
632 SEDGWICK
ROCK HILL

SIXTH DISTRICT
W. FRANK MISHOE
GREELEYVILLE

ROGER SEAMANS, SECRETARY
COLUMBIA

SOUTH CAROLINA WILDLIFE RESOURCES COMMISSION

November 17, 1971

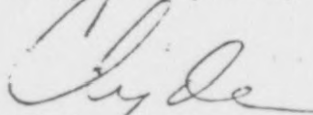
Mr. John H. Quillen
Federal Aid Coordinator
S. C. Wildlife Resources Department
P. O. Box 167
Columbia, South Carolina 29202

Dear John:

This will acknowledge receipt of yours of November 16 requesting a hearing before the South Carolina Wildlife Resources Commission.

By copy of this letter, I am requesting all Commissioners to be present on November 19 at eleven o'clock in the morning for the purpose of this hearing. I am also requesting the Executive Director and the Director of Game and Freshwater Fisheries to be present.

Very truly yours,


Clyde A. Eltzroth

CAE/elh

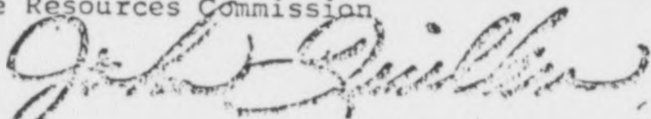
cc: All Commissioners
Mr. James W. Webb
Mr. Pat Ryan
Mr. Roger Seamans

Encl No 3

November 19, 1971

TO: S. C. Wildlife Resources Commission

FROM: John Quillen



RE: Grievance Procedure, Step No. 3

DATE: November 19, 1971

STATEMENT:

On 7 October, 1971, I was told by Director of Game and Fish Ryan that by action of the S. C. Wildlife Resources Commission on 6 October, 1971, I was to be terminated as an employee of the Department effective 31 December, 1971. This action was upheld at an informal meeting before the Commission on 27 October, 1971.

On 7 October, no reasons for dismissal were given. On 27 October, three verbal reasons for the action were presented as follows: bad attitude, not working and working inefficiently. The apparent dissatisfaction with my job performance was first mentioned to me at the 27 October meeting.

I submit that this action of dismissal has been taken without just cause, and request that the S. C. Wildlife Resources Commission reverse this action.

Therefore, with the above in mind, I have instituted Employee Grievance and Appeal procedure of the S. C. Wildlife Resources Department as documented in Administrative Memorandum Number 4.

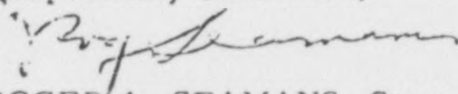
The Commission unanimously voted not to reverse the previous action taken regarding Mr. Quillen's dismissal. The reasons for the dismissal of John Quillen, Jr. are:

That from the period July 1969, to October 1971, Mr. Quillen did:

- (1) Fail to exhibit an attitude of cooperative action and work toward the common good of the Department.
- (2) Fail to work diligently toward the accomplishment of the duties assigned to him, in that, he socialized with other employees excessively during working hours.
- (3) In that he was not efficient in the performance of his duties.

Following the meeting of the Commission, Mr. Quillen was verbally advised by Chairman Eltzroth of the action of the Commission following the hearing requested by Mr. Quillen. These charges, at the request of Mr. Quillen, were made public on this date in his presence.

Respectfully Submitted,


ROGER A. SEAMANS, Secretary
Wildlife Resources Commission

RAS/pal

Distribution of these Minutes in accordance with Chairman Eltzroth's desire is as follows:

Copies to: Each member of the Commission

General Harris

Executive Director Webb

Pat Ryan

Copy in the files of the Secretary

CLYDE A. ELTZROTH, CHAIRMAN
P. O. DRAWER 457
HAMPTON, S.C. 29924

TELEPHONE 943-3833

FIRST DISTRICT
EDGAR C. GLENN, JR.
VICE CHAIRMAN
BEAUFORT

SECOND DISTRICT
ROBERT W. RHAME
P. O. BOX 276
HOLLY HILL

THIRD DISTRICT
WILLIAM L. THOMPSON
119 WEST BENSON STREET
ANDERSON

FOURTH DISTRICT
ROBERT M. EPPES
ROUTE 7-BUNCOMBE ROAD
GREENVILLE

FIFTH DISTRICT
WADE H. WILLIAMS
632 SEDGEWOOD
ROCK HILL

SIXTH DISTRICT
W. FRANK MISHOE
GREELEYVILLE

ROGER SEAMANS, SECRETARY
COLUMBIA



SOUTH CAROLINA WILDLIFE RESOURCES COMMISSION

POST OFFICE BOX 167

TELEPHONE 758-2561

COLUMBIA 29202

November 19, 1971

Mr. John Quillen, Jr.
Wildlife Resources Department
Columbia, South Carolina

Dear John:

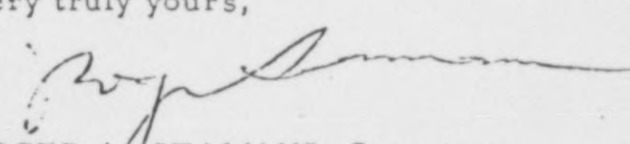
The Commission has unanimously voted not to reverse the previous action taken regarding your dismissal.

