

# *Law Enforcement and Criminal Justice Subcommittee Meeting*

Monday, February 12, 2018

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# AGENDA



**South Carolina  
House of Representatives**



**Legislative Oversight Committee**

***LAW ENFORCEMENT AND CRIMINAL JUSTICE SUBCOMMITTEE***

***Chairman Edward R. Tallon Sr.***

***The Honorable Katherine E. (Katie) Arrington***

***The Honorable William M. (Bill) Hixon***

***The Honorable Jeffrey E. (Jeff) Johnson***

***Monday, February 12, 2018***

***2:00pm***

***Room 108 - Blatt Building***

***Pursuant to Committee Rule 6.8, S.C. ETV shall be allowed access for internet streaming whenever technologically feasible.***

**AGENDA**

- I. Approval of Meeting Minutes**
- II. Discussion of the study of the Department of Natural Resources**
- III. Adjournment**



# MEETING MINUTES



**Chair Wm. Weston J. Newton**

*First Vice-Chair:*  
*Laurie Slade Funderburk*

## **Legislative Oversight Committee**

*Katherine E. "Katie" Arrington*  
*Gary E. Clary*  
*Chandra E. Dillard*  
*MaryGail K. Douglas*  
*Phyllis J. Henderson*  
*Joseph H. Jefferson Jr.*  
*Robert L. Ridgeway, III*  
*Tommy M. Stringer*  
*Bill Taylor*



*Bruce W. Bannister*  
*William K. "Bill" Bowers*  
*Neal Collins*  
*Raye Felder*  
*William M. "Bill" Hixon*  
*Jeffrey E. "Jeff" Johnson*  
*Mandy Powers Norrell*  
*Edward R. Tallon Sr.*  
*Robert Q. Williams*

### **South Carolina House of Representatives**

*Jennifer L. Dobson*  
*Research Director*

*Cathy A. Greer*  
*Administration Coordinator*

*Charles L. Appleby IV*  
*Legal Counsel*

*Carmen J. McCutcheon Simon*  
*Research Analyst/Auditor*

*Kendra H. Wilkerson*  
*Fiscal/Research Analyst*

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**Room 228 Blatt Building**

### **Law Enforcement and Criminal Justice Subcommittee**

Thursday, November 30, 2017

10:00 am

Blatt Room 110

#### **Archived Video Available**

- I. Pursuant to House Legislative Oversight Committee Rule 6.8, South Carolina ETV was allowed access for streaming the meeting. You may access an archived video of this meeting by visiting the South Carolina General Assembly's website (<http://www.scstatehouse.gov>) and clicking on *Committee Postings and Reports*, then under *House Standing Committees* click on *Legislative Oversight*. Then, click on *Video Archives* for a listing of archived videos for the Committee.

#### **Attendance**

- I. The Law Enforcement and Criminal Justice Subcommittee meeting was called to order by Chairman Edward R. Tallon, Sr., on Thursday, November 30, 2017, in Room 110 of the Blatt Building. The following members of the Subcommittee were present for either all or a portion of the meeting: Chairman Tallon, Representative Katherine E. Arrington, and Representative William M. Hixon.



## Minutes

- I. House Rule 4.5 requires standing committees to prepare and make available to the public the minutes of committee meetings, but the minutes do not have to be verbatim accounts of meetings. It is the practice of the Legislative Oversight Committee to provide minutes for its subcommittee meetings.
- II. Representative Arrington makes a motion to approve the meeting minutes from the two prior Subcommittee meetings.

Rep. Arrington's motion to approve the minutes from the October 23, 2017, and November 6, 2017, meeting:	Yea	Nay	Not Voting
Rep. Arrington	✓		
Rep. Hixon	✓		
Rep. Johnson			Not Present
Rep. Tallon	✓		

## Discussion of the Department of Natural Resources

- I. Chairman Tallon explains the purpose of the meeting today is to receive constituent testimony; discuss remaining agency law recommendations; and allow the agency to present and subcommittee members to ask about, information the agency provided in response to Subcommittee follow-up letters from each previous meeting during the study.
- II. He reminds those who were sworn in during prior meetings that they remain under oath anytime they are with the Subcommittee or Committee. Also, he swears in the following individuals:
  - a. Mr. Mike Caston, Spartanburg;
  - b. Mr. Clay Duffie, Charleston;
  - c. Mr. Rick Caldwell, II, Legislative Affairs, Department of Health and Environmental Control (DHEC); and
  - d. Mr. David Baize, Water Resource Policy Advisor, DHEC.
- III. Testimony about the state water plan is provided by representatives of DNR, representatives of DHEC, Mr. Caston, and Mr. Duffie.
- IV. Ms. Shannon Bobertz, General Counsel for DNR, presents information on law recommendations. There is testimony from DNR representatives and questions from members, which the DNR representatives answer, about various law recommendations.
- V. Chairman Tallon explains the agency has provided information responsive to the Subcommittee's follow-up questions related to the following topics:
  - a. Human Resources;



- b. Office of Media and Outreach;
- c. Office of Support Services;
- d. Marine Resources Division;
- e. Land, Water, and Conservation Division;
- f. Wildlife and Freshwater Fisheries Division;
- g. Office of Environmental Programs; and
- h. Law Enforcement Division

Chairman Tallon asks if members have any additional questions or motions related to the information or divisions. Members ask questions about each division and topic, which applicable DNR personnel answer.

VI. Throughout the meeting, members make motions which are listed below.

Rep. Hixon's motion that the Subcommittee Study include a recommendation that the agency continue in its expansion of the technical advisory committee for the state water plan and the process of making it more stakeholder driven and in six months come back and testify to the House Legislative Oversight Committee on the progress made.	Yea	Nay	Not Voting
Rep. Arrington	✓		
Rep. Hixon	✓		
Rep. Johnson			Not Present
Rep. Tallon	✓		

Rep. Hixon's motion that based on the overwhelming number of vacancies on the Drought Response Committee, the Subcommittee Study include a recommendation that SC Code 49-23-60 be updated to provide a preference to individuals seeking to participate in the Committee who are from a county that does not already have two members on the local committee, but remove the limitation that there may not be more than two members on a local committee from each county within the drought management area to increase the number of people available for the Governor to appoint.	Yea	Nay	Not Voting
Rep. Arrington	✓		
Rep. Hixon	✓		
Rep. Johnson			Not Present
Rep. Tallon	✓		



Rep. Arrington's motion that the Subcommittee Study approve each of the agency recommended changes to law as revised today, or, if not revised, as they appear in the agency's Program Evaluation Report which are numbered 2-5, 12, 17-20, 22, 24, 27, 30, 36, 38, 41, 50-51, 57, 59, 63, 74, 79, and 83 (The PER is available online for the public to view).	Yea	Nay	Not Voting
Rep. Arrington	✓		
Rep. Hixon	✓		
Rep. Johnson			Not Present
Rep. Tallon	✓		

Rep. Hixon's motion that the Subcommittee Study include the agency's law recommendation #45, which relates to ending the potentially duplicative Saltwater Recreational Fisheries Advisory Committee, for informational purposes only, and the Subcommittee notify the House Agriculture Committee of the agency's recommendation, and provide it with information the House Legislative Oversight Committee has obtained about the recommendation, so the Agriculture Committee may further analyze the recommendation.	Yea	Nay	Not Voting
Rep. Arrington	✓		
Rep. Hixon	✓		
Rep. Johnson			Not Present
Rep. Tallon	✓		

Rep. Hixon's motion that the Subcommittee Study approve each of the agency recommended changes to law as they appear in the agency's Program Evaluation Report which are numbered 6-8, 29, 37, 39-40, 46-49, 52-56, 58, 60, 64-66, 69, 71, 75-76, 78, 84, 86, and 87 (The PER is available online for the public to view).	Yea	Nay	Not Voting
Rep. Arrington	✓		
Rep. Hixon	✓		
Rep. Johnson			Not Present
Rep. Tallon	✓		



Rep. Hixon's motion that the Subcommittee Study include the agency's law recommendation #82, which relates to eliminating the planned five year acquisition notification, for informational purposes only, and the Subcommittee notify the House Ways and Means Committee of the agency's recommendation, and provide it with information the House Legislative Oversight Committee has obtained about the recommendation, so the Ways and Means Committee may further analyze the recommendation since it is the committee that receives the acquisition notification.	Yea	Nay	Not Voting
Rep. Arrington	✓		
Rep. Hixon	✓		
Rep. Johnson			Not Present
Rep. Tallon	✓		

Rep. Arrington's motion that the Subcommittee Study include (1) a recommendation that the State Division of Human Resources research the cost of adding an employee climate survey score, every two years, as part of the Employee Performance Management System results of individuals, at every agency, who are in charge of an agency's division, as well as an overall score as part of the results of the agency head; and (2) a recommendation that when the agency receives the results of the most recent employee morale survey, the agency provide the Committee the results along with a synopsis of the issues identified in the survey, if any, and the agency's timeline for addressing those issues.	Yea	Nay	Not Voting
Rep. Arrington	✓		
Rep. Hixon	✓		
Rep. Johnson			Not Present
Rep. Tallon	✓		



Rep. Arrington's motion that the Subcommittee Study recommendation related to the internal auditor that was approved during the October 9, 2017, Subcommittee meeting be amended to state this Subcommittee recommends the agency hire an internal auditor to serve under the Audit Manager, subject to funding from the General Assembly.	Yea	Nay	Not Voting
Rep. Arrington	✓		
Rep. Hixon	✓		
Rep. Johnson			Not Present
Rep. Tallon	✓		

Rep. Arrington's motion that the Subcommittee Study recommendation related to the audit team direct report to the DNR Board that was approved during the October 9, 2017, Subcommittee meeting be amended to state this Subcommittee recommends the head of the agency's audit team (1) provide an annual audit plan for approval by the agency board; (2) have the ability to make requests for additional audits directly to the Board, without the need of approval from the agency director; and (3) discuss the status and results of any audits directly with the Board, without the need to initially discuss the information with the agency director.	Yea	Nay	Not Voting
Rep. Arrington	✓		
Rep. Hixon	✓		
Rep. Johnson			Not Present
Rep. Tallon	✓		

Rep. Arrington's motion that the Subcommittee Study include a recommendation that the agency create and publish on its website a current list of all natural resource related licenses, permits, and fees, along with the following information related to each: amount to purchase, statute or regulation in which the amount is set, year the amount was last changed, number purchased, and a brief explanation of how the agency utilizes the funds.	Yea	Nay	Not Voting
Rep. Arrington	✓		
Rep. Hixon	✓		
Rep. Johnson			Not Present
Rep. Tallon	✓		



Rep. Hixon's motion that the Subcommittee Study recommendation related to turkey tags that was approved during the October 9, 2017, Subcommittee meeting be amended to state this Subcommittee recommends the agency review turkey tags in an effort to obtain a process that will allow the state to avoid incurring costs for printing and mailing tags.	Yea	Nay	Not Voting
Rep. Arrington	✓		
Rep. Hixon	✓		
Rep. Johnson			Not Present
Rep. Tallon	✓		

Rep. Arrington's motion that the Subcommittee Study include a recommendation that the agency research the costs and feasibility of making it easier for individuals to renew their licenses from year to year (e.g., adding a one button auto-fill option for online hunting license renewals that automatically fills in the licenses requested by the individual the previous year).	Yea	Nay	Not Voting
Rep. Arrington	✓		
Rep. Hixon	✓		
Rep. Johnson			Not Present
Rep. Tallon	✓		

Rep. Arrington's motion that the Subcommittee Study include a recommendation that the agency include information online regarding the percentage of individuals who received a permit through each of the lottery hunts so members of the public applying for the permits are aware of their chances and have information on the point system.	Yea	Nay	Not Voting
Rep. Arrington	✓		
Rep. Hixon	✓		
Rep. Johnson			Not Present
Rep. Tallon	✓		



Rep. Arrington's motion that the Subcommittee Study recommendation related to procurement training that was approved during the October 9, 2017, Subcommittee meeting be amended to clarify the type of purchases to which it applies. The amended recommendation is that state agencies be prohibited from procuring products or services over \$2,500 annually until all agency employees involved in procurement of products or services over \$2,500 successfully complete the annual curriculum of training approved by the state's Division Director of Procurement Services subject to reasonable extensions (e.g., insufficient space available in approved classes, etc.).	Yea	Nay	Not Voting
Rep. Arrington	✓		
Rep. Hixon	✓		
Rep. Johnson			Not Present
Rep. Tallon	✓		

Rep. Hixon's motion that the Subcommittee Study include a recommendation that state statute be revised to include a fee for permits related to the harvesting of horseshoe crabs for biomedical purposes and the House Agriculture Committee further analyze the issue to determine what may be a reasonable fee.	Yea	Nay	Not Voting
Rep. Arrington	✓		
Rep. Hixon	✓		
Rep. Johnson			Not Present
Rep. Tallon	✓		

Rep. Hixon's motion that the Subcommittee Study include a recommendation that DNR's dike repair and maintenance be exempt from capital project requirements.	Yea	Nay	Not Voting
Rep. Arrington	✓		
Rep. Hixon	✓		
Rep. Johnson			Not Present
Rep. Tallon	✓		



Rep. Hixon's motion that the Subcommittee Study include a finding that current South Carolina practices regarding migratory bird permits, may detrimentally impact the Federal Harvest Information program for migratory birds, which utilizes the number of permits issued across states as part of the information it collects for scientific purposes. Some other states are addressing this potential detrimental impact by charging a nominal fee to encourage requests for permits from only those individuals who intend to use the permit.	Yea	Nay	Not Voting
Rep. Arrington	✓		
Rep. Hixon	✓		
Rep. Johnson			Not Present
Rep. Tallon	✓		

Rep. Hixon's motion that the Subcommittee Study include a recommendation that the that the Law Enforcement Training Council, of which the agency director is a member, produce a brief report, sent to the General Assembly and statewide media outlets, which lists law enforcement entities across the state in the following areas for the previous year, and provides this data for the past three years: (1) percentage of graduates from Criminal Justice Academy basic training; (2) number of advanced hours of training; (3) percentage of law enforcement officers leaving the entity; (4) percentage of new officers that transferred from another SC law enforcement entity; (5) retention rate for past five years; and (6) retention rate for past ten years.	Yea	Nay	Not Voting
Rep. Arrington	✓		
Rep. Hixon	✓		
Rep. Johnson			Not Present
Rep. Tallon	✓		

Rep. Hixon's motion that the Subcommittee Study include a recommendation that the agency research and create a policy for handling complaints against Deputy Directors and the agency Director.	Yea	Nay	Not Voting
Rep. Arrington	✓		
Rep. Hixon	✓		
Rep. Johnson			Not Present
Rep. Tallon	✓		



Rep. Hixon's motion that the Subcommittee Study include a finding that because (1) the safety of individuals on the water is paramount; (2) there are at least nine other southeastern states, including those immediately surrounding South Carolina, which have a mandatory boater safety course requirement, (3) DNR has learned through numerous public meetings that South Carolina boaters support a boater safety education requirement; and (4) the number of boats owned in South Carolina has risen, the Subcommittee request the House Agriculture Committee's Wildlife Subcommittee further analyze the issue.	Yea	Nay	Not Voting
Rep. Arrington	✓		
Rep. Hixon	✓		
Rep. Johnson			Not Present
Rep. Tallon	✓		

- VII. Subcommittee members note some best practices observed during the study of the agency.
- VIII. Mr. Pulliam, DNR Board Chairman, and DNR Director Taylor, testify about the oversight process and work of agency employees.
- IX. Chairman Tallon directs staff to draft the Subcommittee Study Report, and provide a copy to all subcommittee members by Friday, December 8, 2017. He further explains subcommittee members have until 5:00pm on Friday, December 15, 2017, to provide a written statement for inclusion in the report, as permitted by Standard Practice 12.4. In addition, he states he will provide notice to the full Committee that the Subcommittee Study is available for consideration, unless he receives a written request for another meeting from a Subcommittee Member prior to 5:00pm on Friday, December 15, 2017.
- X. There being no further business, the meeting is adjourned.



