



RICHLAND COUNTY COUNCIL RULES AND APPOINTMENTS

Valerie Hutchinson	Bill Malinowski, Chair	Gwendolyn Davis Kennedy
District 9	District 1	District 7

**SEPTEMBER 20, 2011
4:00 PM**

Administration Conference Room

CALL TO ORDER

Approval Of Minutes

1. September 6, 2011 [PAGES 3-5]

Discussion

2. Employee Grievance Committee Process [PAGES 6-11]
3. County Council will consider a rule change that states any Special Called Meeting will only have the item(s) the meeting was called for on the agenda. A complete agenda with Administrator, Attorney and Clerk of Council report will not be required nor will approval of previous meeting minutes or any citizen's input be on the agenda unless it relates to the matter the meeting is called for [MALINOWSKI] [PAGE 12-13]

4. When speaking during the citizen's input portion of council meetings, persons currently serving on Richland County Commissions of any kind are not allowed to use their title or the commission name unless they have received unanimous consent from the commission to do so [MALINOWSKI]

5. Interview appointments for applicants meeting with the Rules and Appointments Committee will be scheduled at least one week in advance. [MANNING]

Adjournment



Richland County Council Request of Action

Subject

September 6, 2011 [PAGES 3-5]

Purpose

Minutes of



RICHLAND COUNTY COUNCIL RULES AND APPOINTMENTS COMMITTEE SEPTEMBER 6, 2011 4:00 PM

MEMBERS PRESENT:

Member Chair, Bill Malinowski
Member Valerie Hutchinson
Member Gwendolyn Davis Kennedy

ALSO PRESENT- Milton Pope, Paul Livingston, Kelvin Washington, Norman Jackson, Tony McDonald, Monique Walters

CALL TO ORDER

The meeting was called to order at approximately 4:00 p.m.

APPROVAL OF MINUTES

The minutes from July 19, 2011 was approved as submitted

ADOPTION OF AGENDA

Central Midlands Council of Governments' candidates for appointments were added as item 11.a; the agenda was adopted as amended.

INTERVIEWS

Accommodations Tax Committee-4 (positions are for 2 Hospitality, 2 Lodging) [no applications were received] – the Committee recommended this item be re-advertised.

Appearance Commission-2 (1 horticulturalist and 1 landscaper) [no applications were received] – the Committee recommended this item be re-advertised.

Board of Assessment Control-1 [no applications were received] –the Committee recommended this item be re-advertised.

Building Codes Board of Adjustments and Appeals-3 (positions are for 1 licensed electrician and 2 for persons from the fire industry [no applications were received]- the Committee recommended these positions be re-advertised.

Business Service Center Appeals Board-1 (CPA preferred) [no applications were received]- the Committee recommended this board be re-advertised.

Community Relations Council-3 [no applications were received from Daniel Coble, Karen Jenkins*, Roscoe E. Wilson, Jr.]- Mr. Coble withdrew his application; and after interviewing both Ms. Jenkins (incumbent) and Mr. Wilson the Committee recommended they be appointed.

Internal Audit Committee-1 [no applications were received]- the Committee recommended this item be re-advertised.

Midlands Workforce Development Board-1 [1 application from Nelson Lindsay] – the Committee interviewed Mr. Lindsay and accepted his appointment to the Workforce Board.

Music Festival Board-1 [no applications were received] - the Committee recommended re-advertising this item.

Central Midland Council of Governments-2 [Applications were received from: Clarence W. Hill, PhD, Moryah Jackson, L. Edward Judice, Michael Allan Letts*, Sarah Watson] – after the interviews the Committee recommended that Council vote individually on Dr. Hill, Ms. Jackson and Mr. Letts.

DISCUSSION

Electronic Participation-this item was taken up as an action item. The Committee recommended that this item be added to section 1.5 (b) as subsection (1) in the Council Rules.

Employee Grievance Committee Process – the Committee kept this item in committee due to the lack of time for discussion.

Mr. Malinowski also recommended that a file is kept of individuals with the date interviewed, for persons not qualified for the position they were applying for, but would be qualified for other boards.

ADJOURNMENT

The meeting was adjourned at approximately 5:26 pm

Minutes transcribed by Monique Walters

Richland County Council Request of Action

Subject

Employee Grievance Committee Process [**PAGES 6-11**]

Purpose

RICHLAND COUNTY HUMAN RESOURCES GUIDELINES

TITLE: Grievance Procedure

Number: 6.02

EFFECTIVE DATE: 8/1/2009

Page: 1 of 5

REVISION DATE: 8/1/2009

REVISION #:

PREPARED BY: Human Resources Department

AUTHORIZED BY: Council & Administration

PURPOSE:

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.