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That from the period of July, 1969, to October 1971, Mr. Quillen did:

1. Fail to exhibit an attitude of cooperative action and work toward the common good of the Department.
2. Fail to work diligently toward the accomplishment of the duties assigned to him, in that, he socialized with other employees excessively during working hours.
3. In that he was not efficient in the performance of his duties.

Very truly yours,


ROGER A. SEAMANS, Secretary
Wildlife Resources Commission

RAS/pal

CC: Mr. E. B. Latimer

1235

Exhibit I - called by Webb

MINUTES

SOUTH CAROLINA WILDLIFE RESOURCES COMMISSION

COLUMBIA, SOUTH CAROLINA

NOVEMBER 19, 1971

NEW BUSINESS

At 11:00 A. M., Chairman Eltzroth adjourned the Executive portion of the Commission meeting and continued with the items to be found on the agenda. In accordance with previous arrangements contained in a letter from Chairman Eltzroth to Mr. John Quillen, the item relative to the hearing as requested by Mr. Quillen was taken up at this time.

Chairman Eltzroth stated "The procedure for grievance was formulated by Executive Director Webb sometime ago and Mr. Quillen has written a supplemental letter dated November 19th, today, which states: Dear Mr. Webb: It is hereby agreed that under the Grievance Procedure of the South Carolina Wildlife Resources Department, no hearing would have been possible or desirable prior to Step Number 3."

"This matter has been set for 11:00 o'clock this morning, Mr. Quillen, and we are happy to hear from you, sir, and I have asked Mr. Latimer to advise us in matters of procedure and he tells me that he has conferred with you. All right, sir, we are ready to go forward at your convenience."

Mr. Quillen responded, "Mr. Chairman, the statement that I have prepared for you, I can either read it or let each one read it. Any way will be fine with me."

Mr. Eltzroth responded, "We'll leave it to your discretion".

Mr. Quillen inquired, "Do you gentlemen have any preference as to whether I read this or not or would you all just like to have some time to read it?"

Mr. Eltzroth stated, "You may proceed, Mr. Quillen".

Mr. Quillen responded, "Mr. Chairman, unless there is something else, this statement is what I would like to have said today at this Step 3".

Chairman Eltzroth inquired, "Mr. Quillen, do you mind if I ask you questions in regard to this? You appeared before the Commission on October 27th, was it, sir, and requested a hearing at that time. And at that time, sir, did you state to the Commission that Mr. Ryan and Mr. Webb had discussed these matters with you previously?"

Mr. Quillen replied, "If I can recall, Mr. Chairman, Mr. Ryan advised me of the termination on the 7th of October and at the same time I informally discussed the action with Mr. Webb."

Chairman Eltzroth again responded, "Let me put my question again to you, sir. At the meeting on October 27th, didn't you tell this Commission that as a result of your being passed over for promotion in 1969, that you had become disgruntled and that Mr. Webb and Mr. Ryan had both discussed this with you on occasion and that you had tried to improve your attitude but that you had not succeeded?"

Mr. Quillen responded, "No, sir."

Chairman Eltzroth inquired, "You don't recall having said that to this Commission?"

Mr. Quillen responded, "I did not say that."

At this point, Mr. Latimer noted that this is the first case to be drawn under this new Grievance Procedure and it is also complicated by the fact that the procedure has been started at the top of the level rather than the bottom of the level where it ordinarily would go up on a regular schedule. This being the

case, it is almost an impossibility to predict exactly or to say exactly what should take place at this stage of the proceedings, whether or not the Commission should go forward at its own request for testimony of employees of the Department or whether you want to go forward on the existing records at which time the State Grievance Committee that comes under the State Act has the authority to hold an official meeting, with a screening of the records.

Chairman Eltzroth inquired, "Anything further, Mr. Quillen?"

Mr. Quillen responded, "No, sir, other than a possible point of clarification concerning the Step 3 procedure. Maybe Mr. Latimer can help on this. I am under the impression that after this statement on Step 3 I will receive some notification within a five day period - five working days".

Mr. Latimer responded that whenever action is taken in Step 3 of the Grievance Procedures, notification of such action will be made within five days and that whatever this action may be, the Commission would forward the same to the Grievance Committee within a five day period.

Mr. Quillen thanked Mr. Latimer for this information.

Mr. Latimer noted that this should be a written statement.

Chairman Eltzroth stated, "Thank you very much and we will take that under advisement and you will be advised within five days".