## STUDY TIMELINE



## Study Update - Department of Natural Resources

- March 11, 2015 - Agency submits its **Annual Restructuring and Seven-Year Plan Report**, which is available online.
- January 8, 2016 - Agency submits its **Annual Restructuring Report**, which is available online.
- September 2016 - Agency submits its 2015-16 Accountability Report/2017 Annual **Restructuring Report**.
- May 10, 2017 - **Full committee votes to make the agency the next agency for the Law Enforcement and Criminal Justice Subcommittee to study**. Video of the meeting is available online.
- May 19, 2017 - Agency receives notice that it has been selected for study.
- June 27 - July 28, 2017 - Committee solicits input from the public about the agency in the form of an **online public survey**. The results of the public survey are available online.
- August 30, 2017 - Agency submits its **Program Evaluation Report**, which is available online.
- September 25, 2017 - Subcommittee meets with agency (**Meeting #1**) to discuss the agency's history; legal directives; mission and vision; general information about employees; and agency organization.
- October 4, 2017 - Subcommittee meets with agency (**Meeting #2**) to discuss the agency's Office of Media and Outreach; Office of Support Services; and recommendations relating to the agency as a whole.
- October 9, 2017 - Subcommittee meets with agency (**Meeting #3**) to discuss the agency's Marine Resource Division and tour the agency's Marine Resource Divisions office in Fort Johnson, Charleston.
- October 16, 2017 - Full Committee meets with agency (**Meeting #4**) to receive public input.
- October 17, 2017 - Subcommittee meets with agency (**Meeting #5**) to discuss the agency's Land, Water, and Conservation Division.
- October 23, 2017 - Subcommittee meets with agency (**Meeting #6**) to discuss the agency's Wildlife and Freshwater Fisheries Division.
- November 6, 2017 - Subcommittee meets with agency (**Meeting #7**) to discuss the agency's Office of Environmental Programs/Boating Access and Engineering Section; and the agency's Law Enforcement Division.
- November 30, 2017 - Subcommittee meets with agency (**Meeting #8**) to discuss materials received from the agency in response to Subcommittee letters; follow-up questions about agency divisions; and provide entities potentially impacted by the agency's law recommendations an opportunity to testify.
- February 12, 2018 - (TODAY) Subcommittee meets with agency (**Meeting #9**) to discuss public input and agency information received after the Subcommittee's November 30, 2017 meeting.
- Ongoing - Public may submit written comments on the Oversight Committee's webpage on the General Assembly's website ([www.scstatehouse.gov](http://www.scstatehouse.gov))



## JANUARY 12, 2018 DNR LETTER TO SUBCOMMITTEE

The Department of Natural Resources provides responses to the Oversight Subcommittee's December 20, 2017 letter which requested information about the following topics: (1) firearms; (2) residency; (3) state vehicles; (4) discipline; (5) internal affairs; (6) hiring and promotions; and (7) lawsuits. This does not include the appendices to the DNR letter.



# South Carolina Department of Natural Resources

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**DNR**

Alvin A. Taylor  
Director

January 12, 2018

**VIA HAND DELIVERY**

The Honorable Edward R. Tallon Sr., Chairman  
Legislative Oversight Committee Subcommittee  
418 Blatt Building  
Post Office Box 11867  
Columbia, SC 29201

Re: Subcommittee's December 20, 2017 letter requesting additional information from the SC Department of Natural Resources.

Dear Chairman Tallon:

In response to your letter dated December 20, 2017, the SC Department of Natural Resources has compiled the additional information sought by the committee as part of the oversight process of our agency. Answers are compiled in the body of this letter.

If additional information is needed, please let me know.

***Firearms***

**1. Please provide a copy of any agency policies, procedures, or forms that relate to firearm training and/or firearm qualification.**

See attached SCDNR Law Enforcement Directive 317, SCDNR Board Policy 300.01, SCDNR Board Policy 301.01, SCDNR Board Directive 301 and Request for Approval of Off-Duty or Back-up Weapon form.

**2. Please provide a list of the individuals at the agency who were certified firearms instructors, and the dates during which they were certified, during fiscal years 2007 through 2017.**

Below are the current and retired/separated firearms instructors during the requested period as determined through the SCCJA Acadis System. Due to the change from LETS to Acadis some of the information was requested from SCCJA Certification section and is not based on records kept by the Department.



Current Officers Firearms Instructor Initial Certification Dates

Bedingfield, John	9/1/00	Expired 12/8/09	* No longer active instructor
Bickley, Rhett S. Jr.	2/22/07	Expires 7/29/19	
Byers, Benjamin S.	2/18/10	Expires 7/29/19	
Cline, Wade S.	9/22/15	Expires 9/29/20	
Cooper, Jeremy T.	3/18/05	Expires 5/22/18	
Corbett, Brian M.	12/07/07	Expires 8/19/19	
Douglas, Jordan R.	4/20/17	Expires 4/20/20	
Dudley, John T.	7/12/96	Expires 6/10/19	
Ellis, Lee E.	6/11/99	Expires 5/1/18	
Kelley, Thomas W.	2/15/02	Expires 2/5/19	
Lewis, Ray P.	4/22/10	Expired 11/14/17	* Pending recert date SCCJA
Martin, Erik M.	5/2/11	Expires 2/5/19	
McClellan, Henry H.	2/3/14	Expires 2/24/20	
McCullough, Robert C.	5/31/85	Expired 5/21/17	* Pending recert date SCCJA
Monnet, Russell T.	8/29/03	Expires 9/29/20	
Owen, Matthew G.	2/18/10	Expires 7/1/19	
Pardue, John K.	9/3/09	Expires 6/12/18	
Perry, John A.	2/14/08	Expired 2/14/11	* No longer active instructor
Riley, Dentis J.	11/03/05	Expires 3/18/19	
Salter, Raquel	3/23/01	Expires 2/5/19	
Spires, Tony L.	10/19/07	Expires 9/29/20	
Swink, Karen D.	12/19/03	Expired 9/14/15	* No longer active instructor
Thomas, Benjamin IV	1/24/03	Expired 5/2/11	* No longer active instructor
Thomas, Michael P.	10/03/08	Expires 2/6/18	
Thompson, Andre O.	4/27/01	Expires 7/29/19	
Wilson, Gary M Sr.	9/27/07	Expires 9/30/19	



Retired and Separated DNR Officers	Current Agency
Ard, Joe J.—Initial 7/12/96; Expired 6/26/12	N/A
Beacham, Johnnie C.—Initial 2/18/00; Expires 8/21/18	* DHEC LE
Bobb, Donnie L.—Initial 12/20/85; Expired 9/8/2009	N/A
Bogan Marshall S.—Initial 10/22/04; Inactive 5/2/11	N/A
Camp, Steve L.—Initial 1/24/2003; Expired 3/5/13	N/A
Combs, Edwin L. Jr.—Initial 5/3/91; Expired 12/12/11	N/A
Eidson, Albert L.—Initial 9/3/09; Expires 7/3/18	N/A
Herndon, Henry H.—Initial 12/13/02; Expired 7/24/12	N/A
Kearse, Horace L. III—Initial 4/30/04; Inactive 8/31/10	N/A
Keeter, Adam H.—Initial 9/21/17; Expires 9/21/20	* SLED
Morris, Harold E.—Initial 8/27/99; Expires 3/20/18	* Clarendon County SO
O'Quinn, James J. Jr.—Initial 8/18/89; Expired 4/7/09	N/A
Owens, Benjamin R.—Initial 12/13/02; Expired 2/8/16	N/A
Pruitt, Maurice C.—Initial 7/19/90; Inactive 6/1/10	N/A
Snider, Gregory R.—Initial 8/19/94; Expired 9/17/13	N/A

### *Residency*

**3. Please provide a copy of any agency policies, procedures, or forms that relate to where law enforcement officers at the agency must reside.**

See attached S.C. Code Ann. 50-3-316, SCDNR Human Resource Policy 700.07, SCDNR Law Enforcement Directive 345, and SCDNR Law Enforcement Directive 347.

### *State Vehicles*

**4. Please provide a copy of any policies, procedures, or forms applicable to agency personnel that relate to use of state vehicles (e.g., automobile, boat, four wheeler, etc.), including, but not limited to, taking state vehicles out of state.**

See attached SCDNR Law Enforcement Directives 301, 304, 327, 331, 337, 344, SCDNR Board Policy 302.01, SCDNR Board Directives 201, 202, 903, SCDNR HR Policy 700.04, SCDNR Vehicle Management Handbook, SCDNR Out of State Travel Request, SCDNR In-State Overnight Travel Request, SCDNR Monthly Motor Vehicle Log, SCDNR Operator Report of Accident/Incident Package, SCDNR Computation for Reimbursement of Commuting Mileage, SCDNR Permanent Assignment of a State-Owned Vehicle, and SCDNR Law



Enforcement Vehicle Collision forms. This does not include policies or forms produced outside the agency that may apply to all state agencies.

**5. During fiscal years 2007 through 2017, how many disciplinary actions resulted from violation of any of the policies provided in response to question four?**

During fiscal years 2007 through 2017, nine (9) disciplinary actions have been issued by written reprimand or above resulting from violations of policies listed in question #4 which have been documented by SCDNR Human Resources. The records are to the best of our knowledge. The records do not include oral reprimands or counseling sessions.

**6. Please provide a copy of any policies, procedures, or forms applicable to agency personnel that relate to transportation of non-sworn civilians in state vehicles (e.g., automobile, boat, four wheeler, etc.), outside of transportation for criminal or medical purposes.**

See answer to #4.

***Discipline***

**7. Please provide a copy of any agency policies, procedures, or forms that relate to discipline of agency employees.**

See attached SCDNR Human Resources Policy 701.03 and Forms – Oral Reprimand, Written Reprimand, Notice of Suspension, Notice of Suspension Temporary Grant or Time-Limited Employees, and Notice of Suspension Pending Investigation.

This is the overarching policy to discipline an employee. However, all DNR policies could be violated which could result in discipline.

***Internal Affairs***

**8. Please provide a list of the individuals that served as agency Internal Affairs Officers, and the dates during which each served in this role, during fiscal years 2007 through 2017.**

Major Gary Sullivan has served in this role since 2007.



***Hiring and Promotions***

**9. Please provide the names of all individuals in the Law Enforcement Division that served as Captain, Major, or Colonel, including the dates during which each served in the applicable role and regions or areas for which they were responsible, during fiscal years 2007 to 2017.**

To the best of our knowledge, the department provides Exhibit A to respond to the question.

**10. Please explain how the geographical location of each of the Law Enforcement Division regions has changed, if any, during fiscal years 2007 to 2017.**

The geographical location of the Law Enforcement Division regions have not changed during fiscal years 2007 to 2017.

**11. Please provide the names of all individuals that work for the agency as attorneys, excluding those hired via contract, and the dates during which each served, during fiscal years 2007 to 2017.**

Names and dates of agency attorneys for fiscal years 2007-2017 are, provided in alphabetical order, below:

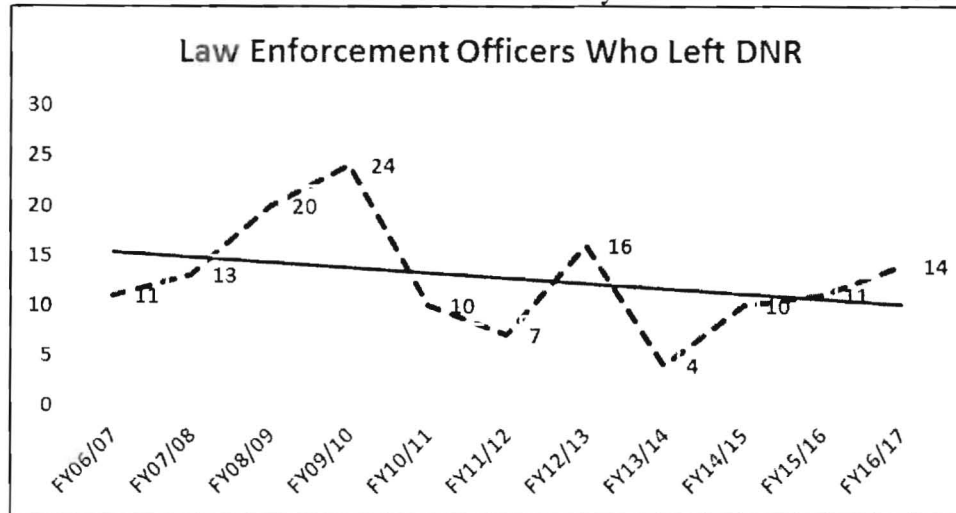
Shannon Bobertz	7/2/2013 - current
Victor Craig Jones	10/2/2013 - current
Paul League	8/28/1981 - 2/10/2015
Buford Mabry	7/2/1985 - 12/14/2007, Rehired 12/17/2007 - 12/31/2013
James Quinn	8/17/1985 - 3/1/2010
Robert Stephenson	1/17/2008 - 12/31/2012
Van Whitehead	5/4/2015 - current

**12. Please provide the number of law enforcement officers who left the agency each fiscal year from 2007 to 2017.**

FY06/07	11
FY07/08	13
FY08/09	20
FY09/10	24
FY10/11	10
FY11/12	7
FY12/13	16
FY13/14	4
FY14/15	10
FY15/16	11
FY16/17	14



Below is a graph which explains the data above. The solid line (or trend line) shows that officers who left DNR since fiscal year 2007 has been decreasing.



### ***Lawsuits***

**13. Please provide a list of all lawsuits pending against the agency, or which were settled prior to litigation, excluding administrative law court cases, during fiscal years 2007 through 2017, including the date the lawsuit was filed, causes of action alleged, and date the lawsuit concluded.**

	DATE FILED*	CAUSES OF ACTION ALLEGED*	DATE CONCLUDED*
1	8/30/2007	Invasion of Privacy, 1983 Claim, Outrage, Trespass, Nuisance, Negligent Supervision, Abuse of Process, Civil Constitutional Negligence	11/20/09
2	12/17/2008	Negligence	6/17/2010
3	4/22/2009	Wrongful Death	6/18/2009
4	2/12/2010	Wrongful Death, Survival Action, Gross Negligence	3/22/2013



5	9/20/2010	Declaratory Judgement, Injunctive Relief (Anadromous Fish)	5/14/2012
6	6/17/2011	Abuse of Process, Malicious Prosecution, Gross Negligence, False Imprisonment	5/13/2013
7	10/31/2011	Violation of ADA, Breach of Contract, Violation of Civil Rights Gender Title VII	11/1/2013
8	8/8/2012	False Imprisonment, Outrage, Assault	4/1/2014
9	1/14/2013	Failure to Train and Supervise, False Arrest, Malicious Prosecution, Negligence, Gross Negligence, Violation of S.C. Article 1 Sec. 10	12/20/2013
10	4/5/2013	Claim & Delivery, Quantum Meruit, Conversion and Trespass to Chattels, Declaratory Judgement	10/23/2014
11	12/20/2013	Declaratory Judgement (stream navigability)	7/18/2016
12	12/19/2013	Strict Liability, Product Liability, Breach of Warranty, Gross Negligence, Loss of Consortium (Premises Liability)	1/26/2015
13	1/17/2014	Negligence(MVA)	12/31/2015



14	7/14/2014	Violation of State Employee Grievance Act, Intentional Infliction of Emotional Distress	6/20/2015
15	7/16/2014	Failure to Promote Under Title VII (sex discrimination)	6/6/2016
16	9/9/2014	Declaratory Judgement (property)	7/6/2016
17	2/4/2016	Wrongful Death, Survival Action (MVA)	6/28/2017
18	12/12/2016	Malicious Prosecution, Assault & Battery, False Imprisonment, Defamation, Unconstitutional Taking	9/25/2017
19	1/18/2017	Wrongful Death (MVA)	pending
20	2/9/2017	Failure to Promote under Title VII, Discrimination in Violation ADEA	pending
21	4/27/2017	Negligence(MVA)	pending
22	8/16/2017	Appeal for Probate Matter	pending
23	1/9/2018	Negligence(MVA)	pending

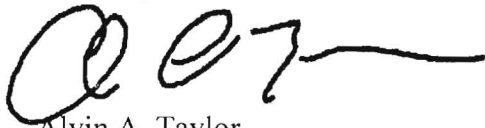
\* This list is, to the best of our knowledge, a list of all lawsuits filed or pending against the agency for fiscal years 2007-2017, and is current as of 1/12/2018. This does not include Administrative Law Court Cases, or Worker's Compensation Cases.



The Honorable Edward R. Tallon Sr., Chairman  
Legislative Oversight Committee Subcommittee  
January 12, 2018  
Page 9 of 9

We greatly appreciate your guidance and direction during our oversight process. Thank you for your comments and suggestions in helping our agency improve to provide exceptional outdoor experiences for the citizens of South Carolina.

Sincerely,

A handwritten signature in black ink, appearing to read 'A. Taylor', followed by a horizontal line.

