



## Richland County Council

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### Rules and Appointments June 07, 2016 - 4:00 PM 4th Floor Conference Room

Julie-Ann Dixon	Bill Malinowski (Chair)	Jim Manning
District 9	District 1	District 8

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#### Call to Order

#### Approval of Minutes

- 1 May 17, 2016 [PAGES 4-5]

#### Adoption of Agenda

- 2

#### Interviews

- 3 Community Relations Council - 3 [PAGES 6-7]

- a. Gardner L. Johnson

#### Notification of Vacancies

- 4
  - a. Accommodations Tax - 3 (One applicant must have a background in the Cultural Industry; other two applicants must have a background in the Lodging Industry)
  - b. Community Relations Council - 2
  - c. Hospitality Tax - 4 (Two (2) applicants must be from the Restaurant Industry; other two (2) positions are at-large seats)



## Richland County Council

- d. Internal Audit Committee - 1 (Applicant must be a CPA)
- e. Employee Grievance Committee - 1
- f. Board of Assessment Appeals - 1
- g. Business Service Center Appeals Board - 2 (Applicants must have a background in Business)

### Items for Action

- 5
  - a. All motions must be posted a minimum of 24 hours before a scheduled Council meeting. Note: When Council made this change it was to eliminate any surprise or intent of secrecy. It eliminated Chairs of committees adding motions to an agenda before the meeting without notice. The change was for all motions not some. [JACKSON]
  - b. Based on Richland County guideline and grievance procedure I move that after all grievance committee hearings are held within the required timeline that the Administrator update and notify Council at the next available Council meeting. This also include any notices of lawsuits or legal matters. Note: Recently Council was notified of a ruling more than one year later. If there is a timeline for the employee, the chair of the grievance committee and the committee then there must be a timeline to notify Council. [JACKSON and MALINOWSKI] [PAGES 7-12]

### Adjournment



## **Richland County Council**



Special Accommodations and Interpreter Services Citizens may be present during any of the County's meetings. If requested, the agenda and backup materials will be made available in alternative formats to persons with a disability, as required by Section 202 of the Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12132), as amended and the federal rules and regulations adopted in implementation thereof. Any person who requires a disability-related modification or accommodation, including auxiliary aids or services, in order to participate in the public meeting may request such modification, accommodation, aid or service by contacting the Clerk of Council's office either in person at 2020 Hampton Street, Columbia, SC, by telephone at (803) 576-2061, or TDD at 803-576-2045 no later than 24 hours prior to the scheduled meeting.

# RICHLAND COUNTY COUNCIL

## SOUTH CAROLINA



### RULES AND APPOINTMENTS COMMITTEE

May 17, 2016  
3:00 PM  
4<sup>th</sup> Floor Conference Room

*In accordance with the Freedom of Information Act, a copy of the agenda was sent to radio and TV stations, newspapers, persons requesting notification, and was posted on the bulletin board located in the lobby of the County Administration Building*

#### CALL TO ORDER

Mr. Malinowski called the meeting to order at approximately 3:00

#### APPROVAL OF MINUTES

**May 3, 2016** – Ms. Dixon moved, seconded by Mr. Malinowski, to approve the minutes as distributed. The vote in favor was unanimous.

#### ADOPTION OF THE AGENDA

Ms. Dixon moved, seconded by Mr. Malinowski, to adopt the agenda as published. The vote in favor was unanimous.

#### ITEMS FOR ACTION

- a. **All motions must be posted a minimum of 24 hours before a scheduled Council meeting. Note: When Council made this change it was to eliminate any surprise or intent of secrecy. It eliminated Chairs of committees adding motions to an agenda before the meeting without notice. The change was for all motions not some. [JACKSON]** – Ms. Dixon moved, seconded by Mr. Malinowski, to request Legal input regarding Council adding motions from committee meeting to the Council agenda. The vote in favor was unanimous.
- b. **Based on Richland County guideline and grievance procedure I move that after all grievance committee hearings are held within the required timeline that the Administrator update and notify Council at the next available Council meeting. This also includes any notices of lawsuits or legal matters. Note: Recently Council was notified of a ruling more than one year later. If there is a timeline for the employee, the chair of the grievance committee and the committee then there must be a timeline to notify Council [JACKSON and MALINOWSKI]** – Mr. Malinowski gave an overview of the timelines currently in place regarding the grievance procedure. They are as follows:

