

ARTICLE VIII. PERSONNEL REGULATIONS

DIVISION 1. GENERALLY

Sec. 2-340. Merit principle.

All appointments and promotions of employees subject to the authority of the council shall be made solely on the basis of merit and fitness.

(Code 1976, § 4-1001)

Sec. 2-341. Responsibility of executive.

The county administrator shall be responsible for the administration of the following personnel policies and rules which shall apply to all employees except those specifically exempted.

It shall be the duty and responsibility of the county administrator or his designee to maintain all required personnel records. Each department head shall be required to submit to the county administrator or his designee all necessary reports, records, and supportive data necessary to the accomplishment of a comprehensive personnel records system.

(Code 1976, § 4-1002)

Sec. 2-342. Employees affected.

The provisions of this article shall be applicable to county officials and employees except as provided below:

- (1) Elected officials and their appointees may be exempt from the provisions of this article in accordance with the Code of South Carolina Laws, 1976; Title 4, Chapter 9; and
- (2) The county attorney shall be exempt from the provisions of this article.

Sec. 2-343. Citizen who is employee may communicate concerns to citizen's council member.

Any employee who is also a citizen of Richland County shall be allowed to communicate inquiries or complaints to his/her council member without interference, restraint, coercion, discrimination, or reprisal from such employee's department head or supervisor, or having employment jeopardized in any manner.

(Ord. No. 1858-89, § IV, 4-4-89)

Sec. 2-344. Performance of marriage ceremonies.

Any employee of Richland County or any employee of an elected official of Richland County who performs a marriage ceremony during working hours on county grounds or in county offices is required to collect a fee of ten dollars (\$10.00) for the performance of same. The said fee shall be deposited in the Richland County General Fund.

(Ord. No. 1862-89, § I, 4-18-89)

Secs. 2-345--2-349. Reserved.

DIVISION 2. CLASSIFICATION SYSTEM

Sec. 2-350. Definitions.

As used in this division and in the plan adopted by this division:

Class is a group of positions, or one position, substantially similar with respect to difficulty, responsibility, degree of supervision required and exercised, character of work required, and generally the same kind and amount of training and experience for the proper performance which merits approximately equal pay. These positions shall be allocated to the same class.

Class title is the official designation or name of a class as stated in the class specifications. It shall be used on all personnel records and action forms. Titles used in the operating activities of the various departments may be left to the discretion of department heads.

Position is a group of currently assigned duties and responsibilities requiring the full-time employment of one person. A position may be occupied or vacant.

(Code 1976, § 4-1011(b); Ord. No. 531-79, § 1, 7-1-79)

Cross reference(s)--Rules of construction and definitions generally, § [1-2](#).

Sec. 2-351. Adoption of the plan; definitions.

The county council hereby adopts by reference the updated "Pay and Classification Plan for Richland County, South Carolina" dated December 1978, and all amendments thereto, which is incorporated herein as if set forth in full, a copy of which is on file with the clerk of council.

(Code 1976, § 4-1011(a); Ord. No. 531-79, § 1, 7-1-79)

Sec. 2-352. Coverage.

The classification plan adopted by this division shall include all regular classes of positions in the county service except those positions that report directly to the county administrator. These positions shall be considered unclassified. Employment in both classified and unclassified positions shall be at the pleasure of the county administrator.

(Code 1976, § 4-1012; Ord. No. 1858-89, § V, 4-4-89)

Sec. 2-353. Allocation of positions.

(a) The county administrator, or his designee, shall allocate each regular county position to its appropriate class in the position classification plan.

(b) The council also authorizes the county administrator to vary within each department the salary and job title listed in the plan so as to conform to changes which have taken place since the study (revision in 1979).

(Code 1976, § 4-1013; Ord. No. 531-79, § 3, 7-1-79; Ord. No. 1858-89, § V, 4-4-89)

Sec. 2-354. Maintenance.

(a) The county administrator, or his designee, shall be responsible for the administration and maintenance of the position classification plan. Department heads shall be responsible for bringing to the attention of the county administrator or his designee, the need for new positions, and substantial material changes in the nature of duties, responsibilities, working conditions, and other factors affecting the classification of any existing position. Following the receipt of such information concerning any new position, the county administrator or his designee, shall either:

- (1) Allocate the new position to the appropriate class within the existing classification plan, or
- (2) Recommend to the council an amendment to the position classification plan to establish a new class to which the new position may be allocated.

(b) When the county administrator or his designee finds that a substantial change has occurred in the nature or level of duties and responsibilities of an existing position, the county administrator or his designee, shall:

- (1) Revise the existing class specification,
- (2) Reclassify the position to the appropriate class within the existing classification plan, or
- (3) Amend the position classification plan to establish a new class to which the position may be allocated.

(Code 1976, § 4-1014)

Sec. 2-355. Classification appeals.

If an employee has facts which indicate that his position is improperly classified, he may request through his department head that the personnel director review the classification of his position. Such requests shall be submitted in writing and shall contain a statement of justification.

Sec. 2-356. Official position classification plan.

(a) The official position classification plan shall be the ordinance duly passed by the county council and shall be included by reference in the Code of Ordinances maintained by the clerk of council.

(b) The county administrator or his designee shall be responsible for maintaining the position classification plan which shall include policies and regulations for administration, a schematic list of class titles, an alphabetical list of class titles, assignment of classes to the pay grades, and class specifications plus all amendments thereto. The classification plan shall be available for inspection by the public under reasonable conditions during business hours.

Sec. 2-357. Amendment.

Classes of positions shall be added to and deleted from the position classification plan by the council upon the recommendation of the county administrator.

(Code 1976, § 4-1017)

Secs. 2-358--2-363. Reserved.

DIVISION 3. COMPENSATION PLAN

Sec. 2-364. Coverage.

Job titles for all regular positions of the county shall be according to the classification plan as adopted in section 2-351, to include a supplemental classification plan covering emergency medical services positions. All positions shall be paid in accordance with this plan.

(Ord. No. 1858-89, § V, 4-4-89)

Sec. 2-365. Maintenance.

Each year prior to the preparation of the annual budget, the county administrator or his designee shall secure information concerning the general level of salaries paid and fringe benefits provided in private industry in the area, the salaries paid and fringe benefits provided comparable county, municipal and state employees, and any change in the cost of living in the area during the fiscal year. The county administrator, or his designee, shall conduct continuing studies of the internal relationships between classes in order to reduce or eliminate inequities between classes of positions within the county. Based on his studies and the general financial condition of the county, the county

administrator shall recommend to the council such amendments of the salary plan as he deems necessary to maintain the fairness and competitiveness of the salary plan. The annual budget adopted by the council, and any amendments thereto, together with the authorized appropriation, shall constitute the approval of amendments to the pay plan by the council.

(Code 1976, § 4-1022; Ord. of 6-15-77)

Sec. 2-366. Entrance at the minimum.

Each new employee shall be appointed at the minimum salary which has been established for the classification in which he is employed except:

(1) If the new employee does not meet the minimum requirements of the position and qualified applicants for the position are not available, the county administrator may designate the employee a "trainee" to be appointed at a salary below the minimum; and

(2) When a department shall submit a written statement that qualified applicants cannot be recruited at the minimum salary or that an applicant possesses exceptional qualifications, the county administrator may authorize the employment of an applicant at a higher rate than the minimum in the salary range. The county administrator shall report all such appointments to the council

at its first meeting following the effective date of the appointment.

(Code 1976, § 4-1024)

Sec. 2-367. Salary increases.

(a) Merit increases may be granted to deserving regular employees whose work meets the standards and/or is above the standards established for satisfactory performance when such an increase will not exceed the maximum salary ranges for the class of his position.

(b) Merit increases shall be recommended by an employee's department head and shall be approved by the county administrator before becoming effective. An employee shall be considered eligible for a merit raise on his anniversary date of employment. The merit raise amount will be dependent upon the availability of funds as approved by council and will be based upon the employee's performance appraisal along with the recommendation of the employee's department head.

(c) An employee who has a minimum of one (1) year's service, who performs the duties of this position in an outstanding and exemplary manner, and whose work is generally both well above expectations and vital to the county's continued successful operations may be considered at any time or a special merit increase of approximately five (5) percent above his current salary. Such an increase may be granted by the county administrator upon the recommendation from the employee's department head, in writing. The granting of this special merit increase shall have no effect upon the employee's eligibility or normal in-grade pay increases.

(Ord. No. 1858-89, § V, 4-4-89; Ord. No. 059-94, § I, 7-5-94)

Sec. 2-368. Salary of promoted or reclassified employee.

The salary of an employee promoted or whose position is reclassified from one class to another having a higher overlapping pay range shall be adjusted to the minimum of the new range or five (5) percent above his old salary, which ever is higher.

(Code 1976, § 4-1027; Ord. No. 1025-83, § 1, 3-15-83; Ord. No. 1923-89, § I, 10-17-89)

Sec. 2-369. Salary of transferred employee.

The reassignment or lateral transfer of an employee to a position in the same class or to a position in a different class with the same pay range shall not change the employee's salary.

Sec. 2-370. Salary of demoted employee.

(a) An employee given a disc demotion to a position in a different class with a lower minimum salary shall be reduced in pay to an in-grade rate which is commensurate with similarly situated employees in the same classification.

(b) An employee given an administrative demotion to a position in a different class with a lower minimum salary shall be reduced in pay to an in-grade rate which is commensurate with similarly situated employees in the same classification. Any variation of this policy must be approved by the county administrator.

(Code 1976, § 4-1029; Ord. No. 1036-83, § 1, 4-19-83; Ord. No. 059-94, § I, 7-5-94)

Sec. 2-371. Salary of part-time and temporary employees.

The pay plan established by this division is for full-time service. When employment is on a part-time or temporary basis, the employee shall be paid only for the hours actually worked at an hourly rate approved by the county administrator.

(Code 1976, § 4-1030)

Sec. 2-372. Salary of reinstated employees.

A reinstated employee shall be paid at a salary rate within the approved salary range for the position which he will occupy. The salary rate of his former position shall have no bearing on the salary rate for his reinstated position.

(Code 1976, § 4-1031)

Sec. 2-373. Holiday pay.

All regular employees are paid for all official holidays. Part-time and temporary employees shall not be paid for such holidays except in the event the employee is scheduled and actually works on the holiday.

(Code 1976, § 4-1032; Ord. No. 1858-89, § V, 4-4-89)

Sec. 2-374. Effective date of salary adjustments.

Salary adjustments approved after the first working day of a pay period shall normally become effective at the beginning of the next pay period.

(Code 1976, § 4-1034)

Sec. 2-375. Pay periods; deductions.

(a) All employees shall be paid on a biweekly basis.

(b) The following deductions are mandatory from each employee's salary: Social security, federal income tax, state income tax, and retirement (part-time or temporary employees may be eligible for retirement, but may elect not to participate in accordance to the S.C. Retirement System regulations). Employees may have optional deductions for any program the county has so designated.

(Code 1976, § 4-1035; Ord. No. 059-94, § I, 7-5-94)

Sec. 2-376. Longevity pay.

(a) All full-time, regular employees, shall be eligible for longevity pay after they have been full-time, regular employees of the county, using their date of entry as a point of reference, for a continuous minimum period of five (5) complete years, on or before July first which shall be established as the base date both for qualification and computation. Longevity pay shall be computed after this date each year. Any eligible employee leaving the classified service between his/her eligible date and the date of payment shall receive this compensation pay in his/her last pay check. Payment shall be based on the employee's current salary if the termination comes before July first. All other qualified employees shall receive their longevity pay in lump sum payment following the computation, certification, and approval by the county administrator. This payment shall be based upon their salary as of July first, the year in which the payment is made, and shall be considered payment for that calendar year should be the employee terminate between July first and December thirty-first.

(b) Longevity pay shall be paid at the rate of one (1) percent per annum of the employee's base salary for those employees serving their sixth through tenth years. For years of service eleven (11) through fifteen (15), longevity pay shall be paid at the rate of two (2) percent per annum of the employee's base salary. For years of service sixteen (16) until retirement, longevity pay shall be paid at the rate of three (3) percent per annum of the employee's base salary.

(c) For certain elected officials, the amount of longevity pay shall be based on the total collective years of county service and calculated upon both the base pay and state supplement when added together.

(Code 1976, § 4-1036; Ord. No. 383, 4-27-77; Ord. No. 1858-89, § V, 4-4-89)

Sec. 2-377. Official copy of the compensation plan.

(a) The compensation plan shall be the ordinance duly passed by the county council and shall be included in the Code of Ordinances maintained by the clerk of council.

(b) The county administrator or his designee shall be responsible for maintaining the compensation plan which shall include a salary schedule and a schedule of assignment of classes to the pay grades plus all amendments thereto. A copy of the official plan shall be available for inspection by the public under reasonable conditions during business hours.

Secs. 2-378--2-383. Reserved.

DIVISION 4. APPOINTMENT, DISMISSAL AND DEMOTION**Sec. 2-384. Definitions.**

The following definitions of employee status shall apply to all county employees:

Exempt employee. Positions which are elected, executive, administrative, or professional as defined by the Fair Labor Standards Act regulations. Exempt employees are paid a salary rate commensurate with their position, responsibility, and working schedule. They receive no extra payment for overtime or holidays.

Full-time employee. Individuals whose authorized workweek is thirty-six and one-fourth (36 1/4) hours or more. A full-time employee may be either temporary or regular.

Length of service. Shall mean continuous employment by the county and is measured from the date the employee was last hired. If this service was interrupted by a break in excess of sixty (60) days (other than for military, maternity, disability, or leave with or without pay or leave resulting from county initiated reduction in force procedures within the previous twelve (12) months), the employee's length of service for purposes of longevity pay will commence with his/her reinstatement. The date of hire for an employee who leaves the county in good standing due to a resignation for fewer than sixty (60) days shall be his original hire date; however, this break in service can only occur once in an

employee's history with the county.

Nonexempt employee. All other positions which are covered under the provisions of the Fair Labor Standards Act regulations and not definable as exempt employees. Employees in these positions, with the exception of law enforcement and emergency medical service employees, receive overtime or compensatory time for time actually worked over and above forty (40) hours in one week. Provisions concerning exempt and nonexempt employees shall be governed by the regulations submitted by the U.S. Secretary of the Department of Labor.

