

South Carolina Workers' Compensation Commission



Administrative Policies and Procedures Manual

Administrative Policies and Procedures Manual

Table of Contents

Disclaimer and Acknowledgment

Section 1.00 – General Information

- 1.01 – Purpose and Scope
- 1.02 – Equal Employment Opportunity
- 1.03 – Ethics Act
- 1.04 – Staff Conduct and Behavior
- 1.05 – Visitors and Guests
- 1.06 – Full-time Equivalent Positions

Section 2.00 – Human Resources

- 2.01 – Affirmative Action / Equal Opportunity Policy
- 2.02 – Affirmative Action / Equal Opportunity Plan
- 2.03 – Anti-Harassment Policy
- 2.04 – Drug Free Workplace Policy
- 2.05 – Classification Policy
- 2.06 – Recruitment and Selection
- 2.07 – Movement and Status
- 2.08 – Classified Employee Pay Plan
- 2.09 – Attendance and Hours of Work
- 2.10 – Overtime Policy
- 2.11 – Holidays
- 2.12 – Employee Leave Programs
- 2.13 – Leave Transfer Program
- 2.14 – Dual Employment
- 2.15 – Employee Performance Management System Policy
- 2.16 – Staff Development and Training
- 2.17 – Nepotism Policy
- 2.18 – Electronic Media Usage Policy
- 2.19 – Employee Injuries
- 2.20 – Smoking Policy
- 2.21 – Distribution and Solicitation
- 2.22 – Dress Code Policy
- 2.23 – Employee of the Year Policy
- 2.24 – Reduction in Force Policy
- 2.25 – Progressive Discipline
- 2.26 – Grievance and Appeals Policy
- 2.27 – Recordkeeping

Section 3.00 – Finance and Administration

- 3.01 – Motor Vehicles
- 3.02 – Travel and Subsistence Expenses
- 3.03 – Mail and Copy Room

STATE OF SOUTH CAROLINA
WORKERS' COMPENSATION COMMISSION

Administrative Policies and Procedures

Subject: Disclaimer and Acknowledgement		Revision Number: 1.0
	Date: August 9, 2011	Page 1 of 1

THE LANGUAGE USED IN THIS DOCUMENT DOES NOT CREATE AN EMPLOYMENT CONTRACT BETWEEN THE EMPLOYEE AND THE SOUTH CAROLINA WORKERS' COMPENSATION COMMISSION. THIS DOCUMENT DOES NOT CREATE ANY CONTRACTUAL RIGHTS OR ENTITLEMENTS. THE SOUTH CAROLINA WORKERS' COMPENSATION COMMISSION RESERVES THE RIGHT TO REVISE THE CONTENT OF THIS DOCUMENT, IN WHOLE OR IN PART. NO PROMISES OR ASSURANCES, WHETHER WRITTEN OR ORAL, WHICH ARE CONTRARY TO OR INCONSISTENT WITH THE TERMS OF THIS PARAGRAPH CREATE ANY CONTRACT OF EMPLOYMENT.

I ACKNOWLEDGE MY RECEIPT AND UNDERSTANDING OF THE FOREGOING DISCLAIMER. I FURTHER ACKNOWLEDGE THAT ALL PREVIOUSLY ISSUED HUMAN RESOURCE HANDBOOKS AND ADMINISTRATIVE POLICY MANUALS ARE WITHDRAWN BY THE SOUTH CAROLINA WORKERS' COMPENSATION COMMISSION AND ARE OF NO FURTHER FORCE OR LEGAL EFFECT. THE ADMINISTRATIVE POLICIES AND PROCEDURES CONTAINED IN THE ADMINISTRATIVE POLICIES AND PROCEDURES MANUAL SUPERSEDE ANY PREVIOUS ADMINISTRATIVE POLICIES AND PROCEDURES ISSUED BY THE COMMISSION.

PRINT NAME

Signature / Date

STATE OF SOUTH CAROLINA
WORKERS' COMPENSATION COMMISSION

Administrative Policies and Procedures

Subject: General Information		Revision Number: 2.0
Policy Number: 1.00	Date: August 9, 2011	Page 1 of 1

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General Information

Section 1.00

STATE OF SOUTH CAROLINA
WORKERS' COMPENSATION COMMISSION

Administrative Policies and Procedures

Subject: Purpose and Scope		Revision Number: 2.0
Policy Number: 1.01	Date: August 9, 2011	Page 1 of 11

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The purpose of the Administrative Policies and Procedures Manual is to furnish guidance to all departments, divisions, sections, and offices of the South Carolina Workers' Compensation Commission in administering policies of the Commission and of the State of South Carolina. These policies and procedures are offered to provide a method of understanding administrative guidelines of the Commission and a structure for consistent application of rules and regulations to all employees. In addition, the contents of this manual are designed to serve as general guidelines for the proper and efficient conduct of administrative procedures.

These policies and procedures are applicable to all employees that are not specifically exempted by § 8-11-260 of the South Carolina Code of Laws.

Format of the Manual

The Administrative Policies and Procedures Manual has been designed to provide easy reference and access to rules, regulations and procedural guidelines relating to administration. Broad areas are presented as major sections within the manual, as reflected in the table of contents. Each section is divided into specific topics or activity categories in a numerical sequence.

Construction of Words

All words in the Administrative Policies and Procedures Manual referencing the masculine gender shall apply to females as well. All words in these policies and procedures referencing "written," "in writing," or similar language shall also apply to electronic documents.

STATE OF SOUTH CAROLINA
WORKERS' COMPENSATION COMMISSION

Administrative Policies and Procedures

Subject: Purpose and Scope		Revision Number: 2.0
Policy Number: 1.01	Date: August 9, 2011	Page 2 of 11

Authority and Distribution of the Manual

The Administrative Policies and Procedures Manual is made available electronically to all departments, divisions, sections, and offices within the Commission. All employees shall sign an acknowledgment form advising they have been notified regarding the availability of the Administrative Policies and Procedures Manual and where it is located. It is the responsibility of each member of management to administer the policies and procedures in a consistent and impartial manner.

Definitions

- A -

AGENCY – South Carolina Workers' Compensation Commission (SCWCC)

AGENCY HIRE DATE – the date an employee begins employment with SCWCC without any adjustments.

APPEAL – the request by a covered employee to the State Human Resources Director for review of an agency's final decision concerning a grievance.

APPOINTING AUTHORITY – the agency head or other person or group of persons empowered to employ.

APPOINTMENT – the act of placing an employee into a position.

- B -

BASE PAY – the rate of pay approved for an employee in his position exclusive of any additional pay, such as longevity pay, temporary salary adjustments, etc.

BREAK IN SERVICE – an interruption of continuous State service. An employee experiences a break in State service when the employee (1) separates from State service and is paid for unused annual leave; (2) moves from one State agency to another and is not employed by the receiving agency within 15 calendar days following the last day worked (or approved day of leave at the transferring agency); (3) remains on leave for a period of more than one calendar year; (4) separates from State service as a result of a reduction in force and is not recalled to the original position or reinstated with State government within 12 months of the effective

STATE OF SOUTH CAROLINA
WORKERS' COMPENSATION COMMISSION

Administrative Policies and Procedures

Subject: Purpose and Scope		Revision Number: 2.0
Policy Number: 1.01	Date: August 9, 2011	Page 3 of 11

date of the separation; (5) involuntarily separates from State service and the agency's decision is upheld by the State Employee Grievance Committee or by the courts; or (6) moves from a full-time equivalent (FTE) position to a temporary, temporary grant, or time-limited position.

- C -

CALENDAR DAYS – the sequential days of a year. For purposes of calculating time frames under the State Employee Grievance Procedure Act, the time must be computed by excluding the first day and including the last. If the last day falls on a Saturday, Sunday, or holiday, it must be excluded.

CLASS/CALSSIFICATION - a group of positions sufficiently similar in the duties performed; degree of supervision exercised or received; minimum requirements of education or experience; and the knowledge, skills, and abilities required that the Office of Human Resources applies the same State class title and the same State salary range to each position in the group.

CLASSIFIED/UNCLASSIFIED STATE TITLE CODE - the alphanumeric identification assigned to a particular class or unclassified State title.

CLASSIFIED POSITION – an FTE position that has been assigned to a class.

CLASSIFIED SERVICE – all of those positions in State service which are subject to the position classification plan.

CLASS SERIES – a group of classes which are sufficiently similar in kind of work performed to warrant similar class titles, but sufficiently different in level of responsibilities to warrant different pay bands.

CLASS SPECIFICATION – the official description approved by the Office of Human Resources providing examples of the kind of work and level of responsibility normally assigned to positions that may be allocated to the class.

CLASS TITLE – the name assigned to a class by the Office of Human Resources.

CLASSIFIED/UNCLASSIFIED STATE TITLE DATE – the date an employee enters his current class or unclassified State title.

COMPENSATION – monetary payment for services rendered.

STATE OF SOUTH CAROLINA
WORKERS' COMPENSATION COMMISSION

Administrative Policies and Procedures

Subject: Purpose and Scope		Revision Number: 2.0
Policy Number: 1.01	Date: August 9, 2011	Page 4 of 11

CONFLICT OF INTEREST – any action or situation in which an individual's personal or financial interest or that of a member of his household might conflict with the public interest.

CONTINUOUS STATE SERVICE – service with one or more State agencies without a break in service.

CONTINUOUS STATE SERVICE DATE – the date that reflects the first date of State employment without a break in service.

COVERED EMPLOYEE – a full-time or part-time employee occupying a part or all of a full-time equivalent (FTE) position who has completed the probationary period and has a "successful" or higher overall rating on the employee's performance evaluation and who has grievance rights. If an employee does not receive an evaluation before the performance review date, the employee must be considered to have performed in a satisfactory manner and be a covered employee. This definition does not include employees in positions such as temporary, temporary grant, or time-limited employees who do not have grievance rights.

- D -

DEMOTION – the assignment of an employee by the appointing authority from one established position to a different established position having a lower State salary range or, for employees in positions without a State salary range, assignment of a lower rate of pay to the employee except when the employee's job duties also are decreased for non-punitive reasons.

DUAL EMPLOYMENT – an agreement by which an employee within an FTE position with an employing agency accepts temporary, part-time employment with the same or another agency.

- E -

EMPLOYEE – any person in the service of an agency who receives compensation from the agency and where the agency has the right to control and direct the employee in how the work is performed.

EMPLOYING AGENCY – the agency having primary control over the services of the employee.

STATE OF SOUTH CAROLINA
WORKERS' COMPENSATION COMMISSION

Administrative Policies and Procedures

Subject: Purpose and Scope		Revision Number: 2.0
Policy Number: 1.01	Date: August 9, 2011	Page 5 of 11

EXEMPT EMPLOYEE – an employee who is exempt from both the minimum wage and overtime requirements of the Fair Labor Standards Act due to employment in a bona fide executive, administrative, professional, or outside sales capacity.

- F -

FULL-TIME EQUIVALENT or FTE – a numerical value expressing a percentage of time in hours and of funds related to a particular position authorized by the General Assembly.

- G -

GRIEVANCE - a complaint filed by a covered employee or the employee's representative regarding an adverse employment action taken by an agency designated in [Section 8-17-330](#) of the South Carolina Code of Laws

- H -

HOLIDAY – any holiday recognized by State law or enumerated in the South Carolina Code of Laws.

HOLIDAY COMPENSATORY TIME - leave time earned by an employee for work performed on a holiday.

- I -

IN-BAND INCREASE - a salary increase which is awarded within the pay band assigned to the employee's class.

INITIAL EMPLOYMENT - the employment of a person newly hired into State government in a classified or unclassified FTE position.

INTERN – the employment of a non-paid person for a specified period of time.

INVOLUNTARY REASSIGNMENT – the movement of an employee's principal place of employment in excess of 30 miles from the prior workstation at the initiative of the agency. The reassignment of an employee by an agency in excess of 30 miles from the prior workstation to the nearest facility with an available position having the same State salary range for which the employee is qualified is not considered involuntary reassignment.

STATE OF SOUTH CAROLINA
WORKERS' COMPENSATION COMMISSION

Administrative Policies and Procedures

Subject: Purpose and Scope		Revision Number: 2.0
Policy Number: 1.01	Date: August 9, 2011	Page 6 of 11

- L -

LEAVE ACCRUAL DATE – the date used to calculate an employee’s rate of annual leave earnings, which includes: (1) all State service in an FTE position, including part-time service, adjusted to reflect periods where there was a break in service; and, (2) all service as a certified employee in a permanent position of a school district of this State.

LEAVE DONOR – an employee of an employing agency whose voluntary written request for donation of sick or annual leave to the pool leave account of his employing agency is granted.

LEAVE RECIPIENT – an employee of an employing agency who has a personal emergency and is selected and approved to receive sick or annual leave from the pool leave account of his employing agency.

- M -

MEDIATION – an alternative dispute resolution process whereby a mediator who is an impartial third party acts to encourage and facilitate the resolution of a dispute without prescribing what it should be. The process is informal and non-adversarial with the objective of helping the disputing parties reach a mutually acceptable agreement.

MEDIATION-ARBITRATION – an alternative dispute resolution process that provides for the submission of an appeal to a mediator-arbitrator, an impartial third party who conducts conferences to attempt to resolve the grievance by mediation and render a decision that is final and binding on the parties if the appeal is not mediated.

- N -

NONEXEMPT EMPLOYEE – an employee who is covered by the Fair Labor Standards Act and who is, therefore, subject to both the minimum wage and overtime requirements of the law.

- O -

OFFICE OF HUMAN RESOURCES (OHR) - the central State human resources entity under the Budget and Control Board.

STATE OF SOUTH CAROLINA
WORKERS' COMPENSATION COMMISSION

Administrative Policies and Procedures

Subject: Purpose and Scope		Revision Number: 2.0
Policy Number: 1.01	Date: August 9, 2011	Page 7 of 11

- P -

PAY BAND – for classified positions, the dollar amount between the minimum and maximum rates of pay to which a class is assigned by OHR.

PERFORMANCE REVIEW DATE – the first day which marks the beginning of a new performance review period.

PERMANENT STATUS – the status attained by an employee upon completion of a probationary or trial period in a classified or an unclassified State title.

PERSONAL EMERGENCY – a catastrophic and debilitating medical situation, severely complicated disability, severe accident case, family medical 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.

POSITION – those duties and responsibilities constituting a single job.

POSITION NUMBER – a unique number assigned to a position by OHR.

PROBATIONARY STATUS – the status of an employee during the probationary period.

PROBATIONARY EMPLOYEE – a full-time or part-time employee occupying a part or all of an FTE position in the initial working test period of employment with the State of 12 months duration. An employee who receives an unsatisfactory performance evaluation during the probationary period must be terminated before becoming a covered employee.

PROBATIONARY PERIOD – an initial working test period of employment in an FTE position with the State of not more than 12 months. An employee who receives an unsatisfactory performance evaluation during the probationary period must be terminated before becoming a covered employee.

PROMOTION – the assignment of an employee by the appointing authority from one established position to a different established position having a higher State salary range or, for positions without a State salary range, having a higher rate of pay. Failure to be selected for a promotion is not an adverse employment action that can be considered as a grievance or appeal.

STATE OF SOUTH CAROLINA
WORKERS' COMPENSATION COMMISSION

Administrative Policies and Procedures

Subject: Purpose and Scope		Revision Number: 2.0
Policy Number: 1.01	Date: August 9, 2011	Page 8 of 11

PUNITIVE RECLASSIFICATION – for classified employees, the assignment of a position in one class to a different class with a lower pay band with the sole purpose to penalize the covered employee.

- R -

REALLOCATION – for classified positions, the assignment of all positions in a class from one pay band to another pay band.

REASSIGNMENT - the movement within an agency of an employee from one position to another position having the same State salary range, or the movement of a position within an agency which does not require reclassification.

RECLASSIFICATION – for classified positions, the assignment of a position in one class to another class which is the result of a natural or an organizational change in duties or responsibilities of the position.

REDUCTION IN FORCE – the procedure used by an agency to eliminate or reduce a portion of one or more filled FTE positions in one or more organizational units within the agency due to budgetary limitations, shortage of work, organizational changes or outsourcing/privatization.

REEMPLOYMENT – the employment of a person following a break in service in an FTE position.

REINSTATEMENT – the return of an employee to State service without a break in service. Examples include return resulting from: (1) the Reduction in Force procedure; (2) the reversal of a termination under the State Employee Grievance Procedure Act; (3) the settlement of a complaint negotiated under an authorized administrative agency; or, (4) the order of a court.

REQUESTING AGENCY – for dual employment purposes, the agency engaging the services of and compensating any employee for services which are clearly not a part of the employee's regular job.

RESIGNATION – written or oral notification by an employee of his relinquishment of employment.

STATE OF SOUTH CAROLINA
WORKERS' COMPENSATION COMMISSION

Administrative Policies and Procedures

Subject: Purpose and Scope		Revision Number: 2.0
Policy Number: 1.01	Date: August 9, 2011	Page 9 of 11

- S -

SEPARATION – action initiated by either the agency or employee which ends the employment relationship.

SHIFT DIFFERENTIAL - the additional amount of pay awarded to employees who are assigned to an evening, night, weekend, rotating, or split-shift.

SLOT NUMBER – the number used, prior to SC Enterprise Information System (SCEIS), to identify individual positions in a class or unclassified State title within an agency.

STATE EMPLOYEE GRIEVANCE COMMITTEE – the committee composed of State employees who are appointed by the Budget and Control Board and who conduct hearings involving appeals filed by covered employees.

STATE HIRE DATE – the first date of State employment adjusted to reflect periods of authorized leave without pay of over 30 consecutive work days in any one calendar year and periods when there were breaks in service.

STATE HUMAN RESOURCES DIRECTOR – the head of the Office of Human Resources of the State Budget and Control Board, or his designee who is responsible for statewide coordination of human resources programs

STATE SALARY RANGE – the dollar amount between the minimum and maximum rates of pay as established by OHR.

STATE SERVICE TIME – the total employment time defined in years, months, and days in which an employee has occupied an FTE position, including part-time service.

SUMMER YOUTH EMPLOYEE – a full-time or part-time employee who does not occupy an FTE position, whose employment is not to exceed one year, and who is not a covered employee.

SUPERVISOR – an individual who directs one or more subordinates and is designated as the rater on those subordinates' performance evaluations.

SUPPLEMENT – any compensation, excluding travel reimbursement, from an affiliated public charity, foundation, clinical faculty practice plan, or other public source or any supplement from a private source to the salary appropriated for a State employee and fixed by the State.

STATE OF SOUTH CAROLINA
WORKERS' COMPENSATION COMMISSION

Administrative Policies and Procedures

Subject: Purpose and Scope		Revision Number: 2.0
Policy Number: 1.01	Date: August 9, 2011	Page 10 of 11

SUSPENSION – an enforced leave of absence without pay pending investigation of charges against an employee or for disciplinary purposes.

- T -

TEMPORARY EMPLOYEE – a full-time or part-time employee who does not occupy an FTE position, whose employment is not to exceed one year, and who is not a covered employee.

TEMPORARY GRANT EMPLOYEE – a full-time or part-time employee who does not occupy an FTE position and is hired to fill a position specified in and funded by a federal grant, public charity grant, private foundation grant, or research grant and who is not a covered employee.

TEMPORARY POSITION – a full-time or part-time non-FTE position created for a period of time not to exceed one year.

TEMPORARY SALARY ADJUSTMENT – compensation not included in an employee's base salary that is awarded for a limited period of time.

TERMINATION – for purposes of the State Employee Grievance Procedure Act, the action taken by an agency against an employee to separate the employee involuntarily from employment.

TIME-LIMITED PROJECT EMPLOYEE – a full-time or part-time employee who does not occupy an FTE position who is hired to fill a position with time-limited project funding approved or authorized by the appropriate State authority, and who is not a covered employee.

TRANSFER – the movement to a different agency of an employee from one position to another position having the same State salary range, or the movement of a position from one agency to another agency which does not require reclassification.

TRIAL PERIOD – the initial working test period of six months required of a covered employee upon movement to any class or an unclassified State title in which the employee has not held permanent status.

TRIAL STATUS – the status of a full-time or part-time covered employee who is in the initial working test period of six months following the movement of the employee or the employee's position to any class or unclassified State title in which the employee has not held permanent status.

STATE OF SOUTH CAROLINA
WORKERS' COMPENSATION COMMISSION

Administrative Policies and Procedures

Subject: Purpose and Scope		Revision Number: 2.0
Policy Number: 1.01	Date: August 9, 2011	Page 11 of 11

- U -

UNCLASSIFIED POSITION – an FTE position that has been assigned to an unclassified State title.

UNCLASSIFIED SERVICE – all those positions in the State service which are not subject to the position classification plan.

UNCLASSIFIED STATE TITLE – the name assigned to an unclassified position or to a group of similar positions by the Office of Human Resources.

- W -

WORKDAY (AVERAGE) – the number of hours upon which leave and holidays are based. To determine the number of hours in an average workday, divide the total number of hours an employee is regularly scheduled to work during a week by five (regardless of the number of days the employee actually reports to work). The Agency's workday average for all employees is 7.50 hours.

Audits by the Office of Human Resources (OHR)

All information and documentation required by these policies and procedures enforced by the Office of Human Resources are subject to be audited by the State Office of Human Resources (OHR).

Establishing A New or Revised Policy

Administration and legislation may affect the content and/or application of the manual, which may cause a policy to be rewritten or revised. The Executive Director will determine which action is appropriate. The Executive Director will seek input from the Commission when necessary.

STATE OF SOUTH CAROLINA
WORKERS' COMPENSATION COMMISSION

Administrative Policies and Procedures

Subject: Equal Employment Opportunity		Revision Number: 1.0
Policy Number: 1.02	Date: August 9, 2011	Page 1 of 1

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The South Carolina Workers' Compensation Commission provides affirmative action and equal opportunity in employment for all qualified persons regardless of race, color, sex, national origin, age, religion, or physical disability.

STATE OF SOUTH CAROLINA
WORKERS' COMPENSATION COMMISSION

Administrative Policies and Procedures

Subject: Ethics Act		Revision Number: 2.0
Policy Number: 1.03	Date: August 9, 2011	Page 1 of 2

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Serving the public as an employee of South Carolina State government requires an appreciation for and dedication to the basic principles of integrity, honesty, respect for others, fairness, and accountability. These principles are fundamental in providing good government and advancing the public interest and are central to and implicit in any personal, professional, or agency code of ethical conduct.

Because protecting the public's trust and strengthening public confidence in government requires the highest standards of personal and professional conduct, State employees have an obligation to apply these ethical principals in their individual job duties and responsibilities.

The Ethics Act governs the employment of family members and conflicts of interest. For additional information consult the Ethics Act (§ 8-13-100 through § 8-13-1520 of the South Carolina Code of Laws), the Ethics Commission opinions, the State Ethics Commission, and the State Ethics Commission's web site at <http://ethics.sc.gov>.

A. Employment of Family Members

No public official, public member or public employee may cause the employment, appointment, promotion, reassignment, transfer, or advancement of a family member to a State or local office or position in which he supervises or manages. (S.C. Code Ann. § 8-13-750) Family member means an individual who is (a) the spouse, parent, brother, sister, child, mother-in-law, father-in-law, son-in-law, daughter-in-law, grandparent, or grandchild ([S.C. Code Ann. § 8-13-1300](#)), or (b) a member of the individual's immediate family. Immediate family is defined as follows:

1. A child residing in the candidate's, public official's, public member's or public employee's household;

STATE OF SOUTH CAROLINA
WORKERS' COMPENSATION COMMISSION

Administrative Policies and Procedures

Subject: Ethics Act		Revision Number: 2.0
Policy Number: 1.03	Date: August 9, 2011	Page 2 of 2

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

B. Conflict of Interest

No employee may accept any work or compensation that could be reasonably construed as a conflict of interest. Acceptance without proper prior approval of work assignment or compensation that is found to be a conflict of interest may be grounds for disciplinary action or termination. Counsel from the Office of the Attorney General or the State Ethics Commission may be necessary to make such determinations.

STATE OF SOUTH CAROLINA
WORKERS' COMPENSATION COMMISSION

Administrative Policies and Procedures

Subject: Staff Conduct and Behavior		Revision Number: 2.0
Policy Number: 1.04	Date: August 9, 2011	Page 1 of 5

THE LANGUAGE USED IN THIS DOCUMENT DOES NOT CREATE AN EMPLOYMENT CONTRACT BETWEEN THE EMPLOYEE AND THE SOUTH CAROLINA WORKERS' COMPENSATION COMMISSION. THIS DOCUMENT DOES NOT CREATE ANY CONTRACTUAL RIGHTS OR ENTITLEMENTS. THE SOUTH CAROLINA WORKERS' COMPENSATION COMMISSION RESERVES THE RIGHT TO REVISE THE CONTENT OF THIS DOCUMENT, IN WHOLE OR IN PART. NO PROMISES OR ASSURANCES, WHETHER WRITTEN OR ORAL, WHICH ARE CONTRARY TO OR INCONSISTENT WITH THE TERMS OF THIS PARAGRAPH CREATE ANY CONTRACT OF EMPLOYMENT.

In compliance with the Ethics Act, this policy is provided to establish a code of conduct for the employees of the South Carolina Workers' Compensation Commission and guidelines that will protect all employees from activities that may be harassing or hinder work performance. For this reason, there exist certain restrictions that are related to activities prohibited by the agency, including the receipt of gifts or gratuities by employees, private conflicts of interest, soliciting, selling, collecting contributions, participation in partisan political activities, and attempts to unduly or illegally influence the professional decisions of employees within the agency.

Nothing in this policy shall be meant to conflict with or abridge the provisions of Title 8, Chapter 13, Ethics, Government Accountability and Campaign Reform, Code of Laws of South Carolina, 1976, as amended, or other applicable State and Federal Laws.

General Provisions

These prohibited activities are applicable to all employees of the Commission and violators may be subject to disciplinary action.

- A. No Commission employee shall solicit or accept anything of value, including a promise of future employment or a favor or services from organizations, business firms or individuals with whom they have an official relationship through agency business. Provided that, an employee is in the course of official business in the capacity of an invited guest to actively participate in an educational seminar or conference that person may, with the permission of the Executive Director, accept in-kind expenses for transportation, lodging and food that would normally be a required expense of the State of South Carolina. Provided, further, that the employee must file a record of the in-kind

STATE OF SOUTH CAROLINA
WORKERS' COMPENSATION COMMISSION

Administrative Policies and Procedures

Subject: Staff Conduct and Behavior		Revision Number: 2.0
Policy Number: 1.04	Date: August 9, 2011	Page 2 of 5

payments with the Executive Director. Employees shall not be reimbursed by the state for any expenses for which in-kind payments are received and under no circumstances shall employees accept money, jewelry, gifts, or other articles of value for activities related to their employment.

- B. It is particularly important that all employees of the Commission guard against relationships that might be misconstrued as evidence of favoritism, coercion, unfair advantage, or collusion in the course of the business of the Commission.

Conflict of Interest

- A. It shall be prohibited for any agency employees to be directly or indirectly connected with or engaged in any private enterprise, transaction, or activity of any kind whatsoever for private gain or profit in connection with any programs, functions or business affairs of the Commission.
- B. All outside employment, including activities relating to any private enterprise or business for gain or profit are to be reported to your immediate supervisor. If the activities appear to be questionable in nature, the supervisor must refer the information to the Executive Director.
- C. The distribution of non-approved literature by employees during working time is prohibited, both in working and non-working areas.
- D. Solicitation or distribution activities are prohibited. Charitable fund drives approved by the Executive Director may be conducted in accordance with Section 2.23 Distribution and Solicitation Policy.
- E. Representatives of companies approved by the State Comptroller General for payroll deductions may offer plans and services to agency employees only with the expressed consent of the Executive Director according to specific agency guidelines.
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STATE OF SOUTH CAROLINA
WORKERS' COMPENSATION COMMISSION

Administrative Policies and Procedures

Subject: Staff Conduct and Behavior		Revision Number: 2.0
Policy Number: 1.04	Date: August 9, 2011	Page 3 of 5

Political Activities

- A. Employees are not allowed to:
1. Use their official authority or influence for the purpose of interfering with or affecting the results of an election or nomination for office.
 2. Directly or indirectly coerce, attempt to coerce, command or advise another employee to pay, lend or contribute anything of value to a party, committee, organization, agency, or person for political purposes.
 3. Attempt to coerce or advise persons acting as agents or representatives of agencies, organizations, or firms conducting business with the agency to pay, lend, or contribute anything of value to a party, committee, organization, agency, or person for political purposes.
 4. Campaign, distribute literature, or wear politically identifying materials while on duty at the Commission.
- B. Employees considering offering for an elected office should first notify the Executive Director. Because of possible conflicts, the Executive Director may seek an opinion from the State Attorney General or the State Ethics Commission on each individual candidacy. The opinions of these agencies must be considered binding.
- C. Employees shall not hold any volunteer, elected, or appointed position if such position is in conflict with the dual employment/appointed prohibitions. An opinion from the State Attorney General shall be sought in all questionable cases. The opinion of the Attorney General shall be considered binding.
- D. State or federal laws, including the Hatch Act, that regulate or prohibit political activities by employees of the Commission may establish additional restrictions; interpretations of the applicability of these or other activities shall be asked of the Attorney General. The opinions of the Attorney General shall be considered binding.

STATE OF SOUTH CAROLINA
WORKERS' COMPENSATION COMMISSION

Administrative Policies and Procedures

Subject: Staff Conduct and Behavior		Revision Number: 2.0
Policy Number: 1.04	Date: August 9, 2011	Page 4 of 5

Personal and Professional Code of Conduct

The South Carolina Workers' Compensation Commission expects of its employees unflinching honesty, respect for the dignity and individuality of human beings, and a commitment to professional and compassionate service. To this end, we subscribe to the following principles:

- A. Relationships with clients, colleagues, other professionals, and the public:
 - 1. Employees shall respect and protect the civil and legal rights of all clients.
 - 2. Employees shall serve each case with the highest concern for the client's welfare and with no purpose of personal gain.
 - 3. Relationships with colleagues shall be of such character as to promote mutual respect within the profession and improvement of its quality of service.

- B. Professional conduct and practices:
 - 1. Employees shall not use their official position or office to secure privileges, advantages, or financial gain for themselves, immediate family, personal, or business contacts.
 - 2. Employees shall not act in their official capacity in any matter in which they have personal interest that could in the least degree impair their objectivity.
 - 3. Employees shall not use their official position to promote any partisan political purposes.
 - 4. Employees shall not accept any gift or favor of any nature to imply an obligation that is inconsistent with the free and objective exercise of their professional responsibilities.
 - 5. Employees shall not use or disclose confidential information gained through or by reason of their official position or activities in any way that would result in financial gain for themselves or for any other person.

STATE OF SOUTH CAROLINA
WORKERS' COMPENSATION COMMISSION

Administrative Policies and Procedures

Subject: Staff Conduct and Behavior		Revision Number: 2.0
Policy Number: 1.04	Date: August 9, 2011	Page 5 of 5

6. In any public statement, employees shall clearly distinguish between those that are personal views and those that are statements and positions on behalf of the Commission.
7. Each employee shall be diligent to record and make available for review any and all case information which would contribute to sound decisions affecting a client.
8. Each employee shall report to their supervisor or to the appropriate authority without reservation any illegal, corrupt, or unethical behavior which could adversely affect either the client or the integrity of the Commission.
9. Employees shall not discriminate against any client, employee, or prospective employee on the basis of race, color, sex, age, religion, national origin, disability, and social or economic status.
10. Each employee shall maintain the integrity of private information and will neither seek personal data beyond that needed to perform assigned duties nor reveal case information to anyone not having proper legal and professional use for such.
11. Any employee who participates in any agency personnel action shall make all appointments, promotions, or dismissals only on the basis of merit and not in furtherance of partisan political interests or personal interests.

Discipline

Each violation of the Ethics Act will be investigated and dealt with appropriately by the Ethics Commission or the Office of the Attorney General.

STATE OF SOUTH CAROLINA
WORKERS' COMPENSATION COMMISSION

Administrative Policies and Procedures

Subject: Visitors and Guests		Revision Number: 2.0
Policy Number: 1.05	Date: August 9, 2011	Page 1 of 2

THE LANGUAGE USED IN THIS DOCUMENT DOES NOT CREATE AN EMPLOYMENT CONTRACT BETWEEN THE EMPLOYEE AND THE SOUTH CAROLINA WORKERS' COMPENSATION COMMISSION. THIS DOCUMENT DOES NOT CREATE ANY CONTRACTUAL RIGHTS OR ENTITLEMENTS. THE SOUTH CAROLINA WORKERS' COMPENSATION COMMISSION RESERVES THE RIGHT TO REVISE THE CONTENT OF THIS DOCUMENT, IN WHOLE OR IN PART. NO PROMISES OR ASSURANCES, WHETHER WRITTEN OR ORAL, WHICH ARE CONTRARY TO OR INCONSISTENT WITH THE TERMS OF THIS PARAGRAPH CREATE ANY CONTRACT OF EMPLOYMENT.

Statement of Policy

As a state agency, we are required to have our offices open in order to serve the public. The public deserves to be treated in a courteous and respectful manner. Our openness and desire to serve the public, however, should not compromise our duty to protect and safeguard the property and persons of this agency from unwarranted and possibly threatening intrusions. To this end, the following procedures have been developed and implemented to assure that the public is greeted and received in a professional, cordial manner while providing a reasonable degree of security to our offices.

Reception of Visitors and Guests

- A. All visitors and guests to the South Carolina Workers' Compensation Commission shall be greeted cordially by the receptionist and asked if they need assistance, the receptionist shall ask the visitor to be seated in the waiting area until arrangements can be made to have someone receive the guest.
- B. Once the receptionist identifies which division or office the guest would like to visit, the appropriate person will be called to determine if someone is available to provide assistance.
- C. When the division or office acknowledges that the visitor can be seen, the visitor shall be escorted to the appropriate location.

STATE OF SOUTH CAROLINA
WORKERS' COMPENSATION COMMISSION

Administrative Policies and Procedures

Subject: Visitors and Guests		Revision Number: 2.0
Policy Number: 1.05	Date: August 9, 2011	Page 2 of 2

Visitors Scheduled for a Hearing

For visitors who are scheduled to attend a hearing, the receptionist shall direct the visitor to follow signs to the waiting area outside of the hearing room.

Notifications

- A. All divisions shall inform the receptionist of the appropriate contact person or alternate. For individual offices, the contact person shall be the available staff at the time the visitor calls. The receptionist shall keep a list of the contacts for use by the relief receptionists.
- B. If hearings, mediations, or informal conferences are scheduled in a location other than the Full Commission Hearing Room A or Hearing Room B, the hearing official should notify the receptionist of the specific location at the beginning of the day.

Uncooperative Visitors

- A. Visitors who will not cooperate with the receptionist's instructions, who appear out-of-control, or who appear suspicious and potentially dangerous, shall be treated respectfully and with a great amount of caution. They shall not be challenged directly by the receptionist, but their behavior and actions shall be reported immediately to any division or department director and/or the Executive Director.
- B. Those persons answering the receptionist's call for assistance shall try to settle the matter in as calm and peaceful a manner as possible.
- C. In extreme or severe circumstances, any of the parties noted in paragraph (A) may call the Columbia City Police Department for assistance.

STATE OF SOUTH CAROLINA
WORKERS' COMPENSATION COMMISSION

Administrative Policies and Procedures

Subject: Full Time Equivalent (FTE) Positions		Revision Number: 1.0
Policy Number: 1.06	Date: August 9, 2011	Page 1 of 1

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An employee of the State of South Carolina may not occupy more than one full time equivalent (FTE) position.

STATE OF SOUTH CAROLINA
WORKERS' COMPENSATION COMMISSION

Administrative Policies and Procedures

Subject: Human Resources		Revision Number: 2.0
Policy Number: 2.00	Date: August 9, 2011	Page 1 of 1

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Human Resources

Section 2.00

STATE OF SOUTH CAROLINA
WORKERS' COMPENSATION COMMISSION

Administrative Policies and Procedures

Subject: Affirmative Action/Equal Employment Opportunity Policy		Revision Number: 2.0
Policy Number: 2.01	Date: May 16, 2011	Page 1 of 1

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Affirmative Action Policy Statement

It is the policy of the South Carolina workers' Compensation Commission recruit, hire, train and promote employees without discrimination because of race, color, sex, national origin, age, religion or physical disability. This policy applies to all levels and phases of personnel administration including, but not limited to recruiting, hiring, training, promotion, transfers, employee benefits, rates of pay selection for supervisory positions, layoff, recall of layoff and education, social or recreational programs of the Commission. It is the policy of the Commission to take affirmative action to remove the disparate effects of past discrimination, if any, because of race, color, sex, national origin, age, religion or physical disability.