Alvin A. Taylor  
Director

Attachments

cc: The Honorable Wm. Weston J. Newton (without attachments)  
The Honorable Katherine E. "Katie" Arrington (without attachments)  
The Honorable William M. "Bill" Hixon (without attachments)  
The Honorable Jeffrey E. "Jeff" Johnson (without attachments)



# STATE VEHICLES - STATE FLEET MANAGEMENT POLICIES

Department of Administration  
Office of General Services State Fleet Management Section Policy Directives  
<http://www.admin.sc.gov/files/Fleet%20Management%20Policy%20Directives.pdf>

All state fleet management provisions are provided in the meeting packet. Provisions of particular interest may include:

Provision 1-4. Assignment and Use  
Provision 3-5. Accident Reporting and Review Procedures



**POLICY DIRECTIVES  
DEPARTMENT OF ADMINISTRATION  
OFFICE OF GENERAL SERVICES  
STATE FLEET MANAGEMENT SECTION**

Subarticle 1. Fleet Management

Subarticle 2. State Vehicle Maintenance Program

Subarticle 3. State Fleet Safety Program

Statutory Authority: 1976 Code sects. 1-11-220 through 1-11-340

**Subarticle 1  
Fleet Management**

Policy Directive

- 1-1. Purpose and Scope
- 1-2. Organizational Authority
- 1-3. Definitions and Exempt Agencies
- 1-4. Assignment and Use
- 1-5. Acquisition of State Vehicles
- 1-6. Vehicle Inventory System
- 1-7. Registration and Licensing of State Vehicles
- 1-8. Disposal of State-Vehicles
- 1-9. Reimbursement Policy for Use of Privately-owned Vehicles
- 1-10. Complaints as to Use of State Vehicles
- 1-11. Credit Cards
- 1-12. Insurance
- 1-13. Appeals Procedure
- 1-14. Commuting
- 1-15. Identification

**Subarticle 2  
State Vehicle Maintenance Program**

Policy Directive

- 2-1. Purpose and Scope
- 2-2. Vehicle Maintenance
- 2-3. Maintenance Facility Criteria
- 2-4. Facility Certification

**Subarticle 3  
State Fleet Safety Program**

Policy Directive

- 3-1. Purpose and Scope
- 3-2. Driver Qualifications and Screening
- 3-3. Driver Education
- 3-4. Driving Practices and Safety Maintenance
- 3-5. Accident Reporting and Review Procedures



**POLICY DIRECTIVES  
DEPARTMENT OF ADMINISTRATION**

**STATE FLEET MANAGEMENT**

**1-1. Purpose and Scope**

- A. These policy directives issued by the SC Department of Administration (Dept. of Admin) establish the requirements to be followed to acquire, assign, identify, replace, dispose of, maintain, and operate state vehicles. State vehicles are those vehicles operated, maintained, purchased or otherwise acquired by State agencies, in whole or in part, with state funds pursuant to an appropriation or grant from the State of South Carolina. State vehicles also include those purchased with other funds and titled to the State and those donated to or confiscated by the State.
- B. Nothing contained in these policy directives shall be construed to waive any rights, remedies or defenses the State might have under the laws of South Carolina.

**1-2. Organizational Authority**

- A. The Dept. of Admin is authorized and directed to develop and administer a comprehensive fleet management program for the state's vehicle fleet. The Dept. of Admin has delegated this administrative authority to the State Fleet Manager to act in its behalf, pursuant to these policy directives.
- B. The State Fleet Management Council shall advise the Dept. of Admin and the State Fleet Manager on matters relating to the overall operation of the state's vehicle fleet, and shall act as a hearing panel to advise the Dept. of Admin on all disputes, complaints and other grievances arising under these policy directives.
- C. State Fleet Management (SFM), headed by the State Fleet Manager, shall manage the state's motor vehicle fleet, pursuant to these policy directives, as directed by the Dept. of Admin.
- D. SFM shall monitor compliance by agencies and institutions with the Motor Vehicle Management Act and these policy directives. SFM shall periodically, as specified by law, prepare and submit a Management Review Report to the Dept. of Admin and General Assembly concerning the performance of each state agency and institution in complying with the State Fleet Management Act and these policy directives. Agencies shall supply sufficient and accurate information as requested by SFM to evaluate compliance and prepare the Management Review. SFM may deny purchasing of new vehicles to any agency failing to comply with these policy directives or any other fleet management directive issued by the State Fleet Manager until such time as the agency complies with said directive(s).

**1-3. Definitions and Exempt Agencies**

- A. The following definitions should be used in conjunction with the appropriate sections of Dept. of Admin State Fleet Management Policy Directives 1-1 through 3-5.
  - (1) Dept. of Admin - SC Department of Administration.
  - (2) Council – State Fleet Management Council.
  - (3) SFM – The State Fleet Management section of The South Carolina Department of Administration.
  - (4) State Fleet Manager - The Director of State Fleet Management.



- (5) State Agency - All officers, departments, boards, commissions, institutions, universities, colleges, technical colleges and all persons and administrative units of state government that operate motor vehicles purchased, leased, or otherwise held with the use of state funds pursuant to an appropriation, grant or encumbrance of state funds, or operated pursuant to authority granted by the State.
- (6) Vehicle - Any vehicle, self-propelled or drawn by mechanical power, designed to be principally operated on the highway in the transportation of property or passengers, and which requires registration and licensing in accordance with the laws of the State of South Carolina.
- (7) Motor Pool - Any vehicle or group of vehicles not permanently assigned to a single individual and available for official use by several individuals licensed and eligible to operate such vehicle(s).
- (8) State Vehicle Maintenance Facility - A maintenance facility that provides maintenance to state vehicles and operates with State funds, according to the authority granted by the State to all State agencies.
- (9) Facility Certification - A certificate issued by SFM in recognition of meeting State Vehicle Maintenance Facility Management and Certification Program standards.
- (10) Law Enforcement Officer - An individual who is employed on a full-time basis by a governmental unit that is responsible for the prevention or the investigation of crime involving injury to persons or property (including apprehension or detention of persons for such crimes), who is authorized by law to carry firearms, execute search warrants, and to make arrests (other than merely a citizen's arrest), and who regularly carries firearms (except when it is not possible to do so because of the requirements of undercover work).

B. These policy directives shall not apply to the Public Service Authority or the State Ports Authority. School buses and service vehicles operated by the State Department of Education are also exempt, except for compliance with requirements providing for a central inventory system.

#### **1-4. Assignment and Use**

Assignment of a state vehicle for individual use shall not be made as a perquisite of office, except for statewide elected state officials and agency heads, or for the personal convenience of an individual, official or employee, nor shall personal assignment of a vehicle continue if there is no official need.

- A. Assignment Criteria. The assignment of a state vehicle to an individual for exclusive use shall be based on the following criteria:
  - (1) Travel requirements of an appropriate number of annual official miles as determined by The Dept. of Admin. Travel between home and a place of employment is not considered official travel unless authorized by regulation;
  - (2) Vehicles required for the individual use of the Governor, and statewide elected state officials and agency heads shall be provided based solely on their office;
  - (3) Vehicles may be assigned individually to full-time line law enforcement officers, as defined by agency heads. Full-time line law enforcement officers eligible for vehicle assignment shall be designated by each agency in accordance with Dept. of Admin guidelines and assignments reevaluated annually during Management Review.
  - (4) Vehicles essential to the performance of official duties by individuals whose remote location



- or total official business use requirements are such that they preclude shared or part-time use by members of the same or other work units;
- (5) Highly specialized vehicles and heavy equipment where operator training or technical skill requirements preclude use of the vehicle by individuals not possessing such training or skills;
  - (6) Circumstances, as determined by the agency head, which warrant individual assignment in the best interests of the State;
  - (7) When vehicles are permanently assigned to individuals the agency shall complete SFM Form 980-1 to be reviewed when either the vehicle or the employee changes. One copy of Form 980-1 will be forwarded to SFM.
- B. Agencies operating motor pools under this authority shall develop appropriate management procedures. This procedure shall be forwarded to the State Fleet Manager for approval.
- C. State motor vehicles are authorized for use in the performance of all travel or tasks necessary to accomplish official state business that is within the rated design capacity of the vehicle. Use is not authorized for unofficial travel, the transport of unauthorized persons or items, or the performance of tasks outside the rated capacity of the vehicle.
- D. Authorized Use
- (1) Non-state employees such as students, volunteers, contractual services personnel, inmates or industry representatives may be permitted to operate state vehicles only if such operation is on official business of the State, is within the insurance coverage provided on the vehicle, and is authorized by the agency head or his designated representative.
  - (2) Authorized uses of state vehicles include, but are not limited to:
    - (a) Travel between place of vehicle dispatch and place of performance of official business;
    - (b) When on official out-of-town travel status, travel between place of temporary lodging and place of official business;
    - (c) When on official out-of-town travel status between either of the above places and:
      - (1) Places to obtain suitable meals;
      - (2) Places to obtain medical assistance, including drugstores;
      - (3) Places of worship;
      - (4) Barber Shops;
      - (5) Cleaning establishments; and
      - (6) Similar places required to sustain health and welfare or continued efficient performance of the user, exclusive of places of entertainment;
    - (d) Transport of officers, official employees or official guests of the State;
    - (e) Transport of professional or commercial representatives when in the direct interest of the State;
    - (f) Transport of materials, supplies, parcels, luggage, kits or other items belonging to or serving the interests of the State;
    - (g) Transport of any person or item in any emergency situation, provided such movement does not endanger life or property;
    - (h) Other persons may accompany a state employee in a vehicle on authorized use provided:



- (1) No additional cost or expense is incurred by the State for such travel; and
    - (2) Prior approval is obtained from the applicable agency director or his designee for such travel.
  - (i) Domicile to duty transportation when authorized by agency head.
- E. Unauthorized Use. Unauthorized uses of state—vehicles include, but are not limited to:
- (1) Travel or task of a personal nature having no connection with the accomplishment of official business or beyond the rated capacity of the vehicle;
  - (2) Transport of other persons not serving the interests of the State;
  - (3) Transport of hitchhikers;
  - (4) Transport of items or cargo having no relation to the conduct of official business;
  - (5) Transport of acids, explosives, weapons, ammunition, non-prescribed medicines, alcoholic beverages, highly flammable material except by specific authorization or by a duly commissioned law enforcement officer acting within his assigned duty;
  - (6) Transport of any kind of equipment or cargo projecting from the side, front or rear of the vehicle in such a manner as to constitute a hazard to safe driving, to pedestrians or to other vehicles;
  - (7) Extending the length of time or travel beyond that required to complete the official purposes of the trip;
  - (8) Use of the vehicle to provide transportation between home and place of official business unless authorized by the agency head. The fact that an employee is “on call” does not in itself justify this authorization. The urgency of employee availability and frequency of actual recall must be factually justified to the SFM in order to qualify as authorized use;
  - (9) Travel to or from social events unless acting as an official representative of the State;
  - (10) Use of a vehicle while on vacation.
- F. Use of Trip Logs and Exceptions Reports.
- (1) Trip Logs: Trip logs, approved by the Dept. of Admin, shall be used by all individuals using motor pool vehicles, whether or not permanently assigned. The log shall specify beginning and ending mileage and the job function performed. This does not pertain to the Governor, statewide elected state officials, or to full-time line law enforcement officers, if such law enforcement officers are properly exempted by the Dept. of Admin. Also excluded are school buses and service vehicles assigned to the Department of Education and all vehicles above 10,000 Gross Vehicle Weight.
  - (2) Exceptions Reports: Full-time agency directors and commissioners to whom vehicles are assigned may maintain an Exceptions Report in lieu of trip logs. These reports may be maintained on either a monthly or quarterly basis and will specify only total mileage, total official mileage, and total commuting mileage.
  - (3) Retention Period: Copies of trip logs and Exceptions Reports shall be maintained by the agency on whose property account the vehicle appears for a minimum three-year period and shall be made available during the annual Management Review by SFM and to other appropriate authorities with auditing functions. These reports should be maintained in an active file for the current fiscal year but may be placed in an inactive file for the last two fiscal years.



#### **1-5. Acquisition of State Vehicles**

- A. A vehicle specifications committee shall be appointed by the Dept. of Admin to advise the State Fleet Manager and the State Materials Management Officer on purchases of state vehicles. The committee shall provide technical advice and expertise to ensure that proper vehicles and equipment are available for official state use. The committee shall be composed of the State Fleet Manager as chairman and the State Materials Management Officer or his/her designee as secretary. The number and qualification of additional members of the committee shall be determined by the Dept. of Admin.
- B. All agencies seeking to purchase, lease, or otherwise acquire vehicles, regardless of the source of funding, shall do so in accordance with the Consolidated Procurement Code. Under the direction of the Dept. of Admin, SFM shall annually establish classes of vehicles, with appropriate equipment, to be placed on contract by Materials Management for use in conducting official state business. State Fleet Management shall develop vehicle type and size procurement criteria which shall be based solely on the functional task(s) to be performed by the vehicle. No deviations from the approved annual listing shall be permitted without prior written approval of the State Fleet Manager. In the event a special purpose vehicle is required and not shown on the approved listing, the requesting agency shall inform the State Fleet Manager who shall, in conjunction with that agency, determine the proper vehicle and equipment to be purchased. The approved annual listing shall be provided to each state agency.
- C. Purchase orders must be submitted to SFM prior to the expiration of the annual state contract for the class of vehicle requested. If purchase orders are submitted during the period when no general vehicle purchase contracts are in effect, complete justification for off-cycle purchasing must be forwarded with a purchase requisition containing the desired specifications. Purchase of a motor vehicle to prevent loss of funds will not be considered valid justification.
- D. The following requirements shall apply when purchasing new vehicles.
  - (1) Purchase orders for motor vehicles shall be forwarded to SFM. Agencies shall supply any additional information necessary for SFM to order vehicles on the agencies' behalf. Agencies shall indicate if the requested vehicle is a replacement for an existing vehicle. Justification must be provided for additional vehicles above current allowance. Existing vehicles to be replaced with a newly purchased vehicle shall be sent for disposal within ninety (90) days of delivery, or placement in service of the existing vehicle's replacement, unless written permission to retain the existing vehicle is obtained from SFM. Full-size non-police sedans and station wagons shall not be purchased without sufficient justification and the State Fleet Manager's written approval.
  - (2) SFM shall notify the requesting agency of the status of each request and forward approved purchase orders to the appropriate motor vehicle vendor. Only SFM shall submit purchase orders directly to motor vehicle vendors.
  - (3) All new vehicles delivered to the State shall be inspected by SFM to ensure purchase orders have been properly filled. Vehicles purchased by the Department of Transportation and school buses and service vehicles purchased by the Department of Education shall be delivered to these agencies' designated facilities for inspection. Other vehicles delivered to State agencies may be inspected locally, upon prior approval by SFM.
  - (4) When a vehicle is delivered to the receiving agency, modifications shall not be made to the vehicle or optional equipment added that will alter the vehicle, without prior written approval of SFM. Addition of lights, sirens, radios, and similar equipment used on law enforcement or emergency



- vehicles shall not require prior approval, nor shall installation of utility bodies and features on cab and chassis-type vehicles.
- (5) Agencies leasing non State vehicles for periods in excess of 30 days shall also comply with the Consolidated Procurement Code.
- E. The following requirements shall apply when purchasing used state vehicles.
- (1) Requests to purchase used state vehicles shall be forwarded to SFM. Agencies shall supply information concerning the make, model, body style, and mileage of the vehicle. SFM shall consider each request and notify the requesting agency and the agency from which the vehicle will be purchased if the request is approved. The transfer of funds shall be conducted by the Surplus Property Officer.
- (2) As with the purchase of new vehicles, the following requirements shall apply.
- (a) Agencies shall indicate if the requested vehicle is a replacement for an existing vehicle.
- (b) Justification must be provided for additional vehicles above current allowance.
- (c) Existing vehicles to be replaced with a purchased vehicle shall be sent for disposal within ninety (90) days of delivery of or placement in service of the existing vehicle's replacement, unless written permission to retain the existing vehicle is obtained from SFM.
- (3) SFM shall request, and the agencies shall supply, information necessary for SFM to:
- (a) Transfer or obtain license plate and title.
- (b) Adjust the state's motor vehicle inventory.
- F. SFM shall develop utilization criteria to ensure that state vehicles are used in the most cost-effective manner possible. Agencies shall submit vehicle utilization data to SFM in a format and at a frequency prescribed by SFM. If an agency fails to submit required data, SFM shall deny that agency authority to purchase vehicles until the agency submits such data. SFM shall analyze agency utilization data to determine if agencies possess vehicles which do not meet established utilization criteria. If such vehicles are discovered, SFM shall advise the agency to take management action (reassignment, pooling, sale, etc.) on the vehicle. If the agency fails to take appropriate action, SFM shall deny that agency authority to purchase vehicles until the agency complies.

#### **1-6. Vehicle Inventory System**

- A. SFM shall maintain a current inventory of the State's motor vehicles. Agencies shall assist SFM in keeping the inventory current. The inventory shall indicate make and type, acquisition cost and the manufacturers' identifying serial number for each vehicle.
- B. Vehicles shall be added to the inventory upon receipt of title and documentation as specified by SFM. Vehicles shall be deleted from the inventory upon receipt of bill of sale for each vehicle.