DEFINITIONS:

- A. Grievance – Any complaint by a Regular employee that s/he has been treated unlawfully or in violation of his/her rights under county policies, with regard to any matter pertaining to his/her employment by the County. Matters involving compensation are not subjects for consideration under the grievance procedure except as they may apply to alleged inequities within a department of the County. Employee performance appraisal ratings may not be the subject of a grievance. This definition includes, but is not limited to, discharge, suspension, involuntary transfer, promotion and demotion. If a Regular employee believes that s/he has not received or been credited with or has otherwise lost benefits to which s/he is entitled, s/he must present his/her grievance in accordance with this procedure, or such wages or benefits may be forfeited.

PROCEDURE:

1. Only Regular employees may appeal their grievance to the Richland County Grievance Committee. Employees in their initial probationary period may appeal only 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.
 - 1.1. Employees that voluntarily leave the County before their grievance is heard by the Grievance Committee, will not be eligible to complete the grievance process.
2. The following are not considerable grievable by Richland County, unless relating to discrimination:
 - 2.1. Performance appraisal ratings
 - 2.2. Employee Compensation except as it may apply to alleged inequities within a department of the County.
3. An employee who feels that s/he has a grievance must follow the following procedure:

Step 1: Attempt to 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.

RICHLAND COUNTY HUMAN RESOURCES GUIDELINES

TITLE: Grievance Procedure

Number: 6.02

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Step 2: Follow the chain of command, appealing to each successive level of supervision. At each level each Supervisor shall have two (2) calendar days to render a decision. If no decision is made within this time, the grievance is considered denied. 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.

Step 3: If the department head in which the employee is employed denies the grievance, this decision is final as to any grievance brought by a probationary employee. A new employee is considered probationary until the completion of at least six months of service and his/her probationary appraisal is "fully-proficient", completed, approved by his/her department head and received in HRD.

4. An employee, other than one serving an initial new-employee 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 HRD. This must be received in HRD within fourteen (14) calendar days of the 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 and a statement that the chain of command has been followed in the appeal as is required by the grievance procedure.
5. HRD will assist the employee in preparing the Grievance Form if requested.
6. Within ten (10) days of receipt of the employee's request, the Chair of the Grievance Committee shall schedule the requested hearing and notify the Grievance Committee, the employee requesting the hearing, the affected department and HRD.
7. The Employee Grievance Committee
 - 7.1. The County Council shall appoint a committee composed of seven (7) employees to serve for terms of three (3) years, except that the members appointed initially shall be appointed so that their terms will be staggered, and approximately one-third (1/3) of the terms shall expire each year.
 - 7.2. A member shall continue to serve after the expiration of his term until a successor is appointed.
 - 7.3. Any interim appointment to fill a vacancy for any cause prior to the completion of a member's term, shall be for the unexpired term.
 - 7.4. Any member may be appointed for succeeding terms at the discretion of the County Council.
 - 7.5. All members shall be selected on a broadly representative basis from among County employees.

Item# 2

Attachment number 1
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RICHLAND COUNTY HUMAN RESOURCES GUIDELINES

TITLE: Grievance Procedure

Number: 6.02

EFFECTIVE DATE: 8/1/2009

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- 7.6. Members employed in the same department as the grieving employee and/or members who have formed an opinion on the issues prior to the hearing, shall not participate in that employee's hearing.
- 7.7. The Council shall qualify and appoint no fewer than one (1) and no more than four (4) employees to serve for a term of three (3) years as alternate members of the Employee Grievance Committee. In the event three (3) or more permanent members of the committee 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.
- 7.8. Alternate members may seek appointment as interim or permanent committee members as vacancies shall occur, in which event the County Council shall designate replacement for such alternate members so chosen for full membership on the committee.
- 7.9. The committee annually shall select its own chair from among its members. The chair shall 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 shall have authority to schedule and to re-schedule all hearings.
- 7.10. A quorum consists of at least five (5) members, and no hearings may be held without a quorum.
- 7.11. The presiding officer will have control of the proceedings. S/he shall take whatever action is necessary to ensure an equitable, orderly and expeditious hearing. Parties shall 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.
- 7.12. The committee shall have 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 shall have no authority to subpoena witnesses, documents or other evidence, nor shall any County employee be compelled to attend any hearing. All proceedings shall be tape-recorded. Witnesses, other than the grieving employee and the department representative, shall be sequestered when not testifying. All witnesses shall testify under oath.