The Commission has developed an affirmative action plan to facilitate the achievement of our goal of equal employment opportunity. The Executive Director and all Commission management personnel will be responsible for the implementation of our Affirmative Action Plan including development of specific goals and timetables. The Human Resources Director will have overall responsibility for administering and for reporting progress to the Executive Director.

The affirmative action plan will remain in effect until such goals are achieved, and we expect the full cooperation of all levels of management and employees within the Commission.



Commission Chairman Date 5/27/11



Executive Director Date 5/25/11

STATE OF SOUTH CAROLINA
WORKERS' COMPENSATION COMMISSION

Administrative Policies and Procedures

Subject: Affirmative Action/Equal Employment Opportunity Plan		Revision Number: 2.0
Policy Number: 2.02	Date: August 9, 2011	Page 1 of 2

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Employment decisions and personnel actions, including but not limited to compensation, benefits, promotion, demotion, layoff/recall, transfer, termination, and training are based on the principle of ensuring affirmative action and equal employment opportunity. To advance these ends, the Commission has developed an Affirmative Action Plan (AAP) with result-oriented procedures and goals.

Equal Employment Opportunity Officer (EEO Officer)

- A. The Chairman, upon the recommendation of the Executive Director, shall appoint an individual to serve in the capacity of Equal Employment Opportunity Officer (EEO Officer) for the Commission, which is currently the Director of Human Resources.
- B. Under the direction of the executive Director, the EEO Officer shall be responsible for the overall administration of the Affirmative Action Plan and shall monitor personnel actions of the organization through direct contact with managers and other supervisory personnel with the Commission.
- C. The EEO Officer shall be responsible for updating the Affirmative Action Plan as required and making it available to all employees.

Availability of the Affirmative Action Plan

- A. A copy of the Affirmative Action/Equal Employment Opportunity Policy Statement shall be posted on the Commission's employee bulletin boards.

STATE OF SOUTH CAROLINA
WORKERS' COMPENSATION COMMISSION

Administrative Policies and Procedures

Subject: Affirmative Action/Equal Employment Opportunity Plan		Revision Number: 2.0
Policy Number: 2.02	Date: August 9, 2011	Page 2 of 2

- B. All employees of the Commission, upon request, shall be provided a copy of the policy which is available in the office of the Director of Human Resources and electronically.

- C. All individuals within the Commission having supervisory or personnel responsibilities shall continue to be fully advised of their duties and responsibilities under this Affirmative Action/Equal Employment Opportunity Plan, including recruiting, hiring, and promoting.

Affirmative Action Goals

- A. The Commissioners, in consultation with the EEO Officer, shall establish on a continuing basis, specific goals, objectives, action items, and target dates to ensure compliance with the Commission's Affirmative Action Plan.

- B. The ultimate purpose of these objectives shall be to reach parity in all job group categories.

STATE OF SOUTH CAROLINA
WORKERS' COMPENSATION COMMISSION

Administrative Policies and Procedures

Subject: Anti-Harassment Policy		Revision Number: 2.0
Policy Number: 2.03	Date: August 9, 2011	Page 1 of 4

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Scope and Purpose

The South Carolina Workers' Compensation Commission (SCWCC) strives to create and maintain a work environment in which people are treated with dignity. Each of us should be able to work in a happy and satisfying environment free of discrimination and free of any form of harassment.

The environment of the Commission should be characterized by mutual trust and the absence of intimidation, oppression and exploitation. Employees should be able to work and learn in a safe, yet stimulating atmosphere. Common courtesy and decency dictates that we treat each other with respect.

The accomplishment of these goals is essential to the mission of the Commission. For that reason, the Commission has "*Zero Tolerance*" for unlawful discrimination or harassment of any kind. Through enforcement of this Policy and by education of employees, the Commission will seek to prevent, correct and discipline behavior that violates this Policy.

In order to ensure that this Anti-Harassment Policy has the intended effect, each of you is asked to report any violations of this Policy as soon as they occur by utilizing the complaint procedure set forth in this document. Each of you is asked to commit to this Policy by policing your own behavior which could possibly harm a co-worker. Should you have any questions, please direct them to Human Resources.

STATE OF SOUTH CAROLINA
WORKERS' COMPENSATION COMMISSION

Administrative Policies and Procedures

Subject: Anti-Harassment Policy		Revision Number: 2.0
Policy Number: 2.03	Date: August 9, 2011	Page 2 of 4

Policy Statement

It is the Commission's policy to maintain a work environment free of harassment based on race, sex, religion, national origin, age, disabilities, similar distinctions or any other legally protected category under federal, state or local law. The Commission will not tolerate retaliation against anyone who complains of harassment or who participates in an investigation. Therefore, any offensive physical, written or spoken conduct, including conduct of a sexual nature, is prohibited. It is a violation of this Policy for any employee, supervisor or manager; male or female, to engage in the acts or behavior categorized in this Policy.

All employees, regardless of their position, are covered by and are expected to comply with this Policy, and to take appropriate measures to ensure that prohibited conduct does not occur. Appropriate disciplinary action may be taken against any employee who violates this Policy. Based upon the seriousness of the offense, disciplinary action may include verbal or written reprimand, suspension, or termination of employment.

Training

- A. All employees shall be given a copy of this Policy and Human Resources shall maintain documentation that each employee received the Policy.
- B. New employees shall be given a copy of this Policy at the time of hire and Human Resources shall maintain documentation that each new employee received the Policy.
- C. To ensure employees are knowledgeable of this Anti-Harassment Policy, on-line training has been developed and is required of all employees to complete.
 - 1. The anti-harassment training can be accessed via the State Office of Human Resources' (OHR) website and must be completed within ten (10) days of hire or receipt of this policy.

Reporting, Investigation, and Sanctions

- A. An employee who feels that he has been harassed should immediately report the complaint to his supervisor/department director and/or the Director of Human Resources. To ensure prompt investigation and resolution, supervisors/department directors are responsible for reporting complaints of harassment to the Director of

STATE OF SOUTH CAROLINA
WORKERS' COMPENSATION COMMISSION

Administrative Policies and Procedures

Subject: Anti-Harassment Policy		Revision Number: 2.0
Policy Number: 2.03	Date: August 9, 2011	Page 3 of 4

Human Resources. If the supervisor is a participant in the harassment, the Director of Human Resources or a designee shall supervise the employee pending the outcome of an investigation. Any retaliation against an employee who makes a complaint of harassment will also result in disciplinary action. Upon receipt of a complaint, an investigation shall be conducted by the Director of Human Resources or a designee.

- B. All complaints of harassment should be made on the Confidential Harassment Report form.
- C. In determining whether conduct constitutes harassment, the totality of the circumstances, the nature of the conduct and the context in which the alleged conduct occurred will be investigated.
- D. Appropriate disciplinary action up to and including termination will be taken in accordance with the Commission's Progressive Discipline Policy.

Forms and Acknowledgment

- A. **Confidential Harassment Report** – this report shall be completed and submitted to the supervisor/department director or Human Resources within a reasonable time from the date of the incident of harassment.
- B. **Anti-Harassment Policy Employee Acknowledgment Form** – all employees must sign and return this form to Human Resources for documentation purposes within ten (10) days of receipt.

STATE OF SOUTH CAROLINA
WORKERS' COMPENSATION COMMISSION

Administrative Policies and Procedures

Subject: Anti-Harassment Policy		Revision Number: 2.0
Policy Number: 2.03	Date: August 9, 2011	Page 4 of 4

ANTI-HARASSMENT POLICY ACKNOWLEDGEMENT FORM

To ensure employees are knowledgeable of the Commission's Anti-Harassment Policy, on-line training has been developed and is required of all employees to complete. This training can be accessed via the State Office of Human Resources' (OHR) website found at this link: <http://ohrweb.ohr.state.sc.us/OHR/antiharassment/Page1.htm>.

A copy of the Commission's Anti-Harassment Policy can be accessed electronically and in print in Human Resources. Please read the Anti-Harassment Policy and reference it whenever you have any questions concerning this matter.

Additionally, your supervisor/department director and the Director of Human Resources will be glad to answer any remaining questions you should have or offer clarifications pertaining to your specific situation.

For recordkeeping purposes, it is requested you sign in the space provide below and return this acknowledgement page to Human Resources within ten (10) days of receipt.

EMPLOYEE ACKNOWLEDGEMENT

1. I have accessed a copy of the Commission's Anti-Harassment Policy.
2. I agree that it is my responsibility to read and understand the contents of the Commission's Anti-Harassment Policy.
3. Additionally, I understand that should I have any questions or need an explanation about information in this Policy, my supervisor/department director and the Director of Human Resources will be available to discuss for clarification.
4. By signing below, I hereby certify that I have completed the Anti-Harassment training by reading all sections and pages of this training reference above.

Employee Signature/Date

Print Name

STATE OF SOUTH CAROLINA
WORKERS' COMPENSATION COMMISSION

Administrative Policies and Procedures

Subject: Drug-Free Workplace Policy		Revision Number: 2.0
Policy Number: 2.04	Date: August 9, 2011	Page 1 of 7

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Scope and Purpose

The Agency recognizes alcohol abuse and drug dependency as a major health problem that poses a significant threat to Agency goals. The Agency, also, recognizes drug abuse as potential health, safety, and security problems. Therefore, the South Carolina Workers' Compensation Commission has established a drug-free awareness policy that informs employees about the dangers of alcohol and drugs with penalties that may be imposed for alcohol and/or drug violations.

Employees needing help in dealing with such problems are encouraged to use State services provided by the Commission on Alcohol and Drug Abuse, the Employee Intervention Program with the SC Department of Vocational Rehabilitation, and the State group health insurance plans, as appropriate. The Agency acknowledges and will comply with SC Code of Laws § 8-11-110, as amended, concerning alcoholism.

Policy Statement

This Policy is implemented in compliance with Drug-Free Workplace Act of 1988 and the South Carolina Drug-Free Workplace Act of 1990. Any location, at which Agency business is conducted, is declared to be a **drug-free workplace**. This means:

- A. Employees are expected and required to report to work on time and in appropriate mental and physical condition for work. It is our intent and obligation to provide a drug-free, healthful, safe, and secure work environment.

STATE OF SOUTH CAROLINA
WORKERS' COMPENSATION COMMISSION

Administrative Policies and Procedures

Subject: Drug-Free Workplace Policy		Revision Number: 2.0
Policy Number: 2.04	Date: August 9, 2011	Page 2 of 7

B. All employees are absolutely prohibited from unlawfully manufacturing, distributing, dispensing, possessing, or using alcohol and/or controlled substances on Agency premises or while conducting Agency business off Agency premises regardless of employment status, pursuant to state and federal law. The following is a partial list of controlled substances. Other controlled substances are identified in the Controlled Substances Act.

- Narcotics (*heroin, morphine, etc.*)
- Cannabis (*marijuana, hashish*)
- Stimulants (*cocaine, diet pills, etc.*)
- Depressants (*tranquilizers*)
- Hallucinogens (*PCP, LSD, "designer drugs", etc.*)

Violations of this Policy may result in disciplinary action up to and including termination and may have legal consequences.

Covered Workers

Any individual who conducts business for the Agency, is applying for a position or is conducting business on the organization's property is covered by the Drug-Free Workplace Policy. The Policy includes, but is not limited to the Executive Director, executive management, managers, supervisors, full-time employees, part-time employees, off-site employees, interns and applicants.

Applicability

The Drug-Free Workplace Policy is intended to apply whenever anyone is representing or conducting business for the Agency. Therefore, this Policy applies during all working hours, whenever conducting business or representing the Agency and while on Agency property.

STATE OF SOUTH CAROLINA
WORKERS' COMPENSATION COMMISSION

Administrative Policies and Procedures

Subject: Drug-Free Workplace Policy		Revision Number: 2.0
Policy Number: 2.04	Date: August 9, 2011	Page 3 of 7

Communication

Communicating the Drug-Free Workplace Policy to both supervisors and employees is critical to our success. To ensure all employees are aware of their role in supporting the Drug-Free Workplace Policy:

- A. All employees should receive either a written or electronic copy of the Policy.
- B. The Policy should be reviewed in orientation sessions with new employees.
- C. The Policy and assistance programs should be reviewed periodically at such times as safety meetings.

Prohibited Behavior

It is a violation of the Drug-Free Workplace Policy to use, possess, sell, trade, and/or offer for sale alcohol, illegal drugs or intoxicants.

Prescription and over-the-counter drugs are not prohibited when taken in standard dosage and/or according to a physician's prescription. Any employee taking prescribed or over-the-counter medications will be responsible for consulting the prescribing physician and/or pharmacist to ascertain whether the medication may interfere with safe performance of his job. If the use of a medication could compromise the safety of the employee, fellow employees or the public, it is the employee's responsibility to use appropriate personnel procedures (*e.g., call in sick, use leave, request change of duty, notify supervisor*) to avoid unsafe workplace practices.

The illegal or unauthorized use of prescription drugs is prohibited. It is a violation of the Drug-Free Workplace Policy to intentionally misuse and/or abuse prescription medications. Appropriate disciplinary action, up to and including termination of employment may be taken if job performance deteriorates and/or accidents occur.

STATE OF SOUTH CAROLINA
WORKERS' COMPENSATION COMMISSION

Administrative Policies and Procedures

Subject: Drug-Free Workplace Policy		Revision Number: 2.0
Policy Number: 2.04	Date: August 9, 2011	Page 4 of 7

Notification of Convictions

Employees must, as a condition of employment, abide by the terms of this Policy **and** report any conviction under a criminal drug statute for violations occurring on or off Agency premises while conducting Agency business (*including pleas of guilty and nolo contendere*). A report of a conviction must be made within five (5) days after the conviction to Human Resources.

The Agency should take appropriate action within 30 days of notification. Federal contracting agencies will be notified when appropriate.

Consequences

One of the goals of the Drug-Free Workplace Policy is to encourage employees to voluntarily seek help with alcohol and/or drug problems. If, however, an individual violates the Policy, the consequences are serious and will be subject to disciplinary action and the individual may be required to enter rehabilitation. Nothing in this Policy prohibits the employee from being disciplined or discharged for other violations and/or performance problems.

Return to Work Agreements

Following a violation of the Drug-Free Workplace Policy, an employee may be offered an opportunity to participate in rehabilitation. In such cases, the employee must sign and abide by the terms set forth in a Return-to-Work Agreement as a condition of continued employment.

Assistance Procedures

The Agency recognizes that alcohol and drug abuse and addiction are treatable illnesses. We also realize that early intervention and support improve the success of rehabilitation. To support our employees, the Drug-Free Workplace Policy:

- A. Encourages employees to seek help if they are concerned that they or their family members may have a drug and/or alcohol problem.

STATE OF SOUTH CAROLINA
WORKERS' COMPENSATION COMMISSION

Administrative Policies and Procedures

Subject: Drug-Free Workplace Policy		Revision Number: 2.0
Policy Number: 2.04	Date: August 9, 2011	Page 5 of 7

- B. Encourages employees to utilize the services of qualified professionals in the community to assess the seriousness of suspected drug or alcohol problems and identify appropriate sources of help.
- C. Ensures the availability of a current list of qualified community professionals.
- D. Allows the use of accrued paid leave while seeking treatment for alcohol and other drug problems.

Treatment for alcoholism and/or other drug use disorders may be covered by the employee benefit plan. However, the ultimate financial responsibility for recommended treatment belongs to the employee.

Notwithstanding sections of this Policy, employees are encouraged to seek assistance for alcohol and/or drug problems before there is an incident that would cause the Agency to impose sanctions. Assistance may be sought through the South Carolina Vocational Rehabilitation Department (SCVRD) and/or treatment facilities licensed by the State of South Carolina or by the state in which the program and/or treatment facility is located.

South Carolina Vocational Rehabilitation Department
1410 Boston Avenue
Post Office Box 15
West Columbia, SC 29171-0015
(803) 896-6500

- A. Referrals to such programs may be self-reported or supervisory referrals. If a supervisory referral is made which includes satisfactory participation in a rehabilitation program as a condition of continued employment, the referral must be made through the Human Resources Director or designee.
- B. Referrals and records of referrals will be handled with the same degree of confidentiality as for medical records.

STATE OF SOUTH CAROLINA
WORKERS' COMPENSATION COMMISSION

Administrative Policies and Procedures

Subject: Drug-Free Workplace Policy		Revision Number: 2.0
Policy Number: 2.04	Date: August 9, 2011	Page 6 of 7

Shared Responsibility

A safe and productive drug-free workplace is achieved through cooperation and shared responsibility. Both employees and management have important roles to play. All employees are required to not report to work or be subject to duty while their ability to perform job duties is impaired due to on- or off-duty use of alcohol or other drugs. In addition, employees are encouraged to:

- A. Be concerned about working in a safe environment.
- B. Support fellow workers in seeking help.
- C. Utilize the Job Retention Services under the auspices of the SC Vocational Rehabilitation Department.
- D. Report dangerous behavior to their supervisor.

It is the supervisor's responsibility to:

- A. Inform employees of the Drug-Free Workplace Policy.
- B. Observe employee performance.
- C. Investigate reports of dangerous practices.
- D. Document negative changes and problems in performance.
- E. Counsel employees as to expected performance improvement.
- F. Refer employees to the Job Retention Services under the auspices of the SC Vocational Rehabilitation Department.
- G. Clearly state consequences of Policy violations.

STATE OF SOUTH CAROLINA
WORKERS' COMPENSATION COMMISSION

Administrative Policies and Procedures

Subject: Drug-Free Workplace Policy		Revision Number: 2.0
Policy Number: 2.04	Date: August 9, 2011	Page 7 of 7

Confidentiality

All information received by the Agency through the Drug-Free Workplace Policy is confidential communication. Access to this information is limited to those who have a legitimate need to know in compliance with relevant laws and management policies.

STATE OF SOUTH CAROLINA
WORKERS' COMPENSATION COMMISSION

Administrative Policies and Procedures

Subject: Classification Plan		Revision Number: 2.0
Policy Number: 2.05	Date: August 9, 2011	Page 1 of 5

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Policy Statement

This Policy sets forth the policies and procedures for the establishment, maintenance and administration of the Classification Plan applicable to all classified positions.

- A. The Commission shall establish the Classification Plan to consist of:
 - 1. All approved classes of positions;
 - 2. The allocation of each position to its proper class;
 - 3. The class specifications for all approved classes of positions; and
 - 4. The policies and procedures governing the administration of the Classification Plan
- B. A class should be established for each broad category of work and its level of difficulty and responsibility.
- C. Each class should be defined by a State class specification. The State class specification shall be assigned to an appropriate pay band and alphanumeric class code.
- D. No action shall be taken to fill any position until it has been classified in accordance with the Classification Plan.
- E. The State Office of Human Resources (OHR) is authorized to delegate to agencies by written agreement classification programs. Agencies with delegation agreements shall comply with all State and federal laws and regulations, OHR policies and guidelines, and

STATE OF SOUTH CAROLINA
WORKERS' COMPENSATION COMMISSION

Administrative Policies and Procedures

Subject: Classification Plan		Revision Number: 2.0
Policy Number: 2.05	Date: August 9, 2011	Page 2 of 5

the provisions contained in the delegation agreement. The delegation agreement shall constitute a contractual relationship between OHR and the requesting agency and may be terminated or altered at the discretion of OHR.

Administration of the Classification Plan

- A. The Director of Human Resources shall be responsible for the overall coordination, review and control of the Classification Plan and its administration.
- B. The following actions shall be approved by the Executive Director or designee prior to any action being taken to fill or alter a position, or effect other personnel changes:
 - 1. The initial classification of all positions;
 - 2. The reclassification of all positions; and
 - 3. The establishment of new classes and the revisions or abolishment of existing classes.
- C. The State Office of Human Resources (OHR) shall develop and approve forms to be used in describing assigned duties and other information necessary to determine the proper classification on each position.
- D. The Director of Human Resources may require the submission of position descriptions, organizational charts or other related information and may require the audit of any position as necessary for maintenance of the Classification Plan.
- E. Any inquiries regarding the status of or action taken by OHR in regards to the classification or reclassification of a position should be coordinated through the Director of Human Resources.

Class Specifications

- A. Each classification specification shall define in general terms examples of the kind of work and level of responsibility normally assigned positions that may be allocated to the class. The exact duties, responsibilities, and minimum training and experience requirements of positions allocated to any one class shall be sufficiently similar as to

STATE OF SOUTH CAROLINA
WORKERS' COMPENSATION COMMISSION

Administrative Policies and Procedures

Subject: Classification Plan		Revision Number: 2.0
Policy Number: 2.05	Date: August 9, 2011	Page 3 of 5

kind of work, level of difficulty or responsibility and qualification requirements to warrant like treatment for personnel administration purposes.

B. Class specifications shall consist of:

1. Class Title and Code – the official title and alphanumeric code given to the class.
2. General Nature of Work – the brief statement summarizing the work to be performed by individuals in this class.
3. Guidelines for Class Use/Distinguishing Characteristics – the brief statement summarizing the level of work performed, the breadth of job responsibilities, and level of supervision given or received. This section may be omitted if it is not needed for further clarification.
4. Examples of Work Performed – statements of duties that reflect the level of responsibility common to all positions in the class, but not necessarily fully descriptive of any one position in the class.
5. Knowledge, Skills, and Abilities – a list of individual characteristics each of which is required for the successful performance of one or more job duties of the class, but not necessarily fully descriptive of the requirements for any one position in the class.
6. Necessary Special Requirements - statements of professional or physical requirements, such as licensure or certification, which may be mandatory for some or all positions in the class. This section may be omitted if it is not needed for further clarification.
7. Minimum Training and Experience – a statement of the minimum combination of education and experience required for the satisfactory performance of the duties of positions in the class, but not necessarily fully descriptive of the education and experience required for any one position in the class. For an equivalency to substitute for the minimum requirements, an agency must submit a written request to the State Human Resources Director for approval.

STATE OF SOUTH CAROLINA
WORKERS' COMPENSATION COMMISSION

Administrative Policies and Procedures

Subject: Classification Plan		Revision Number: 2.0
Policy Number: 2.05	Date: August 9, 2011	Page 4 of 5

Position Descriptions

- A. The State Office of Human Resources (OHR) shall develop a position description to be used by agencies in describing assigned duties and other information necessary to determine the proper classification of each position. An agency may develop a position description which must be approved by OHR prior to implementation.
- B. The position description shall serve as a record of the duties assigned to an individual position in a class. The position description is used to compare positions to ensure uniformity of classification and as a basis of other-human resources decisions.
- C. The position description shall include an accurate description of assigned duties and responsibilities and other pertinent information concerning a position. In contrast to general definitions of the level of work and responsibilities, the position description shall include specific duties and responsibilities assigned to a position, the percentage of time normally devoted to each duty, and the designation of essential and marginal functions.
- D. Position descriptions should be updated to reflect any changes in the assigned job duties and responsibilities or any other pertinent information concerning the position. The supervisor should discuss this updated position description with the employee.
- E. Current position descriptions shall be maintained by the Director of Human Resources.

Classification of New Positions

Each new position should first be authorized for appropriate funding. Each position shall be classified before any action is taken to fill the position.

Reclassification of Positions

- A. An established position may be reclassified from one class to a different class as a result of a natural or an organizational change in the duties or responsibilities of the position.
- B. When reclassifying a filled position, the assignment of new duties or responsibilities should not have the effect of creating a new position.
- C. All reclassifications must be approved by the Executive Director or designee.

STATE OF SOUTH CAROLINA
WORKERS' COMPENSATION COMMISSION

Administrative Policies and Procedures

Subject: Classification Plan		Revision Number: 2.0
Policy Number: 2.05	Date: August 9, 2011	Page 5 of 5

Position Numbering System

A position numbering system shall be developed and maintained that will identify each established position.

STATE OF SOUTH CAROLINA
WORKERS' COMPENSATION COMMISSION

Administrative Policies and Procedures

Subject: Recruitment and Selection		Revision Number: 2.0
Policy Number: 2.06	Date: August 9, 2011	Page 1 of 6

THE LANGUAGE USED IN THIS DOCUMENT DOES NOT CREATE AN EMPLOYMENT CONTRACT BETWEEN THE EMPLOYEE AND THE SOUTH CAROLINA WORKERS' COMPENSATION COMMISSION. THIS DOCUMENT DOES NOT CREATE ANY CONTRACTUAL RIGHTS OR ENTITLEMENTS. THE SOUTH CAROLINA WORKERS' COMPENSATION COMMISSION RESERVES THE RIGHT TO REVISE THE CONTENT OF THIS DOCUMENT, IN WHOLE OR IN PART. NO PROMISES OR ASSURANCES, WHETHER WRITTEN OR ORAL, WHICH ARE CONTRARY TO OR INCONSISTENT WITH THE TERMS OF THIS PARAGRAPH CREATE ANY CONTRACT OF EMPLOYMENT.

Statements of Policy

The recruitment goal for the South Carolina Workers' Compensation Commission is to locate and hire those persons who are most likely to become productive and satisfied career-service employees. To fulfill this goal, the recruitment program is designed to attract qualified individuals to fill job openings and to provide the Commission with reliable applicant sources from which qualified persons may be selected, based upon individual quality rather than the quantity of applicants for each job opening. All recruitment and advertisement, the acceptance of applications and the use of interviews, tests and other selection devices, will be in accordance with the Affirmative Action/Equal Employment Opportunity Policy of the Commission.

Report of Job Vacancies

- A. In addition to any other requirement provided by law, when a job vacancy occurs the Commission will post a vacancy notice for at least five working days before employing a person to fill the vacancy. The posting must give notice of the job vacancy, describe the duties to be performed by a person employed in that position and include any other information required by law.
- B. The notification of a vacancy must include the following data:
 1. The title of the position and a summary description of the job responsibilities for the vacant position;
 2. The hiring salary range for the vacant position;

STATE OF SOUTH CAROLINA
WORKERS' COMPENSATION COMMISSION

Administrative Policies and Procedures

Subject: Recruitment and Selection		Revision Number: 2.0
Policy Number: 2.06	Date: August 9, 2011	Page 2 of 6

3. The name of the agency where the vacant position exists;
4. A description of the application process for the vacant position;
5. The class code and the position number of the vacant position;
6. The minimum requirements for the vacant position, as well as preferred qualifications, if any:
 - a. For the purpose of reporting a job vacancy, minimum requirements are the minimum training and experience requirements that are established by the State Office of Human Resources (OHR) and are directly related to the successful performance of essential job functions as described on the position description. Any additional requirements must exceed the minimum requirements that OHR has established for the class. Applicants selected for hiring must meet the minimum requirements of the class as established by OHR unless OHR's Director has approved an equivalency.
 - b. Preferred qualifications are defined as any other qualifications that are desirable, but not mandatory, for the performance of essential job functions upon entry into the position;
8. The opening and closing dates for applying for the vacant position;
9. A statement certifying that the Commission is an equal employment opportunity/affirmative action employer; and
10. The normal work schedule and whether the position is full-time or part-time.

Internal Posting and Distribution of Announcements

Under the direction of the Executive Director, the Director of Human Resources may initially post a vacant position internally when the qualifications require an applicant with specific workers' compensation experience and qualifications.

STATE OF SOUTH CAROLINA
WORKERS' COMPENSATION COMMISSION

Administrative Policies and Procedures

Subject: Recruitment and Selection		Revision Number: 2.0
Policy Number: 2.06	Date: August 9, 2011	Page 3 of 6

- A. Information regarding the vacancy, including title, pay band and minimum or specialized training and experience requirements shall be made accessible for all Commission employees and the announcements will be posted electronically.
- B. This information shall be posted to employees electronically for a minimum of five working days.

Exceptions to Posting Job Announcements

- A. If an emergency situation exists requiring the vacancy to be filled immediately, certification of the emergency must be made to and approved by the Executive Director waiving the posting requirement at the agency and State level.
- B. When the Commission decides to promote an employee one organizational level above the employee's current level, the posting requirement may be waived.

Employment Procedures

- A. When a classified position is to become vacant, the Executive Director, Department Director, or the respective Division Director shall review the following information with the Director of Human Resources:
 - 1. Class code, title, and pay band of position;
 - 2. Current incumbent in the position;
 - 3. Effective date the position will become vacant; and
 - 4. Specialized training and experience desired of applicants for the vacancy over and above any minimum training and experience requirements for the position.
- B. Upon notification, the Director of Human Resources will post the job vacancy. When necessary, job postings can go to local colleges and universities and local community organizations.

STATE OF SOUTH CAROLINA
WORKERS' COMPENSATION COMMISSION

Administrative Policies and Procedures

Subject: Recruitment and Selection		Revision Number: 2.0
Policy Number: 2.06	Date: August 9, 2011	Page 4 of 6

1. Employees interested in applying for vacant position shall complete a State application for employment and forward it to the Director of Human Resources.

- C. The Director of Human Resources shall review all applications for the vacancy to ensure that each applicant meets the stated minimum training and experience requirements for the position.

- D. In those instances where sufficient applicants for the vacancy are not available, the Director of Human Resources will provide assistance to the employing manager in conducting specialized recruitment activities on a local or statewide basis, as appropriate.

- E. All selected applicants for the vacancy, including supplemental personal information, shall then be furnished to the employing manager within three (3) days of the vacancy closing date.
 1. The manager shall interview applicants for the position in order to assess their personal qualifications, related job experience, and potential capabilities in the designated job assignment.
 2. The interview process shall also involve the verification of all information contained in the candidate's application including work history and personal references. If it is determined that the candidate falsified the employment application, the candidate cannot be offered employment.
 3. After determining the candidate best suited for the vacant position, the employing manager shall notify the Executive Director and the Director of Human Resources as to his recommendation for the position.

- F. The Executive Director shall review the employment recommendation. Depending on the level and type of vacancy, the Executive Director may choose to interview one or several of the manager's employment recommendations.

- G. Where vacancies are being recruited at the Department or Division Director's level, the following procedures shall be followed.

STATE OF SOUTH CAROLINA
WORKERS' COMPENSATION COMMISSION

Administrative Policies and Procedures

Subject: Recruitment and Selection		Revision Number: 2.0
Policy Number: 2.06	Date: August 9, 2011	Page 5 of 6

1. The Executive Director shall interview candidates in order to make a recommendation to the Chairman.
 2. The Executive Director shall discuss the results of the interviews with the Chairman and make an employment recommendation.
 3. Those candidates who were interviewed but were not offered employment shall be appropriately notified.
- H. In other instances, the manager shall recommend one candidate to the Executive Director. The recommendation process shall involve scheduling an interview with the Executive Director and ensuring that the candidate(s) are properly notified. After the Executive Director and the candidate meet, the Executive Director shall decide whether or not the candidate is to be offered employment. If the candidate is not offered employment, the respective manager will initiate a second selection process. If the candidate is to be offered employment, the Executive Director, at the time of the interview or through a later contact, shall extend the offer. Only the Executive Director has the authority to make binding employment offers.
- I. When the candidate accepts the employment offer, the Director of Human Resources is responsible for sending an offer letter.
1. The Director of Human Resources shall be responsible for sending written employment confirmations to the successful candidate. This letter should contain the job title and pay band of the position, the starting salary, the effective employment date, the employment location, and any other conditions of employment appropriate to that office.

A copy of this letter shall be sent to the appropriate manager(s) and a copy shall be placed in the employee's personnel file.
 2. The Director of Human Resources shall be responsible for informing all other candidates of the Commission's decision.
 3. The Director of Human Resources shall be responsible for notifying the employee of any mandated training and/or orientation requirements.

STATE OF SOUTH CAROLINA
WORKERS' COMPENSATION COMMISSION

Administrative Policies and Procedures

Subject: Recruitment and Selection		Revision Number: 2.0
Policy Number: 2.06	Date: August 9, 2011	Page 6 of 6

Freedom of Information Act Requests

A public body may, but is not required to, exempt from disclosure all materials, regardless of form, gathered by the public body during a search to fill an employment position, except that materials relating to the final pool of applicants under consideration comprised of at least three people for a position must be made available for public inspection and copying. In addition to making available for public inspection and copying the materials described in this item, the public body must disclose, upon request, the number of applicants considered for a position. For the purpose of this item, materials relating to the final pool of applicants comprised of at least three people, do not include an applicant's income tax returns, medical records, social security number, or information otherwise exempt from disclosure by § 30-4-40 of the South Carolina Code of Laws.

STATE OF SOUTH CAROLINA
WORKERS' COMPENSATION COMMISSION

Administrative Policies and Procedures

Subject: Movement and Status		Revision Number: 2.0
Policy Number: 2.07	Date: August 9, 2011	Page 1 of 13

THE LANGUAGE USED IN THIS DOCUMENT DOES NOT CREATE AN EMPLOYMENT CONTRACT BETWEEN THE EMPLOYEE AND THE SOUTH CAROLINA WORKERS' COMPENSATION COMMISSION. THIS DOCUMENT DOES NOT CREATE ANY CONTRACTUAL RIGHTS OR ENTITLEMENTS. THE SOUTH CAROLINA WORKERS' COMPENSATION COMMISSION RESERVES THE RIGHT TO REVISE THE CONTENT OF THIS DOCUMENT, IN WHOLE OR IN PART. NO PROMISES OR ASSURANCES, WHETHER WRITTEN OR ORAL, WHICH ARE CONTRARY TO OR INCONSISTENT WITH THE TERMS OF THIS PARAGRAPH CREATE ANY CONTRACT OF EMPLOYMENT.

Scope and Purpose

This Policy governs the movement of classified and unclassified employees and positions. This Policy also governs the status of classified and unclassified employees except those employees exempt from coverage under the State Employee Grievance Procedure Act. (S.C. Code Ann. § 8-17-370).

Statements of Policy

- A. Movement of a person into or between full-time equivalent (FTE) positions may occur by:
 - 1. Initial Employment or Reemployment
 - 2. Promotion
 - 3. Demotion
 - 4. Reassignment
 - 5. Transfer
- B. Movement of a position may occur through a reclassification in the classified system or an unclassified State title change in the unclassified system.

STATE OF SOUTH CAROLINA
WORKERS' COMPENSATION COMMISSION

Administrative Policies and Procedures

Subject: Movement and Status		Revision Number: 2.0
Policy Number: 2.07	Date: August 9, 2011	Page 2 of 13

- C. A position may move between the classified and unclassified systems provided the Commission does not exceed its number of classified and unclassified authorized FTEs.

- D. A person who moves into or between an FTE position(s) in the classified system must meet minimum requirements established in the class specification. For an equivalency to substitute for the minimum requirements, a written request must be submitted to the State Human Resources Director for approval.

- E. When a person moves into or between an FTE position(s) or when an employee's position is reclassified or has an unclassified State title change, the following types of status apply:
 - 1. Probationary – The status of a full-time or part-time employee occupying all or part of an FTE position in the initial working test twelve month period of employment with the State.

 - 2. Covered – The status of a full-time or part-time employee occupying all or part of an FTE position who has completed the probationary period and has a "successful" or higher overall rating on the employee's performance evaluation and has grievance rights. If an employee does not receive an evaluation before the performance review date, the employee must be considered to have performed in a satisfactory manner and be a covered employee. (S.C. Code Ann. § 8-17-320)

 - 3. Trial – The status of a full-time or part-time covered employee who is in the initial working test period of six months following the movement of the employee or the employee's position to any class or unclassified State title in which the employee has not held permanent status.

- F. Permanent Status in a Class or Unclassified State Title
An employee shall attain permanent status in a class or unclassified State title upon completion of a probationary or trial period in that class or unclassified State title. Once attained, permanent status in a class or unclassified State title is retained throughout the employee's continuous State service.

STATE OF SOUTH CAROLINA
WORKERS' COMPENSATION COMMISSION

Administrative Policies and Procedures

Subject: Movement and Status		Revision Number: 2.0
Policy Number: 2.07	Date: August 9, 2011	Page 3 of 13

G. Performance Review Dates

For the establishment of an employee's performance review date, refer to Section 2.15, Employee Performance Management System.

Initial Employment or Reemployment

- A. Initial employment is defined as the employment of a person newly hired into State government in a classified or unclassified FTE position.
- B. Reemployment is defined as the employment of a person following a break in service in a classified or unclassified FTE position.
- C. Probationary Status – Upon the initial employment or reemployment the employee shall be in probationary status.
- D. Probationary Period
 - 1. An employee in probationary status must complete a twelve month probationary period.
 - 2. At the discretion of the Executive Director or his designee, up to six months of continuous satisfactory service in any temporary capacity may count toward the employee's probationary period which would result in a reduction in the length of the employee's performance review period.
 - 3. An employee who performs unsatisfactorily during the probationary period must be terminated before becoming a covered employee.