#### **1-7. Registration and Licensing of State Vehicles**

- A. Every state vehicle shall be registered and licensed in accordance with State law regardless of the means by which the vehicle is acquired. All state vehicles shall be titled to the State. All such titles shall be received by and remain in the possession of SFM, except titles to vehicles specifically exempt from this requirement as specified by law. Vehicles used by state agencies or employees that are lent or leased from commercial sources, and federally-owned or registered vehicles are not considered state vehicles;



however, all rules and policy directives relative to official use except identification, registration and licensing apply while such vehicles are under the control of the State.

- B. The following requirements shall apply to registration and licensing of state vehicles.
  - (1) Requests for license plates, titles, and license plate renewals shall be submitted to SFM. SFM will obtain and forward license plates to the requesting agencies. Vehicles received through SFM's central receiving station for an agency will be registered and licensed without prior request from the agency.
  - (2) At the time of purchase or acquisition, all state vehicles, with the exception of Department of Transportation and Department of Education vehicles, shall be registered with the Department of Revenue and Taxation, showing the State of South Carolina as the owner.
  - (3) All state vehicles are to be registered through SFM regardless of the means by which vehicles are acquired. Agencies purchasing used vehicles shall supply documentation and information necessary for SFM to register, license, and inventory such vehicles.
- C. Decals, signs, and stickers other than license plates and official decals may be displayed on state vehicles only under the following conditions:
  - (1) Decals, signs, and stickers required by law or permitted by this policy directive;
  - (2) Parking lot decals;
  - (3) Agency administrative or control decals;
  - (4) Others as may be approved by the SFM.

#### **1-8. Disposal of State Vehicles**

- A. SFM shall develop disposal criteria for all state vehicles. The sale of all state vehicles that qualify for disposal, or units declared to be excess to the needs of the State, shall be conducted as directed by State law, regulations and policy directives. SFM shall determine whether a vehicle is past advantageous useful life or excess to the needs of the State before allowing its sale or disposal.
- B. The following requirements shall apply to the disposal of state vehicles.
  - (1) Agencies may request to dispose of a state vehicle once the vehicle has reached or exceeded the recommended minimum disposal criteria or is excess to the needs of the owning agency.
  - (2) The State Fleet Manager shall determine whether the vehicle meets the minimum disposal criteria or is excess to the needs of the State. SFM shall notify the owning agency and the State Surplus Property Officer if the vehicle has been approved for disposal. Vehicles not excess to the needs of the State may be transferred between agencies.
  - (3) The State Surplus Property Officer shall sell or transfer the vehicle for the agency unless otherwise provided by state law or regulation.
  - (4) Seals, decals, and other identification strips as specified by the Surplus Property Officer shall be removed from vehicles before delivery for disposal.

#### **1-9. Reimbursement Policy for Use of Privately-owned Vehicles**

- A. State vehicles are intended for use by officials, officers and employees of the State who are required to travel by motor vehicle in the performance of official business.
- B. Personal vehicles shall not be used to accomplish official travel on a reimbursable basis when a state vehicle is reasonably available and adequate to meet necessary travel requirements. Exceptions to this policy may be approved by the agency director authorizing the travel to meet agency



requirements. When such an exception is granted, agencies shall reimburse employees at the lower privately-owned reimbursement rate as specified in the current Appropriations Act.

- C. This policy does not preclude the use of aircraft, trains, or car rental services.

#### **1-10. Complaints as to Use of State Vehicles**

SFM is responsible for receiving complaints concerning the misuse of state vehicles. SFM shall obtain information concerning the circumstances of each incident, forward complaints to the controlling agency for investigation, and notify the complainant of action taken. Agencies receiving complaints not referred from SFM shall investigate each incident, notify the complainant of action taken, and forward a copy of the complaint summary and correspondence to SFM.

#### **1-11. Credit Cards**

- A. State credit card purchases shall be made under the following restrictions.
  - (1) Official State of South Carolina credit cards issued by SFM and agencies are valid for the purchase of fuel, oil, lubricants and other related petroleum products in an amount not to exceed the rated capacity of the vehicle or equipment. Restricted emergency repairs, not to exceed a limit set by the agency issuing the credit card, are also permitted.
  - (2) State credit card purchases shall be made by state employees, and other eligible operators, and limited to use in or by equipment owned or leased by the State. Use of this card to procure goods or services by unauthorized persons and for privately-owned vehicles is prohibited.
  - (3) State credit cards shall not be used at commercial outlets except when no state facility is reasonably available. In this event, purchases shall be in the amount to enable the user to obtain or reach available state sources.
  - (4) SFM and agencies shall not be responsible for any charges incurred through the use of state credit cards except for legitimate and authorized purchases directly related to the operation of state equipment.
- B. Vehicle operators shall protect cards against loss or theft. Missing cards shall be reported immediately to the agency financially responsible for purchases made with the missing card. Agencies may be authorized to establish commercial gasoline line credit card accounts if the agency is engaged in extensive travel in an area serviced by commercial oil companies not participating in the state credit card program. To establish such an account, prior written approval shall be obtained from SFM.

#### **1-12. Insurance**

- A. The Office of Insurance Services is designated by the Dept. of Admin as the agency responsible for insuring state vehicles against liability. Agencies shall insure State vehicles through the Office of Insurance Services for the cost of state vehicle repairs resulting from accidents or shall absorb the cost of such repairs within the agency budget. Non-state employee operators of state vehicles shall be covered as specified by the Office of Insurance Services.
- B. Employee-operators may be assessed in accordance with Fleet Safety Program criteria. Such an assessment may be imposed only if an Accident Review Board finds an employee-operator at fault in an accident involving a state vehicle.

#### **1-13. Appeals Procedure**

Any agency or employee adversely affected by a decision or action of SFM may appeal that decision to the State Fleet Management Council. The Council shall hear the dispute and render a decision. Decisions of the



Council are appealable to the Dept. of Admin. The decision of the Dept. of Admin shall be final.

**1-14. Commuting and De Minimis Personal Use**

- A. Commuting between home and place of official business shall be the only authorized personal use of a state vehicle. No state employee may commute in a state vehicle unless specifically authorized by his/her agency head.
- B. Commuting mileage shall be recorded on vehicle trip logs or exceptions reports, whichever is applicable. State employees shall report commuting use in accordance with Dept. of Admin instructions.
- C. De minimis personal use may be allowed in those situations where it would not result in the operator substantially deviating from his/her normal business related route and where such use is either necessary or in the best interest of the State.

**1-15. Identification**

- A. Unless specifically exempted by SFM, all State vehicles shall carry state- government (SG) license plates and display identifying decals. Identifying decals shall not be removed from the vehicle until the vehicle is sent for disposal. Decals that become unrecognizable or unsightly shall be replaced by the owning agency.
- B. Identification requirements shall not apply to vehicles operated by law enforcement officers involved in undercover law enforcement if the investigation or the investigator would be jeopardized if identified. SFM shall consult with the Chief of the State Law Enforcement Division to determine which vehicles shall be exempt. No vehicle is exempt unless SFM has made an exemption determination in writing.
- C. The following types of exemptions for vehicles not involved in undercover law enforcement work may be granted.
  - (1) A state vehicle may be exempt from the identifying decal requirement if such exemption is requested and approved in writing by the State Fleet Manager.
  - (2) A state vehicle may also be exempt from the SG license plate requirement if such exemption is requested and approved in writing by the State Fleet Manager. In such cases, the vehicle shall also be exempt from the identifying decal requirement.
- D. Exemptions involving vehicles not used in undercover law enforcement work shall not be granted unless it can be shown that an identified vehicle would substantially hinder the agency's ability to fulfill its mission.



## **Subarticle 2**

### **State Vehicle Maintenance Program**

#### **Policy Directive**

- 2-1. Purpose and Scope
- 2-2. Vehicle Maintenance
- 2-3. Maintenance Facility Criteria
- 2-4. Facility Certification

#### **2-1. Purpose and Scope**

These policy directives set forth the requirements for the establishment of a cost-effective State Vehicle Maintenance Program which shall apply to all State vehicles and State vehicle maintenance facilities.

#### **2-2. Vehicle Maintenance**

- A. State agencies shall maintain vehicles in a cost-effective and safe manner by implementing a maintenance program applicable to each vehicle in their possession.
- B. SFM shall develop criteria to be used by agencies in implementing various maintenance programs and preventive maintenance schedules. State agencies shall take full advantage of manufacturer's warranties.
- C. State agencies shall indicate all maintenance costs incurred by each individual vehicle. This information shall be reported annually, or on request to SFM. Effective July 1995 each agency owning state vehicles shall code all vehicle repairs, maintenance, and parts according to criteria published by SFM. This criteria is currently available at SFM or through the South Carolina equipment management information system. If an agency is not linked by computer to the Dept. of Admin where the South Carolina equipment management information system files are maintained, they must code parts and repairs in an electronic format that can be downloaded to the files.

#### **2-3. Maintenance Facility Criteria**

- A. SFM shall develop a manual of procedures setting forth standards to be used in operating State vehicle maintenance facilities. This procedures manual shall include, but not be limited to, standards for each of the following:
  - (1) Purchasing of supplies and parts;
  - (2) Inventory control;
  - (3) Uniform work order and records-keeping assigning actual maintenance cost to each vehicle;
  - (4) Preventive maintenance program for each class of vehicle;
  - (5) Cost-effective facility operations;
  - (6) Safety;
  - (7) Establishing new maintenance facilities.
- B. Agencies operating vehicle maintenance facilities shall comply with the criteria issued by SFM. An Agency wishing to establish a new maintenance facility shall obtain prior approval from SFM and must show that the agency's needs cannot be met more economically by an existing facility, State or private. A cost analysis shall be required in order for SFM to make a final determination. The methodology by which to determine if the new facility is a cost-effective alternative to the State shall be developed and published in the manual referenced in 2-3 A above. Such request shall not be approved for uneconomical duplicative efforts, or the purchase of equipment that is not in the best interest of the State.



#### **2-4. Facility Certification**

- A. SFM shall conduct an on-site review of each State Vehicle Maintenance Facility no less than once every three years to ensure compliance with program criteria. SFM shall monitor compliance in those years when an on-site review is not conducted.
- B. Facilities supporting fewer than twenty licensed vehicles shall not be subject to formal certification review. Agencies operating such facilities will be provided program criteria, and the agency directors will be responsible for certifying that these facilities meet program criteria. The facility will be monitored during the Management Review or during other visits conducted by SFM. Agencies shall not arrange supported vehicle densities for the purpose of circumventing the intent of this policy directive.
- C. Those facilities found in compliance with program criteria shall be certified for continued operation. Facilities not meeting program criteria shall be issued conditional certification, informed of those areas where deficiencies exist and shall receive another on-site review within twelve months. Those facilities failing to meet program criteria for two consecutive on-site visits will be reported to the Dept. of Admin and General Assembly for corrective action as warranted.



### **Subarticle 3**

#### **State Fleet Safety Program**

##### **Policy Directive**

- 3-1. Purpose and Scope
- 3-2. Driver Qualifications and Screening
- 3-3. Driver Education
- 3-4. Driving Practices and Safety Maintenance
- 3-5. Accident Reporting and Review Procedures

##### **3-1. Purpose and Scope**

These policy directives issued by the Dept. of Admin set forth the policies and requirements for the establishment of a SFM Safety Program. The Program shall apply to all operators of state vehicles.

##### **3-2. Driver Qualifications and Screening**

- A. All operators of State vehicles shall have a valid driver's license appropriate to the type of vehicle being operated.
- B. Program criteria shall include procedures to screen the motor vehicle record (SFM) of all applicants for state employment, existing employees and individuals who, as a result of their work, operate or are likely to operate a state vehicle. Restrictions shall be placed on the privilege of operating a state vehicle for those applicants, employees and individuals whose SFMs indicate a history of involvement in motor vehicle accidents, who have a considerable number of current violation points as specified in program criteria, or whose driver's licenses have been suspended by the Department of Public Safety.

##### **3-3. Driver Education**

- A. Program criteria shall include driver education requirements for state employees and individuals who have an occasion to operate state vehicles. Such criteria shall, at a minimum, take into consideration driving requirements associated with an employees' or individual's job duties, an employee's or individual's history of traffic violations or accidents involving the operation of state vehicles and, Accident Review Board findings and recommendations.
- B. Special provisions shall apply to law enforcement officers. All law enforcement vehicle operators shall abide by statutes and policy directives pertaining to the operation of authorized emergency and pursuit vehicles.

##### **3-4. Driving Practices and Safety Maintenance**

- A. State vehicle operators shall abide by all applicable State and Federal laws while operating such vehicles. All traffic signs, signals, and speed limits shall be obeyed.
- B. State vehicles shall be maintained in accordance with State vehicle maintenance policies and procedures in order to minimize the possibility of mechanical failure causing or contributing to vehicle accidents.

##### **3-5. Accident Reporting and Review Procedures**

- A. Operators of state vehicles involved in an accident resulting in property damage, injury, or death, shall give immediate notice of such accident to the appropriate local and/or state law enforcement authorities. The operator shall, as soon as practical, report the accident to the proper agency authority in accordance with program criteria. Any driver involved in a collision with an unattended vehicle shall immediately stop, and



to the best of his/her ability, locate and notify the operator of the unattended vehicle.

- B. Agencies shall establish Accident Review Boards, in accordance with program criteria, to review and make recommendations concerning accidents involving state vehicles. Decisions of these boards shall be made available to SFM.
- C. The Fleet Safety Program shall include progressive corrective action criteria to be used by the agencies as a result of Accident Review Boards' decisions. Employee-operators may be assessed in accordance with program criteria for each accident if found at fault by an Accident Review Board.
- D. SFM shall provide technical assistance to agencies as requested, gather and analyze data, and propose amendments to the program as necessary. State agencies shall provide fleet safety and accident-related data as required by SFM to perform these responsibilities.



**APPENDIX B**  
**DRIVER CORRECTIVE ACTIONS**

<b>MVR VIOLATION POINTS</b>	<b><u>OR</u></b>	<b>STATE VEHICLE ACCIDENTS (LAST 3 YRS)</b>	<b><u>OR</u></b>	<b>ALL VEHICLE ACCIDENTS (LAST 3 YRS)</b>	<b><u>THEN</u></b>	<b>CORRECTIVE ACTIONS</b>
6-8		1-Regardless of fault*				Safety Discussion concerning responsibilities while driving State vehicles.
9-10		1-At fault** 2-Regardless of fault		3-Regardless of fault		Written Direction concerning responsibilities while driving State vehicles <u>and</u> mandatory attendance of driver training course.
11-12		3-Regardless of fault		4-Regardless of fault		Review of State vehicle driving privileges by agency management.***
		2-Serious at fault **** 3-Non-serious at fault				5 days suspension without pay, if provided for and in accordance with the <i>Agency Progressive Discipline Policy</i> , and an additional week suspension from driving State Vehicles <u>or</u> 3 months to 1 year suspension from driving State vehicles.
Driver Under Suspension						Driver suspended from operating State vehicles until suspension is lifted by <i>DHPT</i> and the <i>agency Accident Review Board</i> .
		3-Serious at fault** 4-Non-serious at fault				1 year to permanent suspension from driving State vehicles.

- Notes:**  
 \*See Glossary for Definition.  
 \*\*Under the Insurance Provision of the annual State Appropriations Act, a State employee may be held liable for up to \$200.00 for negligence while driving a State vehicle. (See Appendix E, Paragraph 7D)  
 \*\*\*The presence of 11-12 violation points, 3 State vehicle accidents, or 4 "all vehicle" accidents on an employee's MVR, regardless of fault, is cause for that employee's State vehicle driving privileges to be reviewed by agency management or by an agency Accident Review Board. The agency may take any action consistent with State and agency personnel regulations.  
 \*\*\*\*See Glossary for definition.



