

ARTICLE V. PERSONNEL REGULATIONS*

***Cross references:** Officers and employees generally, § 2-96 et seq.

State law references: Authority to develop personnel system policies and procedures, S.C. Code 1976, § 4-9-30(7).

DIVISION 1. GENERALLY

Sec. 2-201. Provisions of article subject to change; provisions of article not contractual.

(a) This article contains various rules, policies and procedures relating to employment. Many of the provisions are summaries of federal, state and county laws. Such laws change from time to time. Furthermore, the county finds it necessary or advisable to alter its rules, policies and procedures from time to time. Therefore, the provisions of this article are subject to change by the county at any time. Nothing in this article shall be deemed to constitute a contract of employment, and all employees of the county are employees-at-will who may quit at any time for any or no reason, and who may be terminated at any time for any or no reason.

(b) All personnel employed in departments or agencies under the direction of an elected official or an official appointed by an authority outside county government serve at the pleasure of such official. All other county employees serve at the pleasure of the county administrator.

(Code 1983, § 2-56)

Sec. 2-202. Establishment of personnel administration system.

In 1975, the county council found it necessary and proper to establish a personnel administration system for county government. This system, as revised and amended, establishes personnel policies, rules and general procedures concerning the employment and working conditions of employees of the county. The objectives of this system are to provide county employees with the satisfaction and security of equitable and definite working conditions and to provide the county with efficient and standardized personnel and payroll practices.

(Code 1983, § 2-56)

Sec. 2-203. Responsibilities for administration.

(a) *County council.* The county council shall:

- _____ (1) Appoint the county administrator, the county attorney, the clerk to the county council, and make appointments to other positions within its statutory jurisdiction.
- _____ (2) Amend the provisions of this article as deemed necessary.
- _____ (3) Authorize and approve the position classification system and pay plan.

(b) *County administrator.* The county administrator shall:

- _____ (1) Have final authority to approve or reject all personnel matters involving the administration of the county personnel system.
- _____ (2) Approve all appointments to the county service with the exception of those positions specifically excluded by statutory jurisdiction of S.C. Code 1976, § 4-9-650.
- _____ (3) Develop and recommend to county council the pay plan for county service.

(c) *Personnel department.* There shall be a department of personnel, the functions of which shall be administered by a personnel director, who, under the general direction of the county administrator, shall:

- _____ (1) Administer this article and ensure that procedures are properly adhered to by all county agencies.
- _____ (2) Devise the county personnel regulations, prescribing the responsibilities for administering the personnel

system and specifying the procedures to be used in carrying out those responsibilities.

- _____ (3) Coordinate properly, with appropriate department heads, all hiring, disciplinary, grievance and firing decisions.
- _____ (4) Administer the county's affirmative action program and equal employment opportunity regulations.
- _____ (5) Prepare and maintain the position classification system and pay plan.
- _____ (6) Maintain centralized personnel records.
- _____ (7) Give general or necessary publicity to any employment opportunities within the county service.
- _____ (8) Establish training programs for county employees as appropriate.
- _____ (9) Supervise and maintain records for evaluation of county employees.
- _____ (10) Conduct exit interviews and maintain termination reports.
- _____ (11) Assist department heads in filling vacancies within their department and all other personnel related matters.
- _____ (12) Administer workers' compensation, unemployment compensation claims and reports, and other fringe benefits programs for county employees.
- _____ (13) Administer payroll procedures and policies in cooperation with the finance department.

(Code 1983, § 2-57)

Sec. 2-204. Classification system.

The classification system shall include all county positions except elected officials, and those positions appointed by the county council.

(Code 1983, § 2-58)

Sec. 2-205. Personnel policies.

(a) *Hours of work.* The regular workweek for county employees shall be 40 hours, except for employees of those departments and agencies where different schedules are necessary. The normal workweek shall be five consecutive days, usually Monday through Friday. Those employees who work shift schedules shall have their hours of work established by the department head in compliance with county guidelines. Interruptions for meals are to be scheduled by the department head.