Part-time employee. An individual whose authorized workweek is less than thirty-six and one fourth (36 1/4) hours; usually a twenty-hour work week. Temporary part-time employees are not entitled to fringe benefits beyond social security, worker's compensation and state retirement. Regular part-time employees are entitled to participate in the county's insurance plans and accrue sick and annual leave prorated on the number of hours worked per pay period provided they work at least thirty (30) hours per week.

Regular employee. An individual employed in an approved position in the staff allocation plan who has successfully completed a probationary period of not less than six (6) months. Full-time regular employees are eligible for all fringe benefits.

Temporary employee. An individual employed for less than a six (6) months' period either on a full-time or part-time basis. A full-time temporary employee is eligible to be placed in a regular position. In this event, the length of full-time temporary employment will be credited to the individual's eligibility for sick and annual leave if there is no break in service from the time of temporary full-time employment to the time of regular employment. Temporary employees are not eligible for fringe benefits beyond social security, worker's compensation and state retirement.

(Code 1976, § 4-1042; Ord. No. 463-77, § 2, 11-22-77; Ord. No. 747-80, § 1, 11-19-80; Ord. No. 1858-89, § V, 4-4-89; Ord. No. 059-94, § I, 7-5-94)

Cross reference(s)--Rules of construction and definitions generally, § [1-2](#).

Sec. 2-385. Vacancies publicized.

The county administrator, or his designee, shall publicize vacancies to be filled in the county service in order to encourage qualified persons to apply for county employment.

(Code 1976, § 4-1042)

Sec. 2-386. Recruitment procedure.

(a) When a department head chooses to fill a vacancy, a personnel requisition shall be submitted to the personnel office upon the prescribed form. This

requisition shall indicate the identity of the position to be filled and all other pertinent information which a department head may suggest for recruiting purposes.

(b) In the filling of vacancies, to insure compliance with the requirements of Title VII, the Civil Rights Act, 1964 and the Americans with Disabilities Act (ADA), the personnel office shall recruit, screen, evaluate and refer qualified candidates who meet the employment standards established by the position classification plan and other such reasonable minimum standards to department heads. Such standards shall be job related and established by the county administrator or his designee. The personnel office shall evaluate and submit in writing to the hiring department head the names of qualified applicants eligible for appointments. The hiring department head shall review those applications submitted by the personnel office and shall interview those applicants as he/she or the administrator deems qualified. The hiring department head shall recommend to the administrator the applicant to be hired, but the final determination shall be made by the administrator.

(c) Whenever there is a vacancy in a position which is employed directly by the council, the following procedures shall be followed when filling the interim and/or permanent position; provided, however, that said procedures may be waived upon favorable vote of two-thirds (2/3) of the members of county council and only if the council initiates procedures to permanently fill the position:

- (1) Upon notification of the vacancy of a council filled position, an executive session meeting will be called by the chairman within a reasonable time to determine the dates for submission of applications and date of hiring.
- (2) Each candidate must complete an application form/resume and return it to the clerk of council by the date set by the council.
- (3) A formal interview shall be held by the entire council with all applicants. If council receives more than ten (10) applications, council will hold an executive session meeting to review applications and to select the finalists to be formally interviewed by the entire council.
- (4) An executive session shall be held to review applications of the finalists selected.
- (5) The entire council will vote in open session to fill the vacancy.
- (6) No special consideration shall be given an individual who serves in the interim position.

(Code 1976, § 4-1043; Ord. No. 1858-89, § V, 4-4-89; Ord. No. 2163-91, § I, 12-3-91; Ord. No. 059-94, § I, 7-5-94)

Sec. 2-387. Examinations.

As determined by the personnel office, the selection process may include but shall not be limited to: Oral interview, evaluation of experience and training, reference checks, written examinations (where appropriate) and performance tests. Physical examination shall be required for such classes of positions as may be determined necessary by the county administrator or his designee.

(Code 1976, § 4-1044)

Sec. 2-388. Employment.

(a) Employment for any county position shall be preceded by the applicant's filing a complete application form with the personnel department. The applicant shall sign a statement on this form certifying that full and correct answers to the questions asked have been given and that he understands if, in the process of certification, falsification or misrepresentation is discovered, it may result in disqualification from consideration or dismissal from the county's service, if already appointed, at the direction of the county administrator or his designee.

(b) Applicants who are designated as final candidates by the personnel department may be given a conditional offer of employment and requested to

undergo a physical examination to determine if they are capable of performing the essential functions of the applicable job. Such final candidates shall then submit to the personnel department a signed report from a physician or medical facility attesting to their ability to perform the essential functions of the applicable job.

(c) Appointments to positions with the county shall be made on the basis of ability, training, and experience. The county administrator shall appoint all county employees except those of the elected officers of the county. Such elected officers shall retain the right to "select" their own personnel, so long as such personnel meet the requirements of the job description for the position. Once such persons have been employed, they will be subject to all provisions of the county personnel system. Elected officials selecting their own personnel must submit them to the personnel department for an interview, certification, and the completion of the appropriate records. These requests shall be honored if the candidate meets the minimum qualifications.

(d) A copy of the job description for all classes within a department shall be in the hands of department heads who shall discuss the contents with a new employee before beginning employment.

(e) The personnel department will be responsible for signing up all new employees and processing the necessary forms required to place them on the payroll and on department records.

(f) New employees shall begin their employment on the first day of the work week of their department. A new employee may come by the personnel office any time during the week preceding the beginning of employment to sign the necessary payroll and personnel forms; however, a referral form or memorandum (elected officials) indicating he is to be hired must be received by the personnel department at the time the employee presents himself. A personnel action must be received by the personnel department by noon on Friday preceding employment to complete the necessary employment transaction.

(Code 1976, § 4-1045; Ord. No. 1900-89, §§ I, II, 7-31-89; Ord. No. 059-94, § I, 7-5-94)

Sec. 2-389. Qualification standards.

Employees shall meet the employment standards established by the position classification plan and such other reasonable minimum standards as to character, intelligence, ability to meet the public and physical condition as may be established by the county administrator with the advice and recommendation of department heads.

(Code 1976, § 4-1046)

Sec. 2-390. New employee orientation.

(a) It shall be the responsibility of the personnel office to conduct an employee orientation session for each new employee at which time the contents of the employee handbook, benefits and other information shall be presented. A handbook and other materials shall be given to each new employee as he/she is placed on the payroll.

(b) The personnel office shall assure that each appointed department head is in receipt of the employee handbook and the personnel policies and shall administer and interpret them at the direction of the county administrator.

(Ord. No. 1858-89, § V, 4-4-89)

Sec. 2-391. Employee performance appraisal.

The work performance of each classified employee may be formally evaluated annually in accordance with the administrative procedure prescribed and/or approved by the county administrator. This appraisal may be for all full-time and regular part-time employees. The appraisal shall be the responsibility of the first-line supervisor and/or department head. These appraisals will be reviewed with the employee in an interview session and he may be provided with a copy if one is requested. These appraisals shall be positive in nature and shall be used to guide employees toward a more effective execution of their job responsibilities. They shall also be used as a basis for merit increases if such are available through appropriations authorized by county council. If an employee is the recipient of two (2) successive unsatisfactory evaluations, the employee may be considered for one or more of the following: Transfer; demotion; termination; mandatory schooling or training to upgrade skills.

(Code 1976, § 4-1049; Ord. No. 1858-89, § V, 4-4-89)

Sec. 2-392. Limitation on employment of relatives.

(a) Two (2) members of an immediate family shall not be employed in the same administrative division at the same time. Neither shall two (2) members of an immediate family be employed at the same time, regardless of the administrative division, if such employment will result in an employee supervising a member of his immediate family or result in an employee supervising or interacting with the county financial transactions of another relative/employee.

This policy applies to promotions, demotions, transfers, reinstatements, and new appointments. The provisions of this section shall not be retroactive, and no action is to be taken concerning those members of the same family employed at the time of the adoption of this section (June 15, 1973). Immediate family is defined as wife, husband, mother, father, brother, sister, son, daughter, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, grandmother, grandfather, grandson, granddaughter, stepmother, stepfather, stepson, or stepdaughter.

(b) During a county council member's term of office, no person related to him within the fourth degree of consanguinity or affinity shall be employed in any administrative department. This policy applies to promotions, demotions, transfers, reinstatements, and new appointments. The provisions of this section shall not be retroactive, and no action shall be taken concerning those relatives of a council member employed at the time of the adoption of this section (March 8, 1985).

(Code 1976, § 4-1050; Ord. No. 1272, § 1, 2-19-85; Ord. No. 1858-89, § V, 4-4-89)

Sec. 2-393. Probationary period.

(a) All appointments to regular positions in the service of the county shall be for a probationary period of not more than six (6) months of satisfactory service. Law enforcement officers shall be on a probationary status until they comply with all applicable existing state laws pertaining to law enforcement officers. Before the completion of the probationary period, the department head shall indicate in writing to the county administrator or his designee:

- (1) That he has discussed the new employee's progress (accomplishments, strengths, failures, and weaknesses) with the new employee;
- (2) That the new employee is performing satisfactory work;
- (3) If the new employee's probationary period should be extended beyond six (6) months;
- (4) That the employee should be retained; or
- (5) That the employee should be discharged.

(b) If retained, the employee should be considered a regular employee. An employee may be dismissed during the probationary period at any time if the department head believes that the employee is not capable of doing his assigned duties. Any grievance by the dismissed employee must be filed in accordance with the County's grievance procedures. Probationary employees shall be entitled to file grievances only with their immediate supervisor and each successive supervisor up to the department head, but no farther.

(Code 1976, § 4-1051; Ord. of 6-16-76, § 1; Ord. No. 1858-89, § V, 4-4-89; Ord. No. 059-94, § I, 7-5-94)

Sec. 2-394. Promotions.

(a) Department heads and supervisors shall anticipate vacancies and encourage employees to assume greater responsibility. When it mutually benefits the county and the employee, an effort shall be made to promote or transfer qualified employees from within the county system. If a qualified person is found within the county, then the county administrator shall have the authority to hire such

person without the necessity of outside advertising, notwithstanding any other section of this code of ordinances.

(b) Promotion shall not normally be justified until an opening occurs or until such times as duties require a higher classification.

(c) Promotion shall normally be constituted by competitive selection and/or examination. Selection shall be made on the same basis as on verification for regular appointment by recruiting from the outside. Recommendation may be made by the department head. Selection shall be made by the county administrator.

(d) To encourage promotion or transfer, job opportunities may be publicized containing pertinent information regarding job vacancy. An employee referred to a department head for an interview must be given time off from his/her job duties for this purpose. If a qualified employee is selected for a new job in a different department by mutual agreement of the affected department heads, he/she must be released by the losing department to the gaining department head within two (2) weeks of the date of his/her selection. An employee who applies for a new position and is not selected shall be notified by the personnel office.

(e) An employee who has been promoted shall normally be adjusted to the minimum of the new range or receive at least a five (5) percent increase above his/her present rate; however, due consideration must be given to the date of the last increase. A department head may require the employee to serve a probationary period on his/her new job of not more than three (3) months at his/her former salary. If the transfer is lateral, he/she shall receive his/her current salary.

(f) If the hiring department head determines that during the employee's first three (3) months of employment the employee is not qualified for the position, or if the employee determines that he/she does not wish to continue in the position, the personnel office shall make every effort to return the employee to his/her former position or to a similar type work.

(Code 1976, § 4-1052; Ord. No. 1858-89, § V, 4-4-89; Ord. No. 059-94, § I, 7-5-94)

Sec. 2-395. Suspension.

During the investigation, hearing, or trial of an employee on any criminal charge, during the course of any civil action involving an employee, or during investigation of employee misconduct, performance deficiencies and ability to work, when suspension would be in the best interest of the county, the county administrator may suspend the employee with or without pay or place the employee on accrued annual leave for the duration of the proceedings. Department heads or supervisors may place an employee on suspension for a period of up to two (2) days pending further investigation of a disciplinary matter by the county administrator or the department head, when suspension would be in the best interest of the county. Back pay shall not ordinarily be recoverable, but where the suspension is terminated by full reinstatement of the employee, the county administrator may authorize full recovery of pay and benefits for the entire or for any lesser period of the suspension.

(Code 1976, § 4-1053; Ord. No. 1858-89, § V, 4-4-89)

Sec. 2-396. Dismissal.

(a) All employees are employed at the will of the county. If an employee fails to perform to the standards of the classification for the position held, or if it is determined that the employee is negligent, inefficient, unfit to perform the duties of the position, or if it is determined that an employee is in violation of the following nonexclusive list of violations, he/she may be suspended by his/her department head with a recommendation of discharge. Upon investigation of the employee's performance, the administrator or appropriate elected or appointed official may discharge or reinstate the employee as indicated:

- (1) Unfitness to perform work duties according to the standards of the classification plan;
- (2) Conflicting outside employment;
- (3) Failure to report for work without departmental approval for three (3) consecutive days;
- (4) Disclosure of information considered confidential to unauthorized parties;

- (5) Acceptance of improper gratuities or gifts as defined in the South Carolina State Code of Ethics;
- (6) Use of or under the influence of intoxicating beverages or narcotics while on or reporting for duty;
- (7) Abuse and/or misuse of county-owned equipment;
- (8) Falsification or misrepresentation on an application form or to supervisors, officials or the general public on job-related matters;
- (9) Violation of county ordinances, rules, and policies;
- (10) Membership in any organization which advocates the overthrow of the government of the United States by force or violence;
- (11) Insubordination, delinquency or misconduct in the performance of job related duties; or
- (12) Such other causes as may be deemed appropriate by the county administrator.

(b) Employees who work for elected officials serve at the pleasure of such elected officials. A signed statement from the appropriate elected official that it is no longer his/her pleasure that the employee be employed is sufficient grounds for termination.

(c) When an employee is dismissed the department head shall immediately provide the county administrator with a written notice of the dismissal indicating the effective date and the reason(s) for the dismissal. Any dismissed employee shall be given a written notice of his/her dismissal setting forth the effective date and reason(s) for his/her discharge. The department head shall notify any dismissed employee of his/her right to appeal the dismissal.

(Code 1976, § 4-1054; Ord. No. 1858-89, § V, 4-4-89)

Sec. 2-397. Demotions.

If a department head concludes that an employee's work in his/her present position is unsatisfactory, the department head may recommend to the county administrator that the employee be demoted. If the county administrator concludes that an employee's work in his/her present position is unsatisfactory, the employee may be demoted by the county administrator. Written notice of such demotion shall be given to the employee. The employee shall be informed of his/her right to appeal the demotion.