# STATE VEHICLES - DNR DIRECTIVES AND POLICIES

Note, only certain Department of Natural Resource policies are included in this meeting packet. A complete list of DNR policies related to this topic which are available on the Committee's webpage are as follows:

- Obtaining a vehicle
  - Vehicle procurement, assignment, use, maintenance and repair (Law Enforcement Directive 331)
  - Permanent Assignment of State Owned Vehicle (SFM Form 980-R)
- Logs
  - Instructions for Monthly Motor Vehicle Log
  - Monthly Motor Vehicle Log
  - Daily Vehicle Log
  - Computation for Reimbursement of Commuting Mileage form
- Travel Request Forms
  - Travel Regulations (Board Directive 201)
  - In-State Overnight Travel Request form
  - Out-of-State Travel Request form
- Outside Work Use
  - Outside Working Activity (Consulting, Moonlighting, etc.) (Human Resources Policy 700.04)
  - Request for Approval of Outside Employment form
- Collisions/Accidents
  - Law Enforcement Vehicle Collision form
  - Law Enforcement Collision Review and applicable forms (Law Enforcement Directive 301)
  - Investigation of vehicle accident memorandum
  - Agency vessel accidents and incidents (Law Enforcement Directive 327)
  - Reportable Boat Incident and Accident Investigations (Law Enforcement Directive 344)
  - Operator Report of Accident and Incident form
  - Fleet Safety Program - Appendix B - Driver Corrective Actions
- Other state vehicle policies
  - Vehicle Management Handbook
  - Equipment Use and Care (Board Directive 202)
  - Use of the Personal Flotation Device (PFD) while on board DNR Vessels and Boating Safety and Training (Board Directive 903)
  - Boat Operations and Training Program (Law Enforcement Directive 337)
  - Vehicular Pursuit (Board Policy 302.01)
  - Transportation of prisoners (Law Enforcement Directive 304)
  - Fleet Management Policy Directives
  - Motor Vehicle Management Act



*DNR Board Directive 202. Equipment Use and Care*  
(last revised July 1, 2004)



**SOUTH CAROLINA DEPARTMENT OF NATURAL RESOURCES  
DEPARTMENT DIRECTIVE**

**DIRECTIVE #:** D202

**Page 1 of 5**

**SUBJECT:** Equipment Use and Care

**Revised July 1, 2004**

**THE LANGUAGE USED IN THIS DOCUMENT DOES NOT CREATE AN EMPLOYMENT CONTRACT BETWEEN THE EMPLOYEE AND THE AGENCY. THIS DOCUMENT DOES NOT CREATE ANY CONTRACTUAL RIGHTS OR ENTITLEMENTS. THE AGENCY 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.**

**DIRECTIVE**

State-owned motor vehicles are authorized for use in the performance of all travel tasks necessary to accomplish Official State Business that is within the rated design capability of the vehicle. Use is not authorized for unofficial travel or tasks, the transport of unauthorized persons or items, or the performance of tasks outside the rated capacity of the vehicle.

In certain instances, non-state employees such as students, volunteers, contractual services personnel, inmates, and/or industry representatives may be permitted to operate state-owned vehicles. To qualify, however, such operation must clearly demonstrate an official relationship and benefit to the State, be acceptable within the liability insurance coverage provided on the vehicle, and be properly authorized by the Director or his/her designated representative. All persons who are authorized to operate a state-owned vehicle must meet standards set forth in the Office of Motor Vehicle Management's fleet safety program.

**DEPARTMENT VEHICLE USE**

**I. Examples of Authorized Use for State-Owned Vehicles**

- A. Travel between place of vehicle dispatch and place of performance of official business.
- B. When on official out-of-town travel status, travel between place of temporary lodging and place of official business.
- C. When on official out-of-town travel status and not within reasonable walking distance between either of the above places and:
  - 1. Places to obtain suitable meals.



**DIRECTIVE #:** D202

**Page 2 of 5**

**SUBJECT:** Equipment Use and Care

**Revised July 1, 2004**

2. Places to obtain medical assistance, including drugstores.
  3. Places of worship.
  4. Barber shops.
  5. Cleaning establishments.
  6. Similar places required to sustain health and welfare or continued efficient performance of the user, exclusive of places or entertainment.
- D. Transport of officers, official employees or official guests of the State.
- E. Transport of professional/commercial representatives when in the direct interest of the State.
- F. Transport of materials, supplies, parcels, luggage kits or other items belonging to or serving the interests of the State.
- G. Transport of any person or item in any emergency situation, provided such movement does not further endanger life or property.
- H. Use of the vehicle when it is clearly serving the interest of the State.
- I. The immediate family may accompany a State employee on an official out-of-town trip provided:
1. No additional cost/expense is incurred by the State of South Carolina for such travel.
  2. Prior approval is obtained from the Deputy Director for such travel.

## II. Examples of Unauthorized Use for State-Owned Vehicles

- A. Travel or task of a personal nature having no connection with the accomplishment of official business or beyond the rated capabilities of the vehicle.
- B. Transport of friends, associates, or other persons who are not serving the interests of the State.
- C. Transport of hitch-hikers.



**DIRECTIVE #:** D202

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**SUBJECT:** Equipment Use and Care

**Revised July 1, 2004**

- D. Transport of items or cargo having no relation to the conduct of official business.
- E. Transport of acids, explosives, weapons, ammunition, non-prescribed medicines, alcoholic beverages, highly flammable material except by specific authorization or by a duly commissioned law enforcement officer acting within his or her assigned duty.
- F. Transport of any item of equipment or cargo projecting from the side, front, or rear of the vehicle in such a manner as to constitute a hazard to safe driving, to pedestrians or to other vehicles.
- G. Extending the length of time or travel beyond that required to complete the official purposes of the trip.
- H. Use of the vehicle to provide transportation between home and place of official business unless specifically authorized, in writing, by the Director. The fact that an employee is "on call" does not in itself justify this authorization. The urgency of employee availability and frequency of actual recall must be factually justified in order to qualify as authorized use.
- I. Travel to and/or from social events unless acting as an official representative of the State.
- J. Use of a vehicle while on vacation.

### **III. Accident Reporting**

- A. Whenever an accident involving a State-owned or Department-operated motor vehicle occurs, the following reports must be made:
  - 1. In every event a driver of a State-owned vehicle involved in an accident resulting in property damage, injury, or death shall by the quickest means of communication available, give notice of such accident to the local police department (if such accident occurs within a municipality) or to the South Carolina Highway Patrol.
  - 2. Immediately notify supervisor or proper agency authority of all accidents. The State General Insurance Company must also be promptly notified. An accident report must be completed and filed with the Department of Transportation, P.O. Box 191, Columbia, S.C. 29202.



3. The driver of any vehicle involved in an accident so described shall give his name, address, and the registration number of the vehicle he is driving; and he shall, upon request provide the name, address, and policy number of his insurance company; and he shall also render to any person injured reasonable assistance, including making arrangements for the care of such persons.
4. Any such 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.
5. Any such 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 circumstances.
6. Any such driver involved in such accident shall, in addition to these provisions, comply with all other requirements of the State, County, or City with respect to submitting written reports of accidents.
7. Copies of all vehicle accident reports placed in the files of employees involved in accidents, whether they are at fault or not must be submitted to the Director.

#### **IV. Vehicle Maintenance**

- A. The primary objective of proper vehicle maintenance is to provide for the maximum cost-effective use of the State-provided vehicle while assuring the readiness of the vehicle to perform the designated functions safely throughout the life expectancy of the vehicle. It is intended by this policy that this objective can best be achieved through the following procedures:
  1. Applying manufacturer's warranty provisions. Insuring that warranty work is accomplished by authorized service dealers while vehicle is under warranty and not charged to the State.
  2. Maintaining vehicles in a safe and serviceable condition to preclude the over-maintenance of the vehicle.
  3. Maintaining vehicles through a scheduled maintenance program devised either by the manufacturer, the State, or the Department in accordance with how the vehicle is utilized.
  4. Utilizing state-operated maintenance and service facilities when possible.
  5. Insuring vehicles are used for their intended purpose.



6. Insuring vehicles selected for special purposes are designed for those tasks.
7. Replacing vehicles at appropriate periods when extensive repairs are required.
8. Each individual or custodial supervisor is responsible for the proper maintenance of the vehicle he/she is assigned or which is under his/her custodial care. It shall be the responsibility of the Deputy Director to see that each employee under his/her supervision has a vehicle and equipment inspection by a supervisory employee each month. Any signs of abuse, negligence, or other infractions in vehicle and equipment care shall be documented and appropriate disciplinary action taken.

**V. Decals on Department Vehicles**

- A. All Department-owned vehicles are to be marked with the Department or State decal except designated personnel approved by the Director of the Department of Natural Resources in accordance with the State Budget and Control Board guidelines.

**DEPARTMENT EQUIPMENT USE**

- I. All equipment assigned to employees must be properly maintained and each supervisor is instructed to include the manner in which equipment is maintained in the routine performance appraisal and evaluation of employees. This matter is to receive careful attention and should be discussed fully with each employee when he/she is evaluated.
- II. All equipment to be replaced shall be deposited at Styx Warehouse and Compound where proper inventory transfers will be completed. The equipment shall be the responsibility of assignee until official transfer of property has been completed.
- III. No alterations, changes, deletions, or cannibalization is allowed.
- IV. All individuals who terminate from the Department will be required to return all inventoried equipment, as well as wearing apparel, badges, personal ID's and any other equipment items, or materials that are property of this Department.



*Law Enforcement Directive 301. Law Enforcement Collision Review*  
(last revised September 1, 2011)



**SOUTH CAROLINA DEPARTMENT OF NATURAL RESOURCES  
LAW ENFORCEMENT DIVISION DIRECTIVE**

DIRECTIVE # D 301

PAGE 1 OF 6

SUBJECT: LAW ENFORCEMENT COLLISION REVIEW

DATE: NOV 21, 1997

RELATED DIRECTIVES, STANDARDS, ETC:

LAST REVISION: SEP 1, 2011

RESPONSIBLE AUTHORITY: DEPUTY DIRECTOR OF LAW ENFORCEMENT

**THE LANGUAGE USED IN THIS DOCUMENT DOES NOT CREATE AN EMPLOYMENT CONTRACT BETWEEN THE EMPLOYEE AND THE AGENCY. THIS DOCUMENT DOES NOT CREATE ANY CONTRACTUAL RIGHTS OR ENTITLEMENTS. THE AGENCY 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 purpose of this directive is to provide employees with guidelines for reporting vehicular accidents/incidents and to ensure agency compliance with applicable laws and regulations.

**DIRECTIVE:** Accidents and incidents of agency law enforcement vehicles which involve personal injury or property damage will be promptly reported and evaluated for any necessary corrective action or discipline in accordance with state law and department procedures. At the same time, care must be exercised to demonstrate appropriate concern and support for employees who may be injured. This directive is inclusive for all accidents/incidents, including those that involve only one vehicle.

**DEFINITIONS**

- A. **Accidents:** The causing or incurring of damage or injury, whether or not the vehicle concerned is the moving unit. Not an incident.
- B. **Collision:** Accident or incident.
- C. **Employee:** A person who performs a service, function or duty for a state agency. This shall include, but not limited to, positions classified as follows: permanent (full-time or part-time), temporary, consultant, contractor, and volunteer.
- D. **Incapacitating Personal Injury:** Any injury, other than a fatal injury, which prevents the injured person from walking, driving or normally continuing the activities he/she was capable of performing before the injury occurred.
- E. **Incident:** Incidents are cases where a state vehicle incurs damage as a result of some action (vandalism, acts of nature, etc.) not fitting the definition of an accident. Incidents are not



used in calculating accident frequency rates.

- F. **Line of Duty:** A concept applicable only to law enforcement officers. An officer is considered to be performing "in the line of duty" when that officer is engaged in activities pursuant to the laws, regulations, policies, procedures, or instructions issued by proper authority.
- G. **Motor Vehicle:** Any vehicle, self-propelled or drawn by mechanical power, designed and licensed to be principally operated on the highway in the transportation of property or passengers.

## **PROCEDURES**

### **A. Employee/Driver Responsibilities**

- 1) If the collision of a law enforcement vehicle involves incapacitating personal injury, death or a privately owned vehicle, another government vehicle, or damage of \$1000.00 or greater it will be investigated by the South Carolina Highway Patrol (SCHP) in accordance with '56-5-765 of the S. C. Code of Laws and this Directive. The SCHP and the employee's immediate supervisor will be notified in the quickest means available (normally through the Communications Center).
- 2) All collisions will require that an incident report be submitted to the officer's supervisor
- 3) If the SCHP or another agency declines to investigate, a notation to that effect should be made (including name of officer and agency) in this agency's Operator's Report of Accident/Incident form. Within 24 hours of any collision requiring a report, the affected employee's supervisor will furnish or obtain the following information:
  - (a) The statement of the driver;
  - (b) A statement as whether the accident was "in the line of duty";
  - (c) A copy of the TR-310 (accident report) or incident report, as appropriate;
  - (d) The driver's license number and estimated amount of property damage for each party involved;
  - (e) The Operator's Report of Accident/Incident form;
  - (f) Law Enforcement Checklist (see attached);
  - b) Vehicle Accident Memorandum (see attached); and
  - c) Statement from immediate supervisor (endorsed by the chain-of-command) noting that DNR (i.e. supervisor) has reviewed the accident to determine if all applicable DNR Policies or Directives have been adhered to and if appropriate disciplinary actions have been taken if necessary.
- 4) Information not available within 24 hours due to weekends, holidays or other circumstances beyond reasonable control will be furnished or obtained as soon as possible.
- 5) In any collision resulting in damage to an unattended vehicle or to fixtures legally placed upon or adjacent to a highway, the agency's driver will take reasonable steps to locate and notify the owner or person in charge of such vehicle or fixture, and if not located, a written notice giving name, address of the driver, telephone number and owner of vehicle shall be left in a conspicuous place.



**B. Supervisor's Responsibility**

- 1) Ensure completion of procedures described in Section A by the employee(driver), or other employee(s), if the employee (driver) is physically able;
- 2) Furnish opinion as to whether collision was in the line of duty;
- 3) Promptly forward all information identified in paragraph A3 to the Accident Review Officer (ARO), usually within 72 hours;
- 4) Written recommendation to discipline employee or not; and
- 5) Follow through with recommendation of Accident Review Panel for corrective action.

**C. Accident Review Panel (ARP)**

- 1) An Accident Review Panel (ARP) comprised of members from SLED, DPS and DNR will review all reports that qualify of vehicle collisions to determine cause and to establish responsibility, where appropriate.
- 2) DNR members are appointed by the Director upon recommendation of the Deputy Director for Law Enforcement.
- 3) The ARP will forward its findings to the Director upon completion of its review.

**D. Accident Review Officer (ARO)**

- 1) The ARO will forward all required information to the ARP for consideration;
- 2) The ARO will also furnish to the ARP any information available regarding previous at fault accidents by the affected employee (driver) upon request;
- 3) The ARO will also furnish the collision information to the agency Vehicle Fleet Coordinator, who will report to and liaise with the State Insurance Adjuster, as appropriate;
- 4) The ARO will receive findings of the ARP from the Director and forward them to the appropriate supervisor;
- 5) The ARO will maintain appropriate records and will file disciplinary actions approved by the chain-of-command as directed by the Deputy of Law Enforcement;
- 6) The ARO will serve as an ex-officio member to the ARP; and
- 7) The ARO will provide a quarterly report to the Deputy Director for Law Enforcement listing accidents, the ARP findings and an annotation as to employee disciplinary action if any.

**E. Drug and Alcohol Testing**

- 1) All enforcement officers involved in a serious vehicular collision may be required to submit to a drug and alcohol test as established in DNR Policy #705.05 (Drug and Alcohol Testing Policies and Procedures). A serious collision as defined in this case as:
  - (a) Any collision involving the death of a human being,
  - (b) Any collision where there is incapacitating personal injury,
  - (c) Any collision where one or more of the involved vehicles are towed away from the scene,
  - (d) Any collision where the combined property damages exceeds \$2,499.00, and
  - (e) Any collision where the supervisor or investigating officer has reasonable suspicion that alcohol or drugs is a factor for the accident.



**F. Appeals**

- 1) The findings of the ARP may be appealed; and
- 2) Appeals of an ARP finding must be made within 10 working days of the employee receiving the decision and must be made in writing to the ARP via the Accident Review Officer (ARO).

APPROVED:

*AC Frampt*

---

A.C. Frampton, Colonel



South Carolina Department of Natural Resources

Law Enforcement Division

Law Enforcement Vehicle Collision

Officer's Name \_\_\_\_\_

Region # \_\_\_\_\_

- ☐ Contact Jean Beane within 24 hours of accident, 803-734-3933, fax 803-734-5973, e-mail beanej@dnr.sc.gov, copy of SCDNR Operator Report of Accident/Incident form and SCHP FR-10 form.

**Forward to Major:**

- ☐ Memorandum from Captain advising vehicle accident/incident has been investigated by DNR, if any policies or procedures were violated and any corrective action.
- ☐ Memorandum from employees direct supervisor as to whether the accident was/was not in the line of duty.
- ☐ SCDNR Operator Report of Accident/Incident form to include statement.
- ☐ The statement(s) of all witness(s), if given.
- ☐ A copy of the **TR-310 (Accident Report from S.C.H.P. required if over \$1000.00 in damages to vehicle, involving privately owned vehicles, involving injury or death)** or incident report as appropriate.
- ☐ The drivers license number, will be on TR-310.
- ☐ Estimated amount of property damage for each party involved, will be on TR-310 .