Promotion

- A. Promotion is defined as the assignment of an employee by the appointing authority from one established position to a difference established position.
 - 1. Having a higher State salary range; or
 - 2. For positions without a State salary range, having a higher rate of pay.

STATE OF SOUTH CAROLINA
WORKERS' COMPENSATION COMMISSION

Administrative Policies and Procedures

Subject: Movement and Status		Revision Number: 2.0
Policy Number: 2.07	Date: August 9, 2011	Page 4 of 13

B. Probationary or Trial Status

Upon promotion, an employee shall be in a probationary or trial status; however, if a covered employee previously held permanent status in the class or unclassified State title to which promoted, the promotion shall be with permanent status in the class or unclassified State title and the employee is not in trial status.

C. Probationary Period

1. An employee in probationary status who is promoted must complete a probationary period of twelve months.
2. At his discretion, the Executive Director or his designee may count up to six months of continuous satisfactory service in the previous class or unclassified State title toward the employee's probationary period which would result in a reduction in the length of the employee's performance review period.
3. An employee who performs unsatisfactorily during the probationary period must be terminated before becoming a covered employee.

D. Trial Period

A covered employee who is promoted to a position in which he has not held permanent status in the class or unclassified State title must complete a six-month trial period. This period may be extended up to 90 calendar days upon written notification to the employee of the extension prior to the end of the six-month trial period.

Demotion

- A. Demotion is defined as the assignment of an employee by the appointing authority from one established position to a different established position having a lower State salary band.
- B. Probationary or Trial Status
Upon demotion, an employee will be in probationary or trial status; however, if a covered employee previously held permanent status in the class or unclassified State title to which demoted, the demotion shall be with permanent status in the class or unclassified State title and the employee is not in probationary or trial status.

STATE OF SOUTH CAROLINA
WORKERS' COMPENSATION COMMISSION

Administrative Policies and Procedures

Subject: Movement and Status		Revision Number: 2.0
Policy Number: 2.07	Date: August 9, 2011	Page 5 of 13

C. Probationary Period

1. An employee in probationary status who is demoted must complete a probationary period of twelve months.
2. At his discretion, the Executive Director or his designee may count up to six months of continuous satisfactory service in the previous class or unclassified State title toward the employee's probationary period which would result in a reduction in the length of the employee's performance review period.
3. An employee who performs unsatisfactorily during the probationary period must be terminated before becoming a covered employee.

D. Trial Period

A covered employee who is demoted to a position in which he has not held permanent status in the class or unclassified State title must complete a six-month trial period. This period may be extended up to 90 calendar days upon written notification to the employee of the extension prior to the end of the six-month trial period.

Reassignment and Transfer

- A. A reassignment is defined as the movement within an agency of an employee from one position to another position having the same State salary range, or the movement of a position within an agency which does not require reclassification.
- B. Transfer is defined as the movement to a different agency of an employee from one position to another position having the same State salary range, or the movement of a position from one agency to another agency which does not require reclassification.
- C. Probationary Period
 1. An employee in probationary status who is reassigned or transferred must complete a probationary period of twelve months.
 2. At his discretion, the Executive Director or his designee may count up to six months of continuous satisfactory service in the previous class or unclassified State title

STATE OF SOUTH CAROLINA
WORKERS' COMPENSATION COMMISSION

Administrative Policies and Procedures

Subject: Movement and Status		Revision Number: 2.0
Policy Number: 2.07	Date: August 9, 2011	Page 6 of 13

toward the employee's probationary period which would result in a reduction in the length of the employee's performance review period.

3. An employee who performs unsatisfactorily during the probationary period must be terminated before becoming a covered employee.

D. Trial Period

A covered employee who is reassigned or transferred to a position in which he has not held permanent status in the class or unclassified State title must complete a six-month trial period. This period may be extended up to 90 calendar days upon written notification to the employee of the extension prior to the end of the six-month trial period.

Reclassification

For classified positions, reclassification is defined as the assignment of a position in one class to another class which is the result of a natural or an organizational change in duties or responsibilities or the position. Reclassifications can occur:

- A. Upward – the position moves from one class to another class having a higher State salary range.
 1. Probationary or Trial Status
Upon upward reclassification, an employee shall be in probationary or trial status; however, if a covered employee previously held permanent status in the class to which reclassified, the upward reclassification shall be with permanent status in the class and the employee is not in trial status.
 2. Probationary Period
 - a. An employee in probationary status who is reclassified upward must complete a probationary period of twelve months.
 - b. At his discretion, the Executive Director or his designee may count up to six months of continuous satisfactory service in the previous class or unclassified State title toward the employee's probationary period which would result in a reduction in the length of the employee's performance review period.

STATE OF SOUTH CAROLINA
WORKERS' COMPENSATION COMMISSION

Administrative Policies and Procedures

Subject: Movement and Status		Revision Number: 2.0
Policy Number: 2.07	Date: August 9, 2011	Page 7 of 13

- c. An employee who performs unsatisfactorily during the probationary period must be terminated before becoming a covered employee.
3. Trial Period

A covered employee who is reassigned or transferred to a position in which he has not held permanent status in the class or unclassified State title must complete a six-month trial period. This period may be extended up to 90 calendar days upon written notification to the employee of the extension prior to the end of the six-month trial period.
- B. Downward – the position moves from one class to another class having a lower State salary range.
 1. Probationary or Trial Status

Upon downward reclassification, an employee shall be in probationary or trial status; however, if a covered employee previously held permanent status in the class to which reclassified, the downward reclassification shall be with permanent status in the class and the employee is not in trial status.
 2. Probationary Period
 - a. An employee in probationary status who is reclassified downward must complete a probationary period of twelve months.
 - b. At his discretion, the Executive Director or his designee may count up to six months of continuous satisfactory service in the previous class or unclassified State title toward the employee's probationary period which would result in a reduction in the length of the employee's performance review period.
 - c. An employee who performs unsatisfactorily during the probationary period must be terminated before becoming a covered employee.
 3. Trial Period

A covered employee who is reassigned or transferred to a position in which he has not held permanent status in the class or unclassified State title must complete a six-month trial period. This period may be extended up to 90 calendar days upon

STATE OF SOUTH CAROLINA
WORKERS' COMPENSATION COMMISSION

Administrative Policies and Procedures

Subject: Movement and Status		Revision Number: 2.0
Policy Number: 2.07	Date: August 9, 2011	Page 8 of 13

written notification to the employee of the extension prior to the end of the six-month trial period.

C. Lateral – the position moves from one class to another class having the same State salary range.

1. Probationary or Trial Status

Upon lateral reclassification, an employee shall be in probationary or trial status; however, if a covered employee previously held permanent status in the class to which reclassified, the lateral reclassification shall be with permanent status in the class and the employee is not in trial status.

2. Probationary Period

a. An employee in probationary status who is reclassified laterally must complete a probationary period of twelve months.

b. At his discretion, the Executive Director or his designee may count up to six months of continuous satisfactory service in the previous class or unclassified State title toward the employee's probationary period which would result in a reduction in the length of the employee's performance review period.

c. An employee who performs unsatisfactorily during the probationary period must be terminated before becoming a covered employee.

3. Trial Period

A covered employee who is reassigned or transferred to a position in which he has not held permanent status in the class or unclassified State title must complete a six-month trial period. This period may be extended up to 90 calendar days upon written notification to the employee of the extension prior to the end of the six-month trial period.

Unclassified Title Changes

An unclassified State title change is defined as the assignment of a position in one unclassified title to another unclassified title which is the result of a natural or an organizational change in duties or responsibilities of the position. An unclassified State title change can occur:

STATE OF SOUTH CAROLINA
WORKERS' COMPENSATION COMMISSION

Administrative Policies and Procedures

Subject: Movement and Status		Revision Number: 2.0
Policy Number: 2.07	Date: August 9, 2011	Page 9 of 13

A. Upward – the position moves from one unclassified State title to another unclassified State title having a higher State salary range.

1. Probationary or Trial Status

Upon upward unclassified State title change, an employee shall be in probationary or trial status; however, if a covered employee previously held permanent status in the unclassified State title to which reclassified, the upward reclassification shall be with permanent status in the unclassified State title and the employee is not in trial status.

2. Probationary Period

a. An employee in probationary status whose is moved upward must complete a probationary period of twelve months.

b. At his discretion, the Executive Director or his designee may count up to six months of continuous satisfactory service in the previous unclassified State title toward the employee's probationary period which would result in a reduction in the length of the employee's performance review period.

c. An employee who performs unsatisfactorily during the probationary period must be terminated before becoming a covered employee.

3. Trial Period

A covered employee whose position is moved upward to an unclassified State title in which he has not held permanent status must complete a six-month trial period. This period may be extended up to 90 calendar days upon written notification to the employee of the extension prior to the end of the six-month trial period.

B. Downward – the position moves from one unclassified State title to another unclassified State title having a lower State salary range.

1. Probationary or Trial Status

Upon downward unclassified State title change, an employee shall be in probationary or trial status; however, if a covered employee previously held permanent status in the unclassified State title to which reclassified, the downward

STATE OF SOUTH CAROLINA
WORKERS' COMPENSATION COMMISSION

Administrative Policies and Procedures

Subject: Movement and Status		Revision Number: 2.0
Policy Number: 2.07	Date: August 9, 2011	Page 10 of 13

unclassified State title change shall be with permanent status in the unclassified State title and the employee is not in trial status.

2. Probationary Period

- a. An employee in probationary status whose position is moved downward must complete a probationary period of twelve months.
- b. At his discretion, the Executive Director or his designee may count up to six months of continuous satisfactory service in the unclassified State title toward the employee's probationary period which would result in a reduction in the length of the employee's performance review period.
- c. An employee who performs unsatisfactorily during the probationary period must be terminated before becoming a covered employee.

3. Trial Period

A covered employee whose position is moved downward to an unclassified State title in which he has not held permanent status in the unclassified State title must complete a six-month trial period. This period may be extended up to 90 calendar days upon written notification to the employee of the extension prior to the end of the six-month trial period.

C. Lateral – the position moves from one unclassified State title to another unclassified State title having the same State salary range.

1. Probationary or Trial Status

Upon lateral unclassified State title change, an employee shall be in probationary or trial status; however, if a covered employee previously held permanent status in the unclassified State title to which moved, the lateral unclassified State title change shall be with permanent status in the unclassified State title and the employee is not in trial status.

2. Probationary Period

- a. An employee in probationary status whose position is moved laterally must complete a probationary period of twelve months.

STATE OF SOUTH CAROLINA
WORKERS' COMPENSATION COMMISSION

Administrative Policies and Procedures

Subject: Movement and Status		Revision Number: 2.0
Policy Number: 2.07	Date: August 9, 2011	Page 11 of 13

- b. At his discretion, the Executive Director or his designee may count up to six months of continuous satisfactory service in the previous unclassified State title toward the employee's probationary period which would result in a reduction in the length of the employee's performance review period.
 - c. An employee who performs unsatisfactorily during the probationary period must be terminated before becoming a covered employee.
3. Trial Period
- A covered employee whose position is moved laterally to an unclassified State title in which he has not held permanent status in the unclassified State title must complete a six-month trial period. This period may be extended up to 90 calendar days upon written notification to the employee of the extension prior to the end of the six-month trial period.

Movement Between Classified and Unclassified Service

A. Classified Service to Unclassified Service

1. Movement of the Employee

- a. When an employee moves from a classified position to an unclassified position with a State salary range, the employee's status will be governed by Regulations 19-704.03 through 19-704.05 concerning the promotion, demotion, reassignment, or transfer of an unclassified employee.
- b. When an employee moves from a classified position to an unclassified position without a State salary range, the agency shall determine whether the new position has a higher, lower, or equivalent level of job duties or responsibilities than the former position. Based on that determination, the movement will be a promotion, demotion, reassignment, or transfer, and the employee's status will be governed by Sections 19-704.03 through 19-704.05.

STATE OF SOUTH CAROLINA
WORKERS' COMPENSATION COMMISSION

Administrative Policies and Procedures

Subject: Movement and Status		Revision Number: 2.0
Policy Number: 2.07	Date: August 9, 2011	Page 12 of 13

2. Movement of the Position

- a. When the position an employee occupies moves from the classified service to the unclassified service, the employee's status will be governed by Regulation 19-704.07 concerning the movement of unclassified positions.
- b. When the position an employee occupies moves from classified service to become an unclassified position without a State salary range, the agency shall determine whether the new position has a higher, lower, or equivalent level of job duties or responsibilities than the former position. Based on that determination, the employee's status will be governed by Section 19-704.07 concerning the movement of unclassified positions.

B. Unclassified Service to Classified Service

1. Movement of the Employee

- a. When an employee moves from an unclassified position with a State salary range to a classified position, the employee's status will be governed by Sections 19-704.03 through 19-704.05 concerning the promotion, demotion, reassignment, or transfer of classified employees.
- b. When an employee moves from an unclassified position without a State salary range to a classified position, the agency shall determine whether the new position has a higher, lower, or equivalent level of job duties or responsibilities than the former position. Based on that determination, the movement will be a promotion, demotion, reassignment, or transfer, and the employee's status will be governed by Sections 19-704.03 through 19-704.05.

2. Movement of the Position

- a. When the position an employee occupies moves from the unclassified service to the classified service, the employee's status will be governed by Section 19-704.06 concerning the reclassification of positions.

STATE OF SOUTH CAROLINA
WORKERS' COMPENSATION COMMISSION

Administrative Policies and Procedures

Subject: Movement and Status		Revision Number: 2.0
Policy Number: 2.07	Date: August 9, 2011	Page 13 of 13

- b. When the position an employee occupies changes from an unclassified position without a State salary range to become a classified position, the agency shall determine whether the new position has a higher, lower, or equivalent level of job duties or responsibilities than the former position. Based on that determination, the employee's status will be governed by Section 19-704.06 concerning the reclassification of positions.

STATE OF SOUTH CAROLINA
WORKERS' COMPENSATION COMMISSION

Administrative Policies and Procedures

Subject: Classified Employee Pay Plan		Revision Number: 2.0
Policy Number: 2.08	Date: August 9, 2011	Page 1 of 13

THE LANGUAGE USED IN THIS DOCUMENT DOES NOT CREATE AN EMPLOYMENT CONTRACT BETWEEN THE EMPLOYEE AND THE SOUTH CAROLINA WORKERS' COMPENSATION COMMISSION. THIS DOCUMENT DOES NOT CREATE ANY CONTRACTUAL RIGHTS OR ENTITLEMENTS. THE SOUTH CAROLINA WORKERS' COMPENSATION COMMISSION RESERVES THE RIGHT TO REVISE THE CONTENT OF THIS DOCUMENT, IN WHOLE OR IN PART. NO PROMISES OR ASSURANCES, WHETHER WRITTEN OR ORAL, WHICH ARE CONTRARY TO OR INCONSISTENT WITH THE TERMS OF THIS PARAGRAPH CREATE ANY CONTRACT OF EMPLOYMENT.

Scope and Purpose

The Plan governs the establishment, maintenance and administration of the Pay Plan applicable to all classified positions of the South Carolina Workers' Compensation Commission.

Statements of Policy

- A. The Director of Humans Resources shall act as the agent of the Commission in the administration of all regulations, policies and procedures relating to the Pay Plan.
- B. No classified employee may receive a salary in excess of ninety-five (95) percent of the salary of the Executive Director.
- C. When an employee moves from an unclassified position to a classified position, the employee's pay will be governed by the Classified Pay Plan.
- D. An agency request for or implementation of an increase in salary shall be requested or implemented when sufficient funds are available. The State Human Resources Director may require submission of appropriate documentation attesting to the availability of funding.
- E. The South Carolina Constitution prohibits the Commission from granting extra compensation, fee, or allowance to any public officer, agent, servant, or contractor after services rendered, or contract made, nor authorizes payment or part payment of any claim under any contract not authorized by law.

STATE OF SOUTH CAROLINA
WORKERS' COMPENSATION COMMISSION

Administrative Policies and Procedures

Subject: Classified Employee Pay Plan		Revision Number: 2.0
Policy Number: 2.08	Date: August 9, 2011	Page 2 of 13

- F. The Commission shall maintain documentation appropriate for the administration of this Plan.
- G. Justifiable exceptions to these policies and procedures may be approved.

Administration of the Pay Plan

- A. The State Office of Human Resources (OHR) will periodically conduct studies for the purpose of making recommendations that will maintain a competitive Pay Plan. (S.C. Code Ann. § 8-11-930)
- B. An employee shall be paid within the pay bands of the official pay schedule and in accordance with the provision of this Plan.
- C. An employee shall not be paid in excess of the maximum of the pay band for a class, unless such payment is authorized by this Plan or directed by legislation.
- D. Any pay action, which requires approval from OHR, must receive such approval prior to the Commission effecting the action.
- E. Prior to submission to OHR for approval, the Director of Human Resources shall review all proposed pay changes to determine that they are in compliance with the provisions of this Plan.

Hiring Salaries

- A. Hiring at the minimum – an employee must be paid at least the minimum of the pay band to which hired.
- B. Hiring above the minimum
 - 1. Exceptional Qualifications – if an individual is exceptionally qualified for the position, he may be hired at a starting salary above the minimum of the pay band. The hiring official should submit a recommendation through the appropriate administrative channels to include full justification and an updated application.

STATE OF SOUTH CAROLINA
WORKERS' COMPENSATION COMMISSION

Administrative Policies and Procedures

Subject: Classified Employee Pay Plan		Revision Number: 2.0
Policy Number: 2.08	Date: August 9, 2011	Page 3 of 13

2. Special Hire Rate - based on written justification submitted by the Commission, OHR may approve a special hire rate when experience has shown that recruitment of qualified applicants for selected positions in a class has not been possible at the minimum of the pay band. The hiring official should submit a recommendation through the appropriate administrative channels to include full justification for consideration.

Compensation Not Included in Base Salary

- A. Temporary Salary Adjustment – A temporary salary adjustment may be approved for an employee in a full-time equivalent (FTE) position if circumstances warrant such approval. The temporary salary adjustment must be removed when the circumstances that warranted such an increase are no longer present.
- B. Bonuses – The General Assembly has authorized various programs through which the Commission may award bonuses to employees.
- C. Longevity Pay - The Longevity Salary Increase Program was discontinued in 1986. Individuals awarded longevity increases prior to the discontinuance of the program will continue to receive such previously awarded increases until termination of employment with State government. To calculate a salary increase for an employee, who is presently receiving longevity pay, proceed as follows:
 1. Deduct the longevity increase from the total compensation.
 2. Calculate the increase on the reduced salary in accordance with applicable provisions of Salary Increases; and
 3. Add the longevity increase to the new base salary.

Salary Increases

- A. Legislative Increases – General and Merit Increases shall be provided to the employees in accordance with the provisions of the annual Appropriations Act.

STATE OF SOUTH CAROLINA
WORKERS' COMPENSATION COMMISSION

Administrative Policies and Procedures

Subject: Classified Employee Pay Plan		Revision Number: 2.0
Policy Number: 2.08	Date: August 9, 2011	Page 4 of 13

B. In-Band salary Increases - Written justification for awarding in-band salary increases shall be maintained by Human Resources. The following regulations for granting in-band salary increases shall apply:

1. Pay adjustments in accordance with this section shall not affect an employee's performance review date unless the State classification is changed.
2. Pay adjustments in accordance with this section shall not place an employee's base salary above the maximum of the pay band, unless directed by legislation.
3. All requests for in-band salary increases should be in writing, fully justified and documented by department director, concurred by the Director of Human Resource and approved by the Executive Director or designee.
4. An employee's salary may be increased within his current pay band for the following reasons:
 - a. Performance Pay Increase – An employee's salary may be increased based upon performance in accordance with Section 8-1-160 of the South Carolina Code of Laws and Commission policy for the appropriate fiscal year.
 - b. Additional Job Duties and/or Responsibilities Increase - An in-band salary increase may be granted when an employee is permanently assigned additional duties and/or broader responsibilities either within his current position or another position in the same pay band. The salary may be increased up to 15%. For an increase of more than 15%, the Commission must submit written justification to OHR for approval.

Should the additional duties and/or responsibilities be taken away from the employee within six (6) months of the date that the salary increase was awarded, the salary will be reduced by the amount of the additional job duties and/or responsibilities increase.

- c. Additional Skills or Knowledge Increase - An increase of up to 15% of the base salary may be granted when an employee gains additional skills/knowledge that are directly related to the job. Copies of diplomas, degrees and certificates, if applicable, should accompany the request. Justification should include

STATE OF SOUTH CAROLINA
WORKERS' COMPENSATION COMMISSION

Administrative Policies and Procedures

Subject: Classified Employee Pay Plan		Revision Number: 2.0
Policy Number: 2.08	Date: August 9, 2011	Page 5 of 13

attainment of a higher-level education or further professional development directly related to the current position or considered valuable to the Commission. Justification must specifically demonstrate how the new knowledge or skill enhances the employee's position, assists in the accomplishment of the overall mission of the Commission. Required job related training and continuing education (i.e. workshops, seminars) are expected of all employees and do not constitute justification for this type of increase. Further, any training, classes, etc., taken on Commission time shall not constitute justification for this type of increase unless an exception is requested and approved in advance by the Executive Director or designee.

- d. Transfer Increase – Upon transfer from another State agency to a position in the same class and/or pay band, an employee's base salary may be increased to the minimum of the pay band or increased up to 15%, whichever is greater.
- e. Temporary Salary Adjustments – A temporary salary increase may be awarded for employees who assume additional duties for a specific period of time, usually not to exceed one (1) year. This salary increase will not be added to the employee's base salary and the increase will be discontinued when the duties are no longer being performed. An employee may receive an increase to bring his total compensation (base salary plus temporary salary adjustment) to the minimum of the higher pay band or up to 15% whichever is greater. An employee's salary may exceed the maximum of the salary range during the period that the temporary salary adjustment is in effect.
- f. Retention Increase - To retain the services of valuable employees, the Commission may award a salary increase of up to 15% to employees who have received a written bona fide job offer from another employer, either within or outside of State government. Supervisors must provide written justification that retaining the services of the employee is vital to the accomplishment of the goals of the Commission. Supporting justification would include factors such as past recruiting difficulties for the position, extensive training requirements, expected loss of productivity or the inability to provide satisfactory service. For an increase of more than 15% for employees who have bona fide job offers outside of State government, the Commission must submit written justification to OHR for approval. An employee shall receive no more than one (1) retention increase in a twelve-month period.

STATE OF SOUTH CAROLINA
WORKERS' COMPENSATION COMMISSION

Administrative Policies and Procedures

Subject: Classified Employee Pay Plan		Revision Number: 2.0
Policy Number: 2.08	Date: August 9, 2011	Page 6 of 13

- C. Upward Band Salary Increases – Written justification for awarding upward band salary increases shall be maintained by Human Resources. The following regulations for granting upward band salary increases shall apply:
1. An employee who receives an upward band salary increase shall have their performance review date reestablished in accordance with the provisions of the EPMS Policy.
 2. Pay adjustments in accordance with this section shall not place an employee's base salary above the maximum of the pay band.
 3. All requests for upward band salary increases should be in writing, fully justified and documented by the department director, concurred by the Director of Human Resources and approved by the Executive Director or designee.
 4. An employee's salary may be increased as a result of movement to a higher pay band for the following reasons:
 - a. Promotional Increase - Upon promotion to a position in a higher pay band, an employee's base salary may be increased to the minimum of the pay band to which promoted or up to 15%, whichever is greater. For an increase of more than 15% AND above the midpoint of the pay band, the Commission must submit written justification to OHR for approval.
 - b. Reclassification Increase - Upon reclassification to a position in a higher pay band, an employee's base salary may be increased to at least the minimum of the pay band or up to 15%, whichever is greater. For an increase of more than 15%, the Commission must submit written justification to OHR for approval.
 - c. Reallocation Increase - When OHR reallocates a class to a higher pay band, an employee's base salary may be increased to the new minimum of the new pay band or up to 15%, whichever is greater.
- D. An employee is not eligible to receive a salary increase upon downward reclassification or demotion.

STATE OF SOUTH CAROLINA
WORKERS' COMPENSATION COMMISSION

Administrative Policies and Procedures

Subject: Classified Employee Pay Plan		Revision Number: 2.0
Policy Number: 2.08	Date: August 9, 2011	Page 7 of 13

- E. Special Salary Adjustments - The State Office of Humans Resource Director is authorized to approve pay actions outside the provisions of this Pay Plan.

- F. Return from Leave Without Pay – An employee who has returned from an authorized leave of absence without pay shall be paid at the same rate being paid at the time leave was granted, except that the employee shall be granted any legislative increases authorized during the employee’s leave of absence. In determining the amount of adjustment that the employee shall be granted, the same implementation instructions that applied to all employees in that class shall be followed.

- G. Effective Dates of Salary Increases - The effective dates of all salary changes provided for in this Section should be as follows:
 - 1. Legislated Increases - When prescribed by the annual Appropriations Act and the State Employee Pay Plan in Section 8-11-940 of the South Carolina Code of Laws, Legislated Increases shall be effective as specified in the legislation.

 - 2. Performance Increases - Performance Increases as prescribed by Section 8-1-160 of the South Carolina Code of Laws should be effective on the beginning of the pay period coincident with or immediately following the performance review date.

 - 3. In-Band Salary Increases – In-band salary increases should be effective on the beginning of the pay period coincident with or immediately following the approval date. If funds are not available at the time of the approval, the increase may be granted when funds become available, provided that written documentation is submitted to the OHR at the time of approval. In no case can the in-band increase be made retroactive to a previous fiscal year (July 1 – June 30).

 - 4. Upward Band Salary Increases - A promotional increase, reclassification increase and reallocation increase should be effective on the beginning of the pay period coincident with or immediately following the approval date. If funds are not available at the time of approval, the increase may be granted when funds become available, provided that written documentation is submitted to the OHR at the time of approval. In no case can the in-band increase be made retroactive to a previous fiscal year (July 1 – June 30).

STATE OF SOUTH CAROLINA
WORKERS' COMPENSATION COMMISSION

Administrative Policies and Procedures

Subject: Classified Employee Pay Plan		Revision Number: 2.0
Policy Number: 2.08	Date: August 9, 2011	Page 8 of 13

5. Concurrent Increases

- a. In instances where general increases and other salary increases are awarded on the same date, the general increase shall be applied prior to any other salary increases.
- b. In instances where legislated performance pay increases and salary increases other than general increases are awarded on the same date, the legislated performance pay increase shall be applied prior to any other salary increases.

Salary Decreases

- A. Written justification for affecting any salary decrease shall be maintained by Human Resources. All requests for salary decreases should be in writing, fully justified and documented by the department director, concurred by the Director of Human Resource and approved by the Executive Director or designee. An employee who is presently receiving longevity pay and who experiences a salary decrease shall continue to receive any longevity increases previously granted.
- B. In-Band Salary Decrease - If the decision is made to decrease an employee's salary, the dollar amount of the salary reduction should be no more than 15%. Salary decreases in accordance with this section shall not place an employee's salary below the minimum of the pay band. An employee's salary may be decreased within his current pay band for the following reasons:
 1. Performance Decrease - A decrease of an employee's salary based upon performance shall be in accordance with Section 8-1-160 of the South Carolina Code of Laws. Such decreases shall be based on the results of an EPMS evaluation and approval by the Executive Director or designee. Such decreases in salary are grievable under the State Employee Grievance Procedure Act of 1982.
 2. Assignment of Lower Level Responsibilities
 - a. Voluntary Reason - An employee who is voluntarily assigned lower level responsibilities or moved to a position in his current pay band with lower level responsibilities than his current position, may, be paid at any rate within the pay

STATE OF SOUTH CAROLINA
WORKERS' COMPENSATION COMMISSION

Administrative Policies and Procedures

Subject: Classified Employee Pay Plan		Revision Number: 2.0
Policy Number: 2.08	Date: August 9, 2011	Page 9 of 13

band provided the rate is equal to or below the current salary and provided the employee signs a written statement indicating agreement to the salary decrease.

- b. Disciplinary or Performance Reason – An employee who, as the result of a disciplinary action or unsatisfactory rating on an EPMS evaluation, is reclassified or assigned lower level responsibilities, may be paid at a rate equal to or below the current salary, but within the pay band.
 - c. Involuntary Reason - An employee, who is involuntarily assigned lower level responsibilities or moved to a position in his current pay band with lower level responsibilities than his current position, shall not have his salary reduced for a period of one (1) year from the date of the action unless an exception is approved by OHR. After the expiration of the one (1) year period, with the approval of the Executive Director or designee, the employee's salary may be reduced by no more than 15% or to the midpoint of the pay band, whichever is lower. If the employee's salary is allowed to remain above the maximum rate of the lower class, the employee shall not be eligible for pay increases unless:
 - i. Subsequent pay adjustments establish the maximum of the pay range above the employee's rate of pay;
 - ii. The employee is subsequently promoted or reclassified and his current rate of pay is below the maximum for the class to which promoted or reclassified.
 - d. Reduction in Force – An employee, who, as a result of a reduction in force implemented due to budgetary reductions, is assigned lower level responsibilities, may have his salary reduced on the effective date of the reduction in force. The employee's salary may be reduced to a salary either between 0-15% below the employee's current salary or between the employee's current salary and the midpoint of the pay band. In exercising this discretion, the Executive Director or designee may use the option, which results in the greatest cost savings.
3. When the salary of an employee is not reduced and he is subsequently assigned higher level responsibilities lower than or equal to those held prior to the assignment of the lower level responsibilities or he is moved to a position in the same band or in a lower level than the one held prior to the assignment of the lower

STATE OF SOUTH CAROLINA
WORKERS' COMPENSATION COMMISSION

Administrative Policies and Procedures

Subject: Classified Employee Pay Plan		Revision Number: 2.0
Policy Number: 2.08	Date: August 9, 2011	Page 10 of 13

- level responsibilities, he shall not be eligible for a salary increase, regardless of the time between the assignment of the higher level responsibilities and the assignment of the lower level responsibilities, unless an increase is necessary to bring his salary to the minimum rate of the pay band.
4. When the salary of an employee is not reduced and he is subsequently assigned higher level responsibilities greater than those held prior to the assignment of the lower level responsibilities or he is moved to a position in a higher level than the one held prior to the assignment of the lower level responsibilities within six (6) months of the assignment of lower level responsibilities, he shall not be eligible for a salary increase unless an increase is necessary to bring his salary to the minimum of the pay band.
 5. When the salary of an employee is not reduced and he is subsequently assigned higher level responsibilities greater than those held prior to the assignment of the lower level responsibilities or he is moved to a position in a higher level than the one held prior to the assignment of the lower level responsibilities after six (6) months of the assignment of lower level responsibilities, he may be eligible for a salary increase in accordance with the Salary Increases Section. The amount of increase will be based on the movement from the band held prior to the assignment of the lower band responsibilities.
 6. An employee who receives an in-band increase for additional responsibilities and is subsequently assigned lower level responsibilities within six (6) months should have a reduction in pay to the amount previously.
- C. Demotion and Downward Reclassification Decreases – If the decision is made to decrease an employee's salary no more than 15%. An employee's salary may be decreased as a result of movement to a lower pay band for the following reasons:
1. Voluntary Reason – An employee who is voluntarily reclassified to a class with a lower pay band or demoted to a position in a lower pay band, may, be paid a salary equal to or below the current salary. However, the rate must be within the lower pay band and the employee must sign a written statement indicating agreement to the salary decrease.

STATE OF SOUTH CAROLINA
WORKERS' COMPENSATION COMMISSION

Administrative Policies and Procedures

Subject: Classified Employee Pay Plan		Revision Number: 2.0
Policy Number: 2.08	Date: August 9, 2011	Page 11 of 13

2. Disciplinary or Performance Reason – An employee who, as the result of a disciplinary action or unsatisfactory rating on an EPMS evaluation, is reclassified to a class with a lower pay band or demoted to a position in a lower pay band, may be paid at a rate equal to or below the current salary, but within the lower pay band.

3. Involuntary or Non-Disciplinary Reason – When a covered employee is demoted due to involuntary or non-disciplinary reasons or when an occupied position is reclassified to a class having a lower pay band for these reasons, the employee's salary shall not be reduced for a period of one (1) year from the date of the demotion or downward reclassification unless an exception is approved by the OHR. After the expiration of the one (1) year period, with the approval of the Executive Director or designee, the employee's salary may be reduced by no more than 15% or to the midpoint of the pay band, whichever is lower. If the employee's salary is allowed to remain above the maximum rate of the lower class, the employee shall not be eligible for pay increases unless:
 - a. Subsequent pay adjustments establish the maximum of the pay range above the employee's rate of pay, or
 - b. The employee is subsequently promoted or reclassified and his current rate of pay is below the maximum for the class to which promoted or reclassified.

4. When the salary of an employee is not reduced and he is subsequently promoted or reclassified upward to a pay band less than or equal to the one held prior to demotion, he shall not be eligible for a promotional or reclassification increase, regardless of the time between the demotion and the promotion or reclassification, unless an increase is necessary to bring his salary to the minimum rate of the pay band.

5. When the salary of an employee is not reduced and he is subsequently promoted or reclassified upward within six (6) months from the date of demotion or downward reclassification to a higher pay band than the one held prior to demotion, he shall not be eligible for a promotional or reclassification increase unless an increase is necessary to bring his salary to the minimum rate of the pay band.

6. When the salary of an employee is not reduced and he is subsequently promoted or reclassified upward after six (6) months from the date of demotion or downward

STATE OF SOUTH CAROLINA
WORKERS' COMPENSATION COMMISSION

Administrative Policies and Procedures

Subject: Classified Employee Pay Plan		Revision Number: 2.0
Policy Number: 2.08	Date: August 9, 2011	Page 12 of 13

reclassification to a higher pay band than the one held prior to demotion, he may be eligible for a promotional or reclassification increase in accordance with the Salary Increases Section. The amount of increase will be based on the movement from the band held prior to the assignment of the lower band responsibilities.

7. An employee who is promoted or reclassified upward and subsequently demoted or reclassified downward prior to attaining permanent status in the higher class shall have a reduction in pay as follows:
 - a. When an employee is reclassified to a class with the same pay band held prior to promotion or reclassification, or when he is demoted or reclassified to a class with a lower pay band, the employee's salary should be reduced by the amount previously received upon promotion or upward reclassification provided the salary will not exceed the maximum of the pay range for the class to which demoted or downward reclassified. The employee shall have a new performance review date established in accordance with the EPMS Policy.
 - b. When an employee is demoted or his position is reclassified downward to a class having a higher pay band than the original position, the employee's base salary should be the same as if the employee had originally been promoted/reclassified to the class/pay band to which demoted/reclassified and the employee's new salary and performance review date will be established in accordance with the Salary Increases Section and EPMS Policy, respectively.
- D. Downward Band Reallocations - When a class is reallocated to a lower pay band, the performance review date of an employee shall not be changed as a result of this action. The pay of the employee shall not be changed as a result of this action for a period of one (1) year from the date of the action unless OHR approves an exception. After the expiration of the one (1) year period, with the approval of the Executive Director or designee, the employee's salary may be reduced no more than 15% or to the midpoint of the pay band, whichever is lower. If an employee's salary exceeds the maximum of the new pay band, the employee shall not be eligible for pay increases of any type unless:
 1. Subsequent pay adjustments establish the maximum of the pay band above the employee's rate of pay, or

STATE OF SOUTH CAROLINA
WORKERS' COMPENSATION COMMISSION

Administrative Policies and Procedures

Subject: Classified Employee Pay Plan		Revision Number: 2.0
Policy Number: 2.08	Date: August 9, 2011	Page 13 of 13

2. The employee is subsequently promoted or the position is reclassified and the rate of pay is below the maximum for the class to which promoted or reclassified.
- E. Effective Date of Salary Decreases – The effective date of all salary decreases should be the beginning of the pay period coincident with or immediately following the approval date.

STATE OF SOUTH CAROLINA
WORKERS' COMPENSATION COMMISSION

Administrative Policies and Procedures

Subject: Attendance and Hours of Work		Revision Number: 2.0
Policy Number: 2.09	Date: August 9, 2011	Page 1 of 4

THE LANGUAGE USED IN THIS DOCUMENT DOES NOT CREATE AN EMPLOYMENT CONTRACT BETWEEN THE EMPLOYEE AND THE SOUTH CAROLINA WORKERS' COMPENSATION COMMISSION. THIS DOCUMENT DOES NOT CREATE ANY CONTRACTUAL RIGHTS OR ENTITLEMENTS. THE SOUTH CAROLINA WORKERS' COMPENSATION COMMISSION RESERVES THE RIGHT TO REVISE THE CONTENT OF THIS DOCUMENT, IN WHOLE OR IN PART. NO PROMISES OR ASSURANCES, WHETHER WRITTEN OR ORAL, WHICH ARE CONTRARY TO OR INCONSISTENT WITH THE TERMS OF THIS PARAGRAPH CREATE ANY CONTRACT OF EMPLOYMENT.