(Code 1976, § 4-1055; Ord. No. 1858-89, § V, 4-4-89)

Sec. 2-398. Reduction in force.

(a) In the event that a reduction in force becomes necessary, consideration shall be given to the quality of each employee's past performance, the needs of the service and seniority in determining those employees to be retained.

(b) When a "reduction in force" has been determined necessary by the appropriate county officials, efforts may be made by the personnel office to offer any regular employee so affected an assignment to a vacant position for which he/she qualifies or employment with an outside agency. Terminations for reasons of this nature shall be documented in the employee's personnel folder for the employee's protection.

(c) Any full-time, regular employee whose employment with the county is terminated as a result of a "reduction in force" shall be notified in writing of his/her termination and at termination shall be paid severance pay for a period of four (4) weeks based on the employee's current compensation rate, provided that the employee cannot be reassigned to another vacant county position for which he/she qualifies.

(d) Priority shall be given to employment applications of former employees of the county whose termination resulted from a reduction in force. Employees selected for reemployment by the county within twelve (12) months of the termination date will retain full seniority status for the period of previous county employment for purposes of longevity pay and accumulation of sick and annual leave.

(Code 1976, § 4-1056; Ord. No. 747-80, § 2, 11-19-80; Ord. No. 1688-87, §§ 1, 2, 11-3-87; Ord. No. 1858-89, § V, 4-4-89)

Sec. 2-399. Outside employment.

(a) The work of the county shall have precedence over the other occupational interests of employees. All outside employment for salary, wages or commission services, and all self-employment must be reported to and approved by the county administrator on the appropriate form.

(b) An employee's request for outside employment shall not be granted when, in the opinion of the county administrator:

- (1) Such additional work will interfere with his/her duties as an employee of the county;
- (2) Such additional work lowers the efficiency of the employee; or
- (3) Such duties, trades, businesses or professions require review, inspection, licensing, permitting or regulation by the county.

(c) Unauthorized outside employment or conflicting or willful violation of the above, shall be considered direct insubordination and shall be grounds for dismissal.

(Code 1976, § 4-1057; Ord. No. 1858-89, § V, 4-4-89)

Sec. 2-400. Status of a dismissed employee.

(a) Any dismissed employee of the county who seeks reemployment, either to the same position or a different position in the county, must file a completed application with the personnel department giving the dates and reasons for dismissal from his former employment which must be verified from his personnel records.

(b) Any employee dismissed for a reason listed in section 2-396 shall not be eligible for employment or reemployment to any position. Any variation in this policy shall be approved by the county administrator.

(Code 1976, § 4-1058; Ord. No. 502-78, § 2, 10-18-78; Ord. No. 1858-89, § V, 4-4-89)

Sec. 2-401. Disciplinary action.

(a) Disciplinary actions shall be prescribed by a department head when, in his opinion, an employee's work performance or actions are sufficiently below standard so as to be detrimental to the program and/or the employee or if the employee violates county policies which mandate disciplinary action.

(b) Disciplinary action taken shall depend upon the nature of the offense; therefore, the action shall aim to prevent the continuation of unsatisfactory performance. Four (4) types of disciplinary action and their procedures will be used in most cases for regular employees but not necessarily in the following order:

(1) *Warning.* For single, unrelated and relatively minor instances of substandard performances or situations, an oral discussion between the employee's department head and the employee may be sufficient to correct the situation. In such cases, the department head need not fill out any formal written notice, and there need not be any documentation, placed in the employee's personnel folder; however, the department head may wish to make an informal note for his

own records in case the corrective action sought is not forthcoming.

(2) *Official reprimand.* This action should take the form of a written notice of reprimand written by the employee's department head and given to the employee. Normally, it would follow repeated instances of minor infractions of substandard performance for which there have been previous oral warnings. This notice shall state clearly the reasons for the reprimand. A copy of this notice shall be retained by the department head and a copy given to the employee with the original sent to the personnel department to be reviewed, processed, and filed in the employee's personnel folder.

(3) *Probation.* This action shall be considered a severe warning issued in writing by the department head. The written notice shall explain clearly the reasons for the probationary action, stipulate the duration of the probationary period, the standards for judging the employee's improvement and the action to be taken if the deficiencies are not corrected within the probationary period. A copy shall be given to the employee, a copy retained by the department head with the original forwarded to the personnel office to be reviewed, processed, and placed in the employee's personnel file.

(4) *Suspension.* This action shall be taken as a disciplinary measure only when the action and/or behavior of an employee is grave enough to warrant more than probation but less than termination. It shall be issued in writing by a department head and shall clearly state the reasons, duration, and action to be taken (termination) if the action and/or behavior or similar actions/behaviors are repeated. A copy shall be given to the employee, a department copy retained, and the original forwarded to the personnel office to be reviewed, processed, and filed in the employee's personnel file.

(c) Any employee who feels disciplinary action taken against him is not justified may follow the grievance procedures.

(d) Employees shall be required to sign disciplinary notices, performance appraisals and similar documents. The employee's signature will

simply indicate receipt and will not indicate agreement.

(Code 1976, § 4-1059; Ord. No. 1858-89, § V, 4-4-89; Ord. No. 059-94, § I, 7-5-94)

Sec. 2-402. Involuntary termination.

(a) Regular employees being terminated involuntarily may be given advance notice of two (2) weeks. Probationary employees may be terminated without advance notice.

(b) In the case of immediate dismissal, an employee may receive two (2) weeks pay in lieu of a termination notice plus payment for hours worked up through the termination, if recommended by the department head and approved by the county administrator.

(c) If an employee resigns after having been informed that he is to be terminated involuntarily, the employee may receive two (2) weeks pay plus payment for hours worked up through the resignation. Any variation of this policy shall be approved by the county administrator.

(Code 1976, § 4-1060; Ord. No. 1858-89, § V, 4-4-89; Ord. No. 2080-91, § I, 4-2-91)

Sec. 2-403. Resignations.

(a) Department heads shall immediately notify the personnel office of the resignation of any employee and shall submit the employee's letter of resignation if submitted. Department heads should attempt to obtain a letter of resignation if an employee resigns orally. Regular employees, voluntarily separated from the classified service, shall submit such a letter of resignation giving and serving out a two (2) week notice.

(b) A regular employee who voluntarily separates from the county service when possible shall submit to an exit interview conducted by the personnel office during the time he is working out his notice. At the time of the exit interview, arrangements shall be made for the final payment of wages and termination of benefits. Arrangements for these interviews shall be made by the respective department head with the personnel office. The county administrator shall be apprised of any adverse or negative exit interview results.

(Ord. No. 1858-89, § V, 4-4-89; Ord. No. 2080-91, § II, 4-2-91; Ord. No. 059-94, § I, 7-5-94)

Secs. 2-404--2-410. Reserved.

DIVISION 5. EQUAL EMPLOYMENT OPPORTUNITY/AFFIRMATIVE ACTION

Cross reference(s)--Minority participation in county contract procedure, § [2-628](#) et seq.

Sec. 2-411. Applicability of division.

This division applies to all divisions, subdivisions, agencies, and departments of the county receiving county funds.

(Ord No. 1043-83, § 2, 5-3-83)

Sec. 2-412. Purpose.

The purpose of this division shall be to provide for the development and submission of affirmative action plans and implementation of affirmative action programs; and to establish the county's requirement of equal employment opportunity throughout county government.

(Ord. No. 1043-83, § 2, 5-3-83)

Sec. 2-413. Policy.

(a) *Equal employment opportunity.* It is the policy of the county to provide equal employment opportunity to all persons and to prohibit discrimination in employment because of race, religion, color, sex, age, national origin, physical disability or political affiliation with respect to employment, performance evaluation, promotion, training courses, terms or conditions of employment and all other county or county-sponsored activities.

(b) *Affirmative action.* The goal of affirmative action in employment throughout the county government is, and must continue to be, full representation of all groups in the available work force of the county regardless of their race or sex. To that end, all divisions, subdivisions, departments and

agencies of the county receiving county funds shall take affirmative action to ensure equal employment opportunity. The county administrator shall have the plenary authority to recruit minority employees or comply with the letter and spirit of affirmative action as, in his sole discretion, such action is necessary, notwithstanding any other provision of this Code of ordinances.

(c) *Equal employment opportunity.* Equal employment opportunity shall be assured by Richland County. Richland County does not discriminate in any aspect of its operations against any person on the basis of race, sex, color, religion, national origin, disability, or on the basis of age with respect to individuals forty (40) years of age or older. County employees are required to comply strictly with the policy of non-discrimination in all matters concerning fellow employees and members of the public.

It is Richland County's policy 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 any employee feels that this policy has been violated by anyone with whom he comes in contact on the job, regardless of whether it is a fellow employee, a supervisor, or a

member of the general public, he should utilize the grievance procedure to apprise the county. If an employee feels that his supervisor is violating this policy he should initiate his complaint with his supervisor's supervisor. The complaint will be kept as confidential, as possible, consistent with its efficient investigation.

Consistent with proper English usage, wherever in these ordinances a masculine pronoun or possessive adjective appears, it refers to both males and females.

Employees (including supervisors) who are found to have violated this policy will be subject to discipline commensurate with the seriousness of their conduct.

(Ord. No. 1043-83, § 2, 5-3-83; Ord. No. 1858-89, § V, 4-4-89; Ord. No. 059-94, § I, 7-5-94)

Sec. 2-414. Definitions.

For the purposes of this division, the following terms shall have the meanings respectively ascribed to them in this section unless the context requires otherwise:

Affirmative action: Any action that is intended to achieve equal employment opportunity by correcting effects of past discrimination, eliminating resent discrimination, or preventing discrimination in the future.

Affirmative action plan: A written document outlining those steps to be taken to achieve equal employment opportunity, including goals and time tables for achieving equal employment opportunity.

Affirmative action program: Specific, result-oriented procedures to which an employer submits itself to apply every good faith effort to achieve equal employment opportunity.

Equal employment opportunity: A system of employment practices under which individuals are not discriminated from participation, advancement, or benefits because of their race, religion, color, sex, national origin, age, political persuasion, or other factors which cannot lawfully be the basis for employment actions.

(Ord. No. 1043-83, § 2, 5-3-83)

Sec. 2-415. Equal employment opportunity officer.

The county administrator shall appoint an equal employment opportunity officer whose responsibility shall include ensuring compliance with this division by reviewing all affirmative action plans of the county departments, divisions, subdivisions, and agencies and recommending approval or disapproval in accordance with the provisions of section 2-416(b), and coordinating all matters of the county pertaining to equal employment opportunity. The equal employment opportunity officer shall also report to the council, every six (6) months, the status and progress of the affirmative action plans and programs of the county's departments, divisions, subdivisions, and agencies. The equal employment opportunity officer shall report directly to the county administrator.

(Ord. No. 1043-83, § 2, 5-3-83)

Sec. 2-416. Affirmative action plan and program.

(a) All heads of departments, divisions, subdivisions, and agencies of the county shall prepare annually an affirmative action plan for submission to the equal employment opportunity officer.

(b) Affirmative action plans must be approved by the county administrator. The equal employment opportunity officer shall be responsible for recommending approval or disapproval of the plans to the county administrator.

(c) The plan shall comply with the requirements of the state human affairs commission for plans submitted by state agencies to that commission.

(Ord. No. 10-43-83, § 2, 5-3-83)

Sec. 2-417. Implementation of program.

The head of each department, division, subdivision, and agency of the county shall be responsible for the implementation of the affirmative action plan and shall insure that maximum efforts are made to achieve the goals.

(Ord. No. 1043-83, § 2, 5-3-83; Ord. No. 1858-89, § V, 4-4-89)

Sec. 2-418. Status report.

The head of each department, division, subdivision, and agency of the county shall submit a status report to the equal employment opportunity officer every six (6) months, regarding the status and progress of the implementation of their affirmative action plans. Such reports shall be in the format of the progress report required of state agencies by the state human affairs commission.

(Ord. No. 1043-83, § 2, 5-3-83)

Sec. 2-419. Enforcement responsibility.

(a) The county administrator shall have the authority to require the submission of affirmative action plans by all departments, divisions, subdivisions, and agencies of the county when departments, divisions, subdivisions, or agencies refuse to submit such plans to the equal employment opportunity officer.

(b) The county administrator shall report the progress being made by each department, division, subdivision, and agency of the county in the area of equal employment opportunity to county council during budget consideration and when a particular department, division, subdivision, or agency fails or refuses to comply with this division.

(Ord. No. 1043-83, § 2, 5-3-83)

Sec. 2-420. Dissemination of division; posting of equal employment opportunity notices.

(a) A copy of this division shall be available to each employee of the county.

(b) A copy of this division shall be provided to and signed by management and others engaged in recruiting, hiring, training and other personnel activities.

(c) The state human affairs commission poster shall be posted conspicuously within all facilities of the county.

(Ord. No. 1043-83, § 2, 5-3-83)

Secs. 2-421, 2-422. Reserved.

DIVISION 6. CONDITIONS OF EMPLOYMENT

Sec. 2-423. Applicability of division.

The provisions of this division, unless otherwise provided, shall be applicable only to full-time, regular employees of the county.

(Code 1976, § 4-1081; Ord. No. 1801-88, § I, 10-18-88; Ord. No. 059-94, § I, 7-5-94)

Sec. 2-424. Hours worked and workweek hours.

(a) *Exempt employees.* Executive, professional and administrative employees, as defined by Fair Labor Standards Act criteria shall be considered

exempt from the provisions of this division relating to overtime. All other full-time personnel to which this division is applicable shall be classified as nonexempt.

(b) *Standard workweek.* All full-time nonexempt employees except police, corrections, and emergency medical service personnel shall be paid on the basis of a forty-hour workweek. No employee shall be paid for overtime work unless he shall work in excess of forty (40) hours in one given week. For purposes of overtime compensation and for all other purposes, an employee's regular hourly rate of pay shall be computed on the basis of forty (40) hours per week.

(c) *Lesser workweeks authorized.* Any department head may, with the approval of the county administrator, establish a working schedule for his department's operations which involves less than forty (40) hours but not less than thirty-six and one-quarter (36 1/4) hours actual work per week, provided that the provisions of paragraph (b) of this section are followed with respect to overtime compensation and regular hourly rate of pay.