(b) *Overtime.* Employees exempt from the overtime provisions of the Fair Labor Standards Act shall be paid biweekly salaries and are not entitled to overtime compensation. So long as the county is covered by the Fair Labor Standards Act, all other county employees are entitled to overtime compensation as follows:

_____ (1) Fire service employees who qualify for the partial exemption from overtime pursuant to the Fair Labor Standards Act and its regulations shall be paid 1 1/2 times their regular rates for all hours actually worked in excess of 106 in a 14-day work period. Sleep and meal time shall be considered as hours worked. A fire service employee's regular rates will be calculated by dividing his annual budgeted compensation by the total equivalent straight time hours he is scheduled to work in a year. The term "equivalent straight time hours" is defined as all hours an employee is normally scheduled to work in a two-week period plus one-half the hours scheduled in excess of 106 in two weeks.

_____ (2) Emergency medical service employees shall be paid 1 1/2 times their regular rates for all hours actually worked in excess of 40 in one week. Sleep and meal time shall be considered hours worked. An employee's regular rate will be calculated by dividing his annual budgeted compensation by the total equivalent straight time hours he is scheduled to work in a year. The term "equivalent straight time hours" is defined as all hours an employee is normally scheduled to work, plus one-half the hours scheduled in excess of 40 in one week.

_____ (3) Sheriff's deputies and detention center personnel who qualify for partial exemption from overtime pursuant to the Fair Labor Standards Act and its regulations shall be paid overtime premiums for all hours actually worked in excess of 86 in a 14-day overtime computation period. They shall be paid hourly rates found by dividing their current biweekly salaries by 86 hours, and shall be paid 1 1/2 such hourly rates for all hours actually worked in

excess of 86 in a 14-day overtime computation period.

(4) All other employees who are not exempt from the overtime provisions of the Fair Labor Standards Act and its regulations shall be paid 1 1/2 times their regular rates for all hours actually worked in excess of 40 in one week. An employee's regular rate will be calculated by dividing his annual budgeted compensation by the total equivalent straight time hours he is scheduled to work in a year. The term "equivalent straight time hours" is defined as all hours an employee is normally scheduled to work, plus one-half the hours scheduled in excess of 40 in one week.

(c) *Holidays.* All regular full-time employees of the county, with the exception of those whose duties and schedules do not permit, shall observe the following holidays: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day and Christmas Day. Additional days may be declared as holidays by the county council. Holidays which fall on Saturday will be observed the previous Friday, and those which fall on Sunday will be observed the following Monday.

(d) *Annual leave.* Each regular full-time employee whose normal workweek consists of 40 hours or more shall earn annual leave in accordance with the following schedule:

TABLE INSET:

No. of Years of Service	Vacation Days	Maximum Accumulation
1--5	10	10 days (as of June 30 each fiscal year)
5--10	15	15 days (as of June 30 each fiscal year)
10 or more	20	20 days (as of June 30 each fiscal year)

Each employee whose normal workweek is at least 20 hours but less than 40 hours shall earn annual leave at the rate of one-half of the above schedules. Effective February 12, 1980, only consecutive years of employment will be included in computation of accrual rates of annual leave. Employees will not be allowed to carry over more than their maximum accumulation at the close of each fiscal year. Under no circumstances will an employee be paid in excess of the maximum authorized accumulation in case of termination of employment, except that a retiring employee may be paid for accumulated annual leave up to 45 days for the purpose of increasing the retirement benefit. In the year of retirement only, an employee may elect to convert unused sick leave into annual leave at the rate of one day of annual leave for each two days of unused sick leave (i.e., a maximum of 30 days unused sick leave may be converted to a maximum of 15 days annual leave, subject to the 45-day limit). No annual leave will be granted during the first six months of employment. Employees returning from military leave shall have their military leave time counted as years of service for purposes of entitlement to a larger number of vacation days. Those employees terminated for disciplinary reasons and those who quit without giving proper notice may not be paid accrued annual leave.