Information not available shall be forwarded as soon as possible for administrative purposes.

Copies: Original to Major \_\_\_\_\_

Copy to Lieutenant Monnet \_\_\_\_\_

Copy to Business Manager \_\_\_\_\_

Copy to Ms. Jean Beane \_\_\_\_\_

Copy to DPS \_\_\_\_\_



South Carolina Department of Natural Resources

Law Enforcement Division

MEMORANDUM

TO: Major \_\_\_\_\_

FROM: Captain \_\_\_\_\_

DATE: \_\_\_\_\_

SUBJECT: Officer \_\_\_\_\_ Vehicle Accident on \_\_\_\_\_

I have investigated the above vehicle accident and determined: (check one)

☐ Yes DNR Policies and/or Procedures were violated. I recommend the following corrective action be taken:

--

☐ No DNR Policies and Procedures were not violated and no further action is required.

Major Approval: \_\_\_\_\_



## *Daily and Monthly Vehicle Log*

Documents included in this section are as follows:

- Daily vehicle log
- Monthly Vehicle log
- Instructions for Monthly motor vehicle log



**DAILY VEHICLE LOG -- CONTINUED**

Page \_\_\_\_ of \_\_\_\_ pages

Year   Month   Equipment Number       Tag Number

[illegible]



**MONTHLY MOTOR VEHICLE LOG**  
**SOUTH CAROLINA DEPARTMENT OF NATURAL RESOURCES**



Page 1 of \_\_\_\_\_ pages

Equipment Number

Year  Month

**STATE LAW  
WEAR SEATBELTS**

Commuting Mileage

Commuting Days

Tag Number

Ending Mileage

Beginning Mileage

Total Miles Used

I certify that all entries are true and correct in every matter and conform with the requirements of State laws, rules and regulations.

\_\_\_\_\_  
Signature of Driver

\_\_\_\_\_  
Signature of Approving Supervisor

Date	Time Out	Time In	Driver's Name	Odometer Reading		Travel		Job Function Performed	✓ Com. Miles
				Beginning	Ending	From	To		

Revised 07/2008

**ATTACH ALL GAS CARD RECEIPTS**



## INSTRUCTIONS FOR SCDNR MONTHLY MOTOR VEHICLE LOG

**Purpose** – This form is a management tool for recording and analyzing data essential to an accurate portrayal of cost and cost-effectiveness of a motor vehicle fleet. This log will be used from the 1<sup>st</sup> of the month to the end of the month. The original should be forwarded to the Fleet Coordinator's Office for audit and accounting purposes by the 10<sup>th</sup> day of the next month. Additional copies of the trip log may be downloaded from the intranet or obtained from the Fleet Coordinator's office. Questions concerning use of this form should be addressed to the Fleet Coordinator.

**Completing the form** – It is essential these instructions be followed to avoid unnecessary waste of time and effort in requesting missing or erroneously submitted information. Travel locations and job functions must be definitive enough that someone else (not traveling with you) can easily understand where you went and why. The term "local travel" is no longer acceptable. **All gas card receipts for the current month should be attached to this form.**

### Heading

1. Page 1 of (blank) pages: Continuation sheets will be used when more space is needed.
2. Vehicle Equipment Number: Enter SCDNR property number for this vehicle.
3. Year: Enter last two digits (i.e. 04, 05, or 06) for current year.
4. Month: Enter two digits (i.e. January 01, July 07, or November 11) for current month.
5. Commuting Mileage: Enter total amount of commuting miles for the month.
6. Commuting Days: Enter total number of commuting days for the month.
7. Tag Number: Enter the license tag number assigned.
8. Ending Mileage: Enter exact odometer reading at the end of the month.
9. Beginning Mileage: Enter exact odometer reading at the beginning of the month.
10. Miles Used: Enter total miles driven by subtracting Beginning Mileage from Ending Mileage.
11. Driver's Signature: Signature of vehicle operator.
12. Supervisor's Signature: Signature of approving supervisor.

**Body** (Should be completed on a daily basis for each day the vehicle is used).

1. Date: Enter the current month-day-year (4/16/92).
2. Time Out: Enter time of day vehicle is placed in use.
3. Time In: Enter time of day vehicle usage is completed.
4. Driver's Name: Enter name of individual driving the vehicle.
5. Odometer Reading: Enter exact mileage at the beginning and ending of each daily trip.
6. Travel: Enter starting location and **furthest** destination for each day. See the last example below.
7. Job Function: Definitive description of the purpose of the trip. See examples below.
8. Com. Miles: Commuting miles are all miles driven not on official state business.

Travel		Job Function Performed
From	To	
Columbia	Charleston	Region 4 HUB Meeting
Home	Office	Commute
Office	Home	Commute
Office	Sportsman Warehouse	Buy fishing poles for rodeo
Columbia	Newberry	Region 3 Fishing Rodeo
Columbia	Georgetown	Inspect Sampit River boat landing
Office	ABC Feed & Seed	Purchase fertilizer for ponds at Cheraw Hatchery
Office	ACE Hardware	Paint and supplies for Marsh Center
Columbia	Greenville	2 class presents – Newberry & Greenville High



# IN-SERVICE TRAINING AND FIREARMS - DNR DIRECTIVES AND POLICIES

Note, only certain Department of Natural Resource policies are included in this meeting packet. A complete list of DNR policies related to this topic which are available on the Committee's webpage are as follows:

- Firearm training and/or qualification
  - Training (Law Enforcement Directive 317)
  - Deputy Law Enforcement Officer Policy (Board Policy 300.01)
  - Use of Force (Board Policy 301.01)
  - Issuance of Law Enforcement Commissions to Department Personnel (Board Directive 301)
  - Request for Approval of Off Duty or Back-Up Weapon form



*DNR Board Policy 300.01. Deputy Law Enforcement Officer Policy*



THE DEPARTMENT OF NATURAL RESOURCES BOARD POLICY	
POLICY #: 300.01	Page 1 of 9
SUBJECT: Deputy Law Enforcement Officer Policy	Revised: July 20, 2016

**THE LANGUAGE USED IN THIS DOCUMENT DOES NOT CREATE AN EMPLOYMENT CONTRACT BETWEEN THE EMPLOYEE AND THE AGENCY. THIS DOCUMENT DOES NOT CREATE ANY CONTRACTUAL RIGHTS OR ENTITLEMENTS. THE AGENCY 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.**

The South Carolina Department of Natural Resources Deputy Law Enforcement Officers are appointed by the DNR Director. The purpose of the Deputy Officer program is to enhance the department's ability to effectively protect natural resources through the maintenance of a volunteer force for support of the law enforcement mission and protection of DNR owned and managed lands. The Director, in consultation with the Deputy Director for Law Enforcement, establishes appointment/manpower needs, training requirements, standards for conduct and prescribes limits on the use of authority, designates territorial jurisdiction, determines suitability and fitness of applicants, governing regulations for Deputy Officers.

In order to ensure compliance with the laws of this State and to better serve the public, all applicable policies, directives and guidelines must be adhered to. Nothing in this policy negates or supersedes the authority of federal or state law nor the powers granted the DNR Director or Deputy Director for Law Enforcement.

This program is not designed to supplant Law Enforcement officers pursuant to §50-3-310 of the South Carolina Code of Laws.

### **GENERAL GUIDELINES**

#### **I. Selection for Deputy Officers**

- A. High School Diploma or GED Equivalency;
- B. A registered voter;
- C. Be of good character and:
  - 1. Responsible for the management or protection of specified wildlife habitat considered by the Department to be in need of additional protection or;
  - 2. Possess knowledge, skills or abilities that the Department considers helpful in enforcement activities; or



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3. Retired from Department employment and be previously certified as a law enforcement officer; or (\*\*NOTE: Ceremonial Commission, Deputy Officers commissioned pursuant to § 23-1-225 retain no law enforcement authority or privileges)
  4. A department employee selected by the Director.
- D. No applicant may be appointed if he or she has been convicted of or is currently charged with any of the following crimes including but not limited to: crimes of moral turpitude, driving under the influence or boating under the influence of alcohol or drugs, natural resource, game, fish, boating, littering, environmental laws or other laws as determined relevant by DNR.
- E. The deputy officer commission is to expire five (5) years from the date of issue unless renewed. Reapplication is required for renewal. A deputy officer commission that lapses over five years is no longer valid and retains no law enforcement authority or privileges.
- F. The authorized manpower level for Non Department Deputy Officers is not to exceed 50% of the number of regular salaried DNR officers for each law enforcement region, unless the prospective Deputy officer is an employee of SCDNR, the U.S. Fish and Wildlife Service, or a retired SCDNR law enforcement officer.

## II. Conduct

- A. Deputy Officer is not allowed to:
1. Utilize his/her commission in any private endeavor, to make a profit or collect a debt without written approval from the respective captain after consultation with the respective Field Major and Colonel;
  2. Perform any private security or private investigative work; without written approval from the respective Captain after consultation with the respective Field Major and Colonel;
  3. Be commissioned as a reserve officer or as a State Constable. Use or disseminate any confidential information available to them as a result of their office;



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4. Wear approved uniform or an article from the approved uniform except when working with regular salaried officers and going to and returning from authorized assignments. (This only applies to Deputy Officers not employed by the department.)
- B. A Deputy Officer must always present themselves in a professional manner and conduct themselves in such a way as to not bring discredit upon the DNR, or the State of South Carolina.
- C. A violation, and conviction of any federal, state or local law, including a DUI conviction or any other act, which would bring discredit to the office, may result in suspension or revocation of the commission.
- D. Deputy Officers must report to their supervisor or the appropriate Region Captain as soon as possible but within 48 hours any charge, conviction, investigation or prosecution of themselves for violation of law.
- E. Valid complaints regarding the misuse or abuse of this authority may result in suspension or revocation of the commission.

### III. Supplies/Equipment / Uniforms / Personal Grooming and Appearance

- A. Deputy Officers not employed by the department are responsible by statute for their own equipment and in addition, are individually responsible for obtaining and maintaining their own insurance coverage. Deputy Officer not employed by the department is not covered by the insurance protection provided by the State.
- B. Deputy Officers not employed by the department are eligible by statute for coverage by a surety bond pursuant to § 50-3-330.
- C. Deputy Officers may only use DNR provided badges, credentials and supplies in an enforcement capacity. Deputy Officers may only use DNR approved equipment in an enforcement capacity. Deputy Officers shall not use any DNR law enforcement badge or identification for unofficial purposes.



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D. Deputy Officers are not allowed to use special weapons (i.e., automatic weapons, sawed off shotguns or rifles and explosive devices), and blue lights, sirens or police type markings may not be utilized on privately owned vehicles or boats.

E. Uniforms

1. The approved uniform for Deputy Officers not employed by the department will be: (Retired SCDNR law enforcement officers are allowed to wear DNR officer uniform when working as a Deputy Officer, and must adhere to officer grooming policy. No rank insignia is to be worn by a retired officer serving as a Deputy officer.)

Field - a khaki shirt and green trousers, Dickie brand or equivalent, bearing Department approved patch, black boots, belt and accessories. A plain black nylon windbreaker with white lettering that reads Deputy Officer. Identification is to be utilized in field operations as appropriate. A black nylon mesh vest with white lettering that shows Boating - Components will be the equivalent of the DNR Law Enforcement Officers: (Not uniform issued to SCDNR officer)

Boating - Components will be the equivalent of the DNR Law Enforcement Officers: (Not uniform issued to SCDNR officer)

- Green Shorts
- Khaki pullover shirt with a collar (no Tee Shirts). (A badge may be embroidered to the left side.)
- White boating shoes
- Black or orange Deputy Officer cap
- Personal flotation device
- Black belt with accessories
- Badge attached to belt or PFD (no other brass to be worn)

The field uniform can be worn as a boating uniform. White shoes may not be worn with long green pants. The khaki pull over Deputy Officer's shirt may be worn with long green pants during boating activities.

The boating shorts, khaki pullover shirt, white boating shoes may only be worn while on boating patrol, or en route to work boating patrol.



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When working with a regular salaried DNR enforcement officer who is in uniform, Deputy Officers will also wear their approved uniform. The Region Captain may authorize exceptions for undercover or other special assignments. Deputy Officers not employed by the department are responsible for the purchase of this uniform.

2. The approved uniform for Deputy Officers employed by the department will be:

Field - department issued uniform, department issued duty gear.

Boating - Components will be the equivalent to the DNR Law Enforcement Officers. The uniform will be their department issued uniform, which have been approved by the Director and the Deputy Director for Law Enforcement. The field uniform can be worn as a boating uniform.

The boating uniform may only be worn while on boating patrol or en route to and from the location or on assignments approved by the Deputy Director for Law Enforcement. Deputy Officers employed by the Department when working with a regular salaried DNR Law Enforcement Officer, who is in uniform, will also wear their department issued uniform. The Region Captain may authorize exceptions for undercover or other special assignments.

**F. Personal Grooming and Appearance for Deputy Officers.**

The following are personal grooming guidelines for Deputy Officers when on official law enforcement duty:

Male:

- Hair cut above the ear (ear exposed).
- Hair on neck will be cut so as to not touch the shirt collar.
- Sideburns will be no longer than the bottom of the ear.
- Hair may be worn full, but will not create a balloon effect when headgear is worn.
- Mustaches are permitted. If a mustache is worn, it will be kept neatly trimmed, tapered, and tidy and will not present a chopped-off appearance. No portion of the mustache will cover the upper lip line or extend sideways beyond a vertical line drawn upward from the corner of the mouth. A



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- handlebar mustache, goatee, and Fu Manchu are not authorized.
- Beards are permitted. If a beard is worn, it will be kept neatly trimmed, tapered, and tidy and will not present a chopped off appearance.

**Female:**

- Female Deputy Officers must have their hair worn in such a manner that it does not interfere with their duties or may result in a danger to the Deputy Officers safety. If the female Deputy Officer's hair is below the collar, the hair must be pulled back away from the face and adequately secured.

**Jewelry and Make-up**

Male Deputy Officers shall not wear earrings or studs. Female Deputy Officers with pierced ears may wear one stud or ball-type earring in each ear.

- Only one item (watch, I.D. bracelet, med-alert, etc.) May be worn on each wrist.
- A necklace may be worn provided it is not visible.
- No more than two rings may be worn on either hand.
- No mirrored sunglasses may be worn. The frames shall be black or brown plastic, or gold, silver or black metal.
- Female Deputy Officers may wear facial make-up providing the make-up does not detract from the uniform.

G. The supplies listed below will be furnished to Deputy Officers by the DNR.

- Credentials
- Badges
- Badge wallet
- Caps
- Shoulder patches



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- H. For Deputy Officers, the authorized handgun is a Glock pistol model 22, .40 S&W. No other handgun or calibers are authorized. Non Department Deputy officers are responsible for purchase of Glock pistol. Department Deputy officers will be issued a Department Glock.
- I. Ammunition must be "factory load" and not modified in anyway. Hand loads, hot loads and reloads are prohibited. Ammunition will be provided to Department Deputy officers. Non Department Deputy officers are required to purchase factory ammunition as carried by SCDNR officers.

#### IV. Training

- A. A Deputy Officer must be in physical condition and able to perform all assigned duties.
- B. All Deputy Officers must be properly trained in order to hold commissions.
  - 1. Deputy Officers employed by the department must be certified as a Class III law enforcement officer through a program offered by the South Carolina Criminal Justice Academy or have completed similar training that has been approved by the South Carolina Law Enforcement Training Council. A copy of the certification must be furnished to the DNR Law Enforcement Division's Training Section for verification prior to issuance of the commission.
  - 2. Deputy Officers not employed by the department must complete the basic State Constables training program offered through the State of South Carolina Technical Colleges or have completed acceptable training as approved by the South Carolina Law Enforcement Training Council at their own expense. Training must be completed within 12 months of application approval. A copy of the certificate of completion must be furnished to the DNR Law Enforcement Division's Training Section for verification prior to issuance of the commission. Deputy Officers grandfathered by state law must complete DNR provided training prior to issuance of the commission.
  - 3. A commission will not be issued until the appropriate bond, as prescribed by law, has been issued and received by the DNR Law Enforcements Division.



<p align="center"><b>THE DEPARTMENT OF NATURAL RESOURCES</b></p> <p align="center"><b>BOARD POLICY</b></p>	
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- C. Deputy Officers must complete annual in-service training provided by SC DNR Law Enforcement Division. Documentation of completion of required in-service training must be submitted to the DNR Law Enforcement Division. Deputy Officers will take the yearly course required for Class 1 Officers. The department's Director, Deputy Director for Law Enforcement or Division Deputy Director for their division may also require additional in-service or specialized training. Failure to meet this training requirement may result in revocation of commission.
  