#### Committee Members Present

Bill Malinowski, Chair  
Julie-Ann Dixon

#### Others Present:

Kimberly Roberts  
Michelle Onley

**Rules & Appointments Committee**

**Tuesday, May 17, 2016**

**Page Two**

- At each level each Supervisor will have two (2) work days to render a decision. (p. 41 – Employee Handbook)
- An employee...may appeal to the employee grievance committee the denial of his/her grievance... within fourteen (14) calendar days of date and the facts on which the grievance are based become known to the employee. (p. 42 – Employee Handbook)
- Within ten (10) days of receipt of the employee’s request, the Chair of the Grievance Committee should schedule the requested hearing... (p. 42 – Employee Handbook)
- ...within twenty (20) days after hearing an appeal, the Committee will make its findings and recommendations and report such findings and recommendation in writing to the County Administrator. After considering the Committee’s findings and recommendations, the County Administrator will forward to the County Council...(p. 45 – Employee Handbook)

Mr. Manning stated his recommendation is to inquire when the committee has completed their report where does the report go and then what steps have to take place (i.e. HR review, legal review, meeting with supervisor, etc.) prior to Administration bringing the report to Council.

**INTERVIEWS**

**a. Township Auditorium Board – 1** – Mr. Jack Mills, Ms. Ray Borders Gray and Mr. Antjuan Orlando Seawright were interviewed.

Mr. Malinowski requested the specifics regarding the Township Foundation Board.

Mr. Manning moved, seconded by Mr. Malinowski, to appoint Mr. Antjuan Orlando Seawright. The vote in favor was unanimous.

**Discussion of Vacancies:**

Mr. Malinowski requested the Clerk’s Office to reach out to the applicants that were not appointed, but applications are still active, to determine if they are still interested.

**CMRTA Appointees:**

Ms. Roberts stated the two (2) appointees have been serving since 2011. In July 2015, CMRTA made a request in regard to staggering the terms. The staggering of terms, contingent upon approval by the City of Columbia, was approved in September 2015.

**ADJOURNMENT**

The meeting adjourned at approximately 4:00 PM.

The Minutes were transcribed by Michelle M. Onley, Deputy Clerk of Council



**APPLICATION FOR SERVICE ON RICHLAND COUNTY  
COMMITTEE, BOARD OR COMMISSION**

**Applicant must reside in Richland County.**

Name: Gardner L. Johnson

Home Address: 406 Fallen Leaf Drive

Telephone: (home) (803) 699-0023 (work) (803) 545-4265

Office Address: 1225 Lady Street P.O. Box 147 Columbia SC 29217

Email Address: gljohnson@columbiasc.net or gardner\_jhnsn@yahoo.com

Educational Background: BA Political Science and MPA in Public Administration

Professional Background: HR Professional, 30 years in public/private sector, schools

Male  Female  Age: 18-25  26-50  Over 50

Name of Committee in which interested: CRC Board of Directors

Reason for interest: I believe I can provide a wealth of resources and information as well as assist the Board in various projects.

Your characteristics/qualifications, which would be an asset to Committee, Board or Commission: I have experience in grant writing, developing policy, budgeting, training, policy administration, research, and any other capacity that is needed.

Presently serve on any County Committee, Board or Commission? No

Any other information you wish to give? N/A

Recommended by Council Member(s): Ray B. Gray; Henri Baskins

Hours willing to commit each month: 20-30

*Community  
Relations  
Council*

**CONFLICT OF INTEREST POLICY**

It is the policy of Richland County to require disclosure of any personal or financial interest that may be influenced by decisions of the Committee, Board or Commission for which any citizen applies for membership.

Such conflict of interest does not preclude service but shall be disclosed before appointment. The Clerk of Council shall be notified of any change on an annual basis and members of all Committees, Boards or Commissions shall be required to abstain from voting or influencing through discussion or debate, or any other way, decisions of the Committee, Board or Commission affecting those personal and financial interests.

All statements so filed shall be signed and verified by the filer. The verification shall state that the filer has used all reasonable diligence in its preparation, and that to the best of his or her knowledge, it is true and complete.

Any person who willfully files a false or incomplete statement of disclosure or no change of condition, or who willfully fails to make any filing required by this article, shall be subject to such discipline, including censure and disqualification from the Committee, Board or Commission, by majority vote of the council.