Statement of Policy

Because of the critical nature of the programs provided by the Commission, it is imperative that these services be continually available to recipients and citizens. For this reason, the Commission shall endeavor to maintain maximum levels of employee attendance and ensure that the workforce is at the highest possible point of efficiency and dependability. However, when absences are unavoidable, employee leave programs are available to permit bona fide absences without unduly jeopardizing an employee's income or status within State service.

- A. The normal workweek for each full-time employee is 37.5 hours. For record keeping purposes, the workweek begins at 12:01 AM on Sunday and ends at 12:00 midnight Saturday.
- B. Additional hours may be required when the appropriate management official determines that the direct or indirect responsibilities of the Commission cannot be accomplished in the normal work hours. These hours must be in accordance with the Commission's Overtime Policy.
- C. All leaves of absence should be requested and approved in advance except in the case of emergencies that may occur due to illness or other acceptable reasons. Requesting leave in advance is required to allow time for proper work scheduling, to ensure there is a sufficient leave balance, and to receive approval/disapproval of the supervisor. In regard to any absence not approved in advance, the employee must personally notify his supervisor by 8:30 AM (*or other specified time based on assigned work schedule*) on each day absent or tardy. These types of absences will

STATE OF SOUTH CAROLINA
WORKERS' COMPENSATION COMMISSION

Administrative Policies and Procedures

Subject: Attendance and Hours of Work		Revision Number: 2.0
Policy Number: 2.09	Date: August 9, 2011	Page 2 of 4

be considered on an individual basis and may or may not be approved as deemed appropriate.

Business Hours

The business hours of the South Carolina Workers' Compensation Commission are 8:30 AM until 5:00 PM, Monday through Friday except on State holidays.

Employee Work Schedule

The normal work schedule is Monday through Friday, 8:30 AM until 5:00 PM, 7.50 hours per workday, not counting a meal period of at least thirty (30) minutes and no more than one (1) hour.

A. Alternate Work Schedule

An employee may request to work an alternate work schedule through their supervisor. If approved, the employee may report to work 30 minutes before or after 8:30 AM (8:00 AM or 9:00 AM) and/or depart from work 30 minutes before or after 5:00 PM (4:30 PM or 5:30 PM). Each employee must also have a meal period of a minimum of thirty (30) consecutive minutes and no more than one (1) hour to be scheduled between the hours of 11:00 AM and 2:00 PM.

Exception: Any requests for exceptions to these reporting and departure times must be submitted to the supervisor for the Executive Director's approval. Detailed justification **based only on work requirements** will be considered and must be included in the request.

C. Supervisors may still utilize the procedures available to adjust an employee's workday or workweek at their discretion.

Work Schedule and Additional Hours

Additional hours may be required when the appropriate management official determines that the direct or indirect responsibilities of the Commission cannot be accomplished in the normal work hours. In addition, workweek schedules may be altered or changed at the discretion of the supervisor. Notification of changes will be made as far in advance as possible. If such changes involve overtime for a non-exempt employee, the Overtime Policy must be followed.

STATE OF SOUTH CAROLINA
WORKERS' COMPENSATION COMMISSION

Administrative Policies and Procedures

Subject: Attendance and Hours of Work		Revision Number: 2.0
Policy Number: 2.09	Date: August 9, 2011	Page 3 of 4

Breaks

- A. Based on workload, employees are permitted two daily breaks up to fifteen minutes each; one in the morning and one in the afternoon to be taken between the hours of 9:30 AM – 11:30 AM and 2:00 PM – 4:00 PM.
- B. The scheduling of breaks is the responsibility of the supervisor and is to be done in such a manner to ensure adequate coverage during the workday.
- C. Employees may be denied a break period if the workload dictates or to ensure adequate coverage in the work area.
- D. Break periods may not be used in conjunction with leave or lunch/meal periods.
- E. Employees are expected to observe the 15-minute time limits on breaks and return to work within the allotted time.
- F. Unused breaks are lost if not observed at the appropriate time and may not be accumulated.

Lunch/Meal Period

The lunch/meal period shall be a minimum of thirty (30) consecutive minutes and no more than one (1) hour. Lunch periods shall be scheduled between the hours of 11:00 AM and 2:00 PM. Every employee's full-day work schedule must include a lunch period to be scheduled during the middle of the work shift. A lunch period may not be eliminated altogether to allow an employee to adjust their work schedule to arrive late or depart early.

Reporting/Returning to Work

Employees are expected to report to work and to return from lunch/meal periods at their appointed time. If an employee is unable to report to work or is going to be late in reporting to work/returning from a lunch/meal period, he must personally notify his supervisor or the designee in the supervisor's absence, as soon as possible. Failure to notify the proper authority and repeated tardiness may result in disciplinary action up to and including termination.

STATE OF SOUTH CAROLINA
WORKERS' COMPENSATION COMMISSION

Administrative Policies and Procedures

Subject: Attendance and Hours of Work		Revision Number: 2.0
Policy Number: 2.09	Date: August 9, 2011	Page 4 of 4

Time Recording and Record Keeping

It is the responsibility of each supervisor to ensure that accurate records are kept of all hours worked and all leave taken for their employees.

- A. All non-exempt employees are required to record working times in a timely manner to be approved by the supervisor.
- B. All leave eligible employees are required to record leave taken in a timely manner to be approved by the supervisor.
- C. In the event that a non-exempt employee works more than forty (40) hours in a workweek, the Overtime Policy must be followed and the use of premium time must be recorded.

STATE OF SOUTH CAROLINA
WORKERS' COMPENSATION COMMISSION

Administrative Policies and Procedures

Subject: Overtime Policy		Revision Number: 2.0
Policy Number: 2.10	Date: August 9, 2011	Page 1 of 5

THE LANGUAGE USED IN THIS DOCUMENT DOES NOT CREATE AN EMPLOYMENT CONTRACT BETWEEN THE EMPLOYEE AND THE SOUTH CAROLINA WORKERS' COMPENSATION COMMISSION. THIS DOCUMENT DOES NOT CREATE ANY CONTRACTUAL RIGHTS OR ENTITLEMENTS. THE SOUTH CAROLINA WORKERS' COMPENSATION COMMISSION RESERVES THE RIGHT TO REVISE THE CONTENT OF THIS DOCUMENT, IN WHOLE OR IN PART. NO PROMISES OR ASSURANCES, WHETHER WRITTEN OR ORAL, WHICH ARE CONTRARY TO OR INCONSISTENT WITH THE TERMS OF THIS PARAGRAPH CREATE ANY CONTRACT OF EMPLOYMENT.

Policy Statement

The use of overtime should be an exception to the regular work schedule in any Division or Department. An employee should only be required to work overtime on an occasional basis to meet a sudden increase in the workload, to overcome productive time lost due to some mechanical failure, or to meet the demands of a crisis situation.

When any Division, Department or individual is found to be consistently charging overtime, the functions of that Division, Department and/or individual should be reviewed by appropriate management. Every attempt should be made to avoid the repetitive and chronic use of overtime.

It shall be the responsibility of each manager to determine that the provisions of this policy are administered in the best interest of the Commission. Although each manager is responsible for requesting overtime, it is equally important to control unauthorized overtime. Unauthorized work shall be counted as hours worked if the responsible manager could have stopped it but did not, or if he knows or has reason to know of this practice.

Exempt/Nonexempt Status Under The Fair Labor Standards Act

Exemptions from both the minimum wage and overtime pay requirements of the Fair Labor Standards Act for any employee in a bona fide executive, administrative, or professional position shall be determined by the Executive Director or his designee. All other employees shall be nonexempt. Each Department and Division shall be advised of those determinations which apply to its employees.

STATE OF SOUTH CAROLINA
WORKERS' COMPENSATION COMMISSION

Administrative Policies and Procedures

Subject: Overtime Policy		Revision Number: 2.0
Policy Number: 2.10	Date: August 9, 2011	Page 2 of 5

Minimum Wage

All nonexempt employees must be paid not less than the current minimum wage.

Compensation

Compensation of all employees is based on forty (40) hours per week or 2080 hours per year.

The Workweek

The normal workweek for the Commission shall be 37.5 hours. However, employees shall not receive additional compensation for hours worked between 37.5 and 40.0 hours per workweek. Employees shall not receive compensatory time for hours worked between 37.5 and 40.0 hours per workweek. For record keeping purposes, the workweek begins at 12:01 a.m. on Sunday and ends at 12:00 midnight on Saturday. Any employee may be required to work up to forty (40) hours per workweek without additional compensation.

Hours Worked

Hours worked includes all time that the employee is required to be on duty or at the prescribed workplace and all time during which the employee is permitted to work. This includes any bona fide work which the employee performs on or away from the premises if the supervisor knows or has reason to believe that the work is being performed.

Regular Rate

The regular rate of pay includes all remuneration for employment paid to an employee to include base pay, longevities, and shift differentials.

Hourly Rate Employees

The hourly rate is the "regular rate" for hourly employees. This rate is calculated by dividing the annual salary by 2080 hours. Hourly employees shall be compensated for all hours worked. Because only salaried employees can be exempt, all employees compensated on hourly rate basis must be classified as nonexempt.

STATE OF SOUTH CAROLINA
WORKERS' COMPENSATION COMMISSION

Administrative Policies and Procedures

Subject: Overtime Policy		Revision Number: 2.0
Policy Number: 2.10	Date: August 9, 2011	Page 3 of 5

Holidays

A nonexempt employee who is required to work on a legal holiday shall be given compensatory holiday leave credits in accordance with Section 19-708.04 of the State Human Resources Regulations; however, time worked on a legal holiday shall be used in computing total hours worked.

Overtime/Compensatory Time May Not Be Waived (*Off the record adjustments*)

The requirements that overtime pay must be paid or compensatory time granted to nonexempt employees after 40 hours of work in a workweek shall be not waived by agreement between the supervisor and the employee.

Adjusted Workweek

Under warranted circumstances, a nonexempt employee may be allowed to work in excess of the normal workday and may be given time off during the same workweek at the rate of an hour for an hour to avoid working over 40 hours in a workweek. This adjustment is not allowed for hours worked between 37.5 and 40.0 hours during any workweek. This type of work rescheduling precludes working over 40.0 hours in a workweek and eliminates the need for overtime payment.

Exempt Employees

Exempt employees may receive compensatory time off for hours worked, for time spent traveling, or for attendance at lectures, meeting, training programs, etc., in excess of the normal workweek (40 hours per week). (NOTE: If granted, it must not be at a rate greater than one (1) hours of compensatory time for each hour worked in excess of 40.0 in the official workweek and may be at a lesser rate. Exempt employees must not be paid for overtime).

Holiday/Exempt Employees

An exempt employee who is required to work on a legal holiday shall be given compensatory leave credits in accordance with Section 19-708.04 of the State Human Resources Regulations.

STATE OF SOUTH CAROLINA
WORKERS' COMPENSATION COMMISSION

Administrative Policies and Procedures

Subject: Overtime Policy		Revision Number: 2.0
Policy Number: 2.10	Date: August 9, 2011	Page 4 of 5

On Call

If an employee who is on-call is not confined to his home or any particular place but is required only to leave work where he can be reached, the hours spent on-call are not regarded as working hours.

Meal Periods

A bona fide meal period of thirty (30) consecutive minutes or more which occurs during the scheduled workday is not hours worked if the employee is completely relieved from duty for the purpose of eating a meal. For the Commission, the meal/lunch period is a minimum of thirty (30) consecutive minutes and no more than one (1) hour each workday.

Rest Periods

Rest periods or "breaks" of short duration must be considered as hours worked. One morning and one afternoon "break" of no more than fifteen (15) minutes each is permitted. Breaks shall not be used to allow an employee to come in late, leave early, or to extend the lunch period.

Leave Status

Time spent in leave status is not considered hours worked.

Travel Time (Nonexempt)

Travel time for nonexempt employees may be hours worked under some conditions. Ordinary home-to-work travel or vice versa is not working time. All time spent traveling on one-day assignments is considered time worked regardless of time of day or day of the week.

Travel away from home involving an overnight stay for nonexempt employees is considered time worked when it occurs during the employee's normal working hours. This provision is applicable not only on regular working days, but also during the corresponding hours of non-working days.

STATE OF SOUTH CAROLINA
WORKERS' COMPENSATION COMMISSION

Administrative Policies and Procedures

Subject: Overtime Policy		Revision Number: 2.0
Policy Number: 2.10	Date: August 9, 2011	Page 5 of 5

Lectures, Meetings, and Training Employees (Nonexempt)

When a nonexempt employee by reason of official responsibilities is required to attend lectures, meetings, training programs, etc., such time shall be considered work time.

Overtime Pay (Nonexempt)

A nonexempt employee shall be paid no less than one and one-half (1 ½) times his regular rate of pay for all hours worked over 40 in a workweek or granted compensatory time at a rate of one and one-half (1 ½) hours for each hour of overtime worked. Nonexempt employees shall not receive additional compensation or compensatory time for hours worked between 37.5 and 40.0 hours per workweek.

Overtime

Overtime is all hours worked in excess of 40 in a seven (7) consecutive day work period.

STATE OF SOUTH CAROLINA
WORKERS' COMPENSATION COMMISSION

Administrative Policies and Procedures

Subject: Holidays		Revision Number: 2.0
Policy Number: 2.11	Date: August 9, 2011	Page 1 of 3

THE LANGUAGE USED IN THIS DOCUMENT DOES NOT CREATE AN EMPLOYMENT CONTRACT BETWEEN THE EMPLOYEE AND THE SOUTH CAROLINA WORKERS' COMPENSATION COMMISSION. THIS DOCUMENT DOES NOT CREATE ANY CONTRACTUAL RIGHTS OR ENTITLEMENTS. THE SOUTH CAROLINA WORKERS' COMPENSATION COMMISSION RESERVES THE RIGHT TO REVISE THE CONTENT OF THIS DOCUMENT, IN WHOLE OR IN PART. NO PROMISES OR ASSURANCES, WHETHER WRITTEN OR ORAL, WHICH ARE CONTRARY TO OR INCONSISTENT WITH THE TERMS OF THIS PARAGRAPH CREATE ANY CONTRACT OF EMPLOYMENT.

Statement of Policy

In accordance with State statute, the Commission will observe certain days during the year as paid holidays for employees. Each employee shall be given the opportunity to observe certain religious and commemorative holidays while away from the job.

Eligibility

All employees of the Commission in a full-time equivalent (FTE) position shall be allowed to observe, with pay, those holidays granted to employees of the State of South Carolina.

Legal Holidays

The following are legal holidays to be observed by employees of the Commission:

New Year's Day	January 1 st
Martine Luther King, Jr. Day	Third Monday in January
George Washington's Birthday/ President's Day	Third Monday in February
Confederate Memorial Day	May 10 th
National Memorial Day	Last Monday in May
Independence Day	July 4 th
Labor Day	First Monday in September
Veterans Day	November 11 th
Thanksgiving Day	Fourth Thursday in November
Day After Thanksgiving	Friday after Thanksgiving
Christmas Eve	December 24

STATE OF SOUTH CAROLINA
WORKERS' COMPENSATION COMMISSION

Administrative Policies and Procedures

Subject: Holidays		Revision Number: 2.0
Policy Number: 2.11	Date: August 9, 2011	Page 2 of 3

Christmas Day	December 25 th
Day After Christmas	December 26 th

Holiday Observance Procedure

- A. Holidays are to be taken on the prescribed day unless it is necessary for the employee to report to work. If possible, prior notice shall be given to employees who must work on holidays. In the event an employee is required to work, the employee shall receive holiday compensatory time.
- B. When a holiday falls on a Saturday or Sunday, it shall be observed on the preceding Friday or the following Monday, respectively, by employees working a Monday through Friday schedule. Employees scheduled to work on a Saturday or Sunday that is a holiday shall observe the actual holiday or receive holiday compensatory time.
- C. When a holiday falls during a period of sick or annual leave, that day will not be counted as a sick or annual leave day.
- D. When a holiday falls during a period of military leave, that day will not be counted as a military, sick or annual leave day.
- E. Employees who are on leave without pay status the day before a holiday shall not be paid or receive holiday compensatory credit for holidays occurring during the period of leave without pay.

Holiday Compensatory Time

- A. An employee who is required by the Commission to work on a holiday shall be given holiday compensatory time at the convenience of the Commission within 90 days of such holiday.
- B. All non-exempt employees who are not allowed to take holiday compensatory time earned for working on a holiday within the 90-day period shall be compensated for the holiday by the Commission at the straight hourly pay rate of the employee. Exempt employees shall not be paid for unused holiday compensatory time. The Executive Director or his designee may extend the 90-day period for an additional 90 days due to limited staffing.

STATE OF SOUTH CAROLINA
WORKERS' COMPENSATION COMMISSION

Administrative Policies and Procedures

Subject: Holidays		Revision Number: 2.0
Policy Number: 2.11	Date: August 9, 2011	Page 3 of 3

- C. An employee that works a portion of a holiday shall be granted holiday compensatory time equal to all hours worked on the holiday. When that holiday compensatory time is taken, it must be in the same increment of hours as worked.

- D. All non-exempt employees shall be compensated for all holiday compensatory time upon separation from employment. Exempt employees shall not be paid for unused holiday compensatory time upon separation of employment.

- E. **Holiday Compensatory Time Record**
Records shall be maintained for all employees who receive holiday compensatory time. Information contained in the record must include:
 - 1. Compensatory time earned and used in terms of hours.

 - 2. The number of hours per week the employee is normally scheduled to work and the employee's average workday.

STATE OF SOUTH CAROLINA
WORKERS' COMPENSATION COMMISSION

Administrative Policies and Procedures

Subject: Employee Leave Programs		Revision Number: 2.0
Policy Number: 2.12	Date: August 9, 2011	Page 1 of 20

THE LANGUAGE USED IN THIS DOCUMENT DOES NOT CREATE AN EMPLOYMENT CONTRACT BETWEEN THE EMPLOYEE AND THE SOUTH CAROLINA WORKERS' COMPENSATION COMMISSION. THIS DOCUMENT DOES NOT CREATE ANY CONTRACTUAL RIGHTS OR ENTITLEMENTS. THE SOUTH CAROLINA WORKERS' COMPENSATION COMMISSION RESERVES THE RIGHT TO REVISE THE CONTENT OF THIS DOCUMENT, IN WHOLE OR IN PART. NO PROMISES OR ASSURANCES, WHETHER WRITTEN OR ORAL, WHICH ARE CONTRARY TO OR INCONSISTENT WITH THE TERMS OF THIS PARAGRAPH CREATE ANY CONTRACT OF EMPLOYMENT.

Statement of Policy

Employee leave programs constitute a major part of the total fringe benefits package available to employees of the Commission. In addition, the overall value of these programs to the employee increases with continued employment with the State of South Carolina. Many leave benefits are a right established by state statute, within certain eligibility criteria; some leave programs are available only on an optional, as needed basis. It is the policy of the Commission to support the general concept of leave as a right and privilege of the employee and to administer all leave programs fairly and equitably with the Commission. In turn, it is the responsibility of the employee to utilize leave wisely and in accordance with stated attendance guidelines.

Annual Leave

A. Eligibility

1. Annual leave shall be accrued by and granted to all full-time equivalent (FTE) employees.
2. In order to be credited with leave earnings in any month, the employee must be in a paid status for one-half or more of the work days of the month.
3. Eligibility begins with the date of employment with the Commission unless otherwise established by prior service with another State agency.

STATE OF SOUTH CAROLINA
WORKERS' COMPENSATION COMMISSION

Administrative Policies and Procedures

Subject: Employee Leave Programs		Revision Number: 2.0
Policy Number: 2.12	Date: August 9, 2011	Page 2 of 20

B. Rate of Earning

1. FTE employees with less than ten (10) years state service shall earn annual leave at the rate of one and one-fourth (1 ¼) working days, 9.375 hours, per calendar month of service in each calendar year.
2. FTE employees with more than ten (10) years state service shall earn in addition to the base leave earned, a bonus of one and one-fourth (1 ¼) working days of annual leave for each year of continuous service, up to and including 22 total service years.

Years of Service	Days Per Year	Hours Per Month
1 – 10	15.00	9.375
11	16.25	10.156
12	17.50	10.937
13	18.75	11.718
14	20.00	12.500
15	21.25	13.281
16	22.50	14.062
17	23.75	14.843
18	25.00	15.624
19	26.25	16.406
20	27.50	17.187
21	28.75	17.968
22 and over	30.00	18.750

3. Employees shall not earn annual leave while on leave without pay.

C. Maximum Accumulation

1. FTE employees shall be permitted to carry over from one calendar year to the next any unused annual leave up to a total of 45 days.

D. Using and Scheduling Leave

1. Annual leave taken may qualify as Family and Medical Leave Act (FMLA) leave, and if so, will run concurrently.

STATE OF SOUTH CAROLINA
WORKERS' COMPENSATION COMMISSION

Administrative Policies and Procedures

Subject: Employee Leave Programs		Revision Number: 2.0
Policy Number: 2.12	Date: August 9, 2011	Page 3 of 20

2. The maximum number of earned or accumulated working days of annual leave that may be used in any one calendar year shall not exceed thirty working days, 225.50 hours.
3. Exceptions
 - a. For FMLA qualifying reasons, the Commission may allow an employee who has used all eligible sick leave and thirty days of annual leave to use any remaining annual leave for:
 - (1) Emergencies or serious health conditions of the employee;
 - (2) Emergencies or serious health conditions of the employee's immediate family member as defined by FMLA.
 - b. For emergency or extreme hardship conditions as references in the South Carolina Code of Laws Section 8-11-670, the Executive Director or designee may allow an employee, who has used all accumulated sick leave and thirty days of annual leave to use any remaining annual leave which he has accumulated for the absence.
 - c. An employee may request review by the State Office of Human Resources (OHR) the denial of the use of annual leave in excess of thirty days.
4. Annual leave in excess of that earned shall not be advanced or loaned to any employee.
5. The scheduling of annual leave shall be the responsibility of the immediate supervisor and the division director, depending upon the intended duration of the leave request.
 - a. To the degree possible, employees' requests for specific periods of annual leave shall be honored depending upon duration, workloads, work distributions, and similar factors within the office.
 - b. Employees wishing to take annual leave must submit a request to their immediate supervisor and receive approval prior to commencing leave status.

STATE OF SOUTH CAROLINA
WORKERS' COMPENSATION COMMISSION

Administrative Policies and Procedures

Subject: Employee Leave Programs		Revision Number: 2.0
Policy Number: 2.12	Date: August 9, 2011	Page 4 of 20

- c. Any request for annual leave in excess of three working days must be received and approved not less than ten working days prior to the beginning of the leave period.
 6. An employee's annual leave credit shall be charged for the actual time an employee is away from the job in increments of one-quarter hour.
 7. A holiday observed by the Commission while an employee is on a period of annual leave shall be considered a holiday and not charged as day of annual leave.
- E. Transfer and Payment for Leave
 1. Upon transfer of an employee to another state agency without a break in service, all accumulated annual leave shall be transferred with the employee.
 2. Upon termination of employment with the State, the employee shall be paid in lump sum for the authorized unused annual leave earnings accumulated to their credit, not to exceed a total of 45 working days, 337.50 hours.
 3. Upon retirement, the employee shall be paid in lump sum for the authorized unused annual leave, not to exceed a total of 45 workdays, 337.50 hours.
 4. In the event of the death of an employee while in active service, the legal representative of the employee shall be entitled to lump sum payment for the authorized unused annual leave, not to exceed a total of 45 workdays, 337.50 hours.
- F. Annual Leave Records
 1. Annual leave records shall maintained by Human Resources for all eligible employees of the Commission.
 2. The records maintained for each employee shall:
 - a. Reflect leave earnings and charges in terms of hours.
 - b. Indicate the number of leave hours earned during the current calendar year.

STATE OF SOUTH CAROLINA
WORKERS' COMPENSATION COMMISSION

Administrative Policies and Procedures

Subject: Employee Leave Programs		Revision Number: 2.0
Policy Number: 2.12	Date: August 9, 2011	Page 5 of 20

- c. Indicate the number of leave hours used during the current calendar year.
- d. Indicate the number of leave hours carried forward from the previous calendar year, not to exceed 45 working days, 337.50 hours.
- e. Indicate the number of hours in the employee's official workweek.
- f. Number of hours paid out upon separation.
- g. Annual leave records must be reviewed or reported in writing to the employee at least once per calendar year.

Sick Leave

A. Eligibility

- 1. Sick leave shall be accrued by and granted to all full-time equivalent (FTE) employees.
- 2. In order to be credited with leave earnings in any month, the employee must be in a paid status for one-half or more of the work days of the month.
- 3. Eligibility begins with the date of employment with the Commission unless otherwise established by prior service with another State agency.

B. Rate of Earnings

- 1. FTE employees shall be credited with sick leave at the rate of one and one-fourth working days (9.375 hours) per full calendar month of service, or fifteen days per year, 112.50 hours.
- 2. Employees shall not earn sick leave while on leave without pay.
- 3. The Executive Director is authorized to grant up to 15 workdays of additional sick leave in extenuating circumstances.

STATE OF SOUTH CAROLINA
WORKERS' COMPENSATION COMMISSION

Administrative Policies and Procedures

Subject: Employee Leave Programs		Revision Number: 2.0
Policy Number: 2.12	Date: August 9, 2011	Page 6 of 20

- a. Sick leave may only be advanced upon written verification from a health care practitioner that the employee is expected to return to work within that period of time.
- b. Upon return to work, the employee will have all earned sick leave applied to the leave deficit until the deficit has been eliminated.

C. Maximum Accumulation

1. FTE employees shall be permitted to accrue up to 195 days (1462.50 hours) and carry over from calendar year to the next any unused sick leave up to a total maximum accumulation of 180 days (1350.00 hours).

D. Use of Sick Leave

1. Sick leave taken may qualify as Family and Medical Leave Act (FMLA) leave, and if so, will run concurrently.
2. The use of sick leave shall be in accordance with the attendance guidelines of the Commission and shall be subject to appropriate verification.
2. When there is reasons to believe that sick leave is being abused (taken as soon as accumulated, a pattern of Monday/Friday absences in the middle of deadline periods, etc.), the approving authority and their supervisor may, before approving the use of sick leave, require the certificate of a physician or other acceptable documentation describing the disability and giving the inclusive dates.
3. An employee may use accrued sick leave if absent for any of the reasons:
 - a. Personal illness or injury incapacitating the employee to perform duties of the position.
 - b. Exposure to a contagious disease such that presence on duty could endanger the health of fellow employees as certified by a licensed physician.
 - c. Appointments for medical or dental examinations or treatment when such appointments cannot be scheduled during non-working hours.

STATE OF SOUTH CAROLINA
WORKERS' COMPENSATION COMMISSION

Administrative Policies and Procedures

Subject: Employee Leave Programs		Revision Number: 2.0
Policy Number: 2.12	Date: August 9, 2011	Page 7 of 20

- d. Sickness during pregnancy or other temporary disabilities.
 - e. Treatment of alcoholism or the participation in rehabilitation programs as approved by the South Carolina Department of Mental Health.
 - f. Caring for ill members of immediate family.
 - (1) Employees may not use more than 10 days (75.0 hours) of earned sick leave annually to care for members of their immediate families.
 - (2) For family sick leave purposes, the employee's "immediate family" means the employee's spouse and children and the following relations to the employee or the spouse of the employee: mother, father, brother, sister, grandparent, legal guardian, and grandchildren.
- 4. Employees using sick leave must submit a leave request it to their immediate supervisor for approval.
 - 5. For any extended period of disability due to illness, injury or maternity exceeding the amount of accrued sick leave, the employee may apply for leave without pay which, including any paid leave that has been taken, shall not exceed 180 days unless otherwise authorized.
 - 6. An employee's sick leave credit shall be charged for the actual time an employee must be away from the job in increments of one-fourth of an hour.
 - 7. A holiday observed by the Commission while an employee is on sick leave shall be considered a holiday and not charged as a day of sick leave.
- E. Transfer and Forfeiture of Leave
- 1. Upon transfer of an employee to another State agency without a break in service, all accumulated sick leave shall be transferred with the employee.

STATE OF SOUTH CAROLINA
WORKERS' COMPENSATION COMMISSION

Administrative Policies and Procedures

Subject: Employee Leave Programs		Revision Number: 2.0
Policy Number: 2.12	Date: August 9, 2011	Page 8 of 20

2. When an employee experiences a break in service, all sick leave credits are forfeited and may not be reinstated; an employee experiences a break in service under the following circumstances:
 - a. When, in transferring from one State agency to another, an employee does not report to work with the gaining agency within 15 calendar days following the last days for which the employee was paid by the losing agency.
 - b. By remaining in leave without pay status for a period of more than one year, except when the employee is on educational leave or military tour of duty with reemployment rights.
 - c. If, following a reduction in force by the Commission, the employee is not recalled within 12 months of the effective date of layoff.
 - d. By separation from state service and subsequent reemployment regardless of lapse of time.
3. Upon termination from employment with the state, all employees shall forfeit all accumulated sick leave credit without payment.
4. An employee of a state agency transferring to a school district in South Carolina or a school district employee transferring to the Commission shall be permitted to transfer to and retain at his new employer all sick leave he accumulated at the former employer regardless of his employment status at the new employer.
5. Retirement – an employee shall receive service credit for no more than 90 days (675.0 hours) of his unused sick leave at no cost to the employee. The leave must be credited at a rate where 20 days of unused sick leave equals one month of service. The additional service credit may not be used to qualify for retirement.
6. Reduction in force rights – An employee who is reinstated within one year of the date of separation shall have his sick leave restored.
7. Up to six months exception to break in service – An employee who has received prior approval for an extension to the 15-day break in service shall have his sick

STATE OF SOUTH CAROLINA
WORKERS' COMPENSATION COMMISSION

Administrative Policies and Procedures

Subject: Employee Leave Programs		Revision Number: 2.0
Policy Number: 2.12	Date: August 9, 2011	Page 9 of 20

leave restored if transferred or appointed to another FTE position within the approved time period.

F. Sick Leave Records

1. Sick leave records shall be maintained by Human Resources for all eligible employees of the Commission.
2. The records for each employee shall:
 - a. Reflect leave earnings and charges in terms of hours.
 - b. Indicate the number of leave hours earned during the current calendar year.
 - c. Indicated the number of leave hours used during the current calendar year.
 - d. Indicate the number of leave hours carried forward from the previous calendar year, not to exceed 180 days.
 - e. Indicated the number of hours in the employee's official workweek.
 - f. Be reviewed by or reported in writing to the employee at least once per calendar year.

Administrative Leave

State employees in FTE positions who are physically attached while in the performance of official duties and suffer bodily harm as a result of the attack must be placed on administrative leave with pay rather than sick leave. The period of administrative leave for each incident may not exceed 180 calendar days. Denial of the use of administrative leave by the Commission will be grounds for review by the Office of Human Resources (OHR) upon request of the employee. Administrative review by OHR will be final.

STATE OF SOUTH CAROLINA
WORKERS' COMPENSATION COMMISSION

Administrative Policies and Procedures

Subject: Employee Leave Programs		Revision Number: 2.0
Policy Number: 2.12	Date: August 9, 2011	Page 10 of 20

Adoption Leave

An employee may use up to six weeks of his earned sick leave to take time off for purposes of caring for an adopted child after placement. The Commission shall not penalize an employee for requesting or obtaining time off according to this Section. The leave may be requested by the employee only if the employee is the person who is primarily responsible for furnishing the care and nurture of the child.

American Red Cross Certified Disaster Service Leave

An employee who is a certified disaster service volunteer for the American Red Cross may use up to 10 days (75.0 hours) of paid leave in a calendar year to participate in specialized disaster relief services with the approval of the Executive Director or his designee.

Blood Drive and Donation Leave

- A. Any employee desiring to donate blood at a time other than the Commission arranged volunteer blood drive must be excused from work by their supervisor during the employee's regular work hours for the purpose of making the donation without prejudice to the employees, and no leave or make-up time may be required.
- B. Any employee desiring to donate blood must notify their supervisor of the scheduled donation and the amount of time needed for the donation as far in advance as may be practicable.
- C. The supervisor may deny the employee's request for time to donate if their absence of the employee would create an extraordinary burden on the Commission.
- D. In considering the employee's request, the Commission will take into consideration such factors as the necessity and type of blood donation and any other factors it considers appropriate. The Commission may, as a condition of approving the request, require the employee to provide documentation of the donation.
- E. Donations for the purpose of this policy do not include any selling or exchanging of whole blood, plasma, or any blood by-products for monetary gain or other financial inducements.

STATE OF SOUTH CAROLINA
WORKERS' COMPENSATION COMMISSION

Administrative Policies and Procedures

Subject: Employee Leave Programs		Revision Number: 2.0
Policy Number: 2.12	Date: August 9, 2011	Page 11 of 20

Bone Marrow Donor Leave

An FTE employee who seeks to undergo a medical procedure to donate bone marrow may be granted bone marrow donor leave with pay. The total amount of paid leave may not exceed 40 work hours unless a longer length of time is approved by the Executive Director. Such leave may require verification by a health care practitioner of the purpose and length of each request. If a medical determination finds that the employee does not qualify as a bone marrow donor, the paid leave of absence granted to the employee before that medical determination is not forfeited.

Court Leave

- A. An employee who is summoned as a member of a jury panel shall be granted administrative leave with pay and any jury fees and travel payment shall be retained by the employee.
- B. An employee subpoenaed as a witness and who shall not receive any personal gain from the outcome of the litigation, shall be entitled to court leave with pay for those hours required for the subpoena and may retain any witness fees and travel expenses.
- C. An employee subpoenaed in the line of duty to represent a State agency as a witness or defendant shall be considered performing a part of the employee's job assignment; the employee shall be reimbursed for any meals, lodging, and travel expenses that may be incurred while serving in this capacity.
- D. In no case shall court leave with pay be granted for court attendance when an employee is engaged in personal litigation; in such cases, an employee must use annual leave or be considered on leave without pay status.
- E. Any day an employee is excused from service on a jury, the employee is expected to return to the job; otherwise, the time that the employee is excused from court service will be charged to annual leave or in the case of illness, to sick leave.

Death in the Immediate Family

- A. An employee, upon request, shall be granted up to three consecutive days of leave with pay in the event of the death of any member of their immediate family.

STATE OF SOUTH CAROLINA
WORKERS' COMPENSATION COMMISSION

Administrative Policies and Procedures

Subject: Employee Leave Programs		Revision Number: 2.0
Policy Number: 2.12	Date: August 9, 2011	Page 12 of 20

- B. Immediate family is defined as the spouse, great-grandparents, grandparents, parents, legal guardians, brothers, spouse of brothers, sisters, spouse of sisters, children, spouse of children, grandchildren, and great-grandchildren of either the employee or spouse.

Educational Leave

An employee is encouraged to schedule classes during off-duty hours, whenever possible. When a class cannot be scheduled during off-duty hours, the Commission may adjust the employee's work schedule, if doing so will not interfere with normal efficient operations of the Commission. When a class cannot be scheduled during off-duty hours and the Commission cannot feasibly adjust the work schedule of the employee, the employee may be allowed to take annual leave or may be granted leave without pay in order to attend classes.

Extended Disability Leave

Under the Americans with Disabilities Act (ADA) certain extended illnesses may be protected as disabilities and may require reasonable accommodation.

- A. For any extended period of certified disability due to illness, injury, or maternity, an employee may request leave not to exceed 180 calendar days.
- B. The Commission shall require, prior to approval of an extended disability, certification by the health care practitioner to include: (1) the date on which the serious health condition commenced, (2) the probable duration of the condition, and (3) appropriate medical facts within the knowledge of the health care practitioner regarding the condition. Dates set forth in the health care practitioner's certificate may be amended. The Commission may require additional documentation from the health care practitioner issuing the certificate or may secure additional medical opinions from other health care practitioners.
- C. The Commission may not deny an employee's request for the 180-day disability leave for bona fide illness or disability if the employee is in an FTE position.
- D. Should the employee return within the approved 180-day period, the Commission shall reinstate the employee to the same position or one of a comparable pay band for which the employee is qualified.