- D. All non-department Deputy Officers are required to participate in enforcement activities for a minimum of 120 hours per year, or as prescribed by the Deputy Director for Law Enforcement. One hundred (100) hours must be spent working with regular salaried DNR officers, and at least 20 hours must be DNR approved or required training. Deputy Officers employed by the department will receive prior approval from their respective Deputy Director or their designee before working scheduled law enforcement assignments. Retired SCDNR officers serving as Deputy Officers will not be required to meet minimum work hours, but are required to attend all required training to maintain commission.
  
- E. Failure to remain certified or to successfully complete all required training within the designated time periods will result in immediate suspension or revocation of the commission unless extenuating circumstances exist.
  
- V. Operations
  - A. Deputy Officers not employed by the department are restricted to performing law enforcement duties only when in proximate contact with a regular salaried DNR law enforcement officer or upon specific advance approval from the appropriate Region Captain, his/her designee or higher ranking DNR law enforcement official. An exception may be made for exigent circumstances where a delay may cause harm to others or permit escape. Deputy Officers who have a responsibility for specific properties may obtain approval for a period coterminous with the commission, but must obtain renewed approval upon being re-commissioned.
  
  - B. Deputy Officers employed by the department are generally restricted to enforcement of fish, wildlife, boating and littering statutes unless specific advance approval for performing broader enforcement duties is obtained from the appropriate Region



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Captain, his/her designee, or higher ranking DNR law enforcement official and the appropriate Deputy Director. An exception may be made for exigent circumstances where a delay may cause harm to others or permit escape.

- C. Deputy Officers who have been involved in enforcement duties must submit to their Region Captain, or division Deputy Director for Department Deputy Officers, a Law Enforcement annual report form including, but not limited to hours worked with regular salaried SCDNR officers, search and rescue operations, training completed, and cases in which they participated. Division Deputy Directors for Department Deputy Officers will forward the report annually to the Law Enforcement Division. Deputy Officers who have not engaged in enforcement action during any calendar year are still required to submit a report indicating no action taken and verify pertinent information



*Committee recommendation from Study of the Law Enforcement Training  
Council and Criminal Justice Academy regarding tracking firearm  
certification*



**2. Firearms Qualifications - The Subcommittee recommends the agency clarify hiring requirement and annual firearms qualifications** to assist the agency in its responsibilities to coordinate training and standards for all law enforcement. To effectuate coordination, it is essential for the agency to know who all law enforcement officers are and where they work.<sup>92</sup> Many variables may occur during a year that impact an officer's ability to use a firearm (e.g., injury).<sup>93</sup> On this basis, the Subcommittee Study recommends amending SC Code Section 23-23-40 or applicable regulations to accomplish the following:

- Clarify for a certified or non-certified officer to enforce laws, a hiring law enforcement entity must provide the agency notification of both (1) the hiring of the officer, and (2) the officer's successful completion of firearms qualification, regardless of whether the officer is new to law enforcement or transferring from another law enforcement entity;
- Require the agency to confirm if all officers at a law enforcement entity, with certain exceptions (e.g., military service, etc.), have passed a yearly firearms qualification, including some mechanism for enforcement of this provision; and
- Remove an outdated provision in statute referencing if a firearms qualification program approved by the agency director exists, as an approved program now exists.



# DISCIPLINE AND INTERNAL AFFAIRS - DNR DIRECTIVES AND POLICIES

Note, only certain Department of Natural Resource policies are included in this meeting packet. A complete list of DNR policies related to this topic which are available on the Committee's webpage are as follows:

- Discipline and Internal Affairs
  - Standards of Disciplinary Actions (Human Resources Policy 701.03)
  - Oral Reprimand form
  - Written Reprimand form
  - Notice of Suspension form
  - Notice of Suspension Temporary Grant or Time-Limited Employees form
  - Notice of Suspension Pending Investigation form
  - Internal Affairs (Law Enforcement Directive 321)
  - Complaint Procedure (Board Policy 2016.01)
    - New procedure the SCDNR Board passed in January 2018 per the Oversight Subcommittee's recommendation, which relates to complaint procedures for alleged wrongdoing of Deputy Directors, direct reports to the agency Director, the agency Director, and DNR Board Members and Advisory Board members.



*New Complaint Procedure (Board Policy 2016.01)*



**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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<b>SUBJECT: Complaint Procedure</b>	<b>Approved: January 25, 2018</b>

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.



*Internal Affairs (Law Enforcement Directive 321)*

(Last revised September 1, 2011)



**SOUTH CAROLINA DEPARTMENT OF NATURAL RESOURCES  
LAW ENFORCEMENT DIVISION DIRECTIVE**

DIRECTIVE #: D 321

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SUBJECT: COMPLAINT PROCEDURE, INTERNAL AFFAIRS

DATE: NOV 21, 1997

RELATED DIRECTIVES, STANDARDS, ETC.:

LAST REVISION: SEP 1, 2011

RESPONSIBLE AUTHORITY: DEPUTY DIRECTOR OF LAW ENFORCEMENT

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**PURPOSE:** The purpose of this directive is to establish guidelines and procedures for receiving, reporting, investigating, and adjudicating allegations of officer misconduct.

**DIRECTIVE:** It is essential that the Division's personnel and the citizens of this state have confidence in these who exercise law enforcement authority. This requires procedures for adequate and expeditious processing of allegations of misconduct by employees.

All employees will comply with agency rules, regulations and directives. All employees will be held strictly accountable for properly exercising the authority they have been given. At the same time, employees must be protected against false allegations of misconduct. This can only be accomplished through a consistently thorough investigative process.

**PROCEDURES:**

**A. Internal Affairs Function**

- 1) The Deputy Director of Law Enforcement is responsible for the administration of internal affairs function. An Internal Affairs Officer (**IAO**) will assist the Deputy Director for Law Enforcement with this responsibility, by:
  - (a) Receiving, documenting, and maintaining files on all information pertaining to allegations of employee misconduct. These files will be maintained in a secure area separate from the personnel and other records.
  - (b) Conducting, supervising or coordinating the investigation of alleged or suspected misconduct within the Law Enforcement Division or within other Divisions upon authorization from the Director.
  - (c) Maintaining the confidentiality of all internal affairs investigations and records to the maximum extent allowed by law.



- 2) Appropriate logs for complaints will be maintained by both the IAO and each Region Captain or section head.

**B. Categories of Complaint**

- 1) Low Infraction-Allegations that involve:
  - (a) Misunderstandings between a citizen and an employee.
  - (b) Breaches of policies or directives of less serious nature.
- 2) High Infraction
  - (a) All allegations brought against an employee of a criminal nature or serious enough to warrant personnel action such as suspension or termination. Allegations of felonious conduct may be reported to SLED or other appropriate law enforcement authority.

**C. Procedure for Accepting Allegations Against Agency Members**

- 1) Any citizen complaint, regardless of category, shall be accepted whether it is in person, by phone, or in writing, and an appropriate investigation conducted. Irrational complaints and complainants who exhibit behavior generally associated with some form of dementia or substance abuse may be noted.
- 2) An employee who received an initial complaint shall direct the complaint or written complaint to the affected Region Captain or Deputy Director for Law Enforcement.

**IMPORTANT:** Nothing contained herein should be constructed so as to prevent any person with information about misconduct from going directly to the Deputy Director for Law Enforcement.

**D. High Infraction**

- 1) In all high infractions, the Deputy Director for Law Enforcement will be notified in a timely manner of the allegation. In addition the agency will acknowledge receipt of the complaint in the appropriate manner.

**E. Assignment of the Investigation**

Allegations of a high infraction shall be assigned for investigations in the following manner:

- 1) The Deputy Director for Law Enforcement shall assign a supervisor to investigate the allegation as soon as possible or refer the matter to the IAO or another investigative agency if he feels it is warranted.

**F. Notification to Officers of Internal Affairs Investigation**

- 1) The Employee of an internal affairs investigation will be informed of any allegations usually from the affected Captain, provided that investigations conducted by external authorities may control when the officer is informed.

**G. Responsibilities of Employee**

- 1) Employees will cooperate fully with any internal investigation. Employees are expected to answer questions specifically and narrowly related to the subject of the investigation and may be compelled to answer questions relating to non-criminal conduct or criminal conduct which will not be prosecuted.

**H. Polygraph Examinations**

- 1) The polygraph may be used in any matter for detection of deception, provided no employee shall be required to submit to examination except with the expressed approval of the Deputy Director for Law Enforcement or Director. Any ordered examination must be in accordance with the "Garrity" decision of the United States Supreme Court. Refusal



to submit to such examination may result in disciplinary action in accordance to the Standards of Disciplinary Action Policy #701.03.

**I. Further Testing or Disclosures**

- 1) The Deputy Director for Law Enforcement or Director may require an employee in any matter to submit to any following test or disclosure when specifically directed and narrowly related to the subject of an internal investigation. Failure to follow a direct order of this nature may result in disciplinary action against an employee in accordance to the Standards of Disciplinary Action, Policy #701.03.

**J. Employee Rights**

- 1) Employees have the same rights guaranteed to all citizens by the Constitution and laws of the State of South Carolina and of the United States.
- 2) For high infractions, internal investigations will be completed within 180 days from the start of initial complaint. If an extension is necessary, the assigned investigator will request an extension from the Deputy Director for Law Enforcement or Director citing the extenuating circumstances. Throughout the investigation the assigned investigator will keep the Deputy Director for Law Enforcement or the Director informed.
- 3) Employees have the right
  - (a) to be treated fairly,
  - (b) to be informed of allegations,
  - (c) to have complaints investigated, and
  - (d) to be afforded an opportunity to present evidence on their behalf.

**K. Adjudication of Allegation of Employee Misconduct**

- 1) For high infractions, internal investigations will be completed within 180 days from the start of initial complaint. If an extension is necessary, the assigned investigator will request an extension from the Deputy Director for Law Enforcement or Director citing the extenuating circumstances. Throughout the investigation the assigned investigator will keep the Deputy Director for Law Enforcement or the Director informed.
- 2) For low infractions, internal investigations will be completed within 180 days from the start of the initial complaint. If an extension is necessary, the assigned investigator will request an extension from the Deputy Director for Law Enforcement or the Director or respective Captain citing the extenuating circumstances. Throughout the investigation, the assigned investigator will keep the Deputy Director for Law Enforcement or Director or affected Captain informed.
- 3) Upon conclusion of an investigation the investigator will forward all information to the Deputy Director for Law Enforcement or Director or other senior staff members, or affected Captain.
- 4) The Deputy Director for Law Enforcement or Director or effected Captain shall review the facts and determine whether the complaint should be classified as:
  - (a) Unfounded-Evidence sufficient to conclude that the complaint is groundless.
  - (b) Exonerated-Actions taken by employee were lawful and proper.
  - (c) Not sustained-Insufficient evidence exists to either prove or disprove the complaint.
  - (d) Sustained-Sufficient evidence exists to conclude the allegation is correct.
- 5) If the allegation is sustained based on the facts of the investigation, the Deputy Director of Law Enforcement, Director, senior staff member or affected Captain will take appropriate disciplinary action in accordance with Standards of Disciplinary Action



- Policy after consultation with the office of Human Resources.
- 6) Complainants will be informed at the conclusion or resolution of an investigation.

**NOTE: In all investigations where the complaint is classified as “Unfounded”, “Exonerated” or “Not Sustained” the employee will be notified in writing that the investigation has been closed and how the investigation was classified.**

**K. Criminal Prosecution Liaison**

- 1) In the event of any criminal prosecution resulting from an investigation of alleged officer misconduct, the Deputy Director for Law Enforcement or his designee will maintain communication with the appropriate investigating agency and or prosecutor.

**L. Notification of High Authority**

- 1) The Deputy Director for Law Enforcement periodically will apprise the Director of all internal investigations and will promptly inform the Director of all serious allegations made against DNR officers.

APPROVED:



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A.C. Frampton, Colonel



*Standards of Disciplinary Actions (Human Resources Policy 701.03)*  
(Last revised July 1, 2004)



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

**POLICY #: 701.03**

**Page 1 of 6**

**SUBJECT: Standards of Disciplinary Actions**

**Revised July 1, 2004**

**THE LANGUAGE USED IN THIS DOCUMENT DOES NOT CREATE AN EMPLOYMENT CONTRACT BETWEEN THE EMPLOYEE AND THE AGENCY. THIS DOCUMENT DOES NOT CREATE ANY CONTRACTUAL RIGHTS OR ENTITLEMENTS. THE AGENCY 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**

It is the policy of the South Carolina Department of Natural Resources to administer disciplinary action, suspension or termination of employees in an equitable, fair and as near a uniform manner as possible. The Department believes such a policy to be in the best interest of all employees. The purpose is not to restrict operating personnel but to assist them in solving problems involving discipline in a fair and equitable manner without prejudice or favoritism.

The policy is that any employee, regardless of occupation, position, profession, or type of work performed may be warned, reprimanded, suspended or terminated whenever employee action indicates the need. The degree and kind of action taken will be based upon the sound and considered judgment of the supervisor, Deputy Director, Human Resource Director, or Director as the circumstances dictate.

A standard range of penalties and uniform administration of remedial action is established for various types of undesirable conduct. Review of these 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 range of disciplinary standards. Consequently, each supervisor and employee will be given a copy of the policy, and explanations and interpretations concerning it will be readily available. This progressive discipline policy does not apply to probationary employees who may be disciplined at the Department's discretion.

**I. Guidelines**

Ordinarily, 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. Factors such as the employee's position and classification, the level of experience with the Department and related fields, whether the offense impacted private property or natural resources, any resulting injury to the State or private individuals, how the infraction affected the Department in effectively fulfilling its mission, and how the infraction affects the employee committing the infraction to effectively fulfill his/her job responsibilities will be considered in determining the appropriate level of discipline. Additionally, any other aggravating or mitigating circumstances may be considered in the overall determination of the appropriate level of discipline.

Because of their responsibility to enforce such laws, the Department expects and will ensure that law enforcement officers and other commissioned staff will be held to the highest standard of accountability concerning violations of State and Federal laws and regulations governing natural resources.

Usually, counseling or an oral reprimand is sufficient for the first occurrence of a minor offense. A record of this action should be placed in the supervisor's incident or documentation file. A repetition of the offense or the first occurrence of a more severe offense should be followed by a written reprimand which becomes a 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 are 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 work station 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 discretion, individual offenses calling for oral or written reprimands could cumulatively result in suspension or termination.

In all cases of formal disciplinary actions, the employee should sign the disciplinary notices. His/her signature means only that he/she has received a copy and not that he/she agrees with the contents or the action taken. If an employee refuses to sign the disciplinary document, the supervisor shall so note on the document and have the document signed by another witness, if possible.



An employee receiving a counseling notice or an oral reprimand may petition for removal of any written documentation from the supervisory file upon completing one additional year without any further disciplinary actions.

## **II. Procedures for Administering Disciplinary Action**

### **A. Oral reprimand**

Ordinarily, an employee should be verbally admonished for relatively minor infractions of inappropriate behavior, misconduct, or violation of rules. The supervisor should inform the employee in private that an oral reprimand is being given and that the employee is being afforded the opportunity to correct the problem. The supervisor should review with the employee exactly what is expected. The supervisor should further inform the employee that unless the problem is corrected, the employee will be subject to stronger disciplinary action, up to and including written reprimand, suspension, termination, reassignment, demotion or other appropriate action. The employee should sign a written acknowledgment of the issues discussed during the oral reprimand. The original written acknowledgment of the oral reprimand should be maintained in supervisory files, to be used to support future discipline as needed and a copy of the written acknowledgment given to the employee. The employee must be informed that the written acknowledgment of the oral reprimand will not become part of the employee's official personnel file in the Office of Human Resources.

### **B. Written Reprimand**

A repetition of an offense covered in a previous oral reprimand, or the first occurrence of a more severe offense is normally followed by a written reprimand. Written reprimands should be approved in advance by the Deputy Director or his designee. The Human Resource Director should be contacted and given the details of the incident and may elect to review the wording of the written reprimand. The nature of the offense, the dates of any counseling sessions and the oral reprimand (if given) should be referenced in the written reprimand. The employee should be told in the written reprimand that repetitions of an offense or a more severe offense will warrant further disciplinary action. The employee should sign the written reprimand as having been received and understood. The original written reprimand shall be forwarded to the Office of Human Resources for inclusion in the employee's permanent personnel file, and a copy of the written reprimand provided to the employee.

### **C. Suspension, Reassignments, Demotions**



Suspension is administered for severe offenses or for repeated lesser violations which have not been corrected through reprimands. The period of suspension may vary and depend on the nature of the offense and if previous reprimands have been issued. Details of the most recent offense and dates of reprimands and counseling sessions should be cited in the notice of suspension. All suspensions must be approved in advance by the Deputy Director with concurrence from the Human Resource Director. The Department Director should be notified prior to an employee being suspended, if possible. Reassignments and demotions for disciplinary reasons must be approved by the Deputy Director with concurrence of the Human Resource Director.