(d) *Standard workday.* For all employees whose actual workweek, as authorized in paragraph (c) of this section, is thirty-six and one-quarter (36 1/4) hours, the workday shall begin at 8:45 a.m. and end at 5:00 p.m.; provided that, certain divisions or employees of a given department, which shall be specified by the department head, shall work forty (40) hours per week and shall have a work day beginning at 8:00 a.m. and ending at 5:00 p.m. All employees, except police and corrections personnel shall be allowed one hour each day for lunch break, which shall not be counted as time worked. Exceptions to these schedules including flex time plans, may be made by department heads with the approval of the county administrator.

(e) *Special provisions for police, corrections and emergency medical service personnel.* Police, corrections, and emergency medical service personnel shall not be paid on the basis of a workweek, but shall be paid on the basis of a shift work-schedule approved by the department head. The sheriff, director of the detention center, and director of emergency medical service, respectively, shall specify

the regular hours for each nonexempt employee under his/her jurisdiction. No overtime shall be paid to any police, corrections, or emergency medical service employee unless such employee shall work in excess of the schedule of hours as provided by the Fair Labor Standards Amendments of 1974.

(f) *Part-time employees.* All part-time employees shall be scheduled to work at the discretion of the department head; provided that such employee shall be supervised at all times.

(g) *Time and attendance record.* All nonexempt employees shall, as a condition of their payment, have completed, with the approval of their department head, a biweekly time and attendance record, reflecting actual time worked during the pay period, computed to the nearest one-fourth (1/4) hour.

(Code 1976, § 4-1082; Ord. No. 059-94, § I, 7-5-94)

Sec. 2-425. Overtime.

Overtime shall be governed by the Fair Labor Standards Act regulations. The provisions of such laws change from time to time and for that reason no effort is made to set forth the law in this policy.

(Code 1976, § 4-1083; Ord. No. 1858-89, § V, 4-4-89; Ord. No. 059-94, § I, 7-5-94)

Sec. 2-426. Stand-by status.

All employees are subject to being summoned for off-duty work in cases of emergency.

(Code 1976, § 4-1084)

Sec. 2-427. Vacation and sick leave.

For the purpose of the following leave regulations, a working day is any day on which the employee actually works, or would work under ordinary circumstances. A year shall be a year of service with the county. Regular holidays and/or normal nonworkdays occurring during a vacation or sick leave period shall not be charged against an employee's annual or sick leave accrual, but shall be charged as a holiday.

(Code 1976, § 4-1085)

Sec. 2-428. Annual vacation leave.

(a) Each full-time employee shall be entitled to annual vacation leave with pay. Such annual leave shall accrue to the employee on a biweekly basis, starting with the first payroll period. Annual leave may be taken by probationary employees as earned with approval of the department head.

(b) A regular employee who resigns or is terminated will be paid for accrued but unused vacation leave not to exceed forty-five (45) days.

(c) All full-time, regular county employees shall earn annual leave based upon continuous service with the county. When there is a break in service, the date of entitlement shall be the latest rehire date. Vacation leave shall be earned on a prorated basis per pay period according to the normal hours worked for yearly accumulations as follows:

***Continuous Years of Service Vacation Leave
Days Per Year***

0 - 9 10

10 - 19 15

20 or more 20

(d) Employees who are reassigned from one position to another or from one department to another shall carry over all accrued annual leave, providing there is no break in service and payment for earned but unused annual leave has not been made to the employee.

(e) Request for annual leave shall be submitted to the employee's immediate supervisor and may be taken only after approval of his/her department head. Annual leave shall normally be granted in accordance with a schedule prepared and implemented by the department head.

(f) Annual leave may be carried over from one calendar year to the next, not to exceed a maximum of forty-five (45) days.

(g) An employee terminating shall be compensated in lump sum for annual leave accumulated to the date of separation, regardless of reason for termination, not to exceed forty-five (45) days, provided he has successfully completed his probationary period. Any variation of this policy shall be recommended by the department head and approved by the county administrator. No employee on annual leave before terminating shall earn any leave credit after the last day of work.

(h) All department heads shall report on a biweekly basis annual leave taken by each employee in their respective department. No annual leave may be taken in advance.

(i) Employees may not be hired to replace employees on annual leave.

(j) Annual leave shall not accrue to the following: Persons engaged under contract, unless otherwise provided by such contract; persons employed under special programs unless provided for in the contract; temporary employees; employees paid on a fee basis such as physicians, specialists and consultants; all elected officials.

(Code 1976, § 4-1086; Ord. No. 415-77, §§ 1--3, 6-12-77; Ord. No. 463-77, § 1, 11-22-77; Ord. No. 1801-88, § II, 10-18-88; Ord. No. 1858-89, § V, 4-4-89; Ord. No. 2080-91, § III, 4-2-91; Ord. No. 059-94, § I, 7-5-94)

Sec. 2-429. Sick leave.

(a) Sick leave with pay is not a right but a privilege granted by the county. Each full-time, regular employee shall be entitled to sick leave with pay, to be used in the event of personal illness. Sick leave with pay shall accrue to each employee in the classified service on a prorated biweekly basis according to normal working hours for a yearly accumulation of twelve (12) days per year. No accrual shall be permitted for an employee who is on leave without pay, suspended for disciplinary purpose, or is on a nonpay status; however, sick leave accruals shall be earned by an employee on annual leave, sick leave, or authorized leave with pay.

(b) Sick leave shall be taken in accordance with the following stipulations:

(1) An employee may take sick leave as earned.

(2) The absence is necessitated by personal or family illness or physical incapacity resulting from causes beyond the employee's control, except that a maximum of six (6) working days of sick leave per calendar year may be used for illness in an employee's immediate family as defined in section 2-392.

In accordance with federal regulations, employees may be granted up to twelve (12) weeks of unpaid leave to care for an immediate family member as defined by the regulation to include children, parents, and spouse. Any leave taken with pay in addition to the six (6) working days during this twelve-week period must be approved by the department head.

(3) Sick leave shall be allowed for medical, dental, eye examinations, or for treatment for which arrangements cannot reasonably be scheduled outside of working hours.

(4) Any employees reporting to work and excused during the day because of illness or reporting to work late because of illness shall be entitled to sick leave providing they have notified their supervisor within two (2) hours after the beginning of the workday. Sick leave shall be charged against an employee's accruals for the actual time an employee is away from the job; however, no charge shall be made for less than one-quarter (1/4) hour. Department heads shall report sick leave of employees in their departments on a biweekly basis.

(5) If an employee's record for absences on the account of illness seems excessive, the county administrator may require a physical examination at the employee's expense to determine his physical fitness for

employment. If the employee does not submit to an examination, the county administrator shall authorize the personnel office to remove the employee from the payroll until such time as would be necessary to determine whether the employee should be placed on leave of absence, released from service, or continued on the regular payroll.

(6) For any absence which is of a duration of three (3) or more consecutive days, the employee is required to present a certificate from a licensed physician attesting illness or incapacity. This certificate shall be forwarded from the department head to the personnel office immediately upon his receipt of such certificate.

(c) Annual leave may be used for sick leave purposes after sick leave is exhausted. Employees who have exhausted all sick leave and annual leave credits may, at the discretion of the county administrator, be granted leave of absence without pay for a period not to exceed one year. If the time is considerable or unknown, the county administrator may declare the position vacant. If the employee shall be able to return to work, he may be given a position and salary at least equal to his former position.

- (d) Accrued sick leave may be used in lieu of annual leave when illness occurs while an employee is on annual leave providing that it continues for three (3) or more consecutive workdays and is supported by a statement from a licensed physician.
- (e) The maximum accrual of sick leave to be carried from one calendar year to the next shall be ninety (90) days.
- (f) Temporary employees may be hired to replace employees on sick leave or leave without pay.
- (g) Employees who resign and who subsequently are reemployed or those who experience a break in service shall not be credited with any previously unused accrued sick leave, except as required by federal regulations.
- (h) Sick leave shall not accrue to the following: Persons engaged under contract, unless otherwise provided by such contract; persons employed under special programs unless provided for in the contract; temporary employees; employees paid on a fee basis such as physicians, specialists, and consultants; all elected officials.
- (i) Advanced use of sick leave authorized. Advanced use of sick leave may be authorized by the county administrator upon recommendation by the department head and upon reasonable assurance that the individual using advanced sick leave will return to work. Such leave shall be approved under the following circumstances:
- (1) *Maximum amount allowed.* The maximum amount of allowable sick leave to be utilized in advance shall be two (2) years' accumulation or twenty-four (24) days of sick leave.
 - (2) *Employees eligible.* Advanced use of sick leave shall only be authorized for those employees currently accruing such leave, who have completed their probationary period.
 - (3) *Leave without pay.* In the event there exists no professional diagnosis relevant to the duration of illness or injury or no reasonable assurance the employee will return to work, a leave of absence without pay shall be recommended in lieu of advanced sick leave.
 - (4) *Payback.* Upon returning to work, an employee having been granted advanced sick leave shall have deducted from his accruals one day per month to be applied to the existing deficit until such time as the deficit in the employees sick leave account no longer exists.

Should an employee who has been advanced sick leave have his employment with the county terminated, for any reason, prior to earning sick leave equivalent to the amount advanced, the finance director shall cause an appropriate amount of money, equal to the employee's daily rate of pay times the number of unrepaid sick days, to be deducted from the employee's final paycheck.

- (j) Employees who have accrued twenty (20) or more sick leave days shall, at the time of their separation, retirement or resignation (providing employees resign in good standing or are terminated without cause), be paid for one-fourth (1/4) of their accrued but unused sick leave days.
- (k) Upon application for retirement by an employee who is terminally ill, as certified by a licensed physician, and who has served the county for twenty (20) years or more, the council may authorize paid terminal sick leave credited to that employee, not to exceed ninety (90) days.

(Code 1976, § 4-1087; Ord. No. 810-81, §§ 1, 2, 5-20-81; Ord. No. 922-82, 6-2-82; Ord. No. 1062-83, § 2, 7-26-83; Ord. No. 1801-88, § III, 10-18-88; Ord. No. 1858-89, § V, 4-4-89; Ord. No. 1888-89, § I, 6-20-89; Ord. No. 2080-91, § IV, 4-2-91; Ord. No. 059-94, § I, 7-5-94)

Sec. 2-430. Authorized absences with pay.

An employee may be excused, at the discretion of the department head, without charge to sick leave or vacation leave accruals as follows:

(1) An employee in the classified service shall be entitled to a leave of absence from duties without loss of pay or time on all days during which he shall be subpoenaed in any court, federal, state or political subdivision thereof, to serve as a juror or witness. Leave for court legal matters shall not apply to law enforcement or corrections personnel when such action is deemed a part of the officer's work routine. Such officers shall not keep any fees for appearing in court in connection with their official duties. The county shall equalize the difference between the employee's jury pay and his regular compensation.

(2) Leave of absence from the job for purposes of direct job-related training shall, upon recommendation of the department head and approval of the county administrator, be approved as an authorized absence with pay. An educational leave of absence shall not be for a period of longer than one (1) year and shall have the written prior approval of the county administrator.

(3) Employees shall be excused from duty to vote in a general, primary, run-off, or special election. The absence shall not exceed the time actually required (generally a maximum of two (2) hours).

(4) Any regular or probationary employee, upon request, shall be granted up to three (3) consecutive workdays of leave with pay on the death of any member of the employee's immediate family. Immediate family is defined as the spouse, parents, grandparents, great-grandparents, brothers, sisters, children, grandchildren, great-grandchildren of either the employee or the spouse.

(5) Each employee requesting administrative leave due to death in the immediate family shall submit a statement to the appropriate authority stating the name of the deceased and the relationship to the deceased.

(6) Such other absences as may be recommended by the county administrator and authorized by the county council may be considered leaves of absence with pay.

(Code 1976, § 4-1088; Ord. No. 1888-89, § I, 6-20-89; Ord. No. 001-01HR, § I, 1-2-01)

Sec. 2-431. Leave of absence without pay.

(a) An employee, full-time or part-time, who has completed at least six (6) months service is entitled to a leave of absence for up to six (6) months when unable to work because of sickness, pregnancy, or injury on or off the job. Such an employee may also apply for leave of absence for personal reasons.

Personal leaves are granted only in the discretion of the county administrator and may possibly exceed six (6) months depending on the circumstances.

(b) Employees are requested to apply for leaves of absence as far in advance of need as is possible, but an employee may be placed on leave status without application when the circumstances warrant such action.

(c) Employees desiring to return to work from an unpaid leave of absence should notify their department in writing at least ten (10) days prior to their desired date of return. If the leave of absence is considerable or unknown, the county administrator may declare the position vacant. If the employee shall be able to return to work, he may be given his former position or a position and salary at least equal to his former position. If the department head and county administrator agree that the employee is fit to resume his duties, the employee will be reinstated to his former job or a position and salary at least equal to his former position. Failure to report back at the expiration of the approved leave of absence shall be considered a resignation by the employee. This action shall not affect the employee's eligibility to be considered for hire as a new employee at some future time.

(d) While on leave of absence an employee neither accrues nor is eligible for any wages or benefits except as required by law.

(Code 1976, § 4-1089; Ord. No. 1858-89, § V, 4-4-89; Ord. No. 059-94, § I, 7-5-94)

Sec. 2-432. Employee leave transfer program.

The following procedures establish the manner in which county employees may voluntarily transfer sick and/or annual leave into a leave transfer pool from which other county employees, who have been approved as leave recipients under personal emergency circumstances, may draw:

(1) Definitions.

Employment department. The department in which the leave recipient is employed.

Leave donor. An employee of an employing department whose voluntary written request for transfer of annual or sick leave to the pool leave account for the county is granted.

Leave recipient. An employee of an employing department who has a personal emergency and is selected and approved to receive annual or sick leave from the pool leave account of the county.

Personal emergency. A medical or family emergency or other hardship situation that is likely to require an employee's absence from duty for a prolonged period of time and to result in a substantial loss of income to the employee because of the unavailability of paid leave.