Mr. Quillen thanked the Chairman and the Commission for their time and the hearing on this matter was adjourned.

The next matter on the agenda concerned certain correspondence which Chairman Eltzroth received from Mr. T. K. Graham, President of the Greenville County Chapter, Inc., South Carolina Wildlife Federation, concerning the action of the committee relative to the termination notices of employment of three employees. This letter was dated October 13th and was not received in sufficient time to be included on the October 15th Commission Meeting. Chairman Eltzroth, by letter, informed Mr. Graham of this situation and noted that it would be placed on the agenda of the next regular meeting of the Commission.

Chairman Eltzroth read the letter from Mr. Graham and following the reading of the same, Mr. Eltzroth stated, "I assume the Commission wishes to adhere to the request of Mr. Ramage and Mr. Nelson and Mr. Quillen that we not make public the reasons for dismissal other than it was a matter of performance. Is that the wish of the Commission?"

At 11:45 A. M., the Commission went into Executive Session, with Executive Director Webb and Mr. Ryan being present, for the purpose of discussing personnel matters.

At 1:30 P. M., the Commission Meeting adjourned.

Chairman Eltzroth reported to the Secretary and requested that the following items be included in the Minutes of this meeting.

The Commission accepted the resignation of Conservation Officer Fred Tuten, such to become effective on December 31, 1971, and denied the six months leave of absence as requested by Mr. Tuten. The Commission wishes to express to Mr. Tuten its appreciation for the many years of good service that he has given to the Department and the Commission in carrying out his duties as a Conservation Officer in Beaufort County.

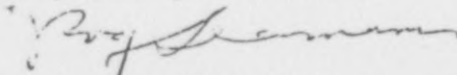
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Respectfully Submitted,


ROGER A. SEAMANS, Secretary
Wildlife Resources Commission

RAS/pal

Distribution of these Minutes in accordance with Chairman Eltzroth's desire is as follows:

Copies to: Each member of the Commission
General Harris
Executive Director Webb
Pat Ryan
Copy in the files of the Secretary

Exhibit I

added by myself

MINUTES

SOUTH CAROLINA WILDLIFE RESOURCES COMMISSION

OCTOBER 27, 1971

At 10:00 A. M., October 27, 1971, the Wildlife Resources Commission met in Columbia at the request of the Chairman for the purpose as set forth in the letter dated October 24, 1971, addressed to Chairman Eltzroth and written by Frank P. Nelson in behalf of himself, Mr. Ramage and Mr. Quillen. All Commissioners were present and also in attendance were General Harris and Major Cantey.

After receipt of the referenced letter, which is made a part of the official copy of these Minutes, and before the scheduled meeting of the Commission, the individual employees involved met with Chairman Eltzroth and Executive Director Webb. At this time, they stated that they desired to have an informal meeting with the Commission and specifically stated that they did not desire written specifications as requested in the referenced letter of October 24, 1971.

In the presence of the Commission, each individual stated that they had been informed of the reasons for their separation when informed by Executive Director Webb that this action was being taken.

Each was given an opportunity to be heard separately by the Commission. Each requested that the Commission not make public the reasons for the action that was taken other than that it was a matter of performance.

Each requested that they be permitted to continue in their present positions and stated that they believed that they could aid in the operation of the Department and desired to improve their efficiency.

After meeting with each of the three employees involved, discussing the matter in Executive Session, the Commission came to the following conclusions.

(1) Frank P. Nelson.

The Commission agreed to retain Mr. Nelson for a six-months probationary period, said period to run from January 1, 1972, to June 30, 1972, and if at the end of that time his performance did not meet the expectations of the Commission, that he would be separated from the Department. Mr. Nelson was informed of this decision, in the presence of the Commission, and he stated that he believed it was a fair recommendation and that he appreciated the action taken by the Commission.

(2) John Quillen.

His request to continue in the employ of the Wildlife Resources Department was denied. Mr. Quillen was informed of this decision in the presence of the Commission and he requested that the Commission review his performance during the remainder of the year and at the end of that period, give due consideration to the present decision.

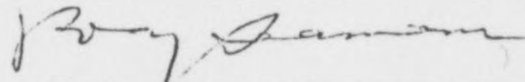
(3) Fred Ramage.

Mr. Ramage was reinstated.

Chairman Eltzroth appointed a Committee consisting of Commissioner Thompson, Commissioner Eppes and himself to assist the Chief of Information and Education in drafting a suitable press release covering the above actions. The Committee requested the assistance of General Harris for the purpose of drafting this release.

The meeting was adjourned at 3:30 P. M.