STATE OF SOUTH CAROLINA
WORKERS' COMPENSATION COMMISSION

Administrative Policies and Procedures

Subject: Employee Leave Programs		Revision Number: 2.0
Policy Number: 2.12	Date: August 9, 2011	Page 13 of 20

- E. If the employee is unable to return within the 180-day period, the Commission must separate the employee from State service.
- F. In extenuating circumstances, two extensions are available:
 - 1. The Executive Director may extend the 180-day period of leave to a total of 365 days provided the health care practitioner certifies the employee's return within this time period; and
 - 2. The Executive Director may extend the disability leave beyond the 365 days without a break in service provided the health care practitioner certifies the employee's return to work within the time frame of the requested extension.

Family Medical Leave Act (FMLA) Guidelines

For more detailed information, consult the Family and Medical Leave Act (FMLA) and relevant federal regulations. State government is considered a single employer for the purpose of determining FMLA leave.

- 1. Eligibility and Reasons for FMLA Leave
 - a. FMLA leave shall be granted to any employee who has worked for the State at least 12 months, and who has worked at least 1,250 hours (defined as FLSA compensable hours of work) during the 12-month period prior to the request for FMLA leave, including "on-call" hours. The required total of 12 months of employment need not be consecutive. An agency can go back 7 years prior to the date of the need for leave to determine if the employee worked a total of 12 months with State government. An agency has the ability to go beyond 7 years if an employee left State employment due to National Guard or Reserve Military obligations or a written agreement reflecting an employer's intention to rehire after a break.
 - (1) In order to determine if an exempt employee meets the 1,250 hours of service, work records may be kept.
 - b. An eligible employee shall be granted up to a total of 12 weeks of FMLA leave, in each calendar year, for any of the following reasons:

STATE OF SOUTH CAROLINA
WORKERS' COMPENSATION COMMISSION

Administrative Policies and Procedures

Subject: Employee Leave Programs		Revision Number: 2.0
Policy Number: 2.12	Date: August 9, 2011	Page 14 of 20

- (1) For the birth of a son or daughter and to care for that child;
- (2) For placement of a son or daughter for adoption or foster care with the employee;
- (3) For caring of the employee's spouse, son, daughter, or parent with a serious health condition; and
- (4) For a serious health condition that makes the employee unable to perform the functions of the employee's job.
- (5) For qualifying exigencies arising out of the fact that the employee's spouse, son, daughter, or parent is on active duty or called to active duty status as a member for the National Guard or Reserves in support of a contingency operation. Qualifying exigencies can include: 1) short notice deployment; 2) military events and related activities; 3) childcare and school activities; 4) financial and legal arrangements; 5) counseling; 6) rest and recuperation; 7) post-deployment activities; and 8) additional activities not encompassed in other categories but agreed by the agency and the employee.

Note: Reasons (1) and (2) for leave expires 12 months after the date of the birth or placement.

- c. Under the military caregiver leave provisions, an eligible employee who is a spouse, son, daughter, parent, or next of kin of a current member of the Armed Forces, including a member of the National Guard or Reserves, with a serious injury or illness may be able to take up to a total of 26 workweeks in a single 12-month period to care for the service member.

2. Scheduling FMLA Leave

An eligible employee requesting FMLA leave must give 30-days advance notice to the employing agency of the need to take FMLA leave when the need for leave is foreseeable. When the need for leave is not foreseeable, such notice must be given as soon as practical. The use of FMLA leave shall be subject to verification. The agency may require documentation or certification from a health care provider supporting the need

STATE OF SOUTH CAROLINA
WORKERS' COMPENSATION COMMISSION

Administrative Policies and Procedures

Subject: Employee Leave Programs		Revision Number: 2.0
Policy Number: 2.12	Date: August 9, 2011	Page 15 of 20

for FMLA leave for a serious health condition. Agencies may also require documentation for certification or serious health condition of a spouse, son, or daughter, a qualifying exigency or to confirm familial relationships.

3. Use of FMLA Leave

The agency is responsible for declaring leave as FMLA leave based on information provided by the employee.

- a. When the agency designates leave as FMLA leave, it must notify the employee. No leave may be designated as FMLA leave after the leave has ended, except as provided for under the FMLA.
- b. Use of FMLA leave shall be calculated by either the actual time or in quarter hour increments.
- c. The agency should declare any leave taken that qualifies as FMLA leave. The FMLA leave should run concurrently with any other leave, and the leave should be charged against both leave categories' allowances.

4. Use of Paid and Unpaid Leave

Generally, FMLA leave is unpaid; however,

- a. An eligible employee will be required to substitute his accrued sick leave for unpaid FMLA leave when the FMLA leave request qualifies for sick leave usage, or
- b. An eligible employee may elect to substitute accrued annual leave for unpaid FMLA leave.

5. FMLA Leave Record

A leave record shall be maintained by the employing agency for each employee subject to the provisions of the FMLA. Such record shall:

- a. Reflect the maximum FMLA leave allowance (12 weeks in a calendar year) and charges in terms of hours.

STATE OF SOUTH CAROLINA
WORKERS' COMPENSATION COMMISSION

Administrative Policies and Procedures

Subject: Employee Leave Programs		Revision Number: 2.0
Policy Number: 2.12	Date: August 9, 2011	Page 16 of 20

- b. Indicate the number of FMLA leave hours used in the current calendar year.
- c. Indicate the number of hours in the employee's established workweek.

6. Transfer of FMLA Leave

For an eligible employee who transfers from one agency to another, the transferring agency is responsible for transferring the employee's FMLA leave records in that calendar year to the receiving agency.

Hazardous Weather and Emergency Leave

- A. Upon issuing a Declaration of Emergency, the Governor has the authority to excuse all employees of State government from reporting to work during extreme weather or other emergency conditions. "Emergency conditions" means circumstances that would expose employees to harmful or unsafe conditions as determined by the Governor's Office. Unless such a Declaration of Emergency has been issued, all State government employees are expected to report to work.

Exception - Nothing contained in this Section precludes the necessary immediate evacuation of a facility by an individual in an appropriate supervisory capacity in the interest of personal safety.

- B. The Declaration may be applicable to all employees in the entire State, or only to those employees who live or work in one geographical region of the State, or a combination of geographical regions.
- C. During a Declaration of Emergency, all essential and direct care services will be maintained. Each agency shall identify and notify essential employees by position, classification, or internal title. All other employees will not be expected to report to work.
- D. Notification of Declaration of Emergency - Upon the communication of the Declaration of Emergency from the Governor's Office to the South Carolina Emergency Management Division, the South Carolina Emergency Management Division will communicate the Declaration of Emergency to each agency.

STATE OF SOUTH CAROLINA
WORKERS' COMPENSATION COMMISSION

Administrative Policies and Procedures

Subject: Employee Leave Programs		Revision Number: 2.0
Policy Number: 2.12	Date: August 9, 2011	Page 17 of 20

1. Between the Hours of 8:00 a.m. and 5:00 p.m.
 - a The Declaration of Emergency shall be communicated from the Governor's Office to the State Human Resources Director.
 - b The State Human Resources Director will communicate the Declaration of Emergency to the Agency in accordance with the list of Agency representatives to be contacted in the case of an emergency declaration. The Agency will be responsible for submitting to the Office of Human Resources (OHR), in an appropriate form developed by OHR, the designated Agency official (and two alternates) to contact in order to ensure the expeditious dissemination of the Declaration of Emergency to all affected agencies. The Agency is responsible for informing the State Human Resources Director when the listing of Agency representatives to be notified by OHR is to be revised.
 - c The Governor's Office will issue a statement to the news media concerning the release of employees due to the emergency.
2. Between the Hours of 5:00 p.m. and 8:00 a.m.
 - (1) All Declarations of Emergency will be transmitted by the Governor's Office to the news media. Employees will assume an individual responsibility to respond in an appropriate manner to closings as they may be announced.

E. Compensation During Declaration of Emergency

Notwithstanding any other provisions of law, when the Governor declares a state of emergency for the State or any portion of the State, he can provide State employees with leave with pay for absences from work due to the state of emergency for hazardous weather of up to five (5) days for each declaration of a state of emergency. In the event that the Governor does not provide State employees with leave with pay, an employee who does not report to work or who reports late to work shall use annual leave or compensatory time to make up hours scheduled but not worked, take leave without pay, or be allowed to make up the hours at a time to be scheduled by the agency. The employee must be given the option of making up the hours if the employee so desires.

STATE OF SOUTH CAROLINA
WORKERS' COMPENSATION COMMISSION

Administrative Policies and Procedures

Subject: Employee Leave Programs		Revision Number: 2.0
Policy Number: 2.12	Date: August 9, 2011	Page 18 of 20

Military Leave

Cross reference FMLA regarding qualifying exigencies.

A. Short Term Military Training

All officers and employees of this State or a political subdivision of this State, who are either enlisted or commissioned members of the South Carolina National Guard, the United States Army Reserve, the United States Air Force Reserve, the United States Naval Reserve, the United States Marine Corps Reserve, or the United States Coast Guard Reserve are entitled to leaves of absence from their respective duties without loss of pay, time, or efficiency rating, for one or more periods not exceeding an aggregate of 15 workdays in any one year during which they may be engaged in training or any other duties ordered by the Governor, the Department of Defense, the Department of the Army, the Department of the Air Force, the Department of the Navy, the Department of the Treasury, or any other department or agency of the government of the United States having authority to issue lawful orders requiring military service. Saturdays, Sundays, and State holidays may not be included in the 15-day aggregate unless the particular Saturday, Sunday, or holiday to be included is a regularly scheduled workday for the employee involved. In the event any such person is called upon to serve during an emergency, he is entitled to such leave of absence for a period not exceeding 30 additional days. Any one year means either a calendar year or, in the case of members required to perform active duty for training or other duties within or on a fiscal year basis, the fiscal year of the National Guard or reserve component issuing the orders.

1. A state employee in a FTE position who serves on active duty in a combat zone and who has exhausted all available leave for military purposes is entitled to received up to 30 additional work days of military leave in any 1 year.

B. Long Term Military Leave of Absence

Every employee of the State or any political subdivision thereof who, on or after June 25, 1950, has been, or shall be commissioned, enlisted, or selected for service in the Armed Forces of the United States (excluding short term training) shall, so long as the requirements and regulations of the Armed Forces shall prevent his return to his civil employment for a period of 90 days thereafter, but in no event for a period longer than five years from the date of entry into the Armed Forces of the United States, be entitled

STATE OF SOUTH CAROLINA
WORKERS' COMPENSATION COMMISSION

Administrative Policies and Procedures

Subject: Employee Leave Programs		Revision Number: 2.0
Policy Number: 2.12	Date: August 9, 2011	Page 19 of 20

to leave of absence from his duties as an employee of the State or any political subdivision thereof, without loss of seniority or efficiency or register ratings. The word "employee" as used herein shall not be construed to mean an officer or official elected or appointed to a term pursuant to a statute or the Constitution of this State.

Voting Leave

- A. An employee who lives at such a distance from the assigned work location as to preclude voting outside of working hours may be authorized a maximum of two hours of leave with pay for this purpose.
- B. An employee may not be granted voting leave to work at the polls during elections. The employee must be on authorized leave such as annual leave to work at the polls.

Workers' Compensation Leave

- A. If there is an accidental injury arising out of and in the course of employment with the State, which is covered under Workers' Compensation, an employee who is not eligible for or who has exhausted his paid administrative leave, shall make an election to use either earned leave time (sick or annual or both) or Workers' Compensation benefits awarded in accordance with Title 42 of the South Carolina Code of Laws.
- B. The employee shall make an election under one of the following options:
 - 1. To use sick leave, annual leave, or both. When earned leave is exhausted before the employee can return to work, the employee shall be entitled to Workers' Compensation benefits at the time leave is exhausted;
 - 2. To use Workers' Compensation benefits awarded in accordance with Title 42 of the South Carolina Code of Laws, as amended; or
 - 3. To use sick leave, annual leave, or both on a prorated basis in conjunction with Workers' Compensation benefits according to the formula approved by the Budget and Control Board.
- C. Before the election is made, the effect of each available option on the employee's future leave earnings must be explained to the employee by the employing agency. The

STATE OF SOUTH CAROLINA
WORKERS' COMPENSATION COMMISSION

Administrative Policies and Procedures

Subject: Employee Leave Programs		Revision Number: 2.0
Policy Number: 2.12	Date: August 9, 2011	Page 20 of 20

election must be in writing and signed by the employee and the person who explains the options. The election of the employee is irrevocable as to each individual incident.

- D. Regardless of which option an employee elects, he would continue to be eligible for payment of medical costs provided by the State Accident Fund.

Organ Donor Leave

All FTE employees who wish to be an organ donor are entitled to leaves of absence from their respective duties without loss of pay, time, leave, or efficiency rating for one or more periods not exceeding an aggregate of thirty (30) workdays in any one calendar year during which they may engage in the donation of their organs. Saturdays, Sundays, and State holidays may not be included in the thirty-day aggregate unless the particular Saturday, Sunday, or holiday to be included is a regularly scheduled workday for the employee involved. The employee must show documentation from the attending physician of the proposed organ donation before leave is approved that confirms that the employee is the donor.

Leave of Absence

To grant any leave of absence with or without pay, the Commission must approve the leave of absence. An employee who is granted leave of absence with or without pay shall be:

- A. An employee of the State while on such leave; and
- B. Returned to the same position, or one in a comparable pay band for which the employee is qualified. Any leave of absence must be approved in advance except in cases of medical or personal emergencies. These situations must be justified to the Executive Director or his designee for approval.

STATE OF SOUTH CAROLINA
WORKERS' COMPENSATION COMMISSION

Administrative Policies and Procedures

Subject: Leave Transfer Program		Revision Number: 2.0
Policy Number: 2.13	Date: August 9, 2011	Page 1 of 5

THE LANGUAGE USED IN THIS DOCUMENT DOES NOT CREATE AN EMPLOYMENT CONTRACT BETWEEN THE EMPLOYEE AND THE SOUTH CAROLINA WORKERS' COMPENSATION COMMISSION. THIS DOCUMENT DOES NOT CREATE ANY CONTRACTUAL RIGHTS OR ENTITLEMENTS. THE SOUTH CAROLINA WORKERS' COMPENSATION COMMISSION RESERVES THE RIGHT TO REVISE THE CONTENT OF THIS DOCUMENT, IN WHOLE OR IN PART. NO PROMISES OR ASSURANCES, WHETHER WRITTEN OR ORAL, WHICH ARE CONTRARY TO OR INCONSISTENT WITH THE TERMS OF THIS PARAGRAPH CREATE ANY CONTRACT OF EMPLOYMENT.

Scope and Purpose

This Policy governs the manner in which employees may voluntarily donate sick or annual leave into a leave transfer pool for use by other employees, who have been approved as leave recipients under personal emergency circumstances.

Agency Responsibility

- A. The Agency shall establish two separate leave transfer pool accounts; a sick leave transfer pool and an annual leave transfer pool.
- B. Records and Requests – The Agency shall maintain the following records: (S.C. Code Ann. § 8-11-770)
 1. Leave Donations - the following information shall be included on the Leave Transfer Request.
 - a. Employee's name;
 - b. Employee's State title;
 - c. Employee's hourly rate of pay;
 - d. Date of the request;
 - e. Number of days/hours of the leave donor's sick and/or annual leave balance; and
 - f. The number of days/hours of sick and/or annual leave the employee wishes to donate to the appropriate leave transfer pool.
 2. Leave Requests – the following information shall be included on the Leave Transfer Request.

STATE OF SOUTH CAROLINA
WORKERS' COMPENSATION COMMISSION

Administrative Policies and Procedures

Subject: Leave Transfer Program		Revision Number: 2.0
Policy Number: 2.13	Date: August 9, 2011	Page 2 of 5

- a. The employee's name;
 - b. Employee's State title;
 - c. Employee's hourly rate of pay;
 - d. Date of the request;
 - e. Type of leave being requested;
 - f. Number of days/hours of leave being requested with the inclusive dates; and
 - g. A brief description of the nature, severity, and anticipated duration of the medical, family, or other hardship situation affecting the employee. (S.C. Code Ann. § 8-11-710).
3. Leave Restoration – The Leave Restoration shall include:
- a. Name of the leave recipient;
 - b. Type of leave transferred (sick or annual);
 - c. Amount of transferred leave used;
 - d. Date the leave recipient's personal emergency or employment terminates; and
 - e. Amount of transferred leave (sick or annual) being restored to the respective pool.

Annual Reporting (S.C. Code Ann. § 8-11-770)

The Agency shall submit the following information to the State Office of Human Resources (OHR) for any donation or approved requests for leave transfer in a calendar year:

- A. Sick Leave - Total hours and cost of:
 1. Sick leave donated;
 2. Sick leave used by recipient(s); and
 3. Sick leave restored, if any.

- B. Annual Leave - Total hours and cost of:
 1. Annual leave donated;
 2. Annual leave used by recipient(s); and
 3. Annual leave restored, if any.

- C. Any additional information requested by OHR needed to evaluate the desirability, feasibility, and cost of the Leave Transfer Program.

STATE OF SOUTH CAROLINA
WORKERS' COMPENSATION COMMISSION

Administrative Policies and Procedures

Subject: Leave Transfer Program		Revision Number: 2.0
Policy Number: 2.13	Date: August 9, 2011	Page 3 of 5

Eligibility to Donate

- A. Employees who occupy FTE positions (including probationary employees) are eligible to receive and/or donate leave to the Leave Transfer Program. Temporary grant and time-limited project employees are not eligible to donate or receive leave from an agency's leave transfer pool.
- B. An employee donating sick or annual leave to either the sick or annual leave transfer pool must do so prior to the end of the calendar year.
- C. An employee may donate no more than one-half of the sick or annual leave he earns within a calendar year to the appropriate pool leave account for that calendar year.
- D. An employee's leave, once transferred to a pool account, must not be restored or returned to the leave donor. (S.C. Code Ann. § 8-11-730)
- E. Sick Leave - An employee with more than 15 days in his sick leave account may voluntarily request that sick leave be transferred to the Agency's sick leave pool, provided he retains a minimum of 15 days in his own sick leave account. An employee with less than 15 days in his sick leave account may not transfer any sick leave to the Agency's sick leave pool. (S.C. Code Ann. § 8-11-730)
- F. Annual Leave - An employee may voluntarily request that a specified number of hours of his earned annual leave be transferred from his annual leave account to the Agency's annual leave transfer pool. (S.C. Code Ann. § 8-11-730)

Request for Leave

An employee with a personal emergency may request sick or annual leave from the appropriate pool account. Each separate request shall be limited to no less and no more than 30 workdays, except when the employee is less than 30 days from qualifying for other paid benefits. Once an employee becomes eligible for other paid benefits, he no longer qualifies for leave pool.

The requesting employee must have experienced a personal emergency which means a medical or family medical 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. A personal emergency is limited to

STATE OF SOUTH CAROLINA
WORKERS' COMPENSATION COMMISSION

Administrative Policies and Procedures

Subject: Leave Transfer Program		Revision Number: 2.0
Policy Number: 2.13	Date: August 9, 2011	Page 4 of 5

(1) catastrophic and debilitating medical situations, (2) severely complicated disabilities and (3) severe accident cases each of which would require a prolonged period of recuperation. Routine disabilities or disabilities resulting from elective surgery do not qualify for leave transfer.

A "prolonged period" as used in the definition of a personal emergency is interpreted to be a minimum of thirty (30) working days. The employee must have been in leave without pay for at least thirty (30) working days or documentation must certify a medical emergency will result in the employee being in leave without pay for this length of time. The only exception to the 30 day minimum is when the employee is less than 30 days from qualifying for other paid benefits.

When the employee becomes eligible for other paid benefits, he becomes ineligible for leave transfers. Examples of other paid benefits include, but are not limited to workers' compensation, long-term disability and disability retirement benefits.

Leave Approval

The Executive Director or designee may, upon receiving a completed request, review all necessary information and approve recipients from within the Agency to participate in the Leave Transfer Program. Unless the personal emergency involves a medical condition affecting the leave recipient, the Agency may consider the likely impact on morale and efficiency within the Agency in approving a leave recipient to use transferred leave. (S.C. Code Ann. § 8-11-720)

No Administrative or Judicial Appeal

The decisions of the Executive Director or designee are final, and there is no administrative or judicial appeal of the decisions. (S.C. Code Ann. § 8-11-720)

Use of Sick or Annual Leave

- A. Leave taken under this Section may qualify for the Family Medical Leave Act (FMLA) and, if so, will run concurrently.
- B. The Agency may transfer all or any portion of the sick leave in the pool account to the sick leave account of the leave recipient, and all or any portion of the annual leave in the pool account to the annual leave account of the leave recipient. (S.C. Code Ann. § 8-11-730)

STATE OF SOUTH CAROLINA
WORKERS' COMPENSATION COMMISSION

Administrative Policies and Procedures

Subject: Leave Transfer Program		Revision Number: 2.0
Policy Number: 2.13	Date: August 9, 2011	Page 5 of 5

- C. Upon approval of a request, an employee may use sick or annual leave from the appropriate pool account in the same manner and for the same purposes as if the employee had earned the leave in the manner provided by law. (S.C. Code Ann. § 8-11-740)
- D. Sick or annual leave earned by the leave recipient must be used before using any leave from a leave transfer pool. (S.C. Code Ann. § 8-11-740)
- E. Sick or annual leave transferred under this Program may be substituted retroactively for periods of leave without pay or used to liquidate indebtedness for advanced sick leave.

When Personal Emergency Terminates

- A. The personal emergency affecting a leave recipient terminates when either the Agency determines that the personal emergency no longer exists or the leave recipient separates from employment. (S.C. Code Ann. § 8-11-750 (A))
- B. The Agency 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 sick or annual leave from a pool account after the personal emergency terminates. (S.C. Code Ann. § 8-11-750)
- C. When the personal emergency terminates for this occurrence, the Agency may not grant further requests for transfer of leave to the leave recipient's leave account (S.C. Code Ann. § 8-11-750), and any transferred sick or annual leave remaining must be restored to the appropriate pool account. (S.C. Code Ann. § 8-11-760)

Separation From Employment

Transferred sick or annual leave from a pool account remaining when the leave recipient separates from employment must be restored to the appropriate pool account. Upon separation from employment, transferred leave from a pool account must not be transferred to another employee, included in a lump sum payment for earned leave, or included in the leave recipient's total service for retirement computation purposes. (S.C. Code Ann. § 8-11-740)

STATE OF SOUTH CAROLINA
WORKERS' COMPENSATION COMMISSION

Administrative Policies and Procedures

Subject: Dual Employment		Revision Number: 2.0
Policy Number: 2.14	Date: August 9, 2011	Page 1 of 5

THE LANGUAGE USED IN THIS DOCUMENT DOES NOT CREATE AN EMPLOYMENT CONTRACT BETWEEN THE EMPLOYEE AND THE SOUTH CAROLINA WORKERS' COMPENSATION COMMISSION. THIS DOCUMENT DOES NOT CREATE ANY CONTRACTUAL RIGHTS OR ENTITLEMENTS. THE SOUTH CAROLINA WORKERS' COMPENSATION COMMISSION RESERVES THE RIGHT TO REVISE THE CONTENT OF THIS DOCUMENT, IN WHOLE OR IN PART. NO PROMISES OR ASSURANCES, WHETHER WRITTEN OR ORAL, WHICH ARE CONTRARY TO OR INCONSISTENT WITH THE TERMS OF THIS PARAGRAPH CREATE ANY CONTRACT OF EMPLOYMENT.

Policy Statement

It is the policy of the South Carolina Workers' Compensation Commission to provide, whenever possible, services to assist and support other public, local, and state agencies or organizations on a gratis basis. This is especially applicable in those instances where such services are a normal, assigned responsibility of individuals and offices of the Commission, such as outside speaking engagements, meetings, or community relations activities to represent the Commission.

Employment outside of normal working hours is permissible, except where it is determined that such employment is detrimental to the effective work performance of an individual or where a professional ethical conflict of interest exists. Dual employment, or work performed by an employee of the Commission for another state agency for compensation, is regulated and controlled by State law. All dual employment requests must be approved by the Executive Director.

Outside Employment

- A. Any employee desiring to engage in outside employment shall inform his department head in writing, stating in detail the following information:
 1. The employer for whom the work shall be done;
 2. The specific duties to be performed; and
 3. The specific amount of time or a schedule of hours to be devoted to these duties.

STATE OF SOUTH CAROLINA
WORKERS' COMPENSATION COMMISSION

Administrative Policies and Procedures

Subject: Dual Employment		Revision Number: 2.0
Policy Number: 2.14	Date: August 9, 2011	Page 2 of 5

- B. Following receipt of this information, the department head shall forward it to the Director of Human Resources.
- C. Outside employment shall not be condoned when:
 - 1. Such additional work will interfere with the assigned duties and responsibilities of an employee of the Commission;
 - 2. Such additional work decreases the efficient performance of the employee;
 - 3. Such additional work may be provided by the Commission on a normal gratis basis; or
 - 4. Such additional work represents or creates a professional or ethical conflict of interest with the goals, objectives or programs of the Commission.
- D. If an employee's efficiency or effectiveness diminishes at any time during a period of outside employment, then the employee shall be required to immediately terminate his outside employment.
- E. Willful violation of any of the above conditions for outside employment shall be considered a misrepresentation and shall be grounds for disciplinary action.

Dual Employment – Agency Services

- A. The Commission shall provide, whenever possible, services to assist and support public, local and State agencies or organizations on a gratis basis.
- B. Where such services cannot be performed without cost, the Commission may provide required services on a contractual basis, at reasonable cost.
 - 1. In such instances, services provided by Commission employees shall be part of their normal duties and no additional compensation shall be given.
 - 2. The services of employees shall be considered as personal services and not contractual services.

STATE OF SOUTH CAROLINA
WORKERS' COMPENSATION COMMISSION

Administrative Policies and Procedures

Subject: Dual Employment		Revision Number: 2.0
Policy Number: 2.14	Date: August 9, 2011	Page 3 of 5

- C. The Commission shall provide services requested by the General Assembly at no cost and as a normal part of an employee's duties and responsibilities. Employees performing such consultative, research, or informational services shall receive no additional compensation.

Dual Employment – Individual Services

- A. Dual employment of an individual is defined as work performed for another State agency for which compensation is received.
1. No employee shall receive additional compensation for services performed during normally scheduled hours of work unless the employee is granted annual leave or leave without pay.
 - a. An employee may use annual leave while providing services during normal working hours for another agency and may receive compensation from that agency for services performed during the leave period.
 - b. No employee granted leave with pay by the Commission may receive additional compensation from this Commission for services performed during that period.
 2. If the services are performed for another agency at times other than the employee's normally scheduled working hours, the employee may be granted compensation for these services.
- B. Any employee desiring to engage in dual employment shall submit a Dual Employment Request Form to the Director of Human Resources stating in detail the following information:
1. The agency for which the work will be performed;
 2. The specific duties to be performed;
 3. The specific amount of time or a schedule of hours to be devoted to these duties and whether leave will be requested;
 4. Justification for the request prepared and approved by the agency head of the other State agency; and

STATE OF SOUTH CAROLINA
WORKERS' COMPENSATION COMMISSION

Administrative Policies and Procedures

Subject: Dual Employment		Revision Number: 2.0
Policy Number: 2.14	Date: August 9, 2011	Page 4 of 5

5. Other information as may be requested by the Executive Director for consideration of the request.
- C. Following receipt of the request, the Director of Human Resources shall forward it to the Executive Director for his review and approval.
- D. All requests for dual employment must be reviewed and approved by the Executive Director before such employment can be authorized by the Commission.
1. Requests for dual employment shall be considered in accordance with the factors and guidelines as stated for the review of outside employment.
 2. In addition, dual employment services must constitute independent, additional duties over and above those of the employee's position within the Commission.
- E. Compensation for Dual Employment
1. No compensation for dual employment shall be paid to an employee prior to the approval of a dual employment agreement.
 2. Both the employing agency and the requesting agency must comply with the provisions of the Fair Labor Standards Act (FLSA).
 3. Compensation for dual employment will be determined by the requesting agency; however, the maximum compensation that an employee will be authorized to receive for dual employment in a fiscal year shall not exceed 30% of the employee's annualized salary with the employing agency for that fiscal year. The employing agency is responsible for ensuring that dual employment payments made to its employees within one fiscal year do not exceed the 30% limitation. The State Office of Human Resources (OHR) is authorized to approve exceptions to the 30% limitation based on written justification submitted by the agency.
 4. Payment of dual employment compensation shall be made in a timely manner. The secondary agency must make payment of funds approved for and earned under dual employment within forty-five days of the beginning of the employment.
 5. No employee shall be eligible for any additional fringe benefits as a result in dual employment, including but not limited to annual leave. Sick leave, military leave,

STATE OF SOUTH CAROLINA
WORKERS' COMPENSATION COMMISSION

Administrative Policies and Procedures

Subject: Dual Employment		Revision Number: 2.0
Policy Number: 2.14	Date: August 9, 2011	Page 5 of 5

State insurance and holidays. However, dual employment compensation shall be subject to such tax and retirement deductions as required.

- F. In instances where the Commission is requesting the services of an employee of another agency for purposes of dual employment, all forms, information, and documents justifying the request shall be submitted to the Executive Director for approval.
- G. If an employee's efficiency or effectiveness diminishes at any time during a period of dual employment, the employee shall be required to immediately terminate his employment responsibilities to the secondary employing agency.

STATE OF SOUTH CAROLINA
WORKERS' COMPENSATION COMMISSION

Administrative Policies and Procedures

Subject: Employee Performance Management System (EPMS) Policy		Revision Number: 2.0
Policy Number: 2.15	Date: August 9, 2011	Page 1 of 10

THE LANGUAGE USED IN THIS DOCUMENT DOES NOT CREATE AN EMPLOYMENT CONTRACT BETWEEN THE EMPLOYEE AND THE SOUTH CAROLINA WORKERS' COMPENSATION COMMISSION. THIS DOCUMENT DOES NOT CREATE ANY CONTRACTUAL RIGHTS OR ENTITLEMENTS. THE SOUTH CAROLINA WORKERS' COMPENSATION COMMISSION RESERVES THE RIGHT TO REVISE THE CONTENT OF THIS DOCUMENT, IN WHOLE OR IN PART. NO PROMISES OR ASSURANCES, WHETHER WRITTEN OR ORAL, WHICH ARE CONTRARY TO OR INCONSISTENT WITH THE TERMS OF THIS PARAGRAPH CREATE ANY CONTRACT OF EMPLOYMENT.

Purpose

The Employee Performance Management System (EPMS) refers to the total process of communicating with an employee about their work. The process begins when the employee's supervisor (rater) and employee develop a performance plan in which they identify what is to be accomplished, what performance is expected, and specifically how it will be evaluated. This rater/employee communication continues informally with a day-to-day working relationship and formally at least twice: once at the midpoint of the appraisal and again at the end of the review period.

The EPMS will be used to ensure honest two-way communication between employees and their raters, to support employee development and to create trust by communicating with each other what is strong and what needs improvement in each job area, to make leaders' expectations clear by telling employees the criteria for success, to provide training for employee and raters in feedback structure and techniques and to create incentive in both employee and rater by getting involved and sharing feedback about the work and the South Carolina Workers' Compensation Commission (SCWCC) business plan.

General Information

All performance appraisals shall be made in writing by the employee's supervisor (rater) who has direct experience or knowledge of the work being performed. The appraisal shall be reviewed by the next higher-level supervisor (reviewer), unless the rater is the Agency head, prior to the appraisal being discussed with the employee. The reviewer may attach additional

STATE OF SOUTH CAROLINA
WORKERS' COMPENSATION COMMISSION

Administrative Policies and Procedures

Subject: Employee Performance Management System (EPMS) Policy		Revision Number: 2.0
Policy Number: 2.15	Date: August 9, 2011	Page 2 of 10

comments to the appraisal, and in the attachment may take exception to the rater's appraisal. In addition, the reviewer has the authority to change the appraisal completed by the rater. If the reviewer elects to change the rating, the change and associated justification should be noted on the appraisal document. Whenever an employee's job responsibilities change significantly, the appraisal document should be revised to reflect that change. The final appraisal must bear the signature of the rater, the reviewer and the employee, if possible. If any party refuses to sign the appraisal, a notation shall be made on the performance appraisal of this. If possible, a witness should sign to acknowledge that the party refused to sign the appraisal.

All performance appraisals shall become a permanent part of the employee's official personnel file. Upon request, the Agency shall furnish the employee with a copy of the performance appraisal with copies of all pertinent attachments including the form completed at the time of the planning stage and the final appraisal form.

The provisions of this policy address the appraisal process of both probationary and covered employees. Although not mentioned specifically in this policy, employees exempt from coverage under the State Employee Grievance Procedure Act shall also be given annual performance appraisals.

Definitions

- A. Performance Review Date – The employee's review date as established in accordance with State Human Resources Regulations.
- B. Universal Review Date – The date prior to which all classified employees' performance reviews are due. October 1 will be the universal review date for the Agency (Exceptions: probationary employees and trial employees).
- C. Short Year Review – Any performance appraisal that evaluates an employee's performance for a period of time less than twelve months (Exceptions: trial period reviews and warning notice reviews.)
- D. Short Year Planning Stage – Any EPMS planning stage document covering a period of time less than twelve months (Exceptions: trial period planning stages.)

STATE OF SOUTH CAROLINA
WORKERS' COMPENSATION COMMISSION

Administrative Policies and Procedures

Subject: Employee Performance Management System (EPMS) Policy		Revision Number: 2.0
Policy Number: 2.15	Date: August 9, 2011	Page 3 of 10

Universal Review Date

All Agency employees shall be reviewed prior to October 1, the Agency universal review date. The Agency will maintain the performance review date for each employee presently established in accordance with the State Human Resources Regulations, in the event that some compensation or personnel action is dependent on the individual's performance review date rather than the universal review date.

Training

Training is encouraged for all employees within the Agency in regards to EPMS. New employees should be briefed on the performance evaluation system during their orientation session.

Levels of Performance

There shall be three levels of performance to rate each job function and objective and to rate overall performance:

1. Exceptional - Work that is above the criteria of the job function throughout the rating period.
2. Successful - Work that meets the criteria of the job function.
3. Unsuccessful - Work that fails to meet the criteria of the job function.

Performance characteristics shall not be rated by the three levels of performance, but shall be given a rating of pass or fail.

1. Pass - Meets requirements.
2. Fail - Fails to meet requirements.

STATE OF SOUTH CAROLINA
WORKERS' COMPENSATION COMMISSION

Administrative Policies and Procedures

Subject: Employee Performance Management System (EPMS) Policy		Revision Number: 2.0
Policy Number: 2.15	Date: August 9, 2011	Page 4 of 10

Planning Stage

Each employee shall have a planning stage conducted at the beginning of each rating period. The employee's job functions (which include job duties and success criteria), objectives, and performance characteristics for the next rating period will be discussed at this time. These items, as included in the planning stage, are described below. The rater and employee should participate in drafting the planning stage document. The reviewing officer and the rater should discuss the requirements for the coming year prior to the planning stage. A rater may incorporate a team activity into the planning stage document. The team performance being evaluated could constitute a job function, an objective, or one criteria for a particular job function or objective. A rater may also link the employee's training plan to the planning stage document.

A. JOB FUNCTIONS

The rater and the employee shall determine the job functions (which include job duties and success criteria) by reviewing the employee's position description. If the position description is not up-to-date, or if there is no position description, one should be prepared and submitted for approval. In those instances where the rater and employee cannot agree upon the job functions, the rater's decision shall be final. The statement outlining the job function should include descriptive information about the performance expectations (success criteria) of the rater. The descriptive statement should specify the expectations of the rater for the employees to be successful. Each job function shall be rated in the evaluation stage based on the three levels of performance. It shall be mandatory for all raters to be evaluated on the timely completion of each employee's performance appraisal.

B. OBJECTIVES

Objectives shall be optional for all employees. An objective should be included when the employee is assigned a special, non-recurring project or assignment that is not included on the employee's position description. The statement outlining the objective(s) should also include descriptive information about the performance expectations (success criteria) of the rater. The descriptive statement should specify the expectations of the rater for the employee to be successful. Each objective shall be rated in the evaluation stage based on the three levels of performance.

STATE OF SOUTH CAROLINA
WORKERS' COMPENSATION COMMISSION

Administrative Policies and Procedures

Subject: Employee Performance Management System (EPMS) Policy		Revision Number: 2.0
Policy Number: 2.15	Date: August 9, 2011	Page 5 of 10

C. PERFORMANCE CHARACTERISTICS

The Office of Human Resources will provide agencies with a list of suggested performance characteristics and their definitions. Each performance characteristic shall be defined in the planning stage and rated as "pass" or "fail" in the evaluation stage. The performance characteristics section shall be used as a communication tool to emphasize those performance characteristics that are important to success in performing the job functions and objectives included in the planning document. The performance characteristics section shall not be weighted in the determination of the overall performance rating.