(2) Departmental responsibility. Richland County shall establish two (2) separate leave transfer pool accounts, a sick leave transfer pool and an annual leave transfer pool; and, along with any additional information the county may deem useful to develop and maintain the following records:

a. Donation request form. The donation request form shall include:

1. The name;
2. The employing department;
3. The employee's position classification;
4. The employee's hourly rate of pay;
5. The number of days/hours of the donor's accrued sick leave;
6. The number of days/hours of sick and/or annual leave the employee wishes to donate to the appropriate leave transfer pool;
7. The date of the donation;
8. The donor's signature.

b. Recipient request form. The recipient request form shall include:

1. The name;
2. The employing department;
3. The employee's position classification;
4. The employee's hourly rate of pay;

5. A brief description of the nature, severity, and anticipated duration of the medical, family, or other hardship situation affecting the employee.

c. *Leave restoration form.* The leave restoration form shall include:

1. The name of the leave recipient;
2. The kind of leave transferred;
3. The amount of transferred leave used;
4. The date that the leave recipient's personal emergency or employment terminates;
5. The amount of transferred leave (annual or sick) being restored to the respective pool.

d. *Annual records (calendar year basis).*

Sick Leave--Total hours and cost of:

1. Sick leave donated;
2. Sick leave used by recipient(s);
3. Sick leave restored, if any.

Annual Leave--Total hours and cost of:

4. Annual leave donated;
5. Annual leave used by recipient(s);
6. Annual leave restored, if any.

e. *Annual report.* Each department having any activity (donations and/or approved requests for leave transfer) in a calendar year shall submit, along with a summary of the above record information, a statement containing any additional information the county may require that will assist in evaluating the desirability, feasibility, and cost of the leave transfer program.

(3) *Eligibility to donate.*

a. *Annual leave.* A county employee may voluntarily request, in writing, by completing the county's donation request form, that a specified number of hours of his accrued annual leave be transferred from his annual leave account to the county's annual leave transfer pool; such leave to be distributed to leave recipients of the county approved according to the provisions of these guidelines.

b. *Sick leave.* A county employee with more than fifteen (15) days in his sick leave account may request voluntarily, in writing, by completing the county's donation request form, that a specified number of hours of his accrued sick leave be transferred from his sick leave account to the county's sick leave transfer pool, such leave to be distributed to leave recipients of the county approved according to the provisions of these guidelines; provided he retains a minimum of fifteen (15) days in his own sick leave account. An employee with less than fifteen (15) days in his sick leave account may not transfer any sick leave to the county's sick leave pool.

An employee wishing to donate sick and/or annual leave to either the sick or annual leave transfer pool must do

so prior to December 1 of the calendar year.

Once leave of an employee has been transferred to a pool account, it will not be restored or returned to the leave donor.

(4) *Request for leave.* A county employee with a personal emergency may request sick or annual leave from the appropriate pool account by completing the county's recipient request form. While there is no limit to the number of separate requests that an employee may submit to the county, each separate request shall be limited to no more than thirty (30) working days.

(5) *Leave approval.*

a. *Department selection.* Upon receiving a completed recipient request form the employing department shall, after reviewing all necessary information, select leave recipients from within the department to recommend to the county administrator for participation in the leave transfer program. Unless the personal emergency involves a medical condition affecting the leave recipients, the employing department may consider the likely impact on morale and efficiency within the department in selecting a leave recipient to use transferred leave.

b. *County administrator's approval.* A copy of the recipient request forms, selected by the employing department, shall be forwarded to the county administrator for review and approval.

(6) *No administrative or judicial appeal.* With the county administrator's approval, the selections of the employing department are final, and there are no administrative or judicial appeals.

(7) *Use of annual or sick leave.* When the selection of a leave recipient has been approved in accordance with these guidelines, all or any portion of the county annual leave transfer pool may be transferred to the annual leave account of the leave recipient and all or any portion of the sick leave transfer pool to the sick leave account of the leave recipient.

Upon approval of a request, an employee may use annual or sick leave from the appropriate pool account in the same manner and for the same purposes as if the employee had accrued the leave in the manner provided by law.

Annual or sick leave transferred into this program may be substituted retroactively for periods of leave without pay or used to liquidate an indebtedness for advanced sick leave.

Annual or sick leave that accrues to the account of the leave recipient must be used before using any leave from a leave transfer pool.

(8) *When emergency terminates.* The personal emergency affecting a leave recipient terminates when the employing department determines that the personal emergency no longer exists or the leave recipient's employment by the employing department terminates.

The employing department shall monitor continuously the status of the personal emergency affecting the leave recipient and establish procedures to ensure that the leave recipient is not permitted to receive or use transferred annual or sick leave from a pool account after the personal emergency ceases to exist. When the personal emergency terminates, the employing department may not grant further requests for transfer of leave to the leave recipient's leave account unless there is a separate and distinct emergency situation.

When the personal emergency affecting a leave recipient terminates, any transferred annual or sick leave remaining to the credit of the leave recipient must be restored to the appropriate pool account by completing a leave restoration form.

(9) *When employment terminates.* Transferred annual or sick leave from a pool account remaining to the credit of a leave recipient when the leave recipient's employment terminates must be restored to the appropriate pool account by

the completion of a leave restoration form. When employment terminates, transferred leave from a pool account must not be transferred to another employee, included in a lump-sum payment for accrued leave, or included in the leave recipient's total service for retirement computation purposes.

(Ord. No. 1893-89, § I, 7-18-89)

Editor's note--Ord. No. 1893, § 1, adopted July 18, 1989, amended § 2-432 to read as herein set out. Prior to said amendment, § 2-432 pertained to maternity leave and derived from Code 1976, § 4-1090.

Sec. 2-433. Military and training camp leave; reinstatement; accrued benefits.

(a) Employees are entitled to such leave of absence and reinstatement upon return from leave of absence for military service (including Reserve and

National Guard duty) as may be provided by applicable state and federal laws. The provisions of such laws change from time to time and for that reason no effort is made to set forth the laws in this policy.

(b) Members of the National Guard and military reserves shall be entitled to payment for a period not exceeding fifteen days in any one year during which they may be engaged in training or other such duties ordered by the governor, or the United States Department of Defense. In the event any such person is called upon to serve during an emergency, he/she may be entitled to such paid leave not exceeding thirty additional days.

(c) *Copy of orders.* Any employee required to go on training duty or emergency duty shall submit a copy of his/her official orders as soon as possible after receipt thereof by the employee.

(Code 1976, § 4-1091; Ord. No. 1203-84, § I, 10-2-84; Ord. No. 1858-89, § V, 4-4-89)

Sec. 2-434. Holidays.

(a) *Designated.* The following days shall be designated as nonworking holidays for county employees: New Year's Day, Martin Luther King Jr. Day, George Washington's Birthday, Memorial Day, Independence Day, Labor Day, Veteran's Day, Thanksgiving Day (and the Friday following), Christmas Day (and Christmas Eve or the day following).

(b) Whenever a holiday falls on a Saturday, the preceding Friday shall be observed. If a holiday falls on a Sunday, the following Monday shall normally be observed as a holiday.

(c) Employees who, for reasons in the best interest of the public, are required to work on a holiday shall, in accordance with federal law or resulting regulations, be paid for or given compensatory time off in lieu of the holiday as may be required.

(d) In order for any county employee to be paid for holidays as provided in this section, such employee shall be required to work the day before and the day after said holiday, or shall be on annual leave, sick leave, or be duly excused from work by proper authority.

(Code 1976, § 4-1092; Ord. No. 1434-86, § 2, 2-18-86; Ord. No. 1588-87, § 1, 2-17-87; Ord. No. 017-99HR, § I, 1-1-00; Ord. No. 069-00HR, § I, 11-14-00)

Sec. 2-435. Hazardous weather.

(a) If hazardous weather conditions make it impossible for an employee to get to his/her place of work as determined by the county administrator, the employee may be excused from work with pay as authorized by the county administrator. If weather conditions as determined by the employee make it impossible for the employee to get to his/her place of work, the employee shall be allowed to:

- (1) Make up the time lost from work within the week in which the time was lost;
- (2) Use accrued annual leave; or
- (3) Take leave without pay.

(b) If hazardous weather conditions develop during a workday, employees may leave early when authorized by their department head who shall be so notified by the county administrator.

(Code 1976, § 4-1093; Ord. No. 059-94, § I, 7-5-94)

Sec. 2-436. Employee training, development and motivation.

(a) It shall be the responsibility of the personnel director to cooperate and aid department heads and employees in fostering and promoting programs of outside and in-service training to improve the quality of personal services rendered and to aid employees in equipping themselves for advancement in the classified service. Each employee shall be required to attend the new member orientation sessions as outlined in section 2-390.

(b) The personnel director or his designee shall work with department heads to arrive at appropriate standards for training programs. He shall develop and conduct supervisory, management, employee development, and other types of training programs common to all departments.

(c) The personnel director or his designee shall make available information concerning job requirements for positions in the classified service and training opportunities available to assist employees in qualifying for such positions, thus to effect an upward mobility program through career ladders and lattices.

(d) Records shall be kept on employees who successfully complete a training course or program. Completed training programs which are not under the supervision and direction of the personnel department shall be reported to the personnel department for inclusion in the employee's personnel folder.

(Code 1976, § 4-1094)

Sec. 2-437. Reimbursement for training expense.

When an employee enters into a job-related training program with the prior approval of his/her department head and the county administrator, he/she will be reimbursed for expenses such as tuition and books upon successful completion of the course; provided, however, that if said employee terminates his employment with the county prior to one (1) year after the completion of any schooling or training which provides professional certification and which costs in excess of seven hundred fifty dollars (\$750.00), the employee shall repay the county for the entire cost of the schooling.

(Code 1976, § 4-1095; Ord. No. 1836-89, § I, 2-21-89)

Cross reference(s)--Travel and expense reimbursements, § [2-495](#).

Sec. 2-438. Retirement.

(a) It shall be required of all full-time regular and eligible part-time and temporary employees, except certain short-term, part-time and temporary employees and employees employed under certain federal grants to participate in the South Carolina Retirement System or the South Carolina Police Officers' Retirement System. Temporary employees who are not required to participate in the retirement system may join if they so desire, since the county is a participating entity. Deductions shall be withheld from the employee's wages. Upon termination of service for any reason (except retirement) such contributions, in accordance to the retirement system's guidelines shall be returnable to the employees if they file for such a return.

(b) Any employee who has rendered active military service in the United States armed forces may receive credit for that service in accordance with the stipulations of the South Carolina Retirement System.

(c) The personnel department and/or payroll office shall provide assistance and direction for any employee eligible for retirement. Retirement applications must be made in compliance with the rules of the South Carolina Retirement System and the South Carolina Police Officers' Retirement System.

(d) Retirement benefits shall be governed by state laws covering the South Carolina Retirement System.

(e) It is hereby authorized that an additional ten (10) percent longevity payment be included in the final paycheck of persons who meet the following conditions:

Employees:

(i) Have twenty (20) or more years of service dating from the last employment or reemployment, and

(ii) Have left county employment in order to begin immediately to receive benefits under the state retirement system, and

(iii) Have not been terminated for disciplinary reasons nor have retired in order to avoid termination for disciplinary reasons.

Elected officials (except members of the county council):

(i) Have served five (5) or more four-year terms, and

(ii) Have applied for benefits under the state retirement system.

If an employee or elected official receives the longevity payment and within six (6) months of receipt fails to apply for benefits under the state retirement system or within six (6) months of receipt ceases to receive benefits under the state retirement system for any reason other than death, the county shall have the right to recover the entire amount of the longevity payment as well as costs and attorney fees incurred in accomplishing the recovery of such payment. Persons who apply for the longevity payment shall be required to agree in writing to this condition.

(f) It is hereby authorized that an additional ten (10) percent longevity payment shall be paid to certain elected officials, excluding county council members, under the following conditions:

(i) The elected official shall have served five (5) or more four-year terms;

(ii) The elected official shall retire from Richland County and apply to the South Carolina Retirement System or South Carolina Police Officers Retirement System for retirement benefits.

(iii) Said payment shall be included in their final check.

(Code 1976, § 4-1096; Ord. No. 1252-84, § I, 12-18-84; Ord. No. 1273-85, § 1, 2-19-85; Ord. No. 1728-88, § 1, 3-15-88; Ord. No. 1800-88, § I, 10-18-88; Ord. No. 1858-89, § V, 4-4-89; Ord. No. 059-94, § I, 7-5-94)

Sec. 2-439. Group life, health and dental insurance.

(a) The county shall pay the premium cost for group life, health and dental insurance for each eligible employee. Employees may elect various dependent coverages. The cost of dependent health coverage will be shared between the county and the employee. The cost of all other dependent coverage will be the responsibility of the employee.

(b) The county's portion of the employee's insurance benefit plan shall not be paid for any employee on leave

without pay or on a nonpay status for a period of more than thirty (30) days. Such an employee may elect to continue his optional coverage during his leave period by remitting to the county such payments, as well as paying the county's portion. If the leave without pay status is not a considerable length of time, these payments may be withheld from the employee's check after returning to work but arrangements should be made through the personnel department. Employees will automatically be dropped from coverage and the county's billing if a valid check is not received in the finance office by the twentieth day of each month or arrangements regarding payment have not been made for the employee on nonpay status.

(c) If an employee is eligible for retirement and retires from county employment directly to retirement under the South Carolina Retirement System or South Carolina Police Officers' Retirement System and the appropriate documentation is provided to the county, the county shall continue to provide health, life and dental coverage for such retiring employee subject to the terms and conditions of the insurance contract in existence at the time of application, so long as health, life and dental insurance are administered county-wide; however, such employee must elect coverage within sixty (60) days after retirement eligibility or forever forfeit such coverage. Further, all such retiring employees shall pay insurance premiums for dental coverage during their participation. Failure of such retiring employees to pay such dental insurance premiums shall result in a lapse and forfeiture of dental insurance coverage.

The county shall provide written notice of this coverage election requirement to the employee upon his or her separation from the county. A copy of such notice and acceptance or waiver of such coverage signed by the employee shall be placed and retained in such separating employee's personnel file. If such separating employee shall refuse or fail to sign such acceptance or waiver, the county shall note such waiver or refusal by signed affidavit, which shall likewise be placed and retained in such separating employee's personnel file. Such insurance coverage shall be identical to that provided for active county employees; except that when the retired employee becomes eligible for Medicare, the county health insurance coverage shall be supplemental. Further, a retired employee may include dependents for health, dental and life insurance, at the expense of the retired employee subject to the terms and conditions of the insurance contract, by paying premiums directly to a location designated by the county.