(e) *Sick leave.* Each regular full-time employee whose normal workweek consists of 40 hours or more, shall earn sick leave at the rate of one day per each month of service. Each regular part-time employee whose normal workweek is at least 20 hours, but less than 40 hours, shall accrue sick leave at the rate of one-half day per each month of service. Sick leave shall be granted only for absence from duty because of personal illness, pregnancy, legal quarantine or illness in the immediate family, to include husband, wife or child. Sick leave may be accumulated up to a maximum of 60 days. An employee may be required to provide medical certification for any sick leave taken.

(f) *Maternity leave.* Maternity leave shall be handled in the same manner as any other leave for physical disability.

(g) *Civil leave.* Regular county employees shall be authorized to serve required jury duty with pay and without loss of accrued annual or sick leave, except that on any day when such employee is excused from service on a jury, he will be expected to report for duty at his regular place of work or be charged annual leave from time excused from jury duty. Likewise, any period of time for which an employee is excused from jury duty because of illness shall be charged to sick leave. Any fees received as a juror (except that for mileage) must be relinquished to the county. County employees shall be granted civil leave for the purpose of voting.

(h) *Funeral leave.* Employees shall be granted up to three working days of funeral leave, with pay and without loss of accrued annual or sick leave, in the event of the death of a member of the employee's family, including husband, wife, child, father, mother, brother, sister, grandfather, grandmother, grandson, granddaughter, mother-in-law, father-in-law, sister-in-law and brother-in-law.

(i) *Military leave.* County employees will be granted leave with pay and without loss of accrued annual or sick leave while on active duty with the United States armed forces. Prior notification of military leave must be given to the department head. Paid military leave will be granted in accordance with applicable state and federal law.

(j) *Leave without pay.* Regular full-time employees may be granted leave without pay for a period not to exceed one year, for sickness, disability or other reasons, including pregnancy, deemed sufficient by the county administrator.

Employees do not accrue sick or annual leave without pay and are not guaranteed a return to their original position, but will be given preferential consideration in filling advertised vacancies for which they qualify.

(k) *Employee prohibitions.* Violation of any of the following provisions shall be grounds for dismissal:

- _____ (1) No person in the county service or seeking admission to same, shall be appointed, promoted, reduced, removed or in any way favored or discriminated against for political or religious reasons.
- _____ (2) No officer or employee in the classified service shall continue in such a position after qualifying as a candidate for nomination or election to any public office.
- _____ (3) No person shall orally, by letter or otherwise, solicit contributions to any political party or political purpose from any person in the employment of the county.
- _____ (4) No county employee shall take part in the management, affairs or political campaign of any party or candidate, further than the exercise of his rights as a citizen to express his opinion and cast his vote.
- _____ (5) No employee shall accept gifts or gratuities except as allowed in section 2-345.
- _____ (6) No employee of the county shall use any county property, in the conduct of secondary employment. At no time shall an employee of the county conduct any business relating to secondary employment while on county time.
- _____ (7) No county employee shall be allowed to continue employment if he owes delinquent taxes to the county.
- _____ (8) The illegal manufacture, distribution, dispensation, possession or use of narcotics, drugs or other controlled substances while in the workplace, off the premises or on nonwork time is prohibited and will result in termination.
- _____ (9) The county administrator is authorized to promulgate regulations defining other specific prohibitions, as well as a general disciplinary standard.

(Code 1983, § 2-59; Ord. No. 94-19, § 1, 5-22-95)

Sec. 2-206. Compensation rules.

(a) *Plan.* The compensation plan shall include:

- _____ (1) Basic salary schedule for all employees as adopted from time to time by the county council.
- _____ (2) The schedule of salary ranges consisting of minimum and maximum rates of pay for all classes of positions included on the classification plan, as adopted from time to time by the county council.

(b) *Pay rates for appointments, transfers, promotions or demotions.* The minimum rate of pay shall be paid upon appointment to a grade, except that up to three steps above the minimum rate may be paid if a department head submits a written statement on a personnel action form (PAF) outlining reasons for such action, and these are approved by the personnel director. Justification for approval shall be limited to exceptional qualifications or experience of a prospective employee, or lack of available applicants at the minimum rate. Appointments above the third step in any grade must be approved by the county administrator. In cases of promotion, employees shall be guaranteed a minimum salary increase in accordance with existing county policy.