RICHLAND COUNTY HUMAN RESOURCES GUIDELINES

TITLE: Grievance Procedure	Number: 6.02
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8. All hearings shall be held in executive session unless the grieving employee requests at the beginning of the hearing that it be held in open session. The official tape recording of all hearings shall be subject to the control and disposition of County Council.
9. 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. HRD shall provide assistance in reading written materials to the committee at the request of a grieving employee.
10. When a grievance involves disciplinary action, the employee must receive a Disciplinary Action Form stating the nature of the acts or omissions that are the basis for the disciplinary action. The grieving employee shall make the first presentation.
11. In non-disciplinary grievances, 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 shall make the first presentation.
12. In all grievances, the grieving employee and the department shall each be limited to one (1) hour of initial presentation. The party required to make the first presentation shall be entitled to a ten (10) minute rebuttal of the other party's presentation. The chair shall appoint him/herself or someone on the committee as timekeeper.
13. In all grievances, presentations may be oral or in writing or both and may be supported by affidavits or unsworn signed statements from witnesses, by records, other documentary evidence, photographs and other physical evidence. Presentations shall be made by the grieving employee (with reading assistance from HRD, 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.
14. 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. The Administrator will within twenty (20) days forward to the County Council both the committee's findings and recommendations and his evaluation and recommendation. If the Council approves the recommendation of the committee, a copy of the decision shall 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 shall make its own decision without further hearing, and that decision shall be final. Copies of the Council decision will be transmitted to the employee and to the head of the particular department involved.

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- 14.1. If the Administrator, in his/her sole discretion, believes that s/he is unable to give Council an objective recommendation and evaluation of the grievance, s/he will forward the committee's findings and recommendations without adding his/her own evaluation and recommendation.
- 14.2. In grievances involving the failure to promote or transfer, or the discipline or discharge of personnel employed in or seeking assignment to departments under the direction of an elected official or an official appointed by an authority outside County government, the committee shall, within twenty (20) days after hearing an appeal, make its findings and recommendation and report such findings and recommendation to such official. If the official approves, the recommendation of the committee shall be his/her decision and a copy of the decision shall be communicated by the official to the employee and a copy of the final decision forwarded to HRD. If, however, the official rejects the recommendation of the committee, the official shall make his/her own decision without further hearing, and that decision shall be final. A copy of the Official's decision should be communicated to the employee.
15. 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.
16. These guidelines will be communicated to employees and may be posted in a conspicuous place within each department. HRD will provide employees with information about and assistance in utilizing the County grievance procedure.

RESPONSIBILITIES:

1. Employee
 - 1.1. Follow the chain of command in reporting grievances.
2. Supervisor / Department Head
 - 2.1. Follow the grievance procedure and ensure timely consideration of grievances.
3. Human Resources Department
 - 3.1. Support employee grievance requests for assistance in using procedures and publicize grievance procedure.

Richland County Council Request of Action

Subject

County Council will consider a rule change that states any Special Called Meeting will only have the item(s) the meeting was called for on the agenda. A complete agenda with Administrator, Attorney and Clerk of Council report will not be required nor will approval of previous meeting minutes or any citizen's input be on the agenda unless it relates to the matter the meeting is called for [MALINOWSKI] [PAGE 12-13]

Purpose



RICHLAND COUNTY COUNCIL
Special Called Meeting Agenda

DECEMBER 27, 2011
6:00 PM

Call to Order

Invocation

Pledge of Allegiance

Adoption of the Agenda

Report of the Attorney For Executive Session Items

Citizen's Input

Report of the County Administrator

Report of the Clerk of Council

Report of the Chairman

Citizen's Input

Executive Session

Motion Period

Adjournment



Richland County Council Request of Action

Subject

When speaking during the citizen's input portion of council meetings, persons currently serving on Richland County Commissions of any kind are not allowed to use their title or the commission name unless they have received unanimous consent from the commission to do so [MALINOWSKI]

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Richland County Council Request of Action

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Interview appointments for applicants meeting with the Rules and Appointments Committee will be scheduled at least one week in advance. [MANNING]

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