*Have you been convicted or pled no contest of a crime other than minor traffic violations; checking yes does not automatically preclude you from consideration for appointment.*

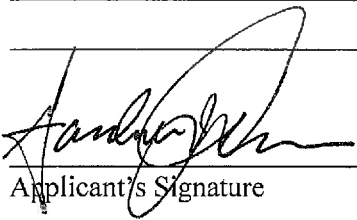
Yes \_\_\_\_\_ No <sup>x</sup> \_\_\_\_\_

**STATEMENT OF FINANCIAL OR PERSONAL INTERESTS**

Do you have any financial or personal interest in any business or corporation (profit or not-for-profit) that could be potentially affected by the actions of the Committee, Board or Commission?

Yes \_\_\_\_\_ No <sup>x</sup> \_\_\_\_\_

If so, describe: \_\_\_\_\_


  
Applicant's Signature

May 5, 2016  
Date

**Return to:**  
**Clerk of Council, Post Office Box 192, Columbia, SC 29202.**  
**For information, call 576-2060.**

**One form must be submitted for each Committee, Board or Commission on which you wish to serve.**

**Applications are current for one year.**

<b>Staff Use Only</b>	
Date Received: <u>5-5-16</u>	Received by: 
Date Sent to Council: _____	
Status of Application: <input type="checkbox"/> Approved <input type="checkbox"/> Denied <input type="checkbox"/> On file	

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# Employee Performance

## **Grievance Procedure**

This procedure is adopted in accordance with the County and Municipal Employees Grievance Procedures Act, sections 8-17-110, et seq., Code of Laws of South Carolina, 1976, as amended.

A grievance is defined as any complaint by a Regular employee that s/he has been treated unfairly, unlawfully or in violation of his/her rights under county policies, with regard to any matter pertaining to his/her employment by the County. This definition includes, but is not limited to, discharge, suspension, involuntary transfer, promotion and demotion.

Matters involving compensation are not proper subjects for consideration under the grievance procedure except as they may apply to alleged inequities within an agency or department of the County. Employee performance appraisal ratings may not be the subject of a grievance before the grievance committee.

If a Regular employee believes that he/she has not received or been credited with or has otherwise lost benefits to which he/she is entitled, he/she must present his/her grievance in accordance with this procedure, or such wages or benefits may be forfeited.

Only Regular employees may appeal his/her grievance to the Richland County Grievance Committee. Employees in their initial probationary period of County employment may appeal up to the level of Department Head and no further in the process. Department Heads may appeal up to the Assistant County Administrator responsible for their area of operations.

An employee who feels that he/she has a grievance must follow the following procedure:

Discuss the grievance with his/her immediate Supervisor. If his/her Supervisor is unable or unwilling to adjust the grievance to the satisfaction of the employee, the employee must take Step 2.

Follow the chain of command, appealing to each successive level of supervision. At each level each Supervisor will have two (2) work days to render a decision. The Supervisor has two days to review the grievance, respond to the grievance and forward to the next level of supervision in the chain of command. If a Supervisor at a particular level is unavailable to consider the grievance, it is considered denied and the employee may appeal to the next level of supervision.

If the Department Head in which the employee is employed denies the grievance, this decision is final as to any grievance brought by an employee in their initial probationary period of County employment.



## Employee Performance

An employee, other than one serving an initial probationary period, may appeal to the employee grievance committee the denial of his/her grievance by the Department Head, by filing a written request for appeal with Human Resources Department. This must be done within fourteen (14) calendar days of date that the facts on which the grievance are based become known to the employee. The written request for appeal must include the purpose of the appeal and what recommendation is requested of the grievance committee.

HUMAN RESOURCES DEPARTMENT will assist the employee in preparing the appeal, if requested.

Within ten (10) days of receipt of the employee's request, the Chair of the Grievance Committee should schedule the requested hearing and notify the Grievance Committee, the employee requesting the hearing, the affected department and HUMAN RESOURCES DEPARTMENT.

### **The Employee Grievance Committee**

The County Council will appoint a committee composed of seven (7) employees to serve for staggered terms of three (3) years, except that the members appointed initially will be appointed so that their terms will be staggered, and approximately one-third (1/3) of the terms will expire each year.

A member will continue to serve after the expiration of his term until a successor is appointed.

Any interim appointment to fill a vacancy for any cause prior to the completion of a member's term will be for the unexpired term.

Any member may be appointed for succeeding terms at the discretion of the County Council.

All members will be selected on a broadly representative basis from among County employees



## Employee Performance

Members employed in the same department as the grieving employee and members who have formed an opinion on the issues prior to the hearing, will not participate in that employee's hearing.