Respectfully submitted,



ROGER A. SEAMANS, Secretary
S. C. Wildlife Resources Commission

RAS/pal

1245

STATE OF SOUTH CAROLINA

AGENCY:

EMPLOYEE'S PERFORMANCE APPRAISAL/CAREER DEVELOPMENT INVENTORY

Grade 16

Name: John H. Quillen Position Classification/Title: Asst. Chief of Game and Fish Management
 Organizational Unit: S. C. Wildlife Res. Dept. Location: Columbia, S. C.
 Date Assigned to Present Position: 8-1-69 Employment Date: 2-3-60
 Performance From: 8-1-69 To: 1-16-71

INSTRUCTIONS

Section I: PERFORMANCE CHARACTERISTICS

Section I prescribes several job performance and personal characteristics. Appraise the performance of this employee on those pertinent characteristics contained in this section for the period under review. Be objective and do not let your appraisal of one factor influence your appraisal of another. Each characteristic to be evaluated has five degrees or levels of achievement by which it may be measured. Each level is defined for your convenience with examples of performance which may be accepted as characteristic of that level. If the employee job performance or level of achievement generally corresponds to the example cited, check that particular box. You may, however, use your own words, which in your opinion, would better describe the employee's performance and insert them in the appropriate box or attach them on a separate page with proper reference.

The five rating levels to be used are defined as follows:

LEVEL	APPRAISAL SYMBOL	DEFINITION
Outstanding	O	Highly superior performance; work is characterized by unusual accomplishments. Completely reliable.
Above Average	AA	Better than normally acceptable performance; work frequently exceeds normal job requirements.
Average	A	Work is satisfactory and acceptable but seldom exceeds normal job requirements.
Marginal	M	Work is satisfactory in some respects but does not fully meet normal job requirements. Immediate improvement anticipated.
Unsatisfactory	U	Poor performance; work below job requirements. Improvement not anticipated.

Section II: RATING OFFICER'S SUMMARY OF EMPLOYEE APPRAISAL AND RECOMMENDATIONS

Section II is to be used to record a narrative summary of your evaluation of the employee and to make specific recommendations for his/her career development as well as for salary increase, promotion, or other change. Please be as specific as possible, but be objective and open-minded.

After all factors have been rated, determine your overall appraisal of the employee's performance for the period under review, recognizing that the relative importance or weight of the factors varies from position to position, and check the appropriate box in the summary appraisal.

Appraised by: [Signature] Date: 1-16-71
 Reviewed by: [Signature] Date: 3-2-71
 Reviewed with Employee: [Signature] Date: _____
 (Employee Signature/Initials)

PERFORMANCE CHARACTERISTICS

	Unsatisfactory	Marginal	
KNOWLEDGE OF WORK The extent to which the employee has grasped all elements of the work assignment and the degree to which the required skills have been mastered.	Demonstrates little or no understanding of work assignment and/or seems unable to master the skills required.	Learns work assignment slowly. Requires much instruction and guidance. Attainment of required skills is marginal. Needs further training.	Has sufficient skills to perform duties and satisfy requirements of skill respects.
DEPENDABILITY The extent to which the employee can be relied upon to meet work schedules and fulfill responsibilities and commitments.	Can seldom be relied upon to meet work schedules without constant surveillance. Tends to frequent tardiness and abuse of leave privileges.	Occasionally may be relied upon to complete work assignments within prescribed schedules. Needs frequent prodding. Occasionally is late in reporting to work or in keeping appointments. Requires more pushing than should be necessary.	Generally can be relied upon to complete work assignments and attend to factory.
PRODUCTIVITY Measurement of the volume of work accomplished and rate of progress on assignments.	Very slow worker. Quantity of output is well below average of others in the same class.	Works slowly. Only occasionally achieves rate of production which is considered average.	Work output meets standards.
SAFETY Extent to which employee observes safety precautions in a job in which safety is an important factor.	Often violates safety rules. Is careless or indifferent—a hazard to himself and others.	Needs to be cautioned on occasion about a tendency toward carelessness and the importance of adhering to safety regulations.	Exhibits precautionary measures generally, but not the handling of equipment in work conditions.
QUALITY OF OUTPUT Degree to which employee's output is thorough, accurate, and meets quality standards.	Work of poor quality. Must be checked constantly and often redone.	Quality of work below average. Only occasionally meets acceptable standards.	Quality of work generally meets standards.
COOPERATION The extent to which the employee cooperates with supervisors, associates, and those for whom work is performed.	For the most part is uncooperative and undependable. Resents suggestions from supervisor and refuses to assist others when requested.	May be cooperative with supervisor and helpful to others on occasion. In general however, prefers to be left alone.	Makes cooperation when needed.
RELATIONSHIPS WITH OTHERS The capacity with which the employee works in harmony with others and gains the respect, confidence, and cooperation of other agencies and outside public contacts.	Has poor relationships with others. Is sullen, argumentative, officious, belligerent, or completely withdrawn. Makes little or no effort to improve the person to person relationships.	Relationships with others are not as harmonious as they should be. Tends at times to exhibit impatience, unruliness, or tactlessness. Is occasionally the object of complaints so far as conduct is concerned. Needs counseling from time to time.	Usually gets along with fellow workers and enjoys social contact.
INITIATIVE The determination and energy displayed in overcoming obstacles within the scope of the job, in finding solutions to problems and in keeping productively occupied.	Almost never initiates action on the job without specific instructions. Work effort stops when an obstacle is encountered until outside assistance is offered.	Occasionally takes initiative in the performance of assigned duties but leans heavily on others to find solutions to problems.	Frequently initiates action. Exhibits initiative in overcoming obstacles.
ORGANIZING AND PLANNING Effectiveness in systematically planning work assignments and achieving desired results with minimum waste or duplication of effort.	Unable to plan effectively or to complete tasks within reasonable periods of time. Needs detailed instructions.	Demonstrates only occasional capacity to organize and plan work assignments effectively. Frequently does things the hard way with waste of time and effort.	Generally organizes work assignments and achieves desired results with minimum waste.
JUDGMENT Extent to which the employee's actions and decisions are appropriate and are based upon sound reasoning and common sense.	Uses little reasoning or common sense in deciding course of action. Judgment cannot be relied upon.	Frequently makes decisions and takes action without good reason. Needs some prodding to verify facts, think things through, and consider consequences before making a decision or taking action.	Usually makes decisions and takes action with good reason.