(c) *Salary range.* Salary increases within appropriate grades shall be in accordance with existing county policy and, except as otherwise provided, shall be made annually at the time of the employee's annual evaluation, and upon the recommendation of department heads, as indicated by performance rating or other pertinent data.

(d) *Part-time or temporary employment.* Whenever an employee works for a period of less than the regular established number of hours a day, week or month, the amount paid shall be proportionate to the full-time rate for the class, unless special circumstances require some adjustment of this rate.

(Code 1983, § 2-60)

Sec. 2-207. Performance ratings.

(a) *Standard.* In cooperation with department heads, the personnel director shall establish and maintain standards of performance for the classes of positions in the county service, and shall develop and supervise the administration of a system of performance ratings based upon such standards. Standards of performance established as a basis for

performance ratings shall have reference to the quality and quantity of work done, the manner in which the service is provided, the faithfulness of an employee to his duties, and such other characteristics as may measure the value of the employee to the service, including use of leave.

(b) *Use of ratings.* Each employee shall be notified by his department head or supervisor of each performance rating at the time of such rating in order that he may be afforded an opportunity to correct weaknesses in his performance. Performance ratings shall be considered in pay increases, in granting promotions or demotions, and in taking disciplinary action.

(Code 1983, § 2-61)

Sec. 2-208. Changes in employee status.

(a) *Probationary period.* The initial six months of employment in a position within the classification system shall be regarded as a probationary period. This period is utilized for closely observing the employee's work and for rejecting any employee whose performance does not meet the required work standards. An advisory evaluation should be submitted at the end of the first 90 days.

(b) *Promotion.* Regular employees being promoted will be placed on probationary status for a period of 90 days to ensure that the individual is capable of fulfilling the responsibilities of the new position. Employees who do not satisfactorily complete their probation will be subject to termination.

(c) *Transfer.* Transfers shall be made as follows:

_____ (1) A position may be filled by administratively transferring any employee from one position of the same grade with essentially the same basic qualifications. Employees who are administratively transferred are not eligible for a salary increase.

_____ (2) A transfer which results in an upward movement of grade/salary will be considered a promotion while a transfer resulting in a downward movement will be considered a demotion.

(Code 1983, § 2-62)

Sec. 2-209. Disciplinary action.

(a) *Demotion.* A department head may demote an employee for insufficient performance of his duties, for disciplinary reasons or for any other reasonable cause. A written statement of the reason shall be supplied to the personnel director and the affected employee. All such actions shall require approval of the county administrator. Employees will be placed on probationary status for a period of 90 days. Those who do not satisfactorily complete the probation period will be subject to termination.

(b) *Suspension.* A department head may suspend an employee without pay for disciplinary reasons. Such suspensions shall not exceed ten working days. Within 24 hours of the time a suspension occurs, written notice shall be submitted to the personnel director, county administrator and the affected employee. With the approval of the county administrator, an employee's suspension may be extended, pending investigation of charges against him.

(c) *Dismissal.* Any employee may be dismissed by his department head under certain conditions. A written statement of reasons for dismissal shall be submitted to the personnel director, county administrator and the affected employee on the effective date of dismissal or as soon thereafter as is reasonably practical. Final approval of the county administrator is required. In case of dismissal, a full-time employee who wishes to appeal his discharge must use the grievance procedure outlined in sections 2-236 and 2-237.

(Code 1983, § 2-63)

Sec. 2-210. Voluntary separation.

(a) *Resignations.* In order to resign from county service in good standing, thereby retaining eligibility for future reemployment and payment of accrued annual leave, regular employees must submit a two weeks' (14 calendar days) written notice of resignation, stating the reasons for resignation and the effective date. The resignation shall be submitted to the employee's supervisor who must notify the personnel director immediately. Management level employees are required to submit a 28-day notice. Failure to comply with this policy will be entered on the employee's service record. An employee shall be paid for unused annual leave up to a maximum annual accrual rate. Any employee failing to report for duty without notifying the supervisor or department head for three consecutive days shall be considered to have voluntarily resigned and will not be considered eligible for reemployment at a later date.