The Council will qualify and appoint no fewer than one (1) and no more than four (4) employees to serve for a term of three (3) years as alternate members of the Employee Grievance Committee. In the event three (3) or more permanent members of the committee are disqualified or otherwise unable to participate in a grievance proceeding, such that a quorum of the committee as required by this section would otherwise be unavailable, a sufficient number of alternate members should be called to constitute a quorum so that the grievance may be heard.

Alternate members may seek appointment as interim or permanent committee members as vacancies occur, in which event the council will designate replacement for such alternate members so chosen for full membership on the committee.

The committee annually will select its own chair from among its members. The chair will serve as the presiding officer at all hearings which s/he attends, but may designate some other member to serve as presiding officer in his/her absence. The chair will have authority to schedule and to re-schedule all hearings.

A quorum consists of at least five (5) members, and no hearings may be held without a quorum.

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

The committee has the authority to call for files, records and papers which are pertinent to the investigation and which are subject to the control of the County Council; to call for or consider affidavits of witnesses; to request and hear the testimony of witnesses; to consider the results of polygraph examinations; and to secure the service of a recording secretary at its discretion. The committee has no authority to subpoena witnesses, documents or other evidence, nor will any County employee be compelled to attend any hearing. All proceedings will be tape-recorded by the Legal Department. Witnesses, other than the grieving employee and the department representative, will be sequestered when not testifying. All witnesses will testify under oath.

All hearings will be held in executive session unless the grieving employee requests at the beginning of the hearing that it be held in open session. The official tape recording and the official minutes of all hearings will be subject to the control and disposition of County Council.

## Employee Performance

Neither the grieving employee nor the department may be assisted by advisors or by attorneys during the hearing itself. The Committee may, in its discretion, request the assistance of counsel to advise the committee in dealing with any legal issues that arise in the course of considering a grievance. HUMAN RESOURCES DEPARTMENT will provide assistance in reading written materials to the committee at the request of a grieving employee.

When a grievance involves disciplinary action, the employee must receive a reasonably specific and detailed written notice of the nature of the acts or omissions that are the basis for the disciplinary action. This notice may be amended at any time twenty-four (24) hours or more before the commencement of the hearing. The department will make the first presentation.

In grievances not involving disciplinary actions, the employee must establish to the Grievance Committee that a right existed and that it was denied him/her unfairly, illegally or in violation of a County policy. The employee will make the first presentation.

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

In all grievances, presentations may be oral or in writing or both and may be supported by affidavits or unsworn signed statements from witnesses, by records, other documentary evidence, photographs and other physical evidence. Presentations will be made by the grieving employee (with reading assistance from HUMAN RESOURCES DEPARTMENT, if the employee desires) and by a managerial employee of the affected department. Neither party may call witnesses or question the other party, or question any witness called by the Committee. While either party may request that the Committee ask certain questions of witnesses or address parties, the Committee is not required to do so.



## Employee Performance

Except as provided below, within twenty (20) days after hearing an appeal, the Committee will make its findings and recommendation and report such findings and recommendation in writing to the County Administrator. After considering the Committee's findings and recommendations, the County Administrator will forward to the County Council both the Committee's findings and recommendations and his evaluation and recommendation. If the Council approves the findings and the recommendation of the Committee, a copy of the decision will be transmitted to the employee and to the head of the particular department involved along with notice that Council approved the decision. If, however, the Council disagrees in any respect with the findings or recommendation, the Council will make its own decision without further hearing, and that decision will be final. Copies of the Council decision will be transmitted to the employee and to the head of the particular department involved.



If the Administrator, in his/her sole discretion, believes that he/she is unable to give Council an objective recommendation and evaluation of the grievance, he/she will forward the Committee's findings and recommendations without adding his/her own evaluation and recommendation.

In grievances involving the failure to promote or transfer, or the discipline or discharge of personnel employed in or seeking assignment to departments under the direction of an elected official or an official appointed by an authority outside County government, the Committee will, within twenty (20) days after hearing an appeal, make its findings and recommendation and report such findings and recommendation to such official. If the official approves, the recommendation of the Committee will be his/her decision and a copy of the decision will be communicated by the Committee to the employee. If, however, the official rejects the decision of the Committee, the official will make his/her own decision without further hearing, and that decision will be final. A copy of the Official's decision should be communicated to the employee.

Nothing in this grievance procedure creates a property interest in employment or a contract of employment, nor does this procedure limit the authority of the County or an elected or appointed official to terminate any employee when the County or respective elected or appointed official considers such action to be necessary for the good of the County.