	Above Average	Outstanding	U	M	A	AA	O
Knowledge of work to satisfaction. Degree of skill in most	Has thorough knowledge of all aspects of work assignment and performs with high degree of skill.	Exceptionally well informed. Knowledge and skill are superior and exceed position requirements.			X		
Reliable and can fulfill responsibilities. Time and effort is satisfactory.	Can always be depended upon to meet schedules and commitments. Makes special effort to be punctual and to complete assignments in advance of deadlines.	Extremely conscientious in meeting work schedules and in fulfilling responsibilities and commitments. Can always be depended upon regardless of circumstances.			X		
Production satisfactory. Production standard	Fast worker. Rate of progress on assignments and volume of output is above average.	Exceptionally rapid worker. Volume of output is consistently well above the average of others in the same class.			X		
Follows rules and regulations without frequent violations in hazardous situations and	Faithfully observes all safety rules and regulations and rarely is guilty of carelessness or oversight.	Has a superior safety record. Is always alert.			X		
Work is satisfactory. Standards with which work to be re-	Work is thorough, accurate, and generally above the quality requirements.	Is consistently thorough. Produces work of highest quality. Rarely makes mistakes.			X		
Effort to be shown in instructing others as	Can always be depended upon to cooperate fully and in good spirit. Is an excellent team worker.	Goes out of the way to make himself available whenever and wherever needed. Is a superior team worker who inspires loyalty and cooperativeness in others.			X		
Works well with others and is confident	Is very effective in person to person relationships. Is almost always in full control of himself even under the most trying circumstances. Displays tact, warmth, and integrity. Commands respect, confidence and cooperation from all quarters.	Is exceptional in every way in respect to person to person relationships and is a very definite asset to the image of the office.		X			
Own to performance of duties. Resourcefulness	Displays considerable energy and moves ahead on own initiative to complete assignments. Demonstrates much resourcefulness and originality.	Consistently initiates action, finds solutions to problems, and keeps work moving. Is creative and innovative.		X			
Plans and organizes work and achieves results with only occasional effort.	Consistently organizes and plans work well and achieves desired results with a high degree of efficiency.	Is outstanding in planning and organizing work which contributes to a superior level of achievement.			X		
Reasonable decisions. In reliable.	Is perceptive and logical. Can be relied upon to secure and evaluate facts correctly and make decisions or take action with a minimum of error.	Actions and decisions reflect consistent logical thinking and exceptional reasoning.			X		

Section II: RATING OFFICER'S SUMMARY OF EMPLOYEE APPRAISAL AND RECOMMENDATIONS

1. Discuss employee's strengths and plus qualities: Well versed in knowledge of his field.
Understands Department objectives. Well liked by fellow employees
2. Discuss employee's weaknesses and minus qualities: Sometimes "moody" and disheartened but
understandably so in view of past experiences.
3. To what extent has there been improvement in previously noted weak factors: This is the first written
record on this subject.
4. What action is recommended to assist employee to improve his performance and potential? Expressions of
confidence by his superiors. Making him feel he is "part of the team",
which he is.
5. Does employee appear content with his own progress in the work he is doing? _____
 If answer is "no" what action is recommended to meet his needs? _____
6. What is the employee's general attitude toward his evaluation? _____
7. Recommendations for salary increase, promotion, or other change:
☒ Recommended for merit salary increase.
☐ Not recommended for merit salary increase.
☐ Recommend consideration for promotion when vacancy occurs.
☐ Performance unsatisfactory in present position. Recommend:
 Transfer _____ Reason _____
 Other _____ Reason _____

SUMMARY APPRAISAL

Within the scope of his present duties and responsibilities, indicate your overall appraisal of the performance of this employee. In doing this, bear in mind:

The Appraisal assigned on all individual factors in Section I.