(b) *Retirement.* Under state law governing the state retirement system, employees who are members of the system may retire at age 60 or after 30 years of service, whichever comes first. However, for each year under the age of 65, the employee's retirement benefit will be reduced by five percent. A retiring employee shall be compensated up to a maximum of 45 days' accrued leave for the purpose of increasing the retirement benefit of that employee.

(Code 1983, § 2-65)

Sec. 2-211. Antiharassment policy.

The county's employment policies, as well as various laws and regulations, generally prohibit employment decisions from being made on the basis of race, sex, religion, national origin, age, handicap and similar distinctions. The county's policy is to provide a working environment in which employees are free from discomfort or pressure resulting from jokes, ridicule, slurs and harassment either relating to such distinctions or simply resulting from a lack of consideration for a fellow human being. If this policy is violated in any manner which results in harassment to any employee, the provisions of division 2 of this article will be followed. Grievances will be kept as confidential as possible, consistent with efficient investigation. Needless to say, employees (including supervisors) who are found to have violated this policy will be subject to discipline commensurate with the seriousness of their conduct.

(Code 1983, § 2-66)

Sec. 2-212. Personnel budget reductions.

(a) The county council may, by resolution, determine the amount by which the total personnel budget for any county department shall be reduced.

(b) If the department head is an elected official, the county council may, by resolution, request such official to provide to the county administrator, by a given date, a list of employees of his department whose termination as county employees will cause the budget reduction.

(c) If the elected official does not act as requested in subsection (a) of this section, the county administrator shall develop and implement an objective and reasonable plan to select such employees and to remove them from the county payroll.

(d) Removal of any such employee from the county payroll shall terminate the employee's status as an employee of the county. It does not terminate the employee's status as an employee of the elected official, since only the elected official has such authority.

(Ord. No. 95-13, §§ 2--5, 9-11-95)

Secs. 2-213--2-235. Reserved.

DIVISION 2. GRIEVANCES AND APPEALS

Sec. 2-236. Review of employee grievances.

It shall be the policy of the county to adjust grievances of employees promptly and fairly. Any employee who believes that he has received inequitable treatment because of some condition of his employment may appeal for relief from that condition. An employee shall first take up any grievance with his immediate supervisor. If the matter cannot be settled with the supervisor, the employee shall next present his grievance to his department head. If the matter is beyond the control of the department head, the employee may choose to present his grievance to the grievance and appeals board.

(Code 1983, § 2-64(a))

Sec. 2-237. Grievance and appeals board; grievance procedure.

(a) *Appointment; terms; vacancies; reappointment; basis for selection.* The county administrator shall appoint a grievance and appeals board composed of seven members to serve for terms of three years, except that the members appointed initially shall be appointed so that their terms will be staggered, and approximately one-third of the terms shall expire each year. A member shall continue to serve after the expiration of his term until a successor is appointed. Any interim appointment to fill a vacancy for any cause prior to the completion of a member's term shall be for the unexpired

term. Any member may be reappointed for succeeding terms at the discretion of the county administrator. All members shall be selected on a broadly representative basis from among county employees. Members employed in the same department as the grieving employee and members having formed an opinion on the issues prior to the hearing, shall not participate in that employee's hearing.

(b) *Selection of chairperson; duties at hearings.* The board annually shall select its own chairperson from among its members. The chairperson shall serve as the presiding officer at all hearings which he attends but may designate some other member to serve as presiding officer in his absence. The chairperson shall have authority to schedule and to reschedule all hearings.

(c) *Quorum.* A quorum shall consist of at least two-thirds of the board members, and no hearings may be held without a quorum.

(d) *Authority of presiding officer.* The presiding officer will have control of the proceedings. He shall take whatever action is necessary to ensure an equitable, orderly and expeditious hearing. Parties shall abide by his decisions, except when a committee member objects to a decision to accept or reject evidence, in which case the majority vote of the grievance and appeals board will govern.