When a suspension, reassignment, or demotion is necessary and has been approved, the supervisor should follow the following guidelines:

1. Prepare a written notice of the suspension, reassignment and/or demotion, outlining the reasons for the disciplinary action, and in the case of suspension, the exact dates of suspension for review by the deputy director or his/her designee, the Human Resources Director and the Department Director.
2. Once the wording has been approved, the supervisor should present and discuss the written notice of suspension, reassignment and/or demotion with the employee. The employee will be told of the reasons the disciplinary action was taken.
3. The employee should be advised that if further disciplinary action becomes necessary, then the next appropriate action may be termination.
4. The employee should sign the notice of suspension as having been received and understood. The original notice of suspension, reassignment and/or demotion shall become part of the employee's official personnel file in the Human Resources Office.
5. Prepare a Personnel Transaction Request Form, with attached documentation and forward through division channels to the Human Resource Director.



**Exception:**

When the violation is for an infraction of safety rules of major significance or of a severe nature and it would be in the best interest of everyone concerned to remove the employee from the premises, the supervisor may suspend an employee immediately pending the outcome of an investigation into the matter. Ordinarily, this action should be approved by the Deputy Director or his designee in consultation with the Human Resource Director.

**D. Terminations**

If progressive discipline fails to eliminate behavioral problems or violations of rules, the employee is then subject to termination. Serious offenses, such as stealing, may call for immediate termination without prior warning or attempts to correct the problem.

All pertinent facts shall be considered in the evaluation of events leading up to the recommendation for termination. The supervisor should present all facts surrounding the incident to the next level of supervisor with a recommendation for the termination. The Deputy Director should then be presented the facts and the recommendation. If the Deputy Director agrees with the recommendation, the matter is next discussed with the Human Resource Directors who, with the Deputy Director, will seek the approval of the Department Director if the action is deemed appropriate. The letter of termination shall be reviewed by the Human Resource Director before being given to the employee. A Personnel Transaction Request Form should be prepared and sent to the Human Resource Director. The letter of termination should contain a summary of all events, such as reprimand, counseling, etc. leading up to the termination. The letter should also include notification of the employee's right to appeal the action.

An employee shall be removed from the position or terminated from the agency when work performance does not meet acceptable standards. In such cases, action shall be taken in accordance with the Employee Performance Appraisal System approved by the State Budget and Control Board.

**Exception:** (When other supervisory personnel are not available)

When a violation is for an infraction of safety rules of major significance of a severe nature and the offense calls for termination, the supervisor may suspend an employee immediately and advise him/her that termination will be recommended and is pending



approval of the proper authority. Ordinarily, this action should be approved by the Deputy Director or his designee in consultation with the Human Resource Director.

Attachment "A" lists actions in response to particular offenses. It is to be used as a guide and is not intended to be all-inclusive. At the occurrence of any of the listed offenses, the appropriate discipline shall be determined after the particular circumstances of the case have been carefully considered.

Occasions may arise, however, where offenses are of such seriousness as to endanger the safety of persons or property or to cause intolerable disruptions to essential work. In such instances, there may be a need to suspend an employee immediately and without warning.

When such abrupt disciplinary action is deemed to be necessary, the following steps should be taken by the supervisor or responsible official involved:

1. He/she should tell the employee to leave the State property at once and either report to the supervisor the following day or remain away until further notice. In extreme emergencies, he/she may call upon a law enforcement official to carry out the removal of the offending employee.
2. After consultation with the Human Resource Director and approval by the Department Director or his designee, official notice of suspension, discharge, or other action shall be given to the employee.

### III. Right of Appeal

An employee who has been terminated, suspended, demoted or reassigned in excess of 30 miles, may have the right to appeal such action through the Department's grievance procedure. A copy of the approved grievance procedure will be made available and explained to the employee in accordance with the State Grievance Act.

### IV. Reported Employee Misconduct

Depending upon the severity, allegations of employee misconduct in the performance of his/her job responsibilities may warrant an internal investigation of complaints and/or reports of improper employee conduct. Such investigation may be conducted by the Internal Affairs Section of the Law Enforcement Division, the Human Resources Director, the appropriate Deputy Director or the Internal Audit Section.



**SOUTH CAROLINA DEPARTMENT OF NATURAL RESOURCES  
DISCIPLINARY ACTION GUIDELINES**

Offense or Job Deficiency	First Offense	Second Offense	Third Offense	Fourth Offense
Abandonment of Position	(Employees who voluntarily fail to report to work for three consecutive work days and fail to contact the Department during this time period will be considered to have voluntarily resigned.)			
Abuse of Equipment	Oral Reprimand to Suspension	Suspension	Termination	
Abuse of Sick Leave	Oral Reprimand to Written Reprimand (Refer to FMLA and ADA)	Written Reprimand to Termination (Refer to FMLA and ADA)	Suspension to Termination (Refer to FMLA and ADA)	Termination (Refer to FMLA and ADA)
Acting as a Disrupting Factor	Oral Reprimand	Written Reprimand	Suspension	Termination
Any Accumulation of Three (3) Offenses 1 <sup>st</sup> or 2 <sup>nd</sup> Where the Offense Calls for Suspension Within a Period of One Year	Termination			
Any Accumulation of Three (3) Offenses Where the First Offense Calls for an Oral or Written Reprimand Within a Period of One Year	Suspension	Termination		
Conviction of a Criminal Offense Which Adversely Reflects on an Individual's Suitability for Continued Employment ( <b>Note:</b> game, fish, commercial fishing, and boating violations treated separately.)	Termination			
Discourteous Treatment of Visitors and/or Customers	Oral Reprimand to Suspension	Suspension to Termination	Termination	
Drinking Alcoholic Beverages on the Job	Up to Termination (Refer to Section 8-11-110 of SC Code of Laws; Act on Alcoholism)			
Engaging in Unlawful Work Stoppages, Slowdowns or Strikes	Written Reprimand to Termination	Termination		
Excessive Absenteeism (LWOP and Sick Leave)	(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 and Americans with Disabilities Act.)			



Offense or Job Deficiency	First Offense	Second Offense	Third Offense	Fourth Offense
Excessive Use of Telephone for Personal Matters	Oral Reprimand	Written Reprimand	Suspension	Termination
Failure to Carry Out or Follow Instructions	Oral Reprimand to Suspension	Written Reprimand to Termination	Suspension to Termination	Termination
Failure to Cooperate in Department Investigation	Written Reprimand to Termination	Suspension to Termination	Termination	
Failure to Maintain Satisfactory or Harmonious Working Relationships With Employees or Supervisors	Oral Reprimand	Written Reprimand	Suspension	Termination
Failure to Report to Work and Not Notifying the Supervisor	Written Reprimand to Suspension	Suspension	Termination	
Falsification of Records or Documents	Written Reprimand to Termination	Termination		
Habitual Tardiness or Failure to Observe Assigned Work Hours	Oral Reprimand	Written Reprimand	Suspension	Termination
Improper Conduct or Conduct Unbecoming an Officer or State Employee	Oral to Written Reprimand and/or Transfer and/or Demotion to Termination	Written Reprimand to Suspension and/or Transfer and/or Demotion to Termination	Suspension and/or Transfer and/or Demotion to Termination	Termination
Insubordination and/or Failure to be Cooperative With Supervisor	Written Reprimand to Termination	Suspension to Termination	Termination	
Intentional Mishandling of Department Funds	Suspension to Termination with Reimbursement	Termination		
Interference With Other Employee's Work	Oral Reprimand	Written Reprimand	Suspension	Termination
Lack of Candor/Willful False Statements to a Supervisor	Written Reprimand to Termination	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 to Suspension	Suspension to Termination	Termination
Negligence	Oral to Written Reprimand	Written Reprimand to Suspension	Suspension to Termination	Termination
Negligent Operation of State Equipment (Boating Violations Treated Separately)	Oral to Written Reprimand	Written Reprimand to Suspension	Suspension to Termination	Termination



Offense or Job Deficiency	First Offense	Second Offense	Third Offense	Fourth Offense
Operating Department Vehicle or Equipment Without Required Valid License	Written Reprimand to Termination	Termination		
Positive Test Result Following Alcohol and/or Drug Test	No Action to Termination	Written Reprimand to Termination	Suspension to Termination	Termination
Possessing or Using Illegal Drugs on the Job	Termination			
Refusal to Submit to Alcohol and/or Drug Testing (Applies to Employees Covered By Policy)	Suspension to Termination	Termination		
Sexual Harassment	Written Reprimand to Termination	Termination (Refer to Sexual Harassment Policy 704.05)		
Sleeping While on Duty	Written Reprimand	Suspension to Termination	Termination	
Stealing	Suspension and Reimbursement to Termination	Termination		
Substandard Quality	Guidelines established in the Employee Performance Management System.			
Threatening or Making Threatening Actions Towards Another Employee	Suspension to Termination	Termination		
Unauthorized and/or Illegal Possession of Firearms on the Job	Suspension to Termination	Termination		
Unauthorized Distribution of Written or Printed Material of Any Kind	Oral to Written Reprimand	Suspension	Termination	
Unauthorized Issuance or Possession of Department Equipment	Oral to Written Reprimand	Suspension	Termination	
Unauthorized Leave ( <b>Leave requested by employee but denied by supervisor</b> )	Written Reprimand to Suspension	Suspension	Termination	
Unauthorized Release of Confidential Information	Written Reprimand to Suspension	Suspension to Termination	Termination	
Unauthorized Solicitation or Sales on State Premises	Oral to Written Reprimand	Suspension	Termination	
Unauthorized Use of State Equipment or Property	Oral Reprimand to Termination	Suspension to Termination	Termination	



Offense or Job Deficiency	First Offense	Second Offense	Third Offense	Fourth Offense
Violation and/or Conviction of Any Conservation, Commercial Fish, Game, Fish or Boating Laws or Regulations of Any of the States of the United States	No Action to Termination	Suspension to Termination	Termination	
Violation of Chain of Command	Oral to Written Reprimand	Written Reprimand to Suspension	Suspension	Termination
Violation of Department's Clean Air Policy #705.01	Oral Reprimand	Written Reprimand	Suspension	Termination
Violation of Traffic Laws in State Vehicle	No Action to Written Reprimand	Written Reprimand to Suspension	Suspension	Termination
Willful Destruction of or Defacing, or Misusing State Property	Written Reprimand to Termination	Termination		
Willful Violation of Written Rules, Regulations or Policies (Note: game, fish, commercial fishing, and boating violations treated separately.)	Written Reprimand to Suspension	Suspension to Termination	Termination	
Working on Personal Job During Work Hours	Oral to Written Reprimand	Suspension	Termination	
Working or Reporting to Work Under the Influence of Alcohol or Drugs	Suspension	Termination (Refer to Section 8-11-110 of SC Code of Laws; Act on Alcoholism)		

**The above indicated actions in response to specific offenses are to be used as a guide and are 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.**

**In exceptional cases, deviation from the established guidelines may be made if approved by the Human Resources Director. A memorandum explaining the justification for the deviation must be submitted to the Human Resources Director prior to imposing disciplinary action. The employee must be provided a clearly documented reason for deviation from the established guidelines.**



# HIRING, PROMOTIONS, AND BONUSES - DNR DIRECTIVES AND POLICIES

Note, only certain Department of Natural Resource policies are included in this meeting packet. A complete list of DNR policies related to this topic which are available on the Committee's webpage are as follows:

- Hiring/Promotions
  - Law Enforcement Officer Hiring Procedure (Law Enforcement Directive 347)
  - Law Enforcement Officer Promotional Plan (Law Enforcement Directive 348)
  - Law Enforcement Officer Career Path
  - Marine Resources Division Pay Plan
  - Wildlife and Freshwater Fisheries Division Pay Plan
  - Boat Titling and Registration Clerks Career Path
  - Applicant Evaluation Form



## *Law Enforcement Officer Hiring Procedure (LE Directive 347)*

(Last revised March 1, 2001)



**SOUTH CAROLINA DEPARTMENT OF NATURAL RESOURCES  
LAW ENFORCEMENT DIVISION DIRECTIVE**

DIRECTIVE #: D 347

PAGE 1 OF 4

SUBJECT: DNR L/E OFFICER HIRING PROCEDURE

DATE: MAR 1, 2001

RELATED DIRECTIVES, STANDARDS, ETC:

LAST REVISION: JUL 2, 2012

RESPONSIBLE AUTHORITY: DEPUTY DIRECTOR OF LAW ENFORCEMENT

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**PURPOSE:** The purpose of the DNR Law Enforcement Applicant Hiring Procedure is to provide guidelines for selecting new applicants for these positions in a fair and impartial manner for all candidates. Through the development of an efficient, effective and fair selection process, the Department will achieve its goal of selecting those individuals who best possess the knowledge, skills and abilities needed to successfully carry out the duties of a DNR Law Enforcement Officer.

**GENERAL RESPONSIBILITIES**

**A. Vacancy Announcements**

- 1) A vacancy announcement for Law Enforcement Officer position(s) will be posted by the Human Resources Office in accordance with Human Resources Regulations and based on available funding and the Department's needs.
- 2) The Law Enforcement Division may extend the posting deadline should such factors as quantity of applicants or diversity of applicants warrant further recruitment efforts to be made. Any posting extensions shall be advertised through the same channels as the original posting.
- 3) Only applications submitted and received by the closing date will be considered for the hiring cycle in which they were received.
- 4) The Human Resources Office and the Law Enforcement Division will work to ensure a diverse applicant pool exists.

**B. Applicant Process**

- 1) Upon an initial inquiry to the South Carolina Department of Natural Resources Human Resources Office by a prospective applicant, the prospective applicant will be guided through the process. It is the responsibility of each applicant to submit the necessary applicant documents by the stated deadlines to the Department's Human Resources Office.



The applicant will not be considered eligible for the screening process until all required documentation is received by the Human Resources Office. If the Human Resources Office receives applications without all required documentation, the applicant will be notified in writing that his/her application is ineligible pending receipt of all documentation. If the documentation is received after the established deadline, the applicant will not be eligible for the current hiring cycle.

**C. Job Requirements**

- 1) Education Requirement — A Bachelor's degree; or an Associate's degree (or two (2) years of college credits equating to (60) semester credit hours) combined with either two (2) years of certified class 1 law enforcement officer service or active military service or four (4) years of service as a SC DNR Deputy Law Enforcement Officer (DLEO). The Human Resources Office is responsible for determining an applicant's qualifications. Applicants must meet the minimum education or equivalent experience requirement at the time of application.
  - (a) Applicants who do not meet the minimum requirements will be notified electronically (email) by the Human Resources Office.
  - (b) Residency Requirement - Applicants must relocate to the designated county within 90 calendar days of employment. Failure by a selected applicant to adhere to this relocation requirement may be cause for dismissal.

**D. Interview Panel**

- 1) Applicants who meet the minimum education and/or experience requirements may be invited to interview before an interview panel. The panel will include four (4) law enforcement personnel and one (1) staff member of the Human Resources Office. The Deputy Director of Law Enforcement will appoint the law enforcement panel members and the Human Resources Director will appoint the Human Resources Office representative. At least two (2) of the law enforcement panel members will be senior officers. The Law Enforcement Deputy Director may add to this panel with appropriate justification. The Deputy Director of Law Enforcement and the Human Resources Director will collaborate to ensure that the panel has minority representation.
- 2) The interview panel will ask each applicant a set of job related questions. Each member of the panel will individually rate each candidate upon completion of the interview. The Human Resources Office will compile the scores for each applicant and will compute the applicants' average scores.
- 3) The Human Resources Office will compile a rank ordered list of candidates based upon composite interview scores. A predetermined number of top ranking candidates will be scheduled for the written test and the physical agility test. The number of applicants to be scheduled for the written test and the physical agility test will be based upon the number of vacancies to be filled.

**E. Testing**

- 1) Written Examination
  - (a) Those applicants whose interview scores fall within the predetermined range will be scheduled for the written test. The test is administered by the Human Resources Office who will notify the applicants of the test results.
  - (b) Applicants who fail the test will be eliminated from further consideration and must retake the test for the next hiring cycle.
- 2) Physical Agility Test



- (a) Applicants passing the written examination will be required to complete and pass a physical agility test. This portion of the selection process is pass/fail and is administered by the DNR Law Enforcement Division. This test consists of running an obstacle course, weight dragging and swimming.
- (b) The Department will establish only one make-up test date for the physical agility test for any applicants who are unable to test on the originally scheduled date. If the applicant is unable to participate in the make-up session, he/she will be ineligible for further consideration during the current hiring