U M A AA O
☐ ☐ ☒ ☐ ☐

The differing importance of factors from position to position.

Employee's Comments: _____

STATE OF SOUTH CAROLINA

AGENCY:

EMPLOYEE'S PERFORMANCE APPRAISAL/CAREER DEVELOPMENT INVENTORY

Name: John H. Quillen Position Classification/Title: Grade 16 Asst. Chief of Game & Fish Management
 Organizational Unit: S.C. Wildlife Res. Dept. Location: Columbia
 Date Assigned to Present Position: 8-1-69 Employment Date: 2-30-60
 Performance From: 3-2-71 To: 7-8-71

INSTRUCTIONS

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Section II is to be used to record a narrative summary of your evaluation of the employee and to make specific recommendations for his/her career development as well as for salary increase, promotion, or other change. Please be as specific as possible, but be objective and open-minded.

After all factors have been rated, determine your overall appraisal of the employee's performance for the period under review, recognizing that the relative importance or weight of the factors varies from position to position, and check the appropriate box in the summary appraisal.

Appraised by J. H. Quillen Date July 8, 1971
 Reviewed by [Signature] Date 7-13-71
 Reviewed with Employee [Signature] Date 7/14/71
 (Employee Signature/Initials)

PERFORMANCE CHARACTERISTICS

	Unsatisfactory	Marginal	
KNOWLEDGE OF WORK The extent to which the employee has grasped all elements of the work assignment and the degree to which the required skills have been mastered.	Demonstrates little or no understanding of work assignment and/or seems unable to master the skills required.	Learns work assignment slowly. Requires much instruction and guidance. Attainment of required skills is marginal. Needs further training.	Has duty of resp
DEPENDABILITY The extent to which the employee can be relied upon to meet work schedules and fulfill responsibilities and commitments.	Can seldom be relied upon to meet work schedules without constant surveillance. Tends to frequent tardiness and abuse of leave privileges.	Occasionally may be relied upon to complete work assignments within prescribed schedules. Needs frequent prodding. Occasionally is late in reporting to work or in keeping appointments. Requires more pushing than should be necessary.	General be n. sibili and factor
PRODUCTIVITY Measurement of the volume of work accomplished and rate of progress on assignments.	Very slow worker. Quantity of output is well below average of others in the same class.	Works slowly. Only occasionally achieves rate of production which is considered average.	Work Meet dards
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QUALITY OF OUTPUT Degree to which employee's output is thorough, accurate, and meets quality standards.	Work of poor quality. Must be checked constantly and often redone.	Quality of work below average. Only occasionally meets acceptable standards.	Quality Gener. only done.
COOPERATION The extent to which the employee cooperates with supervisors, associates, and those for whom work is performed.	For the most part is uncooperative and undependable. Resents suggestions from supervisor and refuses to assist others when requested.	May be cooperative with supervisor and helpful to others on occasion. In general however, prefers to be left alone.	Makes cooper. tions. needed
RELATIONSHIPS WITH OTHERS The capacity with which the employee works in harmony with others and gains the respect, confidence, and cooperation of other agencies and outside public contacts.	Has poor relationships with others. Is sullen, argumentative, officious, belligerent, or completely withdrawn. Makes little or no effort to improve the person to person relationships.	Relationships with others are not as harmonious as they should be. Tends at times to exhibit impatience, unruliness, or tactlessness. Is occasionally the object of complaints so far as conduct is concerned. Needs counseling from time to time.	Usual. fellow enjoys dence
INITIATIVE The determination and energy displayed in overcoming obstacles within the scope of the job, in finding solutions to problems and in keeping productively occupied.	Almost never initiates action on the job without specific instructions. Work effort stops when an obstacle is encountered until outside assistance is offered.	Occasionally takes initiative in the performance of assigned duties but leans heavily on others to find solutions to problems.	Frequent form ac. Exhibit in over
ORGANIZING AND PLANNING Effectiveness in systematically planning work assignments and achieving desired results with minimum waste or duplication of effort.	Unable to plan effectively or to complete tasks within reasonable periods of time. Needs detailed instructions.	Demonstrates only occasional capacity to organize and plan work assignments effectively. Frequently does things the hard way with waste of time and effort.	General work desired casual
JUDGMENT Extent to which the employee's actions and decisions are appropriate and are based upon sound reasoning and common sense.	Uses little reasoning or common sense in deciding course of action. Judgment cannot be relied upon.	Frequently makes decisions and takes action without good reason. Needs some prodding to verify facts, think things through, and consider consequences before making a decision or taking action.	Usually cisions general.