(e) *Authority of board.* The grievance and appeals board shall have the authority to call for files, records and papers which are pertinent to any investigation and which are subject to the control of the county administrator; to call for or consider affidavits of witnesses; to request and hear the testimony of witnesses, to consider the results of polygraph examinations; and to secure the services of a recording secretary in its discretion. The grievance and appeals board shall have no authority to subpoena witnesses, documents or other evidence, nor shall any county employee be compelled to attend any hearing. All proceedings shall be tape recorded. Witnesses, other than the grieving employee and the department representative, shall be sequestered when not testifying. All witnesses shall testify under oath.

(f) *Holding of hearings; recordkeeping.* All hearings shall be held in executive session unless the grieving employee requests at the beginning of the hearing that it be held in open session. The official tape recording and the official minutes of all hearings shall be subject to the control and disposition of the county administrator.

(g) *Presence of attorneys.* Neither the grieving employee nor the department may be assisted by advisers or by attorneys during the hearing itself. However, the committee shall have an attorney available to it at any and all times it considers necessary and the personnel department shall provide assistance in reading written materials to the committee at the request of a grieving employee.

(h) *Disciplinary actions; notice.* In disciplinary actions by department heads and their subordinate supervisors, the employee must receive in reasonable detail written notice of the nature of the acts or omissions which are the basis for the disciplinary action. This notice may be amended at any time 24 hours or more before the commencement of the hearing. The department must demonstrate that the disciplinary action is for the good of the county. The department shall make the first presentation. The committee may base its findings and recommendations (and county council or elected or appointed officials their decision) on any additional or different grounds developed from the employee's presentation.

(i) *Nondisciplinary grievances.* In nondisciplinary grievances the employee must establish that a right existed and that it was denied him unfairly, illegally or in violation of a county policy. The employee shall make the first presentation.

(j) *Time limit of presentations.* In all grievances, the grieving employee and the department shall each be limited to one hour of initial presentation. The party required to make the first presentation shall be entitled to a ten-minute rebuttal of the other party's presentation. The chairperson shall appoint himself or another member of the grievance and appeals board as timekeeper.

(k) *Mode of presentation.* In all grievances, presentations may be oral or in writing, or both, and may be supported by affidavits or unsworn signed statements from witnesses, by records, other documentary evidence, photographs, and other physical evidence. Presentations shall be made by the grieving employee (with reading assistance from a member of the personnel department if the employee desires) and by a managerial employee of the affected department. Neither party may call witnesses or question the other party, or question any witness called by the board.

(l) *Findings and recommendations; decision.* Except as provided in subsection (m) of this section, the grievance and appeals board shall, within 20 days after hearing an appeal, make its findings and recommendation and report such findings and recommendation to the county administrator. If the county administrator approves, the recommendation of the board shall be his decision, and copies of the decision shall be transmitted by the board to the employee and to the head of the particular department involved. If, however, the county administrator rejects the decision of the board, the county administrator shall make his own decision without further hearing, and that decision shall be final. Copies of the decision shall be transmitted to the employee and to the head of the particular department involved.

(m) *Procedures for certain grievances.* In grievances involving the failure to promote or transfer, or the discipline or discharge of personnel employed in or seeking assignment to departments under the direction of an elected official or an official appointed by an authority outside county government, the grievance and appeals board shall, within 20 days after

hearing an appeal, make its findings and recommendation and report such findings and recommendation to such official. If the official approves, the recommendation of the committee shall be his decision, and a copy of the decision shall be transmitted by the board to the employee. If, however, the official rejects the decision of the board, the official shall make his own decision without further hearing, and that decision shall be final. A copy of the decision shall be transmitted to the employee.

(n) *Property interest not created; termination authority.* Nothing in this grievance procedure creates a property interest in employment or a contract of employment, nor does this procedure limit the authority of the county or an elected or appointed official to terminate any employee when the county or respective elected or appointed official considers such action to be necessary for the good of the county.

(Code 1983, § 2-64(b))

Secs. 2-238--2-270. Reserved.