

**SOUTH CAROLINA DEPARTMENT OF NATURAL RESOURCES
BOARD POLICY**

POLICY #: 206.01

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SUBJECT: Complaint Procedure

Approved: January 25, 2018

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STATEMENT OF POLICY

This policy is based on the recommendation of the House Legislative Oversight Law Enforcement and Criminal Justice Subcommittee hearings held in 2017 to complement the Complaint Procedures pursuant to Law Enforcement Internal Affairs Office. This Complaint Procedure Policy is in place to address complaints of alleged wrongdoing by a DNR Deputy Director (hereinafter "Deputy Director"), direct reports to the DNR Director (hereinafter "Director"), the Director, DNR Board Member (hereinafter "Board Member" or "Board") and/or DNR Advisory Board/Committee Member (hereinafter "Advisory Board Member") and applies to ALL DNR employees of the SC Department of Natural Resources (DNR) wishing to complain. Notwithstanding any state or federal complaint process available to employees, including but not limited to, the Inspector General, Human Affairs Commission, Equal Employment Opportunity Commission, and State Ethics Commission, DNR sets forth the following process for receiving, reporting, reviewing and investigating allegations of "wrongdoing" against a Deputy Director, direct reports to the Director, the Director, Board Member and/or Advisory Board Member.

"Wrongdoing" means action which results in substantial abuse, misuse, destruction, or loss of substantial public funds or public resources. "Wrongdoing" also includes an allegation that a public employee has intentionally violated federal law or state statutory law or regulations or code of ethics, which violation is not merely technical or of a minimum nature. This includes, but is not limited to, allegations serious enough to warrant personnel action such as suspension or termination.

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Employees are required to follow this policy when making complaints and failure to do so may result in disciplinary action, up to and including termination. Complaints that are determined to be intentionally misleading, defamatory, negligent, or are not truthful may be deemed conduct unbecoming and may result in disciplinary action. Anonymous complaints will be provided to the Director and, if appropriate, investigated.

I. How to Make a Complaint

- A. "Complaint" means a written or oral allegation of wrongdoing that contains the following information:
 - 1. Date of disclosure;
 - 2. The name of the employee making the complaint; and
 - 3. The nature of the wrongdoing and the date or range of dates on which the wrongdoing allegedly occurred.
 - 4. A complaint must be made within sixty calendar (60) days of the date the employee first learns of the alleged wrongdoing.

- B. If the Complaint is regarding a Deputy Director, or a direct report to the Director, the complaint must be communicated up the employee's chain of command and forwarded to the Director for handling, or, the complaint may be made directly to the Director.

- C. If the Complaint is regarding the Director, the Complaint must be communicated up the employee's chain of command and the complaint shall be communicated to the Human Resources Director, Chief Legal Counsel and/or the Internal Auditor. The complaint must be forwarded to the Chairman of the DNR Board, who will inform the Board at the next meeting. The Chairman should consult, prior to the next Board meeting, with the Human Resources Director, Chief Legal Counsel, Internal Auditor, Internal Affairs Officer (IAO) and/or Deputy Director(s) for assistance with handling the complaint. The Board must follow the meeting requirements of the Freedom of Information Act (FOIA) when conferring about the Complaint.

- D. If the Complaint is regarding a Board Member, or Advisory Board Member, the complaint should be communicated up the employee's chain of command and forwarded to the Director for handling. The Director must inform the Chairman of the Board, and may inform other Board Members, as deemed appropriate. If the

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complaint is about the Chairman of the DNR Board, the Director must inform the DNR Board Vice Chairman and may inform other Board Members, as deemed appropriate. The Director may communicate directly with the Governor about the complaint, without sharing the complaint with Board or Advisory Board Members, if it is determined to be in the best interest of the Department.

- E. If the complaint alleges felonious conduct, then the Director or Board should report the complaint to SLED or other appropriate law enforcement authority. The Director or Board, or their designee, shall communicate with the appropriate investigating agency as needed.

II. Handling a Complaint

- A. If the Director receives a complaint about a Deputy Director, or a direct report to the Director, the Director may assign the Human Resources Director, Chief Legal Counsel, Internal Auditor, Internal Affairs Officer (IAO) and/or Deputy Director(s) to investigate or review a complaint. If an investigation or review of a complaint is warranted, at the conclusion of the investigation or review, the investigator or reviewer will forward all information to the Director for handling. The Director, upon review of the facts, shall determine the appropriate course of action in accordance with policies, state and federal laws.
- B. If the Director receives a complaint about a Board Member or an Advisory Board Member, the Director will forward the complaint as stated above.
- C. If the Board receives a complaint about the Director, the Board may assign the Human Resources Director, Chief Legal Counsel, Internal Auditor, Internal Affairs Officer (IAO) and/or Deputy Director(s) to investigate or review the complaint. If an investigation or review of the complaint is warranted, at the conclusion of the investigation or review, the investigator or reviewer will forward all information to the DNR Board for handling. The DNR Board, upon review of the facts, shall determine the appropriate course of action in accordance with DNR policies, state and federal laws, and is required to follow the FOIA laws when conferring about the complaint.
- D. If any Board Member, or Advisory Board Member, receives a complaint about any DNR employee, other than the Director, the complaint must be communicated to the Director for handling.

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- E. Once a complaint is received and an investigation or review is requested by the Director or Board, the employee will be informed of any allegations made against the employee, unless the investigation is conducted by external authorities who may control notification. The employee shall be afforded the opportunity to respond to the complaint. The employee will be informed of the results at the conclusion of an investigation or review.
- F. If an investigation or review is requested by the Director or Board, it must be completed within sixty (60) days. If an extension is necessary, the assigned investigator or reviewer will request an extension from the Director or Board, as appropriate. The investigator will keep the Director or Board, as appropriate, informed of the status of the investigation or review.