	Above Average	Outstanding	U	M	A	AA	O
Knowledge of work to satisfaction. Degree of skill in most	Has thorough knowledge of all aspects of work assignment and performs with high degree of skill.	Exceptionally well informed. Knowledge and skill are superior and exceed position requirements.				X	
Can and can fulfill responsibilities. Time and is satisfied	Can always be depended upon to meet schedules and commitments. Makes special effort to be punctual and to complete assignments in advance of deadlines.	Extremely conscientious in meeting work schedules and in fulfilling responsibilities and commitments. Can always be depended upon regardless of circumstances.			X		
satisfactory. Production standards	Fast worker. Rate of progress on assignments and volume of output is above average.	Exceptionally rapid worker. Volume of output is consistently well above the average of others in the same class.			X		
Follows and applies rules and regulations without frequent violations and is cautious in hazardous	Faithfully observes all safety rules and regulations and rarely is guilty of carelessness or oversight.	Has a superior safety record. Is always alert.				X	
satisfactory. Standards with work to be re-	Work is thorough, accurate, and generally above the quality requirements.	Is consistently thorough. Produces work of highest quality. Rarely makes mistakes.			X		
Effort to be follow instructions of others as	Can always be depended upon to cooperate fully and in good spirit. Is an excellent team worker.	Goes out of the way to make himself available whenever and wherever needed. Is a superior team worker who inspires loyalty and cooperativeness in others.			X		
Works well with others and is confident and confident	Is very effective in person to person relationships. Is almost always in full control of himself even under the most trying circumstances. Displays tact, warmth, and integrity. Commands respect, confidence and cooperation from all quarters.	Is exceptional in every way in respect to person to person relationships and is a very definite asset to the image of the office.			X		
Own to performance of duties. Resourcefulness	Displays considerable energy and moves ahead on own initiative to complete assignments. Demonstrates much resourcefulness and originality.	Consistently initiates action, finds solutions to problems, and keeps work moving. Is creative and innovative.			X		
Plans and organizes and achieves with only occasional effort.	Consistently organizes and plans work well and achieves desired results with a high degree of efficiency.	Is outstanding in planning and organizing work which contributes to a superior level of achievement.				X	
Reasonable decisions. In situations. Is reliable.	Is perceptive and logical. Can be relied upon to secure and evaluate facts correctly and make decisions or take action with a minimum of error.	Actions and decisions reflect consistent logical thinking and exceptional reasoning.			X		
					X		

Section II: RATING OFFICER'S SUMMARY OF EMPLOYEE APPRAISAL AND RECOMMENDATIONS

1. Discuss employee's strengths and plus qualities: Well versed in knowledge of his career field speciality, works well with others, shows exceptional interest and initiative when working with challenging problems.
2. Discuss employee's weaknesses and minus qualities: No special weaknesses that are significant.
3. To what extent has there been improvement in previously noted weak factors: Improved considerably - attitude much better.
4. What action is recommended to assist employee to improve his performance and potential? Give him challenging assignments
5. Does employee appear content with his own progress in the work he is doing? Yes
If answer is "no" what action is recommended to meet his needs?
6. What is the employee's general attitude toward his evaluation?
7. Recommendations for salary increase, promotion, or other change:
☒ Recommended for merit salary increase.
☐ Not recommended for merit salary increase.
☐ Recommend consideration for promotion when vacancy occurs.
☐ Performance unsatisfactory in present position. Recommend:
 Transfer _____ Reason _____
 Other _____ Reason _____

SUMMARY APPRAISAL

Within the scope of his present duties and responsibilities, indicate your overall appraisal of the performance of this employee. In doing this, bear in mind:

The Appraisal assigned on all individual factors in Section I.

U M A AA O
☐ ☐ ☒ ☐ ☐

The differing importance of factors from position to position.

Employee's Comments:

1253

EMPLOYEE GRIEVANCE APPLICATION FORM

(THIS FORM TO BE COMPLETED BY THE EMPLOYEE INITIATING THE APPEAL)

RECEIVED

NOV 24 1971

Employee's Name John H. Quillen, Jr.

S. C. STATE
PERSONNEL DIVISION

1. Have you been a permanent employee for at least six (6) months? Yes
2. Have you complied fully with the grievance policies and procedures within your agency? Yes
3. Have you received a final decision from your agency? Yes

(IF YOUR ANSWER IS "YES" TO THE THREE QUESTIONS ABOVE AND YOU WISH TO APPEAL THE DECISION OF YOUR AGENCY TO THE SOUTH CAROLINA STATE EMPLOYEE GRIEVANCE COMMITTEE, YOU MAY DO SO BY COMPLETING THIS FORM.)

APPELLANT'S NAME: John H. Quillen, Jr.

JOB CLASSIFICATION: Federal-Aid Coordinator

AGENCY: South Carolina Wildlife Resources Department

HOME ADDRESS: 4617 Sandy Ridge Road, Columbia, S. C. 29206

TELEPHONE: 782-2092

GRIEVANCE

STATEMENT OF FACTS INVOLVED:

(Be as specific as possible as to names, dates and location. Continue on additional page or pages if necessary.)