(d) Beginning July 1, 1989, county payment for retirees insurance (hereinafter termed "payment") under paragraph (c) of this section will be available as follows:

(1) Any employee who has retired from the county and at the time of his or her retirement began receiving benefits from the state or police retirement system shall be eligible for county paid group life and hospitalization insurance, providing such insurance is administered county-wide.

(2) Payments will begin and shall accrue only after a retired employee receives benefits from the state or police retirement systems.

(3) In no event shall retroactive payments be made.

(4) Any separating employee who is participating in any county-provided insurance program at the time of his or her separation from the county who has accumulated service with the county amounting to one-half (1/2) of the time necessary to retire under either the South Carolina Retirement System or the South Carolina Police Officers' Retirement System shall qualify for county group dental, life and hospitalization insurance in accordance with the terms and conditions of the insurance contract in existence at the time of application, providing such insurance is administered county-wide, and providing such employee pays the premium therefor until retirement under the South Carolina Retirement System or under the South Carolina Police Officers' Retirement System.

Upon such separating employee's receipt of benefits from either the state or police retirement system and the appropriate documentation being provided to the county, the county shall pay the premiums for his or her health and life insurance. However, the premiums for dependent coverages and dental insurance shall remain the sole responsibility of the separating employee. When the retired employee becomes eligible for Medicare, such insurance shall be supplemental; but such employee must elect coverage within sixty (60) days of separation from the county or forever forfeit such coverage.

(5) Any payment on behalf of an employee who withdraws or is rejected by either retirement system shall terminate when benefits cease from the retirement system.

(6) Beginning July 1, 1989, any payments for a former county employee who does not qualify under this section shall be terminated.

(7) All benefits under this section will be provided only if the applicant is accepted by the county's insurance carriers.

(Code 1976, § 4-1099; Ord. No. 825-81, § 1, 7-1-81; Ord. No. 1020-83, § 1, 3-15-83; Ord. No. 1714-88, § 1, 2-16-88; Ord. No. 1858-89, § V, 4-4-89; Ord. No. 1887-89, §§ I, II, 6-20-89; Ord. No. 2021-90, § I, 7-31-90; Ord. No. 059-94, § I, 7-5-94)

Sec. 2-440. Worker's compensation.

(a) The county shall be governed in all worker's compensation cases by Title 42 of the South Carolina Code of Laws, 1976, as amended. In the event any employee of the county is injured in the performance of his/her duty and suffers disability due to an accident as defined in the South Carolina Worker's Compensation Law, the county shall compensate the employee as provided in Chapter IV of the South Carolina Code of Laws, 1976, as amended, and according to the schedules as provided. For the first seven (7) calendar days that the injured employee must be off the job, there is no compensation given from the county payroll or worker's compensation unless the employee wishes to be paid his accrued leave and arranges with the payroll department to use his sick or vacation leave. On the eighth day, the injured employee is placed under worker's compensation. If the disability continues for more than fourteen (14) days, the injured employee is entitled to compensation for the first seven (7) days also, to continue to the end of the disability period, not to exceed the maximum amount of compensation allowable under the law at the time the accident occurred. An injured employee is entitled to two-thirds (2/3) of his average weekly wage up to the designated amount allowable under the law per week, nor less than the designated amount allowable by the law per week. The maximum allowable compensation is five hundred (500) weeks, in the case of permanent and total disability or death. The stated amount from the worker's compensation fund will be paid to the employee through the county payroll in accordance with the state worker's compensation law.

(b) If the time is considerable, or unknown, the county administrator shall declare the position vacant. If the employee shall be able to return to work, he

may be given a position and salary at least equal to his former position.

(c) When an employee is out of work due to a work related injury, no sick leave shall be charged against his accrual unless so requested by the employee. During the initial fourteen-day disability/illness period and any other days for which such employee is reimbursed sick and annual leave, the employee shall accrue sick leave.

(d) The county shall pay its portion of health, life and dental benefit plan for such employee for a period not to exceed one (1) year. However, the employee is responsible for continuing to pay his/her premium amount for dependent coverage.

(e) When an injury occurs, the injured employee must report it to his supervisor as soon as possible. If he is unable to report within twenty-four (24) hours, a supervisor or department head must make a preliminary report until the injured employee is able to do so. The supervisor is required to fill out the first report of injury or illness form.

(f) An injured employee must report to the prescribed doctor(s) or to any hospital emergency room for treatment, if after office hours.

(g) Upon the first working day an injured employee returns to work, his department head must report to the payroll office the employee as having returned.

(Code 1976, § 4-1100; Ord. No. 630-79, § 1, 12-19-79; Ord. No. 1858-89, § V, 4-4-89; Ord. No. 059-94, § I, 7-5-94)

Sec. 2-441. Non work-related injury or illness.

If an employee is injured or suffers an extended illness, he shall be paid his accrued sick and annual leave. When this leave is exhausted, he shall receive no further compensation and shall be placed on leave without pay.

(Code 1976, § 4-1101)

Sec. 2-442. Other fringe benefits.

(a) *Social security.* The county shall participate in the social security system for all employees. The employee's portion of the social security taxes shall be deducted from the employee's wages.

(b) *State retirement system.* The county shall participate in the state retirement system or state police officers' retirement system for all employees, including certain short-term, part-time and temporary employees who opt to participate in the system. In accordance with the provisions of the state retirement system and the state police officers' retirement system, should an employee's death occur either naturally or accidentally, his beneficiary shall receive in lump sum an amount equal to the employee's annual salary at the time of his death provided the employee has at least one (1) year of service with the county. The beneficiary shall also receive all of the employee's contributions made to the retirement system and interest earned in accordance with retirement regulations.

(c) *County credit union.* The county shall have a credit union for the benefit of its regular full-time employees. An employee who is a member may use this source as a savings plan through payroll deductions or may borrow money in accordance with established rules and regulations.

(Code 1976, § 4-1102; Ord. No. 1858-89, § V, 4-4-89; Ord. No. 059-94, § I, 7-5-94)

Sec. 2-443. Safety and health.

The county shall be subject to the regulations of the Occupational Safety and Health Act of 1970, as administered by the South Carolina Department of Labor. Care shall be taken to assure that all OSHA regulations and requirements are met. Any employee who has knowledge of unsafe conditions or equipment is encouraged to so notify the personnel office. All complaints shall be investigated, and conditions and/or equipment brought up to OSHA standards.

(Code 1976, § 4-1103)

Sec. 2-444. Records and reports.

(a) All appointments, separations, records, reports, and other information relative to personnel shall be made on the proper forms and routed to the personnel office within the time so designated by the county administrator as stipulated in these regulations. Personnel action forms shall normally be submitted five (5) days in advance of the effective date to allow adequate time for processing. It shall be the responsibility of all department heads to assure that complete and accurate records of all time worked and employee absences within their department are maintained and reported to the payroll office on a biweekly basis.

(b) Information relative to employees and former employees shall be available for public inspection during normal business hours and in accordance with such procedures that the county administrator or his designee may prescribe. An employee's personnel file shall be accessible only to his department head, the county administrator, the personnel director, and the employee involved. Employment service records shall be kept permanently. All other records including correspondence, applications, and examinations may be destroyed after the expiration date imposed by federal, state or local laws.

(Code 1976, § 4-1104; Ord. No. 059-94, § I, 7-5-94)

Sec. 2-445. Personnel information.

(a) *File contents.* Personnel record file contents shall be limited to, but not necessarily include, the following kinds of permanent information:

- (1) Application;
- (2) Notification documents to, about and/or from employee re:
 - a. Personnel action forms:
 1. Appointment;
 2. Adjustments;
 3. Leaves of absence or suspension;
 4. Termination;
 5. Change of name and/or address.
 - b. Request for transfer forms;
 - c. Employee emergency information;
 - d. Referral slip signed by department head;
 - e. Letters of appointment and acceptance;
 - f. Personal history and employment record summary;
 - g. Skills and education records;
 - h. Exit interview.
- (3) In addition, the following long-term temporary information may be included:
 - a. Federal and state tax withholding forms, seven (7) years after termination:
 1. W-4
 2. WH-1602
 - b. The following withholding forms--until termination or for as long as valid:
 1. Credit union;
 2. Other authorized payroll deduction withholding forms.
 - c. Performance evaluations, last three (3) years only;
 - d. Training records, certifications of completion, to be retained five (5) years or as long as administratively necessary;

- e. Commendations and awards to be retained five (5) years or as long as administratively necessary;
- f. Employment background checks retained permanently;
- g. Law enforcement background investigation reports as long as administratively necessary;
- h. Immigration I-9 form.

(4) In addition, the following short-term information shall be included:

- a. Letters of reprimand and justifications for disciplinary action, five (5) years from receipt or as long as administratively necessary;
- b. Interview reports, five (5) years from receipt or as long as administratively necessary;
- c. Test results, five (5) years from receipt or as long as administratively necessary;
- d. Employment verification and insurance data, one (1) year from receipt.

(b) *Maintenance.*

(1) The official personnel records file shall be maintained by the county personnel office and payroll department for all county employees, both active and inactive.

(2) Active and inactive personnel files shall be kept in separate cabinets.

(3) Personnel folders shall be reviewed annually for compliance with adopted standards; the review shall be entered on the folder and initialed by the reviewer.

(4) All materials purged from individual personnel folders shall be destroyed except

those which become the property of the employee.

(5) Upon adoption, the personnel department shall have six (6) months to comply with the standards.

(c) *Access.*

(1) Employees shall have the absolute right to review their individual personnel file, to have copies of any material not marked "confidential" at their expense, and to request, with justification, that any material be removed:

a. Employees shall have the right to prepare and submit a rebuttal to any material of a derogatory nature which is included in their file.

b. Employment background checks, investigative reports, and other responses to inquiries, if derogatory in nature, if other than public records, shall not be included in an individual's personnel file unless the subject matter is discussed with the employee and he/she has an opportunity for rebuttal:

1. If the employee chooses not to rebut, or if a rebuttal is made which fails in its intent, this material shall be placed in a sealed envelope in the employee's personnel folder marked "confidential" and shall be closed to all persons except the county administrator and the personnel director.

2. If the rebuttal disproves the derogatory information, such information shall be destroyed.

c. Such information as scholastic records, and all other records required by law

to be closed shall be placed in the "confidential envelope."

d. Medical information shall be maintained in separate confidential files as required by federal law.

(2) Personnel files shall be protected from access except as otherwise provided for in this section, by persons other than:

- a. The county administrator or his designee;
- b. The personnel director and authorized staff;
- c. The employee's department head;
- d. The equal employment coordinator;
- e. The employee.

(3) All records shall be reviewed in the presence of the personnel director or designated personnel office staff; however, in no case shall any file be removed from the personnel office.

(d) *Personnel information dissemination.*

(1) Personnel files are closed to the public as provided for under the Freedom of Information Act.

(2) Background, investigative, or employment reference checks must be requested by mail on identifying letterhead or by personal visit with the proper credentials. The following information can be given out under the stated conditions:

a. By phone, provided caller is identified and information requested is for a legitimate purpose:

- 1. Verification of employment status;
- 2. Length of employment;
- 3. Classification;
- 4. Department employed in and department phone number.

b. By mail (on letterhead form) or by personal visit:

- 1. Same as above; plus
- 2. Salary range;
- 3. Salaries paid over a period of time, if deemed necessary (subject to a signed statement of release by the employee);
- 4. Statements regarding letters of commendation and/or awards.

c. The following information shall not be given out under any circumstances:

1. Home telephone number;
2. Performance evaluation information;
3. Material in the "confidential" envelope;
4. Results of disciplinary action;
5. Statement as to whether the employee's services were satisfactory or unsatisfactory;
6. Statement as to whether his/her department head would rehire and/or recommend for hiring.

d. All other requests for personnel information must be requested in writing and may be disseminated at the discretion of the personnel director. The director, at his discretion, may

require any request for information to be requested in writing.

(3) Requests for material subpoenaed or received in connection with some legal action or investigation must be submitted in writing and in itemized form; items not specifically identified will not be provided:

a. When an investigator shall ask for information by personal visit, only material requested shall be given, and that, only after credentials have been checked by the personnel director.

b. If there is doubt concerning the validity of the credentials or appropriateness of the information requested, a written request on the prescribed form for the material, including verification of credentials, shall be required before disclosure.

(4) Employees who wish additional information given regarding their employment as otherwise provided for in this section must submit a signed statement authorizing the information requested to be provided by the personnel department.

(5) All information disseminated on an employee, active or inactive, shall be filed in the respective folders if it is given by written request. All general personnel information disseminated by request on the prescribed form shall be filed by calendar year.

The personnel department shall give salary ranges and other such personnel information as may be used in surveys to other political jurisdictions and/or business establishments; provided that, such information shall not identify any employee in the classified service and provided that such survey tabulations and analyses shall not identify the county if disseminated beyond the primary source to whom the information is provided.

(Code 1976, § 4-1105; Ord. No. 059-94, § I, 7-5-94)

Sec. 2-446. No liability for personal property of officers and employees.

The council hereby enacts a policy providing that future losses of personal property(ies) of county employees and officials shall not be the responsibility of Richland County and no further reimbursements for personal losses shall be approved. Each employee is urged to secure his/her property so as to prevent damage or loss.

(Code 1976, § 4-1106; Ord. No. 398-77, § 2, 5-18-77)

Secs. 2-447--2-452. Reserved.

DIVISION 7. GENERAL SERVICE REGULATIONS

Sec. 2-453. Attitude and common courtesy.

When contacting the public in any manner, especially on public business, county employees shall do so in a courteous manner. Every employee shall, at all times, endeavor to conduct himself/herself in a manner that reflects credit upon his/her department and the government of the county.

(Code 1976, § 4-1111)

Sec. 2-454. Disclosure of confidential information.

No official or employee shall, without the approval of his/her department head, disclose confidential information concerning the property, government, or affairs of the county, nor shall he/she, under any circumstances, use such information to advance the financial or other private interest of himself/herself or others.

(Code 1976, § 4-1112)

Sec. 2-455. Drug and alcohol abuse prohibited.