It shall be mandatory for all managers and supervisors to be rated on the performance characteristic of "promoting equal opportunity." (Promoting equal opportunity includes such areas as hiring, promotion, or placement; level of personal and organizational commitment to equal opportunity; progress toward achieving a fully integrated and representative work force; and contribution toward minority programs and other social/economic equal opportunity goals.)

Ongoing Performance Management

A rater should continue to provide performance feedback to employees throughout the review period. An unofficial mid-year review is encouraged to facilitate this communication between raters and employees. In addition, various options are available to the rater in conducting performance management. A rater may gather feedback to prepare the appraisal document and/or conduct unofficial appraisals more frequently than required in this policy.

Probationary Period

Each new employee in probationary status shall be rated prior to the completion of a twelve month probationary period. The performance review date marks the beginning of a new review period. If that employee does not receive a performance appraisal prior to the performance review date, the employee will receive a "successful" rating by default and obtain covered status as a State employee and permanent status in the class. The probationary period may not be extended. If an employee is not performing satisfactorily during the probationary period, the employee shall be terminated before becoming a covered employee. Until an employee has

STATE OF SOUTH CAROLINA
WORKERS' COMPENSATION COMMISSION

Administrative Policies and Procedures

Subject: Employee Performance Management System (EPMS) Policy		Revision Number: 2.0
Policy Number: 2.15	Date: August 9, 2011	Page 6 of 10

completed the probationary period and has a "successful" or higher overall rating on the employee's evaluation, the employee has no grievance rights under the State Employee Grievance Procedure Act; therefore, the SCWCC is not required to follow the "Substandard Performance Process" to terminate a probationary employee. The "successful" rating is the equivalent to the "meets" performance rating referenced in the State Employee Grievance Procedures Act. A short year review and short year planning stage may be required to evaluate performance from the end of the probationary period to the universal review date.

Trial Periods

Each covered employee who has been demoted, promoted, or reclassified shall be appraised prior to the completion of a six-month trial period in the position. The performance review date marks the beginning of a new review period. If an employee does not receive a performance appraisal prior to the performance review date, the employee will receive a "successful" rating by default and obtain permanent status in the new classification, the employee retains permanent status in a class throughout the employee's continuous service. The six-month trial period may be extended up to 90 calendar days upon written notice to the employee prior to the end of the six-month trial period. The employee's performance review date shall be advanced for the time period such extension is in effect. A short year review and short year planning stage may be needed to evaluate performance from the end of the trial period to the universal review date.

The "Substandard Performance Process" is not required to demote or reclassify downward an employee in trial status to the same class from which promoted, if the demotion or reclassification occurs within the trial period. The "Substandard Performance Process" is also not required to demote or reclassify downward an employee in trial status to a class in an equal or higher pay band from which promoted, if the demotion or reclassification occurs within the trial period. The Employee in trial status may not grieve such demotion. The employee in trial status may not be terminated or demoted to a class in a lower pay band than that from which promoted for performance reasons without following the "Substandard Performance Process."

STATE OF SOUTH CAROLINA
WORKERS' COMPENSATION COMMISSION

Administrative Policies and Procedures

Subject: Employee Performance Management System (EPMS) Policy		Revision Number: 2.0
Policy Number: 2.15	Date: August 9, 2011	Page 7 of 10

Annual Performance Reviews

All employees shall be given an annual appraisal no more than 90 calendar days prior to the performance review date. An employee on approved leave with or without pay for more than 30 consecutive workdays may have the performance review date advanced up to 90 days after those first 30 workdays. A covered employee who within 30 calendar days of his performance review date receives a "Warning Notice of Substandard Performance," shall have the performance review date advanced up to 90 days. The performance review date marks the beginning of a new review period. If an employee does not receive an appraisal prior to the performance review date, the employee shall receive a "successful" rating by default. A covered employee may not be issued an overall "unsuccessful" appraisal at any time during the annual review period without following the "Substandard Performance Process." Should the review date advance, the employee may require a short year planning stage and a short year review period in order to move the employee back to the universal review date.

Substandard Performance Process for Covered Employees

A covered employee is entitled to adequate notice of substandard performance and the opportunity to improve the substandard performance before receiving an "unsuccessful" rating and being removed from the position. To ensure this occurs, the following procedures shall be followed:

- A. A rater shall issue a "Warning Notice of Substandard Performance" prior to issuing an "unsuccessful" rating to a covered employee. If during the performance period an employee is considered "unsuccessful", in any essential job function or objective which significantly impacts performance, the rater shall provide the employee with a written "Warning Notice of Substandard Performance." The warning notice shall provide for an improvement period of no less than 30 days and no more than 120 days. The warning notice may be issued at any time during the review period. Ordinarily, the warning period may not extend beyond the employee's review date. However, if the warning notice is issued less than 30 days from the employee's review date, the performance review date shall be advanced up to 90 days. Should the performance review date be advanced and the employee receives a "successful" or above rating on all essential job functions/objectives, which significantly impact performance, noted in the warning

STATE OF SOUTH CAROLINA
WORKERS' COMPENSATION COMMISSION

Administrative Policies and Procedures

Subject: Employee Performance Management System (EPMS) Policy		Revision Number: 2.0
Policy Number: 2.15	Date: August 9, 2011	Page 8 of 10

notice, the employee may require a short year planning stage and a short year review in order to move the employee back to the universal review date.

- B. The rater and employee should participate in drafting a work improvement plan. The work improvement plan should include a list of ways to improve the deficiencies and other appropriate performance related recommendations. In those instances where the rater and employee cannot agree upon the content of the work improvement plan, the rater's decision shall be final.
- C. During the warning period, the employee and the rater shall have regularly scheduled meetings during which they shall discuss the employee's progress. Documentation is required to verify that these counseling sessions were held. Copies of this documentation shall be placed in the employee's official personnel file and given to the employee upon request.
- D. If the employee's performance is rated "successful" or above, on all essential job functions or objectives, which significantly impact performance, noted in the warning notice by the end of the warning period, employment shall continue. If the employee is rated "unsuccessful" on any essential job function or objective which significantly impacts performance as noted in the warning notice by the end of the warning period, the employee shall be removed from the position immediately (i.e. terminated, reassigned, or demoted).
- E. Once a time frame for improving substandard performance has been given, the employee must receive a written appraisal prior to the end of the warning period or the employee will receive a "successful" rating by default.
- F. If an employee has been issued two warning notices within 365 day period and performance drops to a substandard level on any essential job function/objective, which significantly impacts performance for a third time within a 365 day period, the employee shall be removed from the position upon the third recurrence of such substandard performance by issuing the "unsuccessful" appraisal. A warning notice is not required on the third occurrence.

STATE OF SOUTH CAROLINA
WORKERS' COMPENSATION COMMISSION

Administrative Policies and Procedures

Subject: Employee Performance Management System (EPMS) Policy		Revision Number: 2.0
Policy Number: 2.15	Date: August 9, 2011	Page 9 of 10

Warning Notice of Substandard Performance

The requirements of a "Warning Notice of Substandard Performance" are:

- A. The notice shall be in writing, addressed to the employee, labeled as a "Warning Notice of Substandard Performance," and signed by the employee (witnessed, if employee will not sign).
- B. The notice shall list the job function(s) and/or objective(s) included on the employee's planning document that are considered "unsuccessful," with an explanation of the deficiencies for each job function and/or objective.
- C. The notice shall include the time period for improvement and the consequences if no improvement is noted (i.e. terminated, demotion, or reassignment).
- D. The notice shall include a plan for meetings to discuss employee progress during the warning period.

A copy of the notice shall be given to the employee and placed in the employee's official personnel file.

Method for Determining the Overall Rating

The method used for determining the overall rating is based on a weighted system provided by the Office of Human Resources using a point value and range. During the planning stage the rater and employee should determine a weight for each individual job function and objective, when used. Performance characteristics will not be given a numerical score, but will be given a rating of "pass" or "fail."

At the end of the performance review period, the rater assigns a rating level to the individual job functions and objectives, when used. Computations are performed with the final numerical score determined.

STATE OF SOUTH CAROLINA
WORKERS' COMPENSATION COMMISSION

Administrative Policies and Procedures

Subject: Employee Performance Management System (EPMS) Policy		Revision Number: 2.0
Policy Number: 2.15	Date: August 9, 2011	Page 10 of 10

<u>Performance Level</u>	<u>Point Value</u>	<u>Range</u>
Exceptional Performance Rating (EPR)	3	2.5 and above
Successful Performance Rating (SPR)	2	1.5 to 2.4
Unsuccessful Performance Rating (UPR)	1	1.4 and below

** Justification required for a rating of either "exceptional" or "unsuccessful."*

EXAMPLE:	<u>Weight Factor</u>	<u>Rating</u>	<u>Numerical Score</u>
4 Duties	30%	EPR (3)	30 x 3 = 90
	25%	SPR (2)	25 x 2 = 50
	25%	EPR (3)	25 x 3 = 75
	20%	SPR (2)	20 x 2 = 40
	100%		255

FORMULA - Divide 255 by 100 = 2.55 = EPR or Exceptional Performance Requirements. The result should be rounded to the tenths position (example - 2.55 rounds to 2.6).

STATE OF SOUTH CAROLINA
WORKERS' COMPENSATION COMMISSION

Administrative Policies and Procedures

Subject: Staff Development and Training Policy		Revision Number: 2.0
Policy Number: 2.16	Date: August 9, 2011	Page 1 of 2

THE LANGUAGE USED IN THIS DOCUMENT DOES NOT CREATE AN EMPLOYMENT CONTRACT BETWEEN THE EMPLOYEE AND THE SOUTH CAROLINA WORKERS' COMPENSATION COMMISSION. THIS DOCUMENT DOES NOT CREATE ANY CONTRACTUAL RIGHTS OR ENTITLEMENTS. THE SOUTH CAROLINA WORKERS' COMPENSATION COMMISSION RESERVES THE RIGHT TO REVISE THE CONTENT OF THIS DOCUMENT, IN WHOLE OR IN PART. NO PROMISES OR ASSURANCES, WHETHER WRITTEN OR ORAL, WHICH ARE CONTRARY TO OR INCONSISTENT WITH THE TERMS OF THIS PARAGRAPH CREATE ANY CONTRACT OF EMPLOYMENT.

Statement of Policy

The South Carolina Workers' Compensation Commission values the professional growth of its employees. This policy has been created to ensure employees will be given the opportunity to improve or secure the skills necessary for professional development and efficient and effective operations of the Commission and also to ensure uniformity in the administration of educational improvement within the Commission.

General Guidelines

- A. All employees of the Commission are encouraged to further their opportunities for advancement through continued education and training regardless of race, color, sex, national origin, age, religion, or physical disability.
- B. Each supervisor is responsible for ensuring that employees acquire and maintain the level of knowledge, skill, and proficiency required to meet performance standards established for the employee's position.
- C. Attendance by employees at workshops, seminars, and other training sessions shall be governed by workload, potential professional benefit, contributions to be made, purpose, need, and cost, in addition to the job responsibilities of the individual.
- D. To receive approval to attend a workshop, seminar, or training session, an employee's immediate supervisor should request approval in writing to the Department Director. For any workshop, seminar, or training session that will result in an incurred cost, the

STATE OF SOUTH CAROLINA
WORKERS' COMPENSATION COMMISSION

Administrative Policies and Procedures

Subject: Staff Development and Training Policy		Revision Number: 2.0
Policy Number: 2.16	Date: August 9, 2011	Page 2 of 2

Department Director should forward the request to the Executive Director for final approval.

- E. Where attendance at workshops, seminars, and other training sessions are shown to have little or no value to the Commission and/or no relationship to the employee's current or authorized job responsibilities, attendance shall not be approved.
- F. A copy of the approved request to attend a workshop, seminar, or training session should be forwarded to the Human Resources office.
- G. The Human Resources office shall be responsible for assisting supervisors in identifying training needs and arranging for activities to meet those needs. The Human Resources office shall also provide technical assistance as needed in the design and delivery of staff development activities sponsored by other departments.
- H. Staff development and training files shall be kept to include, but not limited to:
 - 1. Workshop, seminar, or training session title
 - 2. Date of the workshop, seminar, or training session
 - 3. Employee Name
 - 4. Cost of the workshop, seminar, or training session
 - 5. Copy of the workshop, seminar, or training session certificate of completion

STATE OF SOUTH CAROLINA
WORKERS' COMPENSATION COMMISSION

Administrative Policies and Procedures

Subject: Nepotism Policy		Revision Number: 2.0
Policy Number: 2.17	Date: August 9, 2011	Page 1 of 2

THE LANGUAGE USED IN THIS DOCUMENT DOES NOT CREATE AN EMPLOYMENT CONTRACT BETWEEN THE EMPLOYEE AND THE SOUTH CAROLINA WORKERS' COMPENSATION COMMISSION. THIS DOCUMENT DOES NOT CREATE ANY CONTRACTUAL RIGHTS OR ENTITLEMENTS. THE SOUTH CAROLINA WORKERS' COMPENSATION COMMISSION RESERVES THE RIGHT TO REVISE THE CONTENT OF THIS DOCUMENT, IN WHOLE OR IN PART. NO PROMISES OR ASSURANCES, WHETHER WRITTEN OR ORAL, WHICH ARE CONTRARY TO OR INCONSISTENT WITH THE TERMS OF THIS PARAGRAPH CREATE ANY CONTRACT OF EMPLOYMENT.

Statement of Policy

The South Carolina Workers' Compensation Commission is committed to an organizational concept which encourages internal promotions and career transfers between departments. In order to allow the Commission maximum flexibility in making personnel decisions, situations must be avoided which have the potential to foster nepotism or show favoritism towards relatives. The basic criteria for hiring and promotion of all Commission employees will be appropriate qualifications and performance.

This document sets forth the South Carolina Workers' Compensation Commission's policy concerning the employment, promotion, or discipline of family members, pursuant to Section 8-13-750 of the South Carolina Code of Laws, as Amended, and regulations of the South Carolina Office of Human Resources.

General Provisions

- A. The Commission shall not accept for personnel employment consideration the application of any person whose family member (by blood or marriage) is employed by the agency at the time of application.

- B. Family members shall include the following relatives of the employee or spouse's parent, child, grandparent, grandchild, brother/sister, great grandparent, nephew/niece, uncle/aunt, great grandchild, great-great grandparent, great uncle/aunt, first cousin, grand niece/nephew, and great-great grandchild.

STATE OF SOUTH CAROLINA
WORKERS' COMPENSATION COMMISSION

Administrative Policies and Procedures

Subject: Nepotism Policy		Revision Number: 2.0
Policy Number: 2.17	Date: August 9, 2011	Page 2 of 2

- C. Either of two or more family members employed by the Commission prior to the effective date of this policy shall not be considered for transfer, promotion, or placement to any position which has influence or control over another family member's employment status, salary administration, or other related management or personnel considerations.

- D. In cases where present employees marry or otherwise become related to the degree indicated in paragraph B, it is the policy of the agency that the new relationship cannot create a situation where either employee is in a position which has influence or control over another family member's employment status, salary administration, or other related management or personnel considerations. If such a situation develops where the Commission believes a conflict of interest exists, the affected employees, as individuals, shall be given an opportunity to request an assignment of duties to any vacant position for which they are qualified and which would not be organizationally impacted by the new relationship. Should neither employee request new duties, the Executive Director shall assign new duties to the employee with the fewest years of service to the department. If there is not a vacancy, one of the employees could be terminated.

- E. Any falsification or misrepresentation of facts by an employee in regard to this policy shall be cause for disciplinary action.

STATE OF SOUTH CAROLINA
WORKERS' COMPENSATION COMMISSION

Administrative Policies and Procedures

Subject: Electronic Media Acceptable Use Policy		Revision Number: 2.0
Policy Number: 2.18	Date: August 9, 2011	Page 1 of 5

THE LANGUAGE USED IN THIS DOCUMENT DOES NOT CREATE AN EMPLOYMENT CONTRACT BETWEEN THE EMPLOYEE AND THE SOUTH CAROLINA WORKERS' COMPENSATION COMMISSION. THIS DOCUMENT DOES NOT CREATE ANY CONTRACTUAL RIGHTS OR ENTITLEMENTS. THE SOUTH CAROLINA WORKERS' COMPENSATION COMMISSION RESERVES THE RIGHT TO REVISE THE CONTENT OF THIS DOCUMENT, IN WHOLE OR IN PART. NO PROMISES OR ASSURANCES, WHETHER WRITTEN OR ORAL, WHICH ARE CONTRARY TO OR INCONSISTENT WITH THE TERMS OF THIS PARAGRAPH CREATE ANY CONTRACT OF EMPLOYMENT.

Policy Statement

Access to and utilization of personal computers, computer systems, and networks owned or operated by the South Carolina Workers' Compensation Commission impose certain responsibilities and obligations on Commission employees (hereinafter termed "users") and are subject to State government policies and local, state, and federal laws. Acceptable use is always ethical and reflects honesty. It demonstrates respect for intellectual property, ownership of information, system security mechanisms, and the individual's right to freedom from intimidation, harassment, and unwarranted annoyance. Users may be subject to limitations on their access to and the use of the networks as determined by the appropriate supervising authority. If you or anyone you allow to access your account violates this Policy, your access may be restricted or withdrawn.

Where relevant, all South Carolina Workers' Compensation Commission Policies and Procedures, including but not limited to those governing harassment, discrimination, ethics, confidentiality, and security, apply to Internet, network, and electronic mail use and content.

By participating in the use of networks and systems provided by the Commission, users agree to be subject to and abide by this Policy. Willful violation of this policy may result in disciplinary action up to and including termination of employment. Should another user violate this Policy while using your account, both of you may be subject to disciplinary action.

Therefore, the purpose of this Policy is to establish the proper use of electronic media resources and to ensure that use is consistent with the Commission's interest. Specifically, to conserve resources; protect communications and information; reduce the risk of liability, misuse and abuse; and promote a positive work environment.

STATE OF SOUTH CAROLINA
WORKERS' COMPENSATION COMMISSION

Administrative Policies and Procedures

Subject: Electronic Media Acceptable Use Policy		Revision Number: 2.0
Policy Number: 2.18	Date: August 9, 2011	Page 2 of 5

Terms of Permitted Use, Privacy and Monitoring

Access to the Internet and the Commission's network is provided as a tool for achieving the overall mission of the Commission. Your computer, associated software, and attached systems are all property of the Commission. Use of network services is subject to monitoring for security, network management, or other purposes deemed appropriate. There are software and systems in place that monitor and record all Internet usage. The security systems are capable of recording each website visit, each chat, newsgroup or electronic mail message, and each file transfer into and out of our internal networks, and the Commission reserves the right to do so at any time. No employee should have any expectation of privacy as to his system, Internet, or electronic mail usage. Employees are therefore advised of this potential monitoring and of the fact that there is no expectation that any system, Internet, or electronic mail usage is private. The Commission may suspend access to its network and the Internet at any time for technical reasons, Policy violations, and other concerns.

Personal Responsibility

By accepting your user identification and password and related information, and accessing the Commission's network or Internet, you agree to adhere to this Policy. You also agree to report any network or Internet misuse or abuse to your supervisor. Misuse includes Policy violations that harm another employee or another individual's property.

Violations

The following individual personal computer, computer network, and Internet activities are expressly prohibited:

- A. Using, transmitting, receiving, or seeking inappropriate, offensive, vulgar, suggestive, obscene, abusive, harassing, belligerent, threatening, defamatory, or misleading language or materials. The display of any kind of sexually explicit image or document on any computer system is a violation of the Commission's Anti-Harassment Policy. Sexually explicit images or documents include those containing nudity or partial nudity. In addition, sexually explicit material may not be archived, stored, distributed, edited, or recorded using the Commission's networks or computing resources, except by those employees involved in authorized investigations of potential violations of this Policy.

STATE OF SOUTH CAROLINA
WORKERS' COMPENSATION COMMISSION

Administrative Policies and Procedures

Subject: Electronic Media Acceptable Use Policy		Revision Number: 2.0
Policy Number: 2.18	Date: August 9, 2011	Page 3 of 5

Any such investigation must be authorized by the Executive Director and should be coordinated with the Director of Human Resources.

- B. Engaging in immoral, illegal, or unlawful activities, violating the Policies and Procedures of the Commission, or encouraging others to do so. Examples include, but are not limited to:
1. Accessing, transmitting, receiving, or seeking unauthorized, confidential information;
 2. Conducting unauthorized activities;
 3. Viewing, uploading, printing, copying, filing, transmitting, downloading, or searching for obscene, pornographic, sexually explicit, illegal, or otherwise objectionable, non-business related Web content;
 4. Accessing others' folders, files, work, networks, or computers without express permission;
 5. Intercepting communications intended for others; and
 6. Downloading or transmitting confidential information without proper authorization.
- C. Using the networks or Internet for recreational, non-public purposes. The following specific activities are expressly prohibited, but not limited to:
1. Online gambling;
 2. Stocks, bonds, and securities trading;
 3. Online auction participation.
- D. Using the network or Internet for commercial activities.
- E. Using the network or Internet for the purpose of supporting candidates for public office in a partisan election; using official authority or influence to interfere with or affect the results of an election or nomination; or directly or indirectly coerce contributions from

STATE OF SOUTH CAROLINA
WORKERS' COMPENSATION COMMISSION

Administrative Policies and Procedures

Subject: Electronic Media Acceptable Use Policy		Revision Number: 2.0
Policy Number: 2.18	Date: August 9, 2011	Page 4 of 5

subordinates in support of a political party or candidate; using the network or Internet for disseminating political campaign material to another employee on his computer.

- F. Using the networks, Internet, or other State equipment for personal gain such as selling access to the network, or by performing work for profit with Commission resources in a manner not authorized by the Commission.
- G. Using or installing software not licensed or approved by the Commission.
- H. Installing or using hardware or peripheral equipment not specifically approved and authorized, or using approved equipment in a manner inconsistent with the approved purpose for which the equipment was installed. Prohibited equipment examples include any electronic surveillance, audio, or video recording equipment not directly related to functions required by job duties and responsibilities.
- I. Vandalizing or using the network to disrupt network users, services, or equipment. Disruptions include, but are not limited to, distribution of unsolicited advertising, propagation of viruses, harmful components, or corrupted data.
- J. Attempting to circumvent or subvert system or network security measures.
- K. Intercepting network traffic for any purpose unless engaged in authorized network administrative duties.
- L. Encouraging others to view, download, or search for materials, files, information, software, or other offensive, defamatory, misleading, infringing, or illegal content, e.g. forwarding electronic mail with offensive attachments, images, or Internet links.
- M. Making or using illegal copies of copyrighted software or other mediums, storing such copies, or transmitting them over the networks. Users who violate any copyright declarations are acting outside the course and scope of their employment or other authority and the Commission is relieved of any legal responsibility thereof. Users will be personally responsible and liable for such infringing activities.

STATE OF SOUTH CAROLINA
WORKERS' COMPENSATION COMMISSION

Administrative Policies and Procedures

Subject: Electronic Media Acceptable Use Policy		Revision Number: 2.0
Policy Number: 2.18	Date: August 9, 2011	Page 5 of 5

The following electronic mail activities are expressly prohibited:

- A. Using electronic mail or messaging services to harass, intimidate, or otherwise annoy another person.
- B. Sending, soliciting, printing, or copying text or images that disparage others based on their race, religion, color, sex, sexual orientation, national origin, veteran status, disability, ancestry, or age.
- C. Sending, soliciting, printing, or copying jokes (text or images) based on sex, sexual orientation, race, age, religion, national origin, or disability.
- D. Sending, soliciting, printing, or copying messages that are disparaging or defamatory.
- E. Sending, soliciting, printing, or copying sexually oriented messages or images.
- F. Sending, soliciting, printing, or copying messages or images that contain foul, obscene, or adult-oriented language.
- G. Sending, soliciting, printing, or copying messages or images that are intended to alarm others, embarrass the Commission, or negatively impact employee productivity. If an employee finds himself connected incidentally to a website that contains offensive material he must disconnect from the website immediately, regardless of whether that site had been previously deemed acceptable by any screening or rating program. If an employee is the recipient of electronic mail that violates any of the provisions pertaining to electronic mail, he must immediately delete and remove the offending message.

Non-Working Time Limited Personal Use

Commission computer systems and networks are to be used primarily for conducting official State business. It is recognized that employees may occasionally use these systems and networks for limited incidental personal use during non-working time. Such limited personal use may be acceptable as long as other usage policies are followed and the use does not interfere with an employee's work or negatively impact the computer system or network, and does not result in additional public expense. These systems are not available or accessible for public speech or any First Amendment expressive activity or for use by the public; further, the systems are expressly declared not to be a public forum.

STATE OF SOUTH CAROLINA
WORKERS' COMPENSATION COMMISSION

Administrative Policies and Procedures

Subject: Employee Injuries		Revision Number: 2.0
Policy Number: 2.19	Date: August 9, 2011	Page 1 of 4

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Policy Statement

Workers' Compensation was created to benefit the employee who sustains an injury by accident arising out of and in the course of their employment. The Workers' Compensation benefits include medical expenses and, in case of disability, protection against total loss of income. This policy sets forth the procedures and guidelines by which employees at the Workers' Compensation Commission shall follow in filing a Workers' Compensation claim.

General Guidelines

- A. Any injury, disease, or death which is not job related will not be covered under Workers' Compensation.
- B. All employees of the Commission are covered under the South Carolina Workers' Compensation plan in the event of an accident of injury arising out of and occurring during the course of employment.
 - 1. In such instance, the employee is entitled to medical attention.
 - 2. In addition, the employee shall be paid for lost time as provided by the Workers' Compensation Act and shall be eligible for other benefits as provided in the Act.
- C. The claim of a commissioner, any member of his family residing in his household, or any employee of the Workers' Compensation Commission shall be heard and determined by the circuit court judge in the county in which the injury occurred.

STATE OF SOUTH CAROLINA
WORKERS' COMPENSATION COMMISSION

Administrative Policies and Procedures

Subject: Employee Injuries		Revision Number: 2.0
Policy Number: 2.19	Date: August 9, 2011	Page 2 of 4

Emergency Medical Care

- A. If an on-the-job injury requires immediate medical attention, the injured employee shall first notify his supervisor, if possible, and then seek assistance from a hospital emergency room, family doctor, or emergency aid clinic.
- B. Care subsequent to emergency treatment and non-emergency treatment shall be as authorized by the claims representative of the State Accident Fund or the authorized treating physician. Employees may not change treating physician without authorization from a State Accident Fund representative.

Report of Injury

- A. All job related injuries shall be reported to one's supervisor immediately. The supervisor must then call CompEndium at 1-877-709-2677. CompEndium nurses are available 24 hours a day, 7 days a week. The fax number is 1-877-710-2667. The caller will be asked his name, agency name and should inform CompEndium that an injury needs to be reported.
- B. A Form 12-A will be completed by CompEndium and they will forward a copy Human Resources.
- C. The State Fund shall be responsible for claims management and administration. Questions concerning the disposition of the claim should be directed to the appropriate State Fund representative.

Time Lost From Work

- A. If the treating physician certifies that the seriousness of the injury dictates time lost from work, the employee must provide such certification to his supervisor.
- B. In accordance with Section 8-11-145 of the SC Code of Laws, in the event of an accidental injury arising out of and in the course of employment with the State, an employee who has exhausted his paid administrative leave or who is not eligible for administrative leave and must be out of work more than seven (7) calendar days shall make an election to use authorized leave (sick, annual, etc.) or Workers' Compensation benefits awarded in accordance with Title 42.

STATE OF SOUTH CAROLINA
WORKERS' COMPENSATION COMMISSION

Administrative Policies and Procedures

Subject: Employee Injuries		Revision Number: 2.0
Policy Number: 2.19	Date: August 9, 2011	Page 3 of 4

A disabled employee shall make an election to receive compensation utilizing the Workers' Compensation Election Form. Options available to employees are:

1. To use authorized leave (sick, annual, etc). When earned leave is exhausted before the employee can return to work, the employee shall be entitled to Workers' Compensation benefits equal to 66 2/3% of his gross weekly wage, not to exceed the current maximum disability benefit weekly rate, at the time leave is exhausted; or
 2. To receive Workers' Compensation benefits awarded in accordance with Title 42 of the South Carolina Code of Laws, as amended. Under this option the employee would receive ONLY the disability benefits equal to 66 2/3% of his gross weekly pay, not to exceed the current maximum disability benefit weekly rate and he would be in a leave without pay status with the Commission; or
 3. To use authorized leave (sick, annual, etc.) on a prorated basis in conjunction with Workers' Compensation benefits according to the formula approved by the Budget and Control Board.
- C. Before the election is made, the affect of each available option on the employee's future leave earnings and other benefits, if applicable, should be explained to the employee by the Commission. The election must be in writing and signed by the employee and the person who explains the options. The election of the employee is irrevocable as to each individual incident.
- D. Regardless of which method of disability compensation an employee elects, the employee may be eligible for payment of medical costs and for permanent impairment or disfigurement, if applicable, upon approval by the State Accident Fund.
- E. Leave under this section may qualify for Family Medical Leave Act (FMLA) leave, and if so, will run concurrently.

Performance of Duties While Injured

- A. If the treating physician certifies that an injured employee is unable to perform regular duties, but may return to work with restricted job duties, the employee may be assigned temporarily to a position suitable to the employee's capabilities, provided such temporary assignment is available and that it is agreeable to both the employee's department director and the treating physician.

STATE OF SOUTH CAROLINA
WORKERS' COMPENSATION COMMISSION

Administrative Policies and Procedures

Subject: Employee Injuries		Revision Number: 2.0
Policy Number: 2.19	Date: August 9, 2011	Page 4 of 4

- B. If an employee refuses to accept a reasonable temporary assignment, he may be placed on authorized leave without pay, and the State Accident Fund may refuse to pay compensation for lost time during the absence.

- C. If no reasonable temporary assignment is available, the employee may be required to remain out of work until released by the treating physician to return to full unrestricted duties.

Computation of Benefits

- A. No Workers' Compensation benefits for lost time will be paid for the first seven calendar days unless the work-related illness or injury results in time lost from work of more than 14 calendar days. For claims in which the disability is more than seven days, but less than 14 calendar days, compensation will be paid for each day over seven days. For claims in which the disability lasts longer than 14 calendar days, Workers' Compensation benefits will be paid from the first day of disability.

- B. Compensation benefits are subject to the maximum allowable under the Workers' Compensation Law.

STATE OF SOUTH CAROLINA
WORKERS' COMPENSATION COMMISSION

Administrative Policies and Procedures

Subject: Smoking Policy		Revision Number: 2.0
Policy Number: 2.20	Date: August 9, 2011	Page 1 of 2

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Policy Statement

The purpose of this Policy is to protect overall health and air quality within the South Carolina Workers' Compensation building and thereby to foster a healthful and safe working environment within the building.

It is our intent to protect, if not enhance, the health of our clients, their representatives, and our employees by providing the cleanest possible environment in which to conduct business. The U.S. Surgeon General has determined that smoking is the single most preventable cause of disease and premature death in this country. Further research has shown that "secondhand" smoke is detrimental to smokers and non-smokers alike. Given these considerations, the following procedures will minimize our exposure to a preventable health hazard.

Guidelines

- A. There shall be no use of tobacco products (to include cigarettes, cigars, pipes, or smokeless tobacco) in any form in within the Commission's building.
- B. Smoking is allowed only in outside designated areas.
- C. Smoking materials should be discarded in the receptacles provided in the outside designated areas.
- D. Smoking is prohibited in front of any building entrance, in front of the building on the Main Street side and standing next to the glass windows beneath the overhang.

STATE OF SOUTH CAROLINA
WORKERS' COMPENSATION COMMISSION

Administrative Policies and Procedures

Subject: Smoking Policy		Revision Number: 2.0
Policy Number: 2.20	Date: August 9, 2011	Page 2 of 2

- E. Receptacles are located near entrances to permit the extinguishing and appropriate disposal of all tobacco products prior to entry.
- F. Violations of this Policy should be reported to the offender's supervisor for possible action under the Commission's Progressive Discipline Policy.

Designated Smoking Areas

- A. The bricked areas along the Main Street side of the building.
- B. The patio area located in the southwest corner behind the building.

Smoking Cessation Programs

Prevention Partners through the Employee Insurance Program offers smoking cessation programs and guidance in this and other health-related areas. Information concerning smoking cessation programs can be obtained from Human Resources.

Compliance

This Policy relies on the thoughtfulness, consideration, and cooperation of smokers and non-smokers for its success. It is the responsibility of all employees of the Commission to observe this Smoking Policy.

Complaints or concerns regarding this Policy or disputes regarding its implementation should be referred to the immediate supervisor for resolution. If a resolution cannot be reached, the supervisor will refer the matter to the appropriate department director.

STATE OF SOUTH CAROLINA
WORKERS' COMPENSATION COMMISSION

Administrative Policies and Procedures

Subject: Distribution and Solicitation		Revision Number: 2.0
Policy Number: 2.21	Date: August 9, 2011	Page 1 of 1

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Statement of Policy

The Commission encourages the distribution of information that is beneficial to employees and encourages employees to participate in special fund-raising activities sanctioned by the Comptroller General. In the interest of eliminating unnecessary interruptions of the operation of the Commission, the following procedures shall be followed:

- A. Any agent approved by the Comptroller General's Office desiring to present their programs shall first contact the Director of Human Resources.
- B. No salesman or collection agent of any kind shall be permitted to interview employees while they are on duty.
- C. Unauthorized distribution of literature at the Commission shall be prohibited.
- D. Authorized materials may be distributed by:
 - 1. Providing printed or electronic material to be distributed through Human Resources. Mass emails regarding fund-raising activities shall only be sent by Human Resources.
 - 2. Providing material for employees to view during non-working hours in the break room.

STATE OF SOUTH CAROLINA
WORKERS' COMPENSATION COMMISSION

Administrative Policies and Procedures

Subject: Dress Code Policy		Revision Number: 1.0
Policy Number: 2.22	Date: October 14,2016	Page 1 of 1

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Policy Statement

Dress and grooming of Commission employees should be appropriate and in keeping with accepted business and professional office standards during normal business hours.

A businesslike, professional appearance is required during normal office hours. Any article of clothing made of denim; rubber flip flop type sandals and athletic footwear for running, walking or jogging are deemed not appropriate in keeping with accepted business and professional office standards.

The Executive Director may approve a deviation from the policy in advance of special circumstances, special work related assignments, or to provide a reasonable accommodation to comply with a medical condition.

South Carolina Workers' Compensation Commission Employee of the Year Evaluation Form

Reviewer: _____

Date: _____

Nominee: _____

Assign a point value from 1 - 5 for each criteria listed below by typing an X in the appropriate box.

Basic Criteria	Strongly Disagree 1	Disagree 2	Neither Agree or Disagree 3	Agree 4	Strongly Agree 5	Total Weight Factor
Quality of Work						0 X 30% = 0
Adherence to Commission Policies and Procedures						0 X 30% = 0
Organizational Commitment						0 X 25% = 0
Other Contributions						0 X 10% = 0
Participated in the Nomination Process		Yes		No		0 X 5% = 0
Total Points						0

South Carolina Workers' Compensation Commission

Employee of the Year Nomination Form

Please nominate an employee in a full-time equivalent (FTE) position in the Commission (*excluding Commissioners, Executive Director, and Department Directors*) that has exhibited exemplary accomplishment of the Commission's mission.

Our Mission

Provide an equitable and timely system of benefits to injured workers and to employers in the most responsive, accurate, and reliable manner possible.

Name of Nominee _____

Please fully justify each statement with as much detail as possible.

1. **Quality of Work** – refers to the employee demonstrating not only knowledge of job functions but also displaying a consistently good work ethic.
2. **Organizational Commitment** – refers to the employee setting a good example for other employees; displaying a good attitude toward work, the Commission, peers, supervisors, and the public; displaying team spirit; helping fellow employees whenever possible.
3. **Other Contributions** – refers to the employee's activities both within the workplace and community that go beyond the standard expectations in meeting the goals of the Commission. The explanation of this quality must describe how the activities contribute to making the person a better employee.

STATE OF SOUTH CAROLINA
WORKERS' COMPENSATION COMMISSION

Administrative Policies and Procedures

Subject: Employee of the Year Policy		Revision Number: 2.0
Policy Number: 2.23	Date: February 22, 2011	Page 1 of 4

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Policy Statement

The Commission is charged with the responsibility of administering and regulating the Workers' Compensation Act. It is dedicated to providing an equitable and timely system of benefits to injured workers and to employers in the most responsive, accurate and reliable manner possible. This task can only be accomplished by challenging and encouraging employees to continue to provide expedient and professional services to the public we serve. The Commission's greatest asset is our employees. In an effort to reward and recognize employees who exemplify themselves in accomplishment of the Commission's mandate, the Employee of the Year policy is established. This policy sets forth the guidelines and criteria to be followed in selecting an Employee of the Year.