SEE ATTACHMENT

RELIEF SOUGHT: SEE ATTACHMENT

Signature

John H. Quillen, Jr.
APPELLANT

Date

November 24, 1971

Original (white) returned to State Personnel Division
Copy (blue) retained by Employee-Complainant

STATEMENT OF FACTS INVOLVED:

On 7 October, 1971, I was told by Director of Game and Fish Ryan that by action of the S. C. Wildlife Resources Commission on 6 October, 1971, I was to be terminated as an employee of the Department effective 31 December, 1971. This action was upheld at an informal meeting before the Commission on 27 October, 1971.

On 7 October, no reasons for dismissal were given. On 27 October, three verbal reasons for the action were presented as follows: bad attitude, not working and working inefficiently. The apparent dissatisfaction with my job performance was first mentioned to me at the 27 October meeting.

I felt that this action was taken without just cause and, therefore, I initiated the Employee Grievance and Appeal Procedure of the S. C. Wildlife Resources Department.

After completion of the three steps of the Grievance and Appeal Procedure in the Department, I still do not feel that the action of dismissal has been taken with just cause.

The reasons given by the Commission can be contradicted by Department records and employees.

RELIEF SOUGHT: I am requesting reinstatement.



United States Department of the Interior

FISH AND WILDLIFE SERVICE
BUREAU OF SPORT FISHERIES AND WILDLIFE
PEACHTREE-SEVENTH BUILDING
ATLANTA, GEORGIA 30323

E. B. Chamberlain, Jr.
info

December 14, 1971

Mr. John Quillen, FA Coordinator
Wildlife Resources Department
Columbia, South Carolina 29202

Dear John:

Reference is made to your recent inquiry as to whether I might provide you with a letter of recommendation. I am glad to do this.

During the time since September 1963 when you have worked directly with this office as assistant coordinator and coordinator, we consider the program to have been well administered. Coordination project reports have been complete and on schedule. With a couple of exceptions, other project reports also have been well done and on schedule. Certainly in total, South Carolina's Federal Aid reporting compares favorably with the rest of the Region.

Fiscal management has likewise been satisfactory, the vouchers being properly prepared and on time, and with a minimum of audit questions.

We have always found you to be conscientious and efficient in meeting Federal Aid requirements, and cooperative in preparing necessary documents as well as in program management generally. Your technical competence has been outstanding.

Very truly yours,

E. B. Chamberlain, Jr.
E. B. Chamberlain, Jr.
Federal Aid Supervisor



1256

Scrub
LE

Columbia, South Carolina
October 13, 1971

Dear John,

When I heard the news Saturday, I was surprised to learn that you were a "Top Official". What really bothered me was to realize that something like this could happen to someone I knew and had worked with on numerous jobs. I am sorry that this occurred.

John, I feel that you have done a good job for your employer. Your job is not an easy one. We have had different opinions on some things, but I think we were both working for the same goal. Your assistance to me has been most helpful.

Members of the Planning Staff have told me they appreciated your help in planning watershed projects. They are sorry that this occurred.

Wishing you and your family the best ever,

Sincerely,

Jim Kesecker

Jim Kesecker



South Carolina

WILDLIFE RESOURCES DEPARTMENT

POST OFFICE BOX 167

COLUMBIA, SOUTH CAROLINA

29202



Exhibit #5

• PAT RYAN
DIRECTOR, DIVISION
OF GAME AND
FRESHWATER FISHERIES

• JAMES W. WEBB
EXECUTIVE DIRECTOR

November 19, 1971

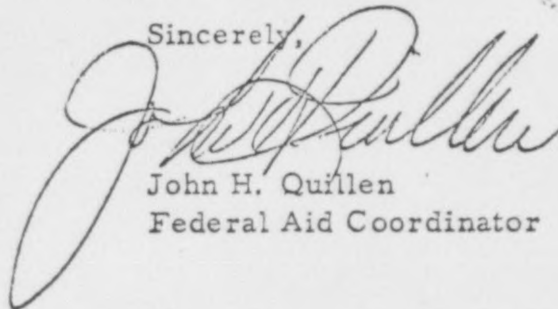
• DR. JAMES A. TIMMERMAN, JR.
DIRECTOR, DIVISION
MARINE RESOURCES

Mr. James W. Webb, Executive Director
S. C. Wildlife Resources Department
P. O. Box 167
Columbia, South Carolina 29202

Dear Mr. Webb:

It is hereby agreed that, under the Grievance Procedure of the
S. C. Wildlife Resources Department, that no hearing would
have been possible or desirable prior to Step No. 3.

Sincerely,


John H. Quillen
Federal Aid Coordinator

JHQ/jb

E N D