(a) *Purpose.* In compliance with the South Carolina Drug Free Workplace Act of 1988, Richland County intends to maintain a healthy workplace free from the problems associated with the illegal use of drugs and abuse of alcohol and controlled substances. Substance abuse, whether at work or elsewhere, seriously endangers the safety of employees, as well as the general public, and creates a variety of workplace problems including increased absenteeism, increased health care and benefits costs, increased theft in the workplace, decreased morale, decreased productivity, and a decline in the quality of service provided by the county. It is the policy of Richland County to prevent and detect the illegal use of drugs by employees, the impairment of employees by alcohol while on the job or while operating a county vehicle, to assist employees in overcoming dependencies on drugs and/or alcohol, and, if necessary, to terminate the employment of drug and alcohol abusers for the protection of fellow employees and all citizens of the county.

(b) The county administrator shall issue, and from time to time modify as necessary, a policy to apply to all county employees holding positions for which he has employment and termination authority, which policy shall prohibit such employees from illegally using, possessing or dealing in drugs at any time, and which policy shall provide for the pre-employment drug testing of applicants for such positions and for drug testing of employees in such positions to the extent and under such conditions as shall be lawful.

(c) The county administrator shall issue and from time to time modify as necessary a policy to apply to all county employees holding positions for which he has employment and termination authority, which policy shall prohibit such employees from reporting for work, being at work, and/or operating a county vehicle while under the influence of alcohol to any degree, and from possessing alcoholic beverages at work in a county vehicle, and which policy shall provide for the testing of such employees to determine their impairment for the use of alcohol to the extent and under such conditions as shall be lawful.

(d) Any elected official or official appointed by an authority other than the county council may choose to subject to both or either of these policies the employees holding positions as the which official has employment and termination authority, and applicants for such positions.

(e) The policies issued by the county administrator shall provide for the education and counseling of employees to aid in the prevention of and rehabilitation from drug and alcohol abuse.

(Ord. No. 2251.01-92HR, § 1, 10-6-92)

Sec. 2-456. Use of county-owned equipment.

No employee shall take for his/her personal use any county-owned equipment. All employees shall use county-owned equipment only in the manner authorized by the county administrator. An employee who is on call may be authorized to take a vehicle to his/her residence by his/her department head. Personal use of county vehicles is strictly

prohibited.

(Code 1976, § 4-1115)

Sec. 2-457. Surrender of property.

An employee who is suspended, discharged, resigning, retiring or terminating employment shall be required to return all items of equipment, including uniforms, owned by the county. Return of such equipment must precede the issuance of such an employee's final paycheck.

(Code 1976, § 4-1116; Ord. No. 059-94, § I, 7-5-94)

Sec. 2-458. Voting rights.

Employees are encouraged to exercise their individual right to vote and no employee shall be given or refused employment, suspended, or discharged because of his/her vote or failure to vote in any primary or general election nor be censured for expressing a personal political opinion.

(Ord. No. 1553-86, § 1, 12-2-86)

Editor's note--Section 1 of Ord. No. 1553-86, effective Dec. 2, 1986, deleted § 2-458 and § 2-459 and enacted new § 2-458 and § 2-459 in lieu thereof. Formerly, said sections pertained to political activity and voting rights, respectively, and were derived from Code 1976, §§ 4-1117, 4-1118; and Ord. No. 502-78, § 3, effective Oct. 18, 1978; and Ord. No. 1446-86, § 1, effective April 1, 1986.

Sec. 2-459. Illegal use of influence.

(a) It shall be unlawful for any person employed by the county to use his influence or official position, directly or indirectly, to intimidate or coerce, or to attempt to intimidate or coerce, any person for the purpose of interfering with the right of such person to vote as he may choose, or to otherwise cause such person to vote for or against any candidate for political office.

(b) It shall be unlawful for any person employed by the county to promise employment, favors or awards of any nature or kind, for the purpose of influencing such person or persons to vote for or against any candidate for political office in any locality, including that of a polling place.

(Ord. No. 1553-86, § 1, 12-2-86)

Note--See the editor's note following § [2-458](#).

Sec. 2-460. Prohibited political acts.

No employee of the county shall engage in political activity:

(1) While the employee is carrying out some function, duty, transaction, business or responsibility for which he/she was employed;

(2) While the employee is on or around any property owned, leased or used by the county, regardless of whether the employee is carrying out some function, duty, transaction, business or responsibility for which he/she was employed; or

(3) While the employee is wearing, carrying or in any way displaying a uniform, insignia, sign or any other object or sound which might reasonably identify the employee with an office or position of the county or with the county government.

(Code 1976, § 4-1118.1; Ord. No. 502-78, § 4, 10-18-78)

Sec. 2-461. Reserved.

Editor's note--Ord. No. 2211-92, § I, adopted May 19, 1992, repealed former section 2-461 in its entirety which pertained to a requirement for county employees to resign prior to becoming candidates for elective offices and derived from Ord. No. 1553-86, § 1, adopted Dec. 2, 1986.

Sec. 2-462. Applicability to employees of elected officials.

Notwithstanding any law or ordinance to the contrary, the provisions of this division will apply and have full force and effect as to employees of elected officials.

(Ord. No. 1553-86, § 1, 12-2-86)

Note--See the editor's note following § [2-461](#).

Sec. 2-463. Ethics code.

All county employees shall abide by and be subject to the county code of ethics.

(Code 1976, § 4-1120)

Cross reference(s)--County ethics code, § [2-157](#) et seq.

Sec. 4-464. Penalty for violation of this division.

Any employee of the county violating the provisions of this division shall be immediately subject to removal from the position which he holds.

(Ord. No. 1553-86, § 1, 12-2-86)

Note--See the editor's note following § [2-461](#).

Sec. 2-465. Press releases--Department heads.

All department heads appointed by the county administrator shall release press statements, announcements and other public information to mass media news agencies only after approval of such releases by the county administrator or his designee.

(Code 1976, § 4-1122)

Sec. 2-466. Same--Committees, boards, agencies and commissions.

All county committees, boards, agencies, commissions and other governmental bodies appointed exclusively by the Richland County Council, shall release press statements, announcements and other public information to mass media news agencies only after approval of said release by the county council or its designee.

(Code 1976, § 4-1123; Ord. No. 462-77, § 2, 11-22-77)

Sec. 2-467. Coordination.

All county committees, boards, agencies, commissions and all other bodies appointed partially by the county council are requested/encouraged to coordinate the release of press statements, announcements and other public information to

the mass media news agencies with the county council or its designee, insofar as such releases, announcements, statements or information pertain to programs, budgets and projects of the county government.

(Code 1976, § 4-1124; Ord. No. 462-77, § 3, 11-22-77)

Sec. 2-468. Freedom of information law.

Sections 2-465 through 2-467 of this division shall not restrict the right to public information outlined in the state Freedom of Information Act.

(Code 1976, § 4-1125; Ord. No. 462-77, § 4, 11-22-77)

Secs. 2-469--2-474. Reserved.

DIVISION 8. GRIEVANCE PROCEEDINGS

Editor's note--Ord. No. 1858-89, § VI, adopted April 4, 1989, deleted former Div. 8, §§ 2-475--2-483, relative to grievance proceedings, and enacted a new Div. 8, §§ 2-475--2-480 to read as herein set out. The provisions of former Div. 8 derived from Code 1976, §§ 4-1133--4-1139 and Ord. No. 1318-85, § 1, 6-18-85; Ord. No. 1324-85, § 1, 6-18-85; and Ord. No. 1469-86, § 1, 5-20-86)

Sec. 2-475. Generally.

This procedure is adopted in accordance with the "County and Municipal Employees Grievance Procedures Act," sections 8-17-110, et seq., Code of Laws of South Carolina, 1976, as amended. This division is not applicable to deputy sheriffs, who serve at the pleasure of the Richland County Sheriff.

(Ord. No. 1858-89, § VI, 4-4-89; Ord. No. 1956-90, § I, 3-6-90)

Sec. 2-476. Definitions.

Grievance. A grievance is defined as any complaint by an employee that he has been treated unfairly, unlawfully, or in violation of his rights under county policies, with regard to any matter pertaining to his employment by the county. This definition includes, but is not limited to, discharge, suspension, involuntary transfer, promotion and demotion. If an employee believes that he has not received or been credited with or has otherwise lost wages or benefits to which he is entitled, he must present his grievance in accordance with this procedure or such wages or benefits may be forfeited.

(Ord. No. 1858-89, § VI, 4-4-89)

Sec. 2-477. Procedure.

- (a) An employee who feels that he has a grievance must follow the following procedure:

Step 1. He must discuss the grievance with his immediate supervisor. If his supervisor is unable or unwilling to adjust the grievance to the satisfaction of the employee, the employee must take Step 2.

Step 2. The employee must follow the chain of command, appealing to each successive level of supervision. All Step 1 and Step 2 appeals may be oral. At each level each supervisor shall have two (2) work days (Saturdays and Sundays excluded) to render a decision. If no decision is made within this time, the grievance shall be considered denied. If a supervisor at a particular level is unavailable to consider the grievance, it shall be considered denied and the employee shall appeal to the next level of supervision.

Step 3. If the head of the department in which the employee is employed denies the grievance, this decision shall be final as to any grievance brought by a probationary employee. A new employee shall be considered probationary until

his probationary evaluation is completed and approved by his department head.

(b) An employee other than one serving an initial probation period may appeal to the employee grievance committee the denial of his/her grievance by department heads by filing a written request for appeal at the county's personnel department. This must be done within fourteen (14) calendar days of the time at which the facts on which the grievance is based became available to the employee. The written request for appeal must include the following information:

- (1) The purpose of the appeal and what recommendation is requested of the grievance committee; and
- (2) A statement that the chain-of-command has been followed in the appeal as is required by the grievance procedure.

The personnel department staff will assist in preparing the appeal, if requested.

(c) Within ten (10) days of receipt of the employee's request, the chair of the grievance committee shall schedule the requested hearing and notify the grievance committee, the employee requesting the hearing, the affected department, and the personnel department.

(Ord. No. 1858-89, § VI, 4-4-89)

Sec. 2-478. The employee grievance committee.

The county council shall appoint a committee composed of seven (7) employees to serve for terms of three (3) years, except that the members appointed

initially shall be appointed so that their terms will be staggered, and approximately one-third (1/3) 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 appointed for succeeding terms at the discretion of the county council. 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. The council shall qualify and appoint no fewer than one (1) and no more than four (4) employees to serve for a term of three (3) years as alternate members of the employee grievance committee in the event three (3) or more permanent members of the committee shall be disqualified or otherwise unable to participate in a grievance proceeding, thereby precluding a quorum of the committee as required by this section. Alternate members may seek appointment as interim or permanent committee members as vacancies shall occur, in which event the council shall designate replacement for such alternate members so chosen for full membership on the committee:

(a) The committee annually shall select its own chair from among its members. The chair 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 chair shall have authority to schedule and to re-schedule all hearings.

(b) A quorum shall consist of at least five (5) (two-thirds (2/3) of the committee) members, and no hearings may be held without a quorum.

(c) 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 committee will govern.

(d) The committee 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 council; 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

service of a recording secretary in its discretion. The committee 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.

(e) 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 county council.

(f) 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 at any and all times it considers necessary. The personnel department shall provide assistants in reading written materials to the committee at the request of a grieving employee.

(g) 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 twenty-four (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 may base their findings and recommendations) on any additional or different grounds from the employee's presentation.

(h) In non-disciplinary 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.

(i) In all grievances, the grieving employee and the department shall each be limited to one (1) hour of initial presentation. The party required to make the first presentation shall be entitled to a ten (10) minute rebuttal of the other party's presentation. The chair shall appoint himself or another member of the committee as timekeeper.

(j) 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 committee.

(k) Except as provided in (l) and (m) below, the committee shall, within twenty (20) days after hearing an appeal, make its findings and recommendation and report such findings and recommendation to the county administrator. The administrator shall immediately forward to the county council such findings and recommendations along with his own evaluation and recommendation. If the county council approves, the recommendation of the committee shall be its decision and copies of the decision shall be transmitted to the employee and to the head of the particular department involved. If, however, the county council rejects the decision of the committee, the county council shall make its 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.

(l) If the administrator, in his sole discretion, believes that he is unable to give county council an objective recommendation and evaluation of the grievance, he shall forward the committee's findings and recommendations without adding his own evaluation and recommendation.

(m) 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 committee shall, within twenty (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 committee to the employee. If, however, the official rejects the decision of the committee, 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) 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.

(Ord. No. 1858-89, § VI, 4-4-89; Ord. No. 2202-92, § I, 4-21-92)

Cross reference(s)--Boards, commissions and committees generally, § [2-326](#) et seq.

Sec. 2-479. Communication of grievance policy and procedure.

The policy and procedure shall be communicated directly to all employees and posted in a conspicuous place in all work areas. The personnel office shall have an affirmative duty to provide all county employees with information and assistance in utilizing the county grievance procedure.

(Ord. No. 1858-89, § VI, 4-4-89)

Sec. 2-480. Penalty for violation.

Any employee violating the provisions of this division shall be subject to suspension and/or dismissal.

(Ord. No. 1858-89, § VI, 4-4-89)

Secs. 2-481--2-489. Reserved.

DIVISION 9. TRAVEL POLICIES AND EXPENSE REIMBURSEMENTS

Sec. 2-490. Assignment of county vehicles.

(a) The county administrator shall require each department head to submit a written justification of each vehicle assigned to a particular employee within his/her department. The county administrator shall review these justifications to decide whether some vehicles shall be parked at the employee's place of duty during nonwork hours. The county administrator shall publish and, as necessary, revise a list of all employees authorized to be assigned automobiles on either a business-hours only or twenty-four-hour basis. The process of justifying twenty-four-hour assignments shall recur annually. Vehicles assigned on a twenty-four-hour basis shall be used for official business and transportation to and from work only. Personal use of county vehicles without approval from the county administrator shall be grounds for reassignment of vehicles or other disciplinary action.

(b) The county shall not implement a motor pool for all departments. Individual department heads are encouraged to develop regular procedures for joint use of vehicles assigned to the department by employees of that department.

(c) Personnel who shall use their personal automobiles and be reimbursed according to the county's mileage policies are as follows:

- (1) All department heads not furnished a car;
- (2) All assistant department heads;
- (3) Tax appraisers;

- (4) Other employees authorized by department heads when county vehicles are not available.

(Code 1976, § 4-2001)

Sec. 2-491. Regulations for driving county vehicles and reporting accidents.

(a) Employees using county-owned vehicles shall be expected to drive and handle them in a safe and conscientious manner. Employees shall be expected to possess a valid driver's license and obey all traffic rules and regulations, plus any special regulations that may emanate from time-to-time from the county administrator.