Guidelines

- A. The Employee of the Year shall be recognized each calendar year for exhibiting exemplary accomplishment of the Commission's mission and shall be awarded during the month of May in conjunction with the Employee Appreciation event.
- B. All full-time equivalent (FTE) employees of the Commission, with the exception of the Commissioners, the Executive Director, and the Department Directors are eligible to be nominated. All nominations must meet the nomination criteria set forth in this policy.
- C. Any employee may nominate an eligible employee from any department to be considered by the Employee of the Year Selection Committee for the Employee of the Year.

STATE OF SOUTH CAROLINA
WORKERS' COMPENSATION COMMISSION

Administrative Policies and Procedures

Subject: Employee of the Year Policy		Revision Number: 2.0
Policy Number: 2.23	Date: February 22, 2011	Page 2 of 4

- D. All nominations for the Employee of the Year Award shall be submitted no later than February 15 to the Executive Director. The Executive Director shall compile all nominations to be presented to the Employee of the Year Selection Committee.

- E. The Employee of the Year Selection Committee will rate each nominee based on the rating criteria set forth in this policy.

Nomination Criteria

Nominations must be submitted with full justification and the nominee must meet the basic criteria before being considered by the Employee Selection Committee.

- A. Quality of Work – refers to the employee demonstrating not only knowledge of job functions but also displaying a consistently good work ethic.

- B. Organizational Commitment – refers to the employee setting a good example for other employees; displaying a good attitude toward work, the Commission, peers, supervisors, and the public; displaying team spirit; helping fellow employees whenever possible.

- C. Other Contributions – refers to the employee's activities both within the workplace and community that go beyond the standard expectations in meeting the goals of the Commission. The explanation of this quality must describe how the activities contribute to making the person a better employee.

Employee of the Year Selection Committee

- A. The committee shall be selected by the Executive Director and comprised of three (3) individuals not employed by the Commission. Committee members shall not serve consecutive terms.

- B. The following criteria will be used by the committee to evaluate all employee nominations.
 - 1. Quality of Work – refers to the employee demonstrating not only knowledge of job functions but also displaying a consistently good work ethic. Performance related issues, current Employee Performance Management System (EPMS)

STATE OF SOUTH CAROLINA
WORKERS' COMPENSATION COMMISSION

Administrative Policies and Procedures

Subject: Employee of the Year Policy		Revision Number: 2.0
Policy Number: 2.23	Date: February 22, 2011	Page 3 of 4

review, and any behavioral issues will also be taken into consideration. The weighted value is thirty percent (30%).

2. Adherence to Commission Policies and Procedures – refers to the employee consistently complying with the Commission’s policies and procedures to include, but not limited to annual leave policy, sick leave policy, time and attendance policy, and dress code policy. Supporting documentation will be made available to the committee and each Department Director will provide a statement regarding nominees from within their respective department. The weighted value is thirty percent (30%).
 3. Organizational Commitment – refers to the employee setting a good example for other employees; displaying a good attitude toward work, the Commission, peers, supervisors, and the public; displaying team spirit; helping fellow employees whenever possible. The weighted value is twenty-five percent (25%).
 4. Other Contributions – refers to the employee’s activities both within the workplace and community that go beyond the standard expectations in meeting the goals of the Commission. The explanation of this quality must describe how the activities contribute to making the person a better employee. The weighted value is ten percent (10%).
 5. Participation in the Nomination Process – employees that are active in the nomination process by nominating a fellow employee, will receive a weighted value of five percent (5%).
- C. Each criterion has an assigned weighted value which will be used in the rating process. Each will be ranked on a scale of 1 – 5. The results will then be calculated on a weighted scale using the assigned weighted value of each item. The employee with the highest overall score will be awarded the Employee of the Year designation. Should the scoring result in a tie, the Executive Director will determine the winner.

Recognition

- A. Reserved parking space designated for the Employee of the Year for the period of June 1 – May 31.

STATE OF SOUTH CAROLINA
WORKERS' COMPENSATION COMMISSION

Administrative Policies and Procedures

Subject: Employee of the Year Policy		Revision Number: 2.0
Policy Number: 2.23	Date: February 22, 2011	Page 4 of 4

- B. Award a prepaid Visa or Master Card Gift Card to the maximum amount allowed by the Comptroller General's Office.
- C. Personal plaque presented at the Employee Appreciation Event.
- D. Letter of commendation from the Chairman and the Executive Director of the Commission to be presented at the Employee Appreciation Event and a copy retained the in the employee's personnel file.
- E. Name added to the Employee of the Year plaque to be prominently displayed in the Commission.
- F. Display a picture of the employee near the Employee of the Year plaque for the period of June 1 – May 31.
- G. Recognition in the Commission newsletter, bulletin boards and website.

Forms and Retention

All forms and supporting documentation will be retained for a period of two years in Human Resources.

- A. Employee of the Year Nomination Form
- B. Employee of the Year Evaluation Form

STATE OF SOUTH CAROLINA
WORKERS' COMPENSATION COMMISSION

Administrative Policies and Procedures

Subject: Reduction in Force Policy		Revision Number: 2.0
Policy Number: 2.24	Date: August 9, 2011	Page 1 of 9

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Purpose and Scope

The purpose of this policy is to prescribe the manner in which covered employees in State government are released in an equitable manner should a reduction in force become necessary. A reduction in force may require the separation, involuntary demotion, reassignment, or reduction in work hours of the Commission's covered employees. A reduction in force does not apply to non-covered employees (e.g., probationary employees, temporary employees, temporary grant employees, time-limited project employees, research grant employees and employees exempt from the State Employee Grievance Procedure Act). The Commission may implement a reduction in force for one or more of the following four reasons:

- A. Reorganization;
- B. Work Shortage; or
- C. Loss of Funding; or
- D. Outsourcing/Privatization.

Management Decisions

The Executive Director shall determine the following items prior to developing the reduction in force plan:

- A. What is the reason(s) for the reduction in force;

STATE OF SOUTH CAROLINA
WORKERS' COMPENSATION COMMISSION

Administrative Policies and Procedures

Subject: Reduction in Force Policy		Revision Number: 2.0
Policy Number: 2.24	Date: August 9, 2011	Page 2 of 9

- B. What areas(s) of the Commission are to be impacted by the reduction in force [Competitive Area(s)];
- C. What State class title(s) within the competitive area(s) are to be affected [Competitive Group(s)]; and
- D. How many positions in each State class title(s) are to be eliminated.

Competitive Area(s)

The Executive Director shall determine the competitive area(s) the reduction in force will impact. The Commission should establish a competitive area that is clearly distinguishable from the staff in other areas and where the interchange of employees would not be practical. This competitive area may be the entire Commission, a department, a unit, or a geographical location.

Competitive Group(s)

The Executive Director shall determine the competitive group(s) based on the State class title(s) within the competitive area(s) that the reduction in force will affect. If the reduction in force is to apply to more than one State class title, each State class title will be treated separately, except where the reductions are to be made in a State class title series (e.g., Auditor I, Auditor II, Auditor III, Auditor IV, Audits Manager I, Audits Manager II) or in State class titles that are part of the Commission's customary career path (e.g. Administrative Assistant, Program Coordinator I, Program Coordinator II, Program Manager I).

Position Identification

The Commission shall identify the position(s) within the competitive area(s) and competitive group(s) by identifying the following information:

- A. State Class Title;
- B. State Class Code;
- C. Pay Band, if applicable;
- D. Total number of positions in the State class title within the competitive area; and

STATE OF SOUTH CAROLINA
WORKERS' COMPENSATION COMMISSION

Administrative Policies and Procedures

Subject: Reduction in Force Policy		Revision Number: 2.0
Policy Number: 2.24	Date: August 9, 2011	Page 3 of 9

- E. Total number of positions in the State class title within the competitive area to be eliminated.

Retention Points

The Commission shall calculate retention points for covered employees in the competitive area(s) and competitive group(s) to be used in determining which covered employees are to be involuntarily demoted, reassigned, have reduced hours or separated. Retention points shall be based on the total scores of the two most recent annual performance appraisals and the length of continuous State service. The sum of the retention points for performance and length of continuous State service are the total retention points that an employee uses in the competition.

A. Performance Appraisal Points

The Commission will determine the total score for an annual performance rating by using the following numerical values assigned to the EPMS performance ratings. The table below is used for those employees receiving evaluations prior to November 2010.

Substantially Exceeds Performance Requirements	3
Exceeds Performance Requirements	2
Meets Performance Requirements	1
Below Performance Requirements	0

Any evaluations completed after November 2010, will use the following values:

Exceptional	3
Successful	1
Unsuccessful	0

The point values for each rating will be computed using the rating scale that was in place at the time of the specific EPMS evaluation. The Commission will recognize the performance ratings as follows for current state employees transferring to this agency for reviews conducted on or after the effective date of this policy:

STATE OF SOUTH CAROLINA
WORKERS' COMPENSATION COMMISSION

Administrative Policies and Procedures

Subject: Reduction in Force Policy		Revision Number: 2.0
Policy Number: 2.24	Date: August 9, 2011	Page 4 of 9

"Substantially Exceeds Requirements" and "Exceed Requirements" as "Exceptional," "Meets Performance Requirements" as "Successful," and "Below Performance Requirements" as "Unsuccessful."

For any year in which the employee does not receive an actual evaluation with a rating, the employee will receive a Successful rating for that year; however, if in the previous year, the employee received a higher than Successful rating the employee will receive the points for the higher rating.

B. Continuous State Service Points

Covered employees will receive one retention point for each year of continuous State service after completion of a 12-month probationary period. Six months or more of continuous State service will be considered as one year of service and less than six months of service will receive no retention points.

C. Exception to Procedure for Retention Point Calculation

If every position in the competitive area is being eliminated, the Commission is not required to calculate retention points. For positions reestablished within one year of the RIF, in the same competitive area and in the same state class title, the Commission must calculate retention points at the time of recall. The Commission must calculate retention points using continuous State service and performance appraisal points based on the effective date of the reduction in force.

Sequence of Reduction in Force

The order of the reduction in force of covered employees in each State class title(s) shall be determined by the total number of retention points for each employee. If two or more employees affected by a reduction in force have the same number of retention points and not all are to be affected by the reduction in force, the Commission hire date will determine the order of the employees affected. The covered employee with the earlier Commission hire date will be retained.

If after using the Commission hire date to determine the order of affected employees a tie still exists, the Commission will use a non-discriminatory practice of the last four digits of the

STATE OF SOUTH CAROLINA
WORKERS' COMPENSATION COMMISSION

Administrative Policies and Procedures

Subject: Reduction in Force Policy		Revision Number: 2.0
Policy Number: 2.24	Date: August 9, 2011	Page 5 of 9

employee's social security number as the deciding factor. Specifically, the employee with the lowest number would be separated first.

Bumping rights are provided for covered employees who have accumulated more retention points than those with whom they are competing. Under no circumstances can an employee gain from a reduction in force. Bumping rights are provided only downward.

Retention of Necessary Qualifications

No employee with a lower number of retention points shall be retained in preference to another employee in a competitive area(s) and group(s) with a higher number of retention points except when the Executive Director determines that a Retention of Necessary Qualifications applies. If an employee is competing for a position that is not being eliminated and the Executive Director asserts that an employee with higher retention points who has rights to be placed in that position cannot satisfactorily perform the duties of the position within a reasonable training period, the employee with lower retention points may be retained in preference to the employee with higher retention points. The Executive Director may determine that the employee with higher retention points will not be able within a reasonable training period to satisfactorily perform the duties of the job based on the lack of knowledge, abilities, skills, supervisory responsibilities, or necessary experience.

When a Retention of Necessary Qualifications is used in a reduction in force plan, justification for this retention must be documented and approved by the Commission prior to submitting the reduction in force plan to the Budget and Control Board's Human Resources Division (Human Resources Division) for review and approval for procedural correctness. The Commission should retain documentation to support any retentions made on this basis.

Writing the Reduction in Force Plan

Once the Commission has made the decisions outlined above and prior to the implementation of a reduction in force, the Executive Director or his designee shall develop the reduction in force plan. This plan must include the following:

- A. The reason for the reduction in force;
- B. The identification of the competitive area(s);

STATE OF SOUTH CAROLINA
WORKERS' COMPENSATION COMMISSION

Administrative Policies and Procedures

Subject: Reduction in Force Policy		Revision Number: 2.0
Policy Number: 2.24	Date: August 9, 2011	Page 6 of 9

- C. The identification of the competitive group(s) [State class title(s)];
- D. The number of position(s) to be eliminated in each State class title;
- E. A list of the covered employees, in order of retention points, in the competitive area(s) and competitive group(s) to include the following:
 - 1. Name;
 - 2. Age, Race, and Gender; and
 - 3. Retention Points;
- F. Justification of any Retention of Necessary Qualifications used in the reduction in force plan; and
- G. The Commission's efforts to assist employees affected by the reduction in force.

Approval Process

Once the reduction in force plan has been completed, the Commission shall submit the following information to the Human Resources Division for review and approval for procedural correctness:

- The reduction in force plan as outlined in the Writing the Reduction in Force Plan Section;
- A. An organizational chart including each position (designated with the State class title and incumbent's name) within the competitive area(s);
 - B. A copy of the Commission's reduction in force policy; and
 - C. A sample letter to employees affected by the reduction in force including information as outlined in the Implementation of the Reduction in Force Section, along with:
 - 1. A list of the employee's recall and reinstatement rights;

STATE OF SOUTH CAROLINA
WORKERS' COMPENSATION COMMISSION

Administrative Policies and Procedures

Subject: Reduction in Force Policy		Revision Number: 2.0
Policy Number: 2.24	Date: August 9, 2011	Page 7 of 9

2. The Commission's procedure for the recall of an employee; and
3. The employee's grievance rights.

Implementation of the Reduction in Force

The Commission shall communicate the following information to each affected employee after the Office of Human Resources approves the reduction in force plan for procedural correctness and before the reduction in force becomes effective:

- A. The reason for the reduction in force;
- B. The competitive area(s) and competitive group(s) in which the employee competed;
- C. The benefits to which the employee is entitled and the manner in which the reduction in force will affect the employee's State benefits, (e.g., health insurance, optional life insurance, retirement);
- D. The employee's reinstatement rights, (e.g., reinstatement of all sick leave; option of buying back all, some, or none of the annual leave at the rate at which it was paid out);
- E. The employee's recall rights to any position, within the competitive area, that becomes available in the same State class title as the position the employee held prior to the reduction in force;
- F. The manner in which the Commission will notify the employee of any such vacancies; and
- G. The requirements of S.C. Code of Laws Ann. Section 8-11-185, which requires the Commission to report information about the employees separated in a reduction in force to the Human Resources Division.

Recall and Reinstatement Rights

An employee affected by a reduction in force has recall and reinstatement rights to a position in State government for one year after the effective date of the reduction in force.

STATE OF SOUTH CAROLINA
WORKERS' COMPENSATION COMMISSION

Administrative Policies and Procedures

Subject: Reduction in Force Policy		Revision Number: 2.0
Policy Number: 2.24	Date: August 9, 2011	Page 8 of 9

A. Recall Rights

If a vacancy occurs within the competitive area which is in the same State class title as the position the employee held prior to the reduction in force, the Commission will recall employees in the inverse order of the reduction in force. The Commission will notify the employee in writing of the job offer and recall rights. If the employee does not accept the job offer within ten days, the employee's recall rights are waived. Should the employee accept the job offer, the Commission will reinstate the employee's accumulated sick leave, and will provide the employee the option of buying back all, some, or none of his annual leave at the rate it was paid out at the time of the separation. Upon returning to employment in an insurance eligible Full-Time Equivalent (FTE) position, the employee will also be offered insurance benefits as a new hire. The recalled employee may purchase retirement service credit under the leave of absence provision in Section 9-1-1140(D) for the period of time that the employee was not employed by state government, at the cost specified in Section 9-1-1140(D). When an employee is recalled, this time will not be considered punitive in the determination of retiree insurance eligibility.

B. Reinstatement Rights

An employee separated by a reduction in force may apply for any State job for which he meets the minimum training and experience requirements. Should the separated employee accept a job offer to an FTE position, the Commission will reinstate the employee's accumulated sick leave, and will provide the employee the option of buying back all, some, or none of his annual leave at the rate it was paid out at the time of the separation. Upon returning to employment in an insurance eligible Full-Time Equivalent (FTE) position, the employee will also be offered insurance benefits as a new hire. The reinstated employee may purchase retirement service credit under the leave of absence provision in Section 9-1-1140(D) for the period of time that the employee was not employed by state government, at the cost specified in Section 9-1-1140(D). When an employee is reinstated, this time will not be considered punitive in the determination of retiree insurance eligibility. If the employee is reinstated to another position, he still retains his recall rights to a position in the same State class in the competitive area.

STATE OF SOUTH CAROLINA
WORKERS' COMPENSATION COMMISSION

Administrative Policies and Procedures

Subject: Reduction in Force Policy		Revision Number: 2.0
Policy Number: 2.24	Date: August 9, 2011	Page 9 of 9

Grievance Rights

A covered employee who is affected by a reduction in force has the right to file a grievance to the Commission and an appeal to the State Human Resources Director only if the grievance or appeal is based on improper or inconsistent application of a reduction in force policy or plan.

STATE OF SOUTH CAROLINA
WORKERS' COMPENSATION COMMISSION

Administrative Policies and Procedures

Subject: Progressive Discipline Policy		Revision Number: 4.0
Policy Number: 2.25	Date: August 9, 2011	Page 1 of 10

THE LANGUAGE USED IN THIS DOCUMENT DOES NOT CREATE AN EMPLOYMENT CONTRACT BETWEEN THE EMPLOYEE AND THE SOUTH CAROLINA WORKERS' COMPENSATION COMMISSION. THIS DOCUMENT DOES NOT CREATE ANY CONTRACTUAL RIGHTS OR ENTITLEMENTS. THE SOUTH CAROLINA WORKERS' COMPENSATION COMMISSION RESERVES THE RIGHT TO REVISE THE CONTENT OF THIS DOCUMENT, IN WHOLE OR IN PART. NO PROMISES OR ASSURANCES, WHETHER WRITTEN OR ORAL, WHICH ARE CONTRARY TO OR INCONSISTENT WITH THE TERMS OF THIS PARAGRAPH CREATE ANY CONTRACT OF EMPLOYMENT.

General Policy

A review of the progressive discipline procedures should be maintained to ensure that all supervisors are being consistent in taking disciplinary action against employees involved in similar situations and that employees are aware of the disciplinary actions. Consequently, each supervisor and employee will be given a copy of the policy. This progressive discipline policy does not apply to probationary or temporary employees who may be disciplined at the agency's discretion.

Guidelines

The circumstances surrounding an offense, such as the severity of the misconduct, the number of times it has occurred and any previous counseling, will suggest what action should be taken. Usually, counseling or an oral reprimand is sufficient for the first occurrence of a minor offense. A record of this action with the employee's and the supervisor's signatures should be placed in the employee's personnel file. A repetition of the offense or the first occurrence of a more severe offense should be followed by a written reprimand which becomes part of the employee's permanent personnel file (which should also be signed by the employee as having been received and understood). Further repetitions of the offense or the first occurrence of a very serious offense is followed by suspension, reassignment, demotion, termination or other appropriate action. Please note that these are intended only to be guidelines because it is most difficult to be all-inclusive or to assign a degree of severity to the various examples given below.

For example, "leaving the work station without authorization" may range from a temporary absence from the workstation to complete abandonment of a position. In such case, a manager must rely on judgment as an experienced administrator to arrive at appropriate disciplinary action. At management's

STATE OF SOUTH CAROLINA
WORKERS' COMPENSATION COMMISSION

Administrative Policies and Procedures

Subject: Progressive Discipline Policy		Revision Number: 4.0
Policy Number: 2.25	Date: August 9, 2011	Page 2 of 10

discretion, individual offenses calling for oral or written reprimands could cumulatively result in suspension or termination.

Voluntary Resignation and Performance Issues

Employees who voluntarily fail to report to work for three consecutive workdays and fail to contact the agency during this time period will be considered to have voluntarily resigned. All performance related problems should be addressed by the guidelines established in the Employee Performance Management System.

Disciplinary Actions

No disciplinary actions beyond an oral reprimand may be taken without being authorized by the Executive Director or a designee. Department and Division Directors may recommend appropriate discipline. The following steps shall be followed in such cases when discipline beyond the oral reprimand is necessary.

- A. The supervisor presents all facts surrounding the incident to the Department Director with a recommendation for the discipline.
- B. If the Department Director agrees with the recommendation, the matter is next discussed with the Director of Human Resources and the Executive Director.
- C. If disciplinary action is to be taken, it shall be taken under the authority and signature of the Executive Director or a designee, with the supervisor initiating such action.
- D. Under exceptional circumstances, it may be necessary to suspend an employee without pay pending an investigation and Department Directors are authorized to do so, pending review by the Executive Director.

Types of Disciplinary Actions

- A. *Counseling and/or Oral Reprimand* - An oral reprimand or counseling by the supervisor is normally sufficient for a minor offense the first or second time the offense occurs. The supervisor can conduct an oral reprimand with the concurrence of his superior (*in accordance with the chain of supervision*). This oral reprimand

STATE OF SOUTH CAROLINA
WORKERS' COMPENSATION COMMISSION

Administrative Policies and Procedures

Subject: Progressive Discipline Policy		Revision Number: 4.0
Policy Number: 2.25	Date: August 9, 2011	Page 3 of 10

should be conducted by the supervisor with the employee in private. During the meeting, the supervisor should:

1. Give to the employee the facts that are evidence of undesirable conduct; discuss with the employee why these facts create difficulty in the workplace allowing a chance for the employee to explain the reasons for the conduct.
2. Discuss the corrective action with the employee.
3. Inform the employee of the consequences if satisfactory and immediate improvement is not made.

After the reprimand, the supervisor should prepare a written summary, which should be addressed to the employee, presented to the employee and a copy should be retained in the supervisor's confidential files. The supervisor should follow up to see if the conduct has been corrected. If there are further conduct violations the supervisor may recommend further disciplinary action.

Counseling and oral reprimands may not be grieved through the Commission's Grievance Policy.

- B. *Written Reprimand* - A repetition of an offense covered in a previous oral reprimand, or the first occurrence of a more serious offense, may be followed by a written reprimand. The written reprimand should be prepared by the supervisor in consultation with Human Resources and should be concurred by his superior (*in accordance with the chain of supervision*) prior to presenting it to the employee. The same format should be used as established in the oral reprimand. A written reprimand must be addressed to the employee, placed in the employee's official personnel file and should include the following:
1. Label the document as a written reprimand;
 2. Give to the employee the facts that are evidence of undesirable conduct; discuss with the employee why these facts create difficulty in the workplace allowing a chance for the employee to explain the reasons for the conduct.

STATE OF SOUTH CAROLINA
WORKERS' COMPENSATION COMMISSION

Administrative Policies and Procedures

Subject: Progressive Discipline Policy		Revision Number: 4.0
Policy Number: 2.25	Date: August 9, 2011	Page 4 of 10

3. Cite the rules violated, misconduct or other actions necessitating disciplinary action;
4. Discuss resources that are provided to help an employee achieve desired behavior;
5. Indicate that the employee must correct conduct immediately; and
6. Inform the employee of the possible consequences if satisfactory improvement is not made.

Once approved, the written reprimand shall be given to the employee in a private conference during which the subject and points presented in the written reprimand should be discussed and explained by the supervisor. A copy should be signed and dated by the employee or otherwise witnessed as being presented to the employee to show that the written reprimand has been received and understood. The employee should be afforded an opportunity to explain the conduct and to append such explanation in writing to the written reprimand.

After presenting to the employee, a signed (*i.e., receiving employee and authorized supervisor*) copy of the written reprimand should be forwarded to Human Resources for inclusion in the official personnel file. The supervisor should follow up to see if the conduct has been corrected. The supervisor may recommend stronger disciplinary action accordingly.

Written reprimands may not be grieved through the Commission's Grievance Policy.

- C. **Suspension** - A suspension is usually given to the employee because of the repetition of a minor offense(s) or a first occurrence of a more serious offense, but for which termination may not be appropriate. The period of suspension is always without pay. The nature of the offense and other factors should determine the length of the suspension.

The recommendation for the suspension should be prepared by the supervisor in consultation with Human Resources and submitted through the proper administrative channels (*i.e., supervisory chain of command*) for approval by the Executive Director or a designee. This must occur prior to presenting or sending

STATE OF SOUTH CAROLINA
WORKERS' COMPENSATION COMMISSION

Administrative Policies and Procedures

Subject: Progressive Discipline Policy		Revision Number: 4.0
Policy Number: 2.25	Date: August 9, 2011	Page 5 of 10

notification to the employee. Specifically, the Executive Director or a designee must approve any suspension of an employee to include a letter of suspension bearing the signature of the Executive Director or a designee. The notice of suspension must be addressed to the employee, placed in the employee's official personnel file and should include the following:

1. A summary of events leading to the suspension;
2. Previous disciplinary steps, if applicable;
3. Cite policies or rules violated, or other actions necessitating suspension;
4. The employee is notified that conduct must improve immediately;
5. Notify the employee of the possibility of termination if there is a reoccurrence of misconduct;
6. Indicate the specific dates of the suspension;
7. Include the signature of the employee to show that the notice of suspension has been received and understood;
8. The employee's right to appeal the suspension under the Commission's Grievance Policy; and
9. Attach a copy of the Commission's Grievance Policy.

The employee should be afforded an opportunity to explain the conduct and to append such explanation in writing to the notice of suspension. Once presented or mailed to the employee, a copy of the suspension letter should be forwarded to Human Resources for inclusion in the official personnel file. All suspension letters mailed to an employee should be done by certified mail.

Suspensions may be grieved through the Agency's Grievance Policy.

- D. *Termination* - An employee may be terminated due to the frequency or nature of the violation of Commission policies and/or rules or misconduct. Serious offenses

STATE OF SOUTH CAROLINA
WORKERS' COMPENSATION COMMISSION

Administrative Policies and Procedures

Subject: Progressive Discipline Policy		Revision Number: 4.0
Policy Number: 2.25	Date: August 9, 2011	Page 6 of 10

may be cause for immediate termination without prior disciplinary steps or without the opportunity for the employee to be heard. In such cases, the opportunity to be heard should be given the employee as soon as is administratively practicable.

The recommendation for termination should be prepared by the supervisor in consultation with Human Resources and submitted through the proper administrative channels (*i.e., supervisory chain of command*) for approval by the Executive Director or a designee. This must occur prior to presenting or sending notification to the employee. Specifically, the Executive Director or a designee must approve any termination of an employee to include a letter of termination bearing the signature of the Executive Director or a designee.

The letter should contain a summary of events leading to the termination, the effective date of the termination and notification of the employee's rights under the Commission's Grievance Policy, a copy of which should be attached to the letter. Once presented or mailed to the employee, a copy of the termination letter should be forwarded to Human Resources to be included in the employee's official personnel file. All termination letters mailed to an employee should be done by certified mail.

Terminations may be grieved through the Commission's Grievance Policy.

Progressive Discipline Chart

Offense	First Offense	Second Offense	Third Offense	Fourth Offense
Abuse of Leave	Oral Reprimand	Written Reprimand	Termination	(refer to Family and Medical Leave Act and Americans with Disabilities Act)
Abuse of Authority	Written Reprimand to Termination	Suspension to Termination	Termination	

STATE OF SOUTH CAROLINA
WORKERS' COMPENSATION COMMISSION

Administrative Policies and Procedures

Subject: Progressive Discipline Policy		Revision Number: 4.0
Policy Number: 2.25	Date: August 9, 2011	Page 7 of 10

Offense	First Offense	Second Offense	Third Offense	Fourth Offense
Any Accumulation within a 24 Month Period of Three Offenses where the First Offense Calls for a Written Reprimand	Suspension to Termination	Termination		
Conviction of a Felony	Up to Termination			
Conviction of a misdemeanor which adversely reflects on an individual's suitability for continued employment	Termination			
Defacing State Property	Written Reprimand to Termination	Termination		
Destruction or Written Misuse of Property or Equipment	Reprimand to Suspension	Suspension to Termination	Termination	
Discourteous Treatment of Visitors and/or Customers	Oral Reprimand to Suspension	Written Reprimand to Termination	Termination	
Drinking Alcoholic Beverages on the Job	Termination		(Refer to Section 8-11-110 or the SC Code of Laws; Act on Alcoholism)	
Excessive Absenteeism	(To be used for employees who become unreliable because of frequent absenteeism, even if for good and sufficient reasons. Termination should be preceded by oral counseling in an attempt to inform the employee of the problem. Refer to Family Medical Leave Act (FMLA) and Americans with Disabilities Act (ADA).)			

STATE OF SOUTH CAROLINA
WORKERS' COMPENSATION COMMISSION

Administrative Policies and Procedures

Subject: Progressive Discipline Policy		Revision Number: 4.0
Policy Number: 2.25	Date: August 9, 2011	Page 8 of 10

Offense	First Offense	Second Offense	Third Offense	Fourth Offense
Excessive Use of Telephone for Personal Matters	Oral Reprimand	Written Reprimand	Suspension to Termination	Termination
Failure to maintain satisfactory or harmonious working relationships with employees or supervisors	Oral Reprimand	Written Reprimand	Suspension to Termination	Termination
Falsification of Records or Documents	Suspension to Termination	Termination		
Fighting	Suspension to Termination	Termination		
Habitual Tardiness or Failure to Observe Assigned Work Hours	Oral Reprimand	Written Reprimand	Suspension	Termination
Horseplay	Oral Reprimand	Written Reprimand	Suspension	Termination
Improper conduct or conduct unbecoming a State employee	Written Reprimand to Termination	Suspension to Termination	Termination	
Insubordination	Oral to Written Reprimand	Suspension to Termination	Termination	
Interference with Other Employee's Work	Oral Reprimand	Written Reprimand	Suspension to Termination	Termination
Leaving Work Station without Authorization	Oral to Written Reprimand	Suspension	Termination	
Loafing	Oral Reprimand	Written Reprimand	Suspension	Termination
Malicious Use of Profane/Abusive Language to Others	Oral Reprimand	Written Reprimand	Suspension	Termination

STATE OF SOUTH CAROLINA
WORKERS' COMPENSATION COMMISSION

Administrative Policies and Procedures

Subject: Progressive Discipline Policy		Revision Number: 4.0
Policy Number: 2.25	Date: August 9, 2011	Page 9 of 10

Offense	First Offense	Second Offense	Third Offense	Fourth Offense
Negligence	Oral to Written Reprimand	Suspension to Termination	Termination	
Possessing or Using Illegal Drugs on the Job	Termination			
Reporting to Work under the Influence of Alcohol	Suspension	Termination	(Refer to Section 8-11-110 or the SC Code of Laws; Act on Alcoholism)	
Reporting to work Under the Influence of Drugs	Suspension	Termination		
Sexual Harassment	Written Reprimand to Termination	Termination	(Refer to Sexual Harassment Policy)	
Sleeping While at Work	Written Reprimand	Suspension to Termination	Termination	
Stealing	Termination			
Threatening or Making Threatening Actions Towards Another Employee	Written Reprimand to Termination	Termination	(Refer to Workplace Violence Policy)	
Unauthorized Leave	Written Reprimand	Suspension	Termination	
Unauthorized Possession of Firearms on the Job	Termination			
Unauthorized Solicitation or Sales on State Premises	Oral to Written Reprimand	Suspension to Termination	Termination	
Unauthorized Use of State Equipment or Property	Oral Reprimand to Termination	Termination		
Willful False Statements to a Supervisor	Suspension to Termination	Termination		

STATE OF SOUTH CAROLINA
WORKERS' COMPENSATION COMMISSION

Administrative Policies and Procedures

Subject: Progressive Discipline Policy		Revision Number: 4.0
Policy Number: 2.25	Date: August 9, 2011	Page 10 of 10

Offense	First Offense	Second Offense	Third Offense	Fourth Offense
Willful Violation of Rules, Regulations or Written Policies	Suspension to Termination	Termination		
Working on Personal Jobs During Work Hours	Oral Reprimand	Written Reprimand	Suspension	Termination
Workplace Violence	Termination	(Refer to Workplace Violence Policy)		

The above indicated disciplinary actions in response to specific offenses is to be used as a guide and is not intended to be all-inclusive. At the occurrence of any of the listed offenses, or any that are not listed, the appropriate discipline shall be determined after the particular circumstances of the case have been carefully considered. The state and federal laws referenced above are not all-inclusive in administering discipline.

STATE OF SOUTH CAROLINA
WORKERS' COMPENSATION COMMISSION

Administrative Policies and Procedures

Subject: Grievance and Appeals Policy		Revision Number: 6.0
Policy Number: 2.26	Date: August 9, 2011	Page 1 of 8

THE LANGUAGE USED IN THIS DOCUMENT DOES NOT CREATE AN EMPLOYMENT CONTRACT BETWEEN THE EMPLOYEE AND THE SOUTH CAROLINA WORKERS' COMPENSATION COMMISSION. THIS DOCUMENT DOES NOT CREATE ANY CONTRACTUAL RIGHTS OR ENTITLEMENTS. THE SOUTH CAROLINA WORKERS' COMPENSATION COMMISSION RESERVES THE RIGHT TO REVISE THE CONTENT OF THIS DOCUMENT, IN WHOLE OR IN PART. NO PROMISES OR ASSURANCES, WHETHER WRITTEN OR ORAL, WHICH ARE CONTRARY TO OR INCONSISTENT WITH THE TERMS OF THIS PARAGRAPH CREATE ANY CONTRACT OF EMPLOYMENT.

Scope and Purpose

In compliance with the State Employee Grievance Procedure Act ("Act") and according to the definitions established herein, the following policy is established by the South Carolina Workers' Compensation Commission to grant the right to covered employees to present and seek answers to grievances (as described below) without fear of restraint, interference, coercion, discipline, or reprisal. It is the purpose of this policy to provide a means to a covered employee who has a grievance to secure a conference without delay and be assured of a prompt, orderly, and fair response to the grievance. Complaints and other personnel actions which are not covered by this policy may be addressed to one's supervisor consistent with the Commission's chain of command.

Definitions

- A. "Appeal" means the request by a covered employee to the State Human Resources Director for review of the Commission's final decision concerning a grievance.
- B. "Calendar days" means the sequential days of a year. The time must be computed by excluding the first day and including the last. If the last day falls on a Saturday, Sunday or legal holiday, it must be excluded.
- C. "Commission" means the South Carolina Workers' Compensation Commission.
- D. "Covered employee" means a full-time or part-time employee occupying a part or all of an established full-time equivalent (FTE) position who has completed the probationary period and has a 'successful' or higher overall rating on the employee's performance evaluation and who has grievance rights. If an employee does not

STATE OF SOUTH CAROLINA
WORKERS' COMPENSATION COMMISSION

Administrative Policies and Procedures

Subject: Grievance and Appeals Policy		Revision Number: 6.0
Policy Number: 2.26	Date: August 9, 2011	Page 2 of 8

- receive an evaluation before the official review date, the employee must be considered to have performed in a satisfactory manner and be a covered employee. This definition does not include employees in positions such as temporary, temporary grant, time-limited, at-will or pleasure employees who do not have grievance rights.
- E. "Demotion" means the assignment of an employee by the appointing authority from one established position to a different established position having a lower state salary range, or for employees in positions without a State salary range, assignment of a lower rate of pay to the employee except when the employee's job duties also are decreased for non-punitive reasons.
- F. "Full-time equivalent" or "FTE" means a value expressing a percentage of time in hours and of funds related to a particular position authorized by appropriations acts enacted by the General Assembly.
- G. "Grievance" means a complaint filed by a covered employee or the employee's representative regarding an adverse employment action designated in South Carolina Code Ann. Section 8-17-330 taken by the Commission.
- H. "Involuntary reassignment" means the movement of an employee's principal place of employment in excess of thirty miles from the prior workstation at the initiative of the Commission. The reassignment of an employee by the Commission in excess of thirty miles from the prior work station to the nearest facility with an available position having the same state salary range/pay band for which the employee is qualified is not considered involuntary reassignment.
- I. "Probationary employee" means a full-time or part-time employee occupying a part or all of an established FTE position in the initial working test period of employment with the State of twelve months duration. An employee who receives an unsatisfactory performance appraisal during the probationary period must be terminated before becoming a covered employee.
- J. "Promotion" means the assignment of an employee from one established position to a different position having a higher state salary range, or for positions without a State salary range having a higher State salary range, having a higher rate of pay.