(b) Any employee involved in an automobile accident involving a county vehicle shall pursue each of the following steps, unless prevented by serious injury:

(1) Immediately report by telephone to the county sheriff's department.

(2) Immediately report to other law enforcement agency, if applicable:

a. In the cities of Columbia or Forest Acres, to the local police department; or

b. Outside the county, to the local police or sheriff's department or to the state highway department.

(3) Make every effort to secure the following information from the other driver(s):

a. His/her name and address;

b. The name of his/her insurance company and policy number; and

c. The license number of his/her automobile.

(4) Make no statement which could be construed as an admission of fault or which might obligate the county or its insurance carrier.

(5) Stay with the vehicle until it has been removed for repair or instructions are given to return to point of origin.

(6) Notify his/her department head as soon as possible.

(7) File an accident report with the finance department on a form provided upon request. This form should be filed as soon as possible, but must be within three (3) days after the accident.

(Code 1976, § 4-2002)

Sec. 2-492. Maintenance practices for county vehicles.

The county administrator shall enforce the following comprehensive vehicle maintenance policy:

(1) The public works department shall have responsibility for performing or arranging all maintenance or repairs to all county vehicles, except those of the sheriff's department when needed on an emergency basis. Any vehicle needing maintenance or repair shall be brought to the public works center, if possible, where shop personnel shall evaluate the work needed and perform such work on site or arrange to have it done.

(2) Regular maintenance intervals shall be established for all county vehicles. It shall be the responsibility of the department to which the vehicle is assigned to bring the vehicle to the public works center for regular maintenance.

(3) The public works department shall establish a system of comprehensive maintenance histories on each county

vehicle, except those of the sheriff's department. Maintenance histories shall be kept on-site at the public works department so that entries can be easily made from the vehicle

maintenance shop. Gasoline consumption and repair records shall be added to the system as such information becomes available.

(4) Upon reaching fifty thousand (50,000) miles, or at such other specified time as the public works department shall designate, each vehicle shall be evaluated by the public works department to determine whether it is more economical to trade in or to retain in the fleet. This evaluation shall include an examination of the body and engine as well as a review of the maintenance history and gas consumption record of the vehicle. After the initial evaluation, reevaluation shall be made every ten thousand (10,000) miles, or other interval determined by the public works department, and on the occasion of any significant repairs or maintenance work. Upon completion of the evaluation, the public works department shall recommend to the county administrator whether the vehicle should be retained, replaced, or overhauled on a major scale.

(Code 1976, § 4-2003)

Sec. 2-493. Use of oil company credit cards.

(a) The finance director shall apply for and maintain credit card accounts with major oil companies serving the southeastern United States. The finance director is hereby designated as the custodian of all such credit cards. No employee shall be issued such credit cards indefinitely or for normal use.

(b) Oil company credit cards may be used for gas and oil purchases and emergency repairs only during authorized trips outside the county. Employees shall be encouraged to use county credit cards during such trips in lieu of claiming gas, oil, and repair expenditures through expense vouchers.

(c) All gas, oil and repair requirements occurring during official automobile use on trips within the county shall, if possible, be filled at county facilities established by the county administrator for that purpose. Deviations from the policy shall be allowed only with the advance approval of the finance director.

(d) The sheriff's department shall be exempted from the provisions of this section; provided, however, that, the use of county oil company credit cards by sheriff's department personnel shall be in accordance with such regulations as the sheriff shall establish from time to time.

(Code 1976, § 4-2004)

Sec. 2-494. Registration of county vehicles.

- (a) All vehicles owned by the county will be titled in the name of the finance department.
- (b) Only the following individuals will be authorized to sign registration and transfer documents:
 - (1) The county administrator;
 - (2) The finance director; and
 - (3) The assistant finance director.

(Code 1976, § 4-2005)

Sec. 2-495. Travel and expense reimbursements-- Generally.

All full-time employees of the county shall be reimbursed for travel and expenses incurred in the course of their

employment. The following provisions shall apply to travel expenses:

(a) The county will pay mileage at the same rate as the U.S. Federal reimbursement rate per mile if employees are to use private vehicles for county business. Odometer readings must be recorded and submitted for reimbursement. For reoccurring operational trips, reimbursement shall be limited to the shortest established route.

(b) Mileage shall only be paid for travel authorized for official county business.

(c) No employee shall be paid mileage for travel to or from his home.

(d) No employee furnished a county vehicle shall be paid mileage while traveling in such a vehicle.

(e) All travel vouchers shall be signed by the individual and his department head.

(f) When two (2) or more employees travel in the same auto, only the individual who owns the automobile being used can submit a voucher for mileage.

(g) All trips, (conventions, seminars, etc.) shall be for valid reasons; that is, some benefit shall have been gained for the county.

(h) All trips shall be approved by the department head for whom the employee works. It shall be the responsibility of the department head to monitor all charges submitted by his employees in order to determine that such charges are reasonable, taking into consideration location, purpose of travel, or other extenuating circumstances.

(i) All single trips out of the county, with the exception of those trips made by elected officials and their employees, shall be approved in advance by the county administrator.

(j) (1) *Training and convention travel.* All training and/or convention travel must be approved to be eligible for reimbursement prior to travel. Travel vouchers shall be furnished by the finance department. This voucher shall be used to make reimbursement claims. Required receipts shall accompany the voucher, and the voucher shall be signed by the individual, validated by the department head, and returned to the finance department, after the completion of the trip. Receipts are required for all lodging costs (hotel and motel accommodations); any registration fees not paid in advance by the finance department; commercial travel costs not arranged by the finance department, and required parking fees.

(2) *Operational travel.* All operational travel must be approved for reimbursement. Travel vouchers for daily recurring travel shall be submitted as a group by each department head by the third working day of each month for the preceding month.

(k) To be eligible for the reimbursement, expenses must have been incurred in accordance with the following:

(1) Subsistence shall be reimbursed according to section 2-502 of this article.

(2) Mileage shall be reimbursed for all authorized business related trips and shall be paid for the shortest usually traveled route.

(l) Employees shall be expected to depart as soon as practicable after the conclusion of their business, except that no employees will be expected to depart between the hours of 10:00 p.m. and 8:00 a.m. On the initial day of travel, breakfast will be reimbursed if departure is required prior to 8:00 a.m. Dinner may be reimbursed if return trip extends beyond 5:00 p.m.

(m) Subsistence shall not be paid to any employee for any time after he could have reasonably left his destination away from the county as outlined above.

- (n) Personnel traveling away from the county on official business who use accommodations at a governmental institution or school at less than commercial rates shall be reimbursed only for the cost of actual expenses.
- (o) Any third party payment, such as federal matching funds, will be applied to the county's pro rata share of such trip.
- (p) Expense money shall be dispensed in the following manner for single trips:
 - (1) Personal mileage may be paid in advance based upon distances given on an official South Carolina Department of Highways and Public Transportation map.
 - (2) All anticipated lodging costs may be paid in advance.
 - (3) A meal allowance of twenty dollars (\$20.00) per day may be paid in advance. However, if an employee will be out of town for one week or longer, an advance may be obtained at the maximum meal rate allowed per day.
- (q) Daily recurring travel shall be paid once per month as outlined in subsection (j) of this section.
- (r) Meals included in registration costs for conferences/workshops will reduce that day's meal allowance by the amount allowed for the meal provided, as outlined in the per diem breakdown in section 2-502(2).
- (s) The county administrator or his designee may, from time to time, issue guidelines for the regulation and administration of travel and conference expenses.
- (t) No employee shall receive reimbursement for activities within ten (10) miles of their official headquarters except when they are required to attend statewide, regional, or district meetings within that area. Also, no reimbursement for overnight accommodations will be permitted within fifty (50) miles of the traveler's headquarters and/or residence.

(Code 1976, § 4-2021; Ord. No. 574-79, § 1, 10-3-79; Ord. No. 700-80, § 7-1-80; Ord. No. 1012-83, § 1, 1-19-83; Ord. No. 1913-89, § I, 9-18-89; Ord. No. 1953-90, §§ I--VII, 2-20-90; Ord. 005-95HR, § I, 1-3-95)

Cross reference(s)--Reimbursement for training expenses, § [2-437](#).

Sec. 2-496. Transportation.

- (a) *Airplane.*
 - (1) *Tourist fare (round trip).* The county pays the total cost of the ticket for a round trip.
 - (2) *First class.* The county pays the cost of the ticket at the tourist fare rate; the individual shall pay the remainder. In the event tourist is not available, the county shall pay the entire cost.
- (b) *Automobile.*
 - (1) *Individual's personal auto.* The county pays mileage at the same rate as is paid for U.S. Federal reimbursement per mile for the round trip.
 - (2) *County automobile.* The county pays for gasoline, oil and insurance.
 - (3) *Parking, storage and tolls.* The county shall pay all tolls, parking and storage expenses while on the trip.

(c) *Bus.* The county pays the total cost of the ticket for a round trip.

(d) *Train.* The county pays for a round trip ticket at the most economical rate.

(Code 1976, § 4-2023; Ord. No. 574-79, § 2, 103-79; Ord. No. 2022-90, § I, 9-4-90; Ord. 005-95HR, § I, 1-3-95)

Sec. 2-497. Registration costs.

The county pays the registration cost of authorized conventions, conferences, and seminars.

(Code 1976, § 4-2023)

Secs. 2-498, 2-499. Reserved.

Editor's note--Ord. No. 1953-90, § VIII, adopted Feb. 20, 1990, deleted former §§ 2-498 and 2-499, relative to the applicability of the travel policy to county council members and an exception for in-county travel, which derived from Code 1976, §§ 4-2024 and 4-2024.1, and Ord. No. 465-77, § 1, adopted Nov. 22, 1977.

Sec. 2-500. County council expenses.

(a) All council travel shall be approved by the full council.

(b) A written report of trips must be submitted to the full council within seven (7) days after return.

(c) County council members shall be reimbursed for the amount of their actual expenses for out-of-town travel. Hotel receipts for lodging must be presented in order for reimbursement to be made. Receipts for meals must be presented if in excess of the standard county allowance.

(d) The chair of the county council and the county administrator shall recommend the number of county council members necessary to ensure effective participation and representation at a given conference,

meeting, convocation or similar gathering; and county council members shall participate on a rotating basis determined by alphabetical order. However, where such a conference or similar gathering is not general in nature, but rather is organized to deal with a particular or specialized area of interest, preference shall be given to the chair and members of the appropriate county council committee.

(e) County office equipment to be used on the premises may be made available through the clerk of council's office when requested.

(f) Existing policies governing membership, dues and purchase of periodicals shall apply.

(Code 1976, § 4-2025; Ord. No. 465-77, § 2, 11-22-77; Ord. No. 501-78, § 1, 10-18-78; Ord. No. 1147-84, § I, 5-1-84; Ord. No. 2057-90, § I, 12-10-90; Ord. 005-95HR, § I, 1-3-95)

Editor's note--Section 1 of Ord. No. 1147-84 repealed subsection (a)(1), (2) and enacted a new subsection (a) without addressing subsection (a)(3). The editor has, therefore, redesignated former subsection (a)(3) as subsection (b), with existing subsections (b) and (c) being redesignated (c) and (d).

Sec. 2-501. Out of state travel.

Any travel requests which would involve public funds for a trip outside the county where such funds have been budgeted, shall be approved by the county administrator before any registration or advanced fees are issued. In the event that funds have not been budgeted, the travel request shall first receive approval from the county administrator and final authorization from the county council; provided, however, if such request is made during recess of council,

the county administrator shall have the authority to grant such travel requests.

(Code 1976, § 4-2026; Ord. No. 518-79, § 1, 2-7-79; Ord. No. 700-80, § 2, 7-1-80; Ord. No. 1953-90, § IX, 2-20-90)

Sec. 2-502. Subsistence.

(a) *Out-of-county.* An authorized employee traveling out of the county will be paid as follows:

(1) Lodging at actual rate; provided, for lodging costs associated with a conference/workshop, lodging costs will be reimbursed based on the cost of the hosting facility. If any employee desires to make accommodations at a hotel/motel which costs exceed the "host" facility or site of the conference/ workshop, reimbursement and/or advance will be based on the lower rate. If no specific lodging is indicated for a conference/workshop which provides discounted accommodations costs, every effort should be made to secure accommodations through lodging facilities reflected in the "South Carolina Directory of Hotel/Motel Discounts for Government Employees." If such facilities are not available, every effort should be made to secure the most economical accommodations practical for the specific locale.

(2) Daily meal allowance of twenty-eight dollars (\$28.00) per day for trips taken in-state, unless conference/workshop is held in a resort area* in which case the out-of-state will apply; daily meal allowance of thirty-five dollars (\$35.00) per day for trips taken out-of-state. Daily meal limit breakdown shall be as follows:

	<i>Breakfast</i>	<i>Lunch</i>	<i>Dinner</i>
In-state	\$ 5.00	\$ 8.00	\$15.00
Out-of-state	5.00	10.00	20.00

*Resort areas are: Myrtle Beach; North Myrtle Beach; Surfside Beach; Little River; Atlantic Beach; Garden City Beach; Murrells Inlet; Litchfield Beach; Pawley's Island; Hilton Head and Charleston.

(b) *In-county travel (applicable for conventions only).* The county will pay only approved "out-of-pocket" expenses for subsistence for conventions. Receipts are required for all actual expenses, including meals.

(c) *Documentation required.* Receipts for lodging must be presented in order for reimbursement to be made; receipts for meals are not required. All expenses for those agencies for which the county administrator is responsible must be approved by him.

(Code 1976, § 4-2031; Ord. No. 700-80, § 3, 7-1-80; Ord. No. 1012-83, §§ 2, 3, 1-19-83; Ord. No. 1953-90, §§ X, XI, 2-20-90; Ord. 005-95HR, § I, 1-3-95)

Sec. 2-503. Applicability of policy to county administrator and department heads; generally.

The county administrator and department heads shall be reimbursed actual amounts for ordinary, necessary business expenses, to include travel and meeting costs, subject to all limitations set forth herein.

(Ord. No. 1953-90, § XII, 2-20-90)

Sec. 2-504. Extradition travel expenses.

Extradition travel expenses shall be reimbursed at actual costs subject to all limitations set forth herein.

(Ord. No. 1953-90, § XIII, 2-20-90)

Secs. 2-505--2-513. Reserved.