STATE OF SOUTH CAROLINA
WORKERS' COMPENSATION COMMISSION

Administrative Policies and Procedures

Subject: Grievance and Appeals Policy		Revision Number: 6.0
Policy Number: 2.26	Date: August 9, 2011	Page 3 of 8

Failure to be selected for a promotion is not an adverse employment action that can be considered as a grievance or appeal.

- K. "Punitive reclassification" means for classified employees, the assignment of a position in one class to a different class with a lower pay band with the sole purpose to penalize the covered employee.
- L. "Reassignment" means the movement within the Commission of an employee from one position to another position having the same state salary range, or the movement of a position within the Commission which does not require reclassification.
- M. "Reclassification" means for classified positions, the assignment of a position in one class to another class which is the result of a natural or an organizational change in duties or responsibilities of the position.
- N. "Reduction in force" means a determination made by the Commission to eliminate one or more filled positions in one or more organizational units within the Commission due to budgetary limitations, shortage of work, privatization, outsourcing, or organizational changes.
- O. "Salary decrease based on performance" means the reduction of a covered employee's compensation based on the results of an Employee Performance Management System (EPMS) evaluation.
- P. "State Human Resources Director" means the head of the Human Resources Division of the State Budget and Control Board, or his designee.
- Q. "Suspension" means an enforced leave of absence without pay pending investigation of charges against an employee or for disciplinary purposes.
- R. "Temporary employee" means a full-time or part-time employee who does not occupy a FTE position, whose employment is not to exceed one year, and who is not a covered employee.
- S. "Termination" means the action taken by the Commission against an employee to separate the employee involuntarily from employment.

STATE OF SOUTH CAROLINA
WORKERS' COMPENSATION COMMISSION

Administrative Policies and Procedures

Subject: Grievance and Appeals Policy		Revision Number: 6.0
Policy Number: 2.26	Date: August 9, 2011	Page 4 of 8

- T. “Transfer” means the movement to a different agency of an employee from one position to another position having the same state salary range, or the movement of a position from one agency to another agency which does not require reclassification.

Grievances

- A. Grievances or appeals shall include terminations, suspensions, involuntary reassignments in excess of thirty (30) miles from the prior workstation, and demotions.
- B. Reclassifications are considered a grievance only if the Commission, or an appeal if the State Human Resources Director, determines that there is a material issue of fact that the action is a punitive reclassification. However, reclassifications, reassignments, and transfers within the same state salary range/pay band are not adverse employment actions which may be considered grievances or appeals.
- C. Promotions are not adverse employment actions which may be considered grievances or appeals, except in instances where the Commission, or in the case of appeals, the State Human Resources Director determines that there is a material issue of fact as to whether or not the Commission has considered a qualified covered employee for a position for which the employee formally applied or would have applied if the employee had known of the promotional opportunity. However, when the Commission promotes an employee one organizational level above the promoted employee's former level, that action is not a grievance or appeal for any other qualified covered employee. Failure to be selected for a promotion is not considered an adverse employment action which can be considered a grievance or an appeal.
- D. A salary decrease based on performance as the result of an EPMS evaluation is an adverse employment action that may be considered as a grievance or an appeal.
- E. A reduction in force is also an adverse employment action considered as a grievance only if the Commission, or as an appeal if the State Human Resources Director

STATE OF SOUTH CAROLINA
WORKERS' COMPENSATION COMMISSION

Administrative Policies and Procedures

Subject: Grievance and Appeals Policy		Revision Number: 6.0
Policy Number: 2.26	Date: August 9, 2011	Page 5 of 8

determines that there is a material issue of fact that the Commission inconsistently or improperly applied its reduction in force policy or plan.

- F. Prior to filing a formal grievance, the covered employee may first attempt to resolve the matter informally with his immediate supervisor. This matter may be presented verbally or in writing. However, this is merely an informal attempt to resolve the matter and cannot be substituted for the requirements of Step One in the following procedure.

Procedures

Step One – Initial Grievance Meeting

- A. If the matter is not resolved informally with the covered employee's immediate supervisor, the covered employee must notify the Commission's Human Resources Office in writing to initiate a formal grievance. The covered employee must initiate the grievance with the Commission's Human Resources Office within fourteen (14) calendar days of the effective date of the action.
- B. The Commission's Human Resources Director or other designated official shall initially review the grievance to determine whether the matter involves a grievance as defined by the Act. The Commission's Human Resources Director or other designated official may conduct appropriate investigations and fact-findings, as he may consider necessary to make this determination.
- C. If it is determined that the matter is not grievable, the covered employee shall be so advised in writing by the Executive Director or a designee, normally within five (5) calendar days of receipt of the grievance. Such determination shall be a final decision of the Commission which may be appealed to the State Human Resources Director.
- D. If it is determined that the matter is grievable, the Commission's Human Resources Director or other designated official will promptly schedule a conference between the covered employee's next level supervisor and the covered employee, normally within five (5) calendar days of the receipt of the grievance. However, any initial determination by the Commission's Human Resources Director or other designated official that the matter may be grieved shall only entitle the covered employee to

STATE OF SOUTH CAROLINA
WORKERS' COMPENSATION COMMISSION

Administrative Policies and Procedures

Subject: Grievance and Appeals Policy		Revision Number: 6.0
Policy Number: 2.26	Date: August 9, 2011	Page 6 of 8

have the matter considered in accordance with this grievance procedure and shall in no way be construed to be an adjudication of the merits of the grievance.

1. At the conference with the covered employee's next level supervisor, the covered employee will have an opportunity to present his position regarding the grievance. The next level supervisor may conduct appropriate investigations and fact-findings to determine whether to accept, reject, or modify the disciplinary action taken against the covered employee.
2. The covered employee will be advised of his next level supervisor's decision in writing within five (5) calendar days of the conference.

Step Two – Executive Director

- A. To continue the grievance, the covered employee must notify the Executive Director or a designee in writing within five (5) calendar days after receiving the Step One decision. The Executive Director or a designee must promptly schedule and conduct a conference with the covered employee, normally within five (5) calendar days.
- B. The covered employee will be provided an opportunity at this time to present his position regarding the grievance.
- C. The Executive Director or a designee may conduct appropriate investigations and fact-findings to determine whether to accept, reject, or modify the disciplinary action taken against the covered employee.
- D. The Executive Director or a designee must advise the covered employee of the decision in writing within five (5) calendar days of the conference. The decision will be final within the Commission.

Appeals to the State Human Resources Director

- A. The Act provides for an appeal of a grievance beyond the Commission to the State Human Resources Director. Any covered employee may appeal the decision of the Executive Director or a designee. Such appeal must be in writing and submitted to the State Human Resources Director within ten (10) calendar days of receipt of the

STATE OF SOUTH CAROLINA
WORKERS' COMPENSATION COMMISSION

Administrative Policies and Procedures

Subject: Grievance and Appeals Policy		Revision Number: 6.0
Policy Number: 2.26	Date: August 9, 2011	Page 7 of 8

Commission's final decision or 55 calendar days from the initial date the grievance was filed within the Commission, whichever occurs later.

- B. As to the 55 calendar days, the Act provides that a covered employee may appeal directly to the State Human Resources Director in the event the Commission does not complete its entire internal grievance procedure within 45 calendar days from the time the grievance is initially filed within the Commission. Failure by the Commission to issue a final decision within this 45 calendar day period is considered an adverse decision.
- C. The failure to issue a final decision allows the covered employee to proceed with an appeal to the State Human Resources Director after 45 calendar days, but no later than 55 calendar days from the initial date the grievance was filed within the commission. Failure by the covered employee to file an appeal within the time periods referenced in Sections B and C shall constitute a waiver of the right to appeal.
- D. Failure by the covered employee to comply with the internal time periods in the Commission's grievance procedure constitutes a failure to exhaust administrative remedies and waives the covered employee's right to further continue the grievance. The internal time periods of the Commission's grievance procedure, however, may be waived upon the mutual written agreement of both parties. The 45 calendar day period for action by the Commission may not be waived except by mutual written agreement of both parties.
- E. The Act allows the covered employee to appeal to the State Human Resources Director any grievance involving the issues specified in the Act after all administrative remedies to secure relief within the Commission have been exhausted.
- F. The Act provides that a covered employee has the right during the grievance and appeal process to a representative, which may include legal counsel. If the covered employee chooses to exercise the right of legal counsel, it shall be at his expense.

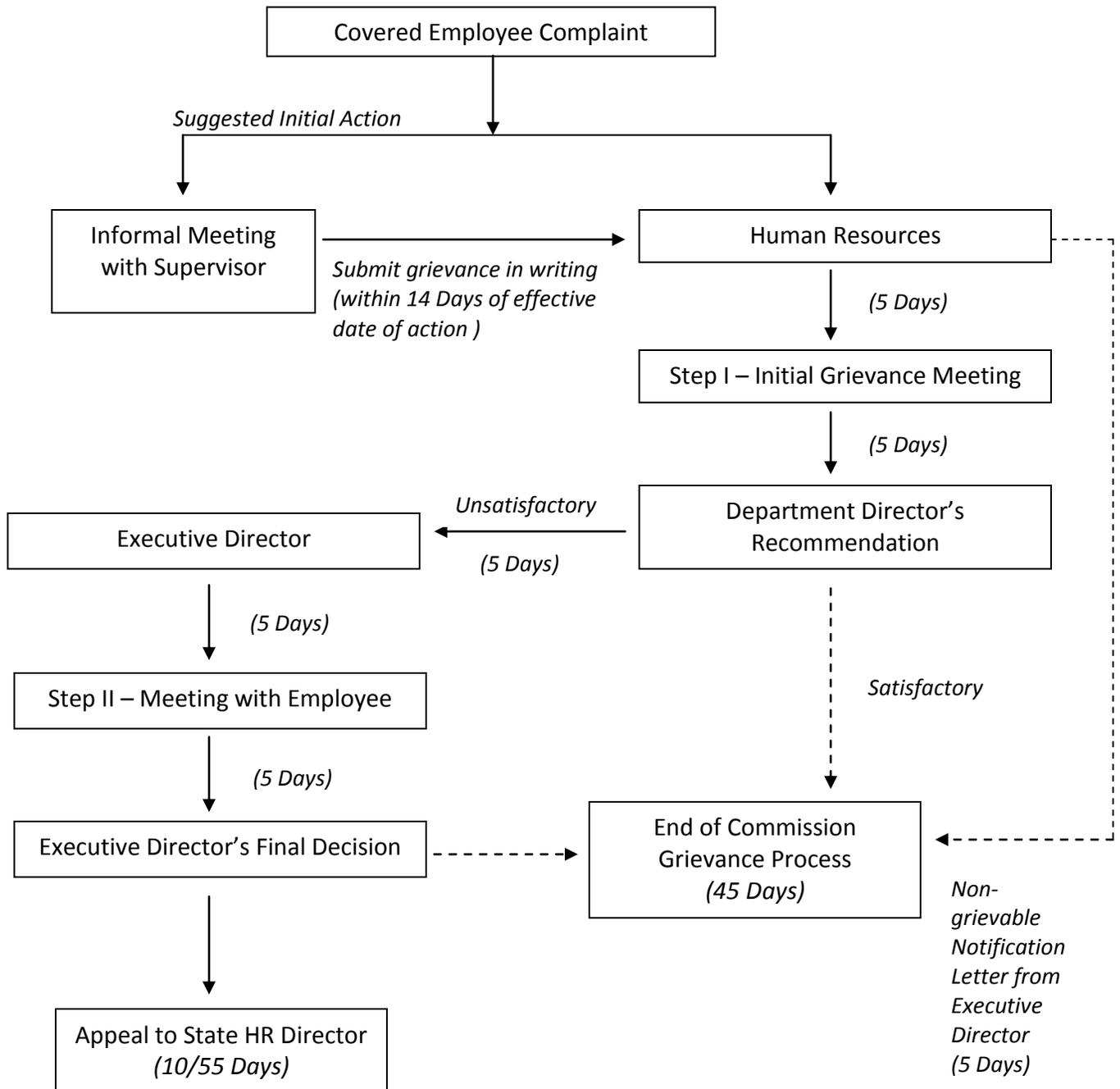
STATE OF SOUTH CAROLINA
WORKERS' COMPENSATION COMMISSION

Administrative Policies and Procedures

Subject: Grievance and Appeals Policy		Revision Number: 6.0
Policy Number: 2.26	Date: August 9, 2011	Page 8 of 8

Grievance Procedures Flowchart

The following flow chart can be used to aide in the visualization of the grievance and appeal process and timelines.



STATE OF SOUTH CAROLINA
WORKERS' COMPENSATION COMMISSION

Administrative Policies and Procedures

Subject: Recordkeeping Policy		Revision Number: 2.0
Policy Number: 2.27	Date: August 9, 2011	Page 1 of 4

THE LANGUAGE USED IN THIS DOCUMENT DOES NOT CREATE AN EMPLOYMENT CONTRACT BETWEEN THE EMPLOYEE AND THE SOUTH CAROLINA WORKERS' COMPENSATION COMMISSION. THIS DOCUMENT DOES NOT CREATE ANY CONTRACTUAL RIGHTS OR ENTITLEMENTS. THE SOUTH CAROLINA WORKERS' COMPENSATION COMMISSION RESERVES THE RIGHT TO REVISE THE CONTENT OF THIS DOCUMENT, IN WHOLE OR IN PART. NO PROMISES OR ASSURANCES, WHETHER WRITTEN OR ORAL, WHICH ARE CONTRARY TO OR INCONSISTENT WITH THE TERMS OF THIS PARAGRAPH CREATE ANY CONTRACT OF EMPLOYMENT.

Statement of Policy

This Policy governs the recordkeeping requirements for human resources programs. The Commission will establish and maintain all records required by Federal and State laws or the State Office of Human Resources (OHR) concerning human resources programs.

A. Official Personnel File – the Director of Human Resources will establish and maintain an official individual personnel file for each employee which may include but not necessarily be limited to the following:

1. A copy of the employment application;
2. All human resources actions reflecting the employee's work history with the Commission;
3. Documentation directly related to the employee's work record; and
4. All performance evaluations.

Employee personnel records are the property of the South Carolina Workers' Compensation Commission and shall be placed on file as permanent records.

B. An employee's personnel file shall be made available for the employee's or his supervisor's review upon request.

STATE OF SOUTH CAROLINA
WORKERS' COMPENSATION COMMISSION

Administrative Policies and Procedures

Subject: Recordkeeping Policy		Revision Number: 2.0
Policy Number: 2.27	Date: August 9, 2011	Page 2 of 4

- C. Supervisory Employee File – A supervisor may choose to maintain a supervisory employee file for their employee(s). However, this file should not be referred to as a “personnel file” and should be kept confidential. Additionally, this file should not be released to the employee or any other Commission employee outside of the employee’s supervisory chain. Should the employee transfer to another department, this file should not be provided to the employee’s new supervisor.

- D. Employee Insurance Benefits File – The Director of Human Resources will maintain an official State insurance program benefits file for each individual employee, as applicable. This file will be maintained in a separate folder and physical location from the employee’s official personnel file.

The Commission is committed to protecting the privacy of employee health information and continually strives to ensure its compliance with the Health Insurance Portability and Accountability Act (HIPPA) of 1996, which mandates security and privacy of health information by setting standards for access and distribution of that information. The State insurance program is overseen by the South Carolina Budget and Control Board Employee Insurance Program (EIP). EIP provides a Notice of Privacy Practices directly to enrollees covered under the State insurance program.

An employee’s insurance benefits file may include, but not necessarily be limited, to the following:

- 1. Completed copies of any required State insurance benefits enrollment forms, to include a Notice of Election (NOE) form or Summary of Changes (SOC) form as application with any enrollment or change.

- 2. Copies of applicable documentation to support State insurance benefits enrollment eligibility, to include that which may be required for a covered dependent(s).

- 3. Copies of State insurance beneficiary designations.

Classification Records

A copy of each position description prepared in accordance with the established policies and procedures should be maintained on a current basis for each established position. Other

STATE OF SOUTH CAROLINA
WORKERS' COMPENSATION COMMISSION

Administrative Policies and Procedures

Subject: Recordkeeping Policy		Revision Number: 2.0
Policy Number: 2.27	Date: August 9, 2011	Page 3 of 4

documents used in the classification or reclassification of positions should be filed with the appropriate position description or in the employee's personnel file.

Records Release Under the Freedom of Information Act

- A. In response to requests for information from human resources records, the Commission may provide, pursuant to the Freedom of Information Act, an employee's name, date of employment, title, sex, and race. (S.C. Code Ann. § 30-4-50) The determination to disclose other types of information should be made on a case-by-case basis. Requests for salary information should be answered in accordance with the Freedom of Information Act. (S.C. Code Ann. § 30-4-40).
- B. In responding to requests for information concerning current or former employees by prospective employers under §41-1-65 of the South Carolina Code of Laws, the Commission may provide information as follows (S.C. Code Ann. § 30-4-40):
 1. All requests for human resource records release should be channeled to the Director of Human Resources.
 - a. Supervisor's responses to requests should be that the request will be referred to the Director of Human Resources.
 - b. No information should be released from the supervisory or department level, except whether or not the individual is currently or was formerly employed with the Commission. These supervisory responses apply both during and after business hours.
 2. The Commission's response to oral requests for information should be whether or not the individual is currently or was formerly employed with the Commission and the requirement that any other information will only be released upon the receipt of a written request.
 3. All written requests should be signed identifying the name, title and organization of the person making the request.
 - a. Upon compliance with the above requirements, the employee's pay band, salary range, job specification, date of employment, position description, sex, race,

STATE OF SOUTH CAROLINA
WORKERS' COMPENSATION COMMISSION

Administrative Policies and Procedures

Subject: Recordkeeping Policy		Revision Number: 2.0
Policy Number: 2.27	Date: August 9, 2011	Page 4 of 4

name and title may be released by the Director of Human Resources without the employee's authorization.

Actual salary may be released if the employee so authorizes in writing or in accordance with the Freedom of Information Act.

4. The Commission shall not knowingly or recklessly release or disclose false information.
5. Responses to requests under §41-1-65 of the South Carolina Code of Laws should be considered in conjunction with the Freedom of Information Act.
6. The determination to disclose other types of information should be made on a case-by-case basis. For example, any further disclosures should come only if a court of competent jurisdiction orders such disclosure or if the employee authorizes, in writing, specified factual information from his record.
7. The Commission may assess the requesting party a reasonable charge for the costs incurred in providing the information requested.
8. Responses to requests for personal references shall be the option of the supervisor. However, if a supervisor elects to give a personal reference, it should be made clear that he is not representing the South Carolina Workers' Compensation Commission and that the reference given is strictly a **personal opinion** for which the SC Workers' Compensation Commission assumes no responsibility.

STATE OF SOUTH CAROLINA
WORKERS' COMPENSATION COMMISSION

Administrative Policies and Procedures

Subject: Finance and Administration		Revision Number: 2.0
Policy Number: 3.00	Date: August 9, 2011	Page 1 of 1

THE LANGUAGE USED IN THIS DOCUMENT DOES NOT CREATE AN EMPLOYMENT CONTRACT BETWEEN THE EMPLOYEE AND THE SOUTH CAROLINA WORKERS' COMPENSATION COMMISSION. THIS DOCUMENT DOES NOT CREATE ANY CONTRACTUAL RIGHTS OR ENTITLEMENTS. THE SOUTH CAROLINA WORKERS' COMPENSATION COMMISSION RESERVES THE RIGHT TO REVISE THE CONTENT OF THIS DOCUMENT, IN WHOLE OR IN PART. NO PROMISES OR ASSURANCES, WHETHER WRITTEN OR ORAL, WHICH ARE CONTRARY TO OR INCONSISTENT WITH THE TERMS OF THIS PARAGRAPH CREATE ANY CONTRACT OF EMPLOYMENT.

Finance and Administration

Section 3.00

STATE OF SOUTH CAROLINA
WORKERS' COMPENSATION COMMISSION

Administrative Policies and Procedures

Subject: Motor Vehicles		Revision Number: 2.0
Policy Number: 3.01	Date: August 9, 2011	Page 1 of 7

THE LANGUAGE USED IN THIS DOCUMENT DOES NOT CREATE AN EMPLOYMENT CONTRACT BETWEEN THE EMPLOYEE AND THE SOUTH CAROLINA WORKERS' COMPENSATION COMMISSION. THIS DOCUMENT DOES NOT CREATE ANY CONTRACTUAL RIGHTS OR ENTITLEMENTS. THE SOUTH CAROLINA WORKERS' COMPENSATION COMMISSION RESERVES THE RIGHT TO REVISE THE CONTENT OF THIS DOCUMENT, IN WHOLE OR IN PART. NO PROMISES OR ASSURANCES, WHETHER WRITTEN OR ORAL, WHICH ARE CONTRARY TO OR INCONSISTENT WITH THE TERMS OF THIS PARAGRAPH CREATE ANY CONTRACT OF EMPLOYMENT.

Policy Statement

It shall be the policy of the Commission to hold all Commission employees responsible for the upkeep and safekeeping of State-owned vehicles assigned to them individually or under their management supervision. State vehicles shall be used only to conduct official state business. Employees may be held liable and disciplined accordingly for abusing or damaging State-owned vehicles as a result of their negligence.

Operation of State-Owned Vehicles

- A. State-owned vehicles which are assigned to the Commission are to be used for official agency business only. Use of Commission vehicles for personal reasons is strictly forbidden.
- B. Trip logs shall be kept on all State vehicles owned or leased by the Commission. The logs shall specify beginning and ending mileage and the job function performed.
- C. Decals or slogans that express or support an individual's personal position, opinion, or belief shall not be displayed on or affixed to any State-owned vehicle. Decals may be displayed only if they are:
 1. Required by law.
 2. Necessary for parking purposes.

STATE OF SOUTH CAROLINA
WORKERS' COMPENSATION COMMISSION

Administrative Policies and Procedures

Subject: Motor Vehicles		Revision Number: 2.0
Policy Number: 3.01	Date: August 9, 2011	Page 2 of 7

3. Agency control decals.
 4. Approved by the Budget and Control Board.
- D. All decals or bumper stickers produced by the Commission to display on its vehicles must receive prior approval from the Director of Motor Vehicle Management.
- E. Employees are prohibited from using radar detectors while on official business in either a State-owned vehicle or a privately owned vehicle.
- F. Employees may not use any hand held electronic devices (cell phone, PDA, MP3 player, or other electronic communication devices) while operating a State-owned vehicle. If a call must be made or received while driving, the driver must pull over to a safe place and put the vehicle in park. Additionally, drivers should pull over to a safe place and put the vehicle in park to make adjustments to navigational devices. Drivers are prohibited from texting, dialing outgoing calls or writing email messages while driving a State owned vehicle.

Authorized Expenditures for Operation of Vehicles

- A. Authorized employees will be reimbursed for expenses not covered by State credit cards in caring for agency vehicles. Such expenses include overnight parking expenses, parking lot fees, etc. In order for an employee to be reimbursed for cash expenses, the employee must furnish a bill or ticket with the name of the issuing company showing the total expenses incurred and the date on which said expense occurred. Such bills or statements should be attached to the travel expense voucher for reimbursement.
- B. Authorized operators of State vehicles may use State credit cards for the following purposes:
1. Gasoline, oil, lubricants, and hydraulic fluids when servicing by a State operated vehicle service center is not readily available. Employees are required to use self-service facilities and use only regularly unleaded gasoline when purchasing from

STATE OF SOUTH CAROLINA
WORKERS' COMPENSATION COMMISSION

Administrative Policies and Procedures

Subject: Motor Vehicles		Revision Number: 2.0
Policy Number: 3.01	Date: August 9, 2011	Page 3 of 7

commercial facilities provided that routine maintenance is performed on a regular basis.

2. The Division of Motor Vehicle Management (DMVM) regularly monitors purchases from commercial facilities to ensure that agencies do not abuse this expensive convenience. Because of the cost-savings achieved through bulk purchases, DMVM requires that all gas and oil be obtained from Highway Department facilities, unless unusual circumstances dictate otherwise. In some instances, prior planning of a trip will be necessary in order to make sure purchases are made from Highway Department facilities during normal operating hours.
- C. Privately-owned vehicles shall not be used to accomplish official travel of a reimbursable basis when a State-owned vehicle is available to meet necessary travel requirements. However, with the approval of the Executive Director, if an employee drives a privately-owned vehicle when a State vehicle is available, the amount of reimbursement paid to the employee shall be less than the normal reimbursement rate.

Fleet Safety Program

In compliance with the State Fleet Safety Program the following rules apply to the Commission employees operating state vehicles:

- A. All operators of State vehicles shall possess a valid driver's license.
- B. Each Commission employee who operates a State vehicle may have his driving record screened each fiscal year.
- C. Mandatory defensive driver training is required of Commission employees found to be at fault in State vehicle accidents.
- D. Quarterly accident summary reports shall be submitted to DMVM by the Administrative Services Manager.
- E. All operators of state vehicles and their passengers are required to wear seat belts.

STATE OF SOUTH CAROLINA
WORKERS' COMPENSATION COMMISSION

Administrative Policies and Procedures

Subject: Motor Vehicles		Revision Number: 2.0
Policy Number: 3.01	Date: August 9, 2011	Page 4 of 7

State Vehicle Accident Reporting Procedure

Employees are encouraged to drive with caution at all times. If an employee is involved in an accident while driving a state-owned vehicle, employees should follow the procedures listed below to report an accident. An accident is defined as the causing or incurring of damage or injury, whether or not the vehicle concerned is the moving unit.

- A. Turn vehicle ignition off to prevent fire and evacuate vehicle.
- B. Render first aid to any injured person.
- C. Call for medical assistance or ambulance, if necessary
- D. Call local, municipal, or county police, or S.C. Highway Patrol. If appropriate, call the agency's Administrative Services Manager.
- E. Vandalism of a State vehicle also must be investigated by law enforcement officials.
- F. Obtain data concerning other vehicle and driver, and complete an Accident Report Form.
- G. Give the other driver your name and the name and address of the agency. Do not admit responsibility or liability for any accident.
- H. Any driver involved in an accident resulting in damages to fixtures legally placed upon or adjacent to a highway shall take reasonable steps to locate and notify the owner or person in charge of such property.
- I. Any driver involved in a collision with an unattended vehicle shall immediately stop and either locate and notify the operator/owner or leave in a conspicuous place on the struck vehicle a written notice giving the name and address of the driver and of the owner of the vehicle doing the striking with a short statement of the circumstances.
- J. In the event an agency's driver is determined to be at fault in an accident, the Accident Review Board may assess the agency up to the amount of the insurance deductible per accident and may recommend that certain corrective actions be taken concerning the

STATE OF SOUTH CAROLINA
WORKERS' COMPENSATION COMMISSION

Administrative Policies and Procedures

Subject: Motor Vehicles		Revision Number: 2.0
Policy Number: 3.01	Date: August 9, 2011	Page 5 of 7

agency's driver. The Commission shall have the choice of either absorbing the assessment or recovering it from the employee.

- K. The Administrative Services Manager should be notified immediately of all accidents, and he will then notify the State General Insurance Fund and the State's claims servicing representative.

Agency Action Upon Receipt of a Complaint of Misuse of State Vehicle

- A. Upon receipt of a referral complaint from the Division of Motor Vehicle Management, the Executive Director shall investigate or cause an investigation to be conducted into the circumstances of the incident as alleged. The investigation may be formal or it may be informal and conducted with a simple telephone call.
- B. In the event a complaint is received by the Commission other than from the Division of Motor Vehicle Management, they refer the complaint to the Administrative Services Manager.
- C. If a reply is being requested, sufficient information should be provided to enable the Division of Motor Vehicle Management to prepare a proper response to the complaint.

Vehicle Maintenance

- A. It is the responsibility of each employee at the Commission who operates a state vehicle to determine that the vehicle is mechanically safe for operation before it is driven. When a defect is found, the driver should immediately report it to the Administrative Services Manager.
- B. Employees of the Commission are instructed not to operate any vehicle on which any of the following features are not functioning properly:
 - 1. Front brakes.
 - 2. Emergency or parking brakes.
 - 3. Steering mechanism.

STATE OF SOUTH CAROLINA
WORKERS' COMPENSATION COMMISSION

Administrative Policies and Procedures

Subject: Motor Vehicles		Revision Number: 2.0
Policy Number: 3.01	Date: August 9, 2011	Page 6 of 7

4. Window glasses.
 5. Brake lights.
 6. Windshield wipers.
 7. Parking or emergency lights.
 8. Running lights.
 9. Tires.
 10. Seatbelts.
 11. Any safety equipment.
- C. All Commission vehicles shall be serviced every 5,000 miles. Records of service dates and miles driven per month shall be kept on each vehicle owned or leased by the Commission.
- D. Each operator of a State vehicle is required to return the vehicle filled with gas and free from litter.

Assignment of Vehicles

- A. At the discretion of the Commission, a State-owned vehicle may be assigned to an employee who travels 18,000 miles or more per year on official business for the Commission. Commuting mileage is not to be considered when determining official mileage. DMVM Form 980-1 must be completed and submitted to DMVM for all permanently assigned state-owned vehicles.
- B. In certain instances, it may be advisable for the Commission to be exempt from the requirement to display state seals on the doors of state-owned vehicles. DMVM Form 7-84 shall be submitted when an exception is believed to be warranted.

STATE OF SOUTH CAROLINA
WORKERS' COMPENSATION COMMISSION

Administrative Policies and Procedures

Subject: Motor Vehicles		Revision Number: 2.0
Policy Number: 3.01	Date: August 9, 2011	Page 7 of 7

- C. Each year for the period of November 1 to October 31 of the next year, individuals using state-owned vehicles for commuting shall submit a statement of value for personal use. These reports shall be compiled and sent to the DMVM by the Executive Director. The reimbursement rate shall be established according to the Travel and Subsistence Expenses Policy.
- D. Assignment of motor pool vehicles shall be based on the length (miles) and duration (days) of the trip. Priority shall be given to those trips with the greatest accumulated mileage. Keys and logs for all pool vehicles shall be maintained by the Administrative Services Manager. Vehicles should be reserved in advance of scheduled trips in order to allow for the most effective use of vehicle assignments.
- E. Pool vehicles shall not be used to commute from the office to an employee's home, unless the trip originates or terminates prior to or after normal working hours and the commuting mileage does not add to the total miles of the scheduled trip.
- F. Employees on job related assignments and whose destination is the same, should make preparations to share the same vehicles. This includes attending conferences, workshops, meetings, etc.

Ownership and Control of State Vehicles

- A. The agency does not own any of the vehicles placed into service for official use of agency personnel. All agency vehicles are leased from the Division of Motor Vehicle Management, State Budget and Control Board. DMVM is responsible for insuring, servicing, maintaining, and replacing the State vehicles assigned to this agency.
- B. As a condition of leasing the vehicles, it is incumbent upon the agency that it strictly follows the policies of DMVM concerning the purchase of gasoline and related supplies, regular and emergency maintenance, safety and accident reporting, and general operations.
- C. Vehicles will be periodically replaced by DMVM, at DMVM's sole discretion, based on such objective criteria as the vehicle's age, accumulated mileage, service records, and availability of replacement vehicles.

STATE OF SOUTH CAROLINA
WORKERS' COMPENSATION COMMISSION

Administrative Policies and Procedures

Subject: Travel and Subsistence Expenses		Revision Number: 2.0
Policy Number: 3.02	Date: August 9, 2011	Page 1 of 2

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Policy Statement

Employees of the Commission may be required to travel occasionally on official business within or outside the State of South Carolina. Reimbursement for such travel expense will include the cost of transportation and reasonable lodging expenses as well as a daily allowance for meals. Reimbursement rates are set by the South Carolina Budget and Control Board.

Travel Rules

- A. No reimbursement shall be made for meals within ten miles of an employee's original headquarters and/or residence.
- B. Original receipt for all expenditures, except taxis and meals, shall be attached to all vouchers.
- C. Paid motel and hotel receipts for lodging must be attached to the travel voucher when submitted for reimbursement. The receipt must include the single room rate that falls within the United States General Services Administration (GSA) rate guidelines. To find information about the rates that are applied visit the GSA Per Diem Rates website at <http://www.gsa.gov/portal/category/21287>.
- D. No reimbursement for overnight accommodations shall be made within fifty (50) miles of the traveler's headquarters and/or residence.
- E. Direct billing for hotel accommodations is permitted with prior approval from the Director of Administration.

STATE OF SOUTH CAROLINA
WORKERS' COMPENSATION COMMISSION

Administrative Policies and Procedures

Subject: Travel and Subsistence Expenses		Revision Number: 2.0
Policy Number: 3.02	Date: August 9, 2011	Page 2 of 2

- F. Reimbursement for mileage for personal automobiles shall be at given a the higher mileage rate; however, when state-provided motor pool vehicles are reasonably available and an employee elects to use a personal vehicle, the lower mileage rate will be allowed.
- G. Reimbursement for meals shall be determined in accordance with the schedule below:

If Departure Time Is:	And If Return Time Is:	Amount Per Meal	
		In State	Out-of-State
A. Before 6:30 a.m.	After 11:00 a.m.	\$6.00	\$7.00
	(Breakfast)		
B. Before 11:00 a.m.	After 1:30 p.m.	\$7.00	\$9.00
	(Lunch)		
C. Before 5:15 p.m.	After 8:30 p.m.	\$12.00	\$16.00
	(Supper)		

STATE OF SOUTH CAROLINA
WORKERS' COMPENSATION COMMISSION

Administrative Policies and Procedures

Subject: Mail and Copy Room		Revision Number: 2.0
Policy Number: 3.03	Date: August 9, 2011	Page 1 of 3

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Policy Statement

The Commission has a centralized mail room in which all incoming or outgoing mail for the Commission will be received and disseminated. Specific guidelines are set forth in order to ensure that the general operations of the mail room are effective and responsive.

Guidelines

- A. Certified mail must be delivered to the mail room by 3:00 p.m. in order to guarantee mailing that same day.
- B. A record of all certified mail will be kept in the mail room with the following information:
 - 1. The date the letter was mailed.
 - 2. The recipient of the letter.
 - 3. The date the letter was delivered.
 - 4. The name of the addressee or agent who signed for the letter.
- C. Presort mail is normally picked up each day at 3:45 p.m. by an independent mail service. Presort mail that is to be mailed each day must be brought to the mail room before 3:30 p.m. in order to guarantee mailing that same day.

STATE OF SOUTH CAROLINA
WORKERS' COMPENSATION COMMISSION

Administrative Policies and Procedures

Subject: Mail and Copy Room		Revision Number: 2.0
Policy Number: 3.03	Date: August 9, 2011	Page 2 of 3

1. Only envelopes measuring 6 x 9 or smaller may go as presort mail.
 2. Presort mail up to 3 ounces is 4 cents less than regular mail.
 3. Presort mail weighing from 3 ounces to 11 ounces is 8 cents less than regular mail.
- D. Regular mail must be brought to the mail room daily by 3:30 p.m. to ensure that the mail goes out that same day. Postage for regular mail is set at standard U.S. postage rates.
- E. Bulk mail will be sent out every Wednesday and Friday. All bulk mail to be distributed must be in the mail room by 2:30 p.m. on the designated days in order to be mailed that same day. All bulk mail must have a carrier code number.
- F. Mail for the Commission will be picked up daily from the Main Post Office between the hours of 7:45 a.m. and 8:15 a.m.
- G. All mail that is not addressed by department or personal name will be opened and separated according to form number or coding information and distributed accordingly.
- H. Mail (including file folders) will be delivered three times daily to the various offices: 10:00 a.m., 12:00 p.m. and 3:00 p.m.
- I. Interagency mail will be delivered and picked up daily at 10:00 a.m.

Copying

- A. Requests by employees to have copies made will be completed in order of receipt. Priority requests should be cleared through the Administrative Services Manager.
- B. Copying will not be done by mail room staff between the hours of 8:00 a.m. and 9:00 a.m. During this hour, the mail room staff shall be sorting the mail for distribution.

STATE OF SOUTH CAROLINA
WORKERS' COMPENSATION COMMISSION

Administrative Policies and Procedures

Subject: Mail and Copy Room		Revision Number: 2.0
Policy Number: 3.03	Date: August 9, 2011	Page 3 of 3

Checks

- A. A locked box is located within the mail room for all employees to deposit checks that have been electronically processed.
- B. Checks must be placed in the box before 5:00 p.m. on the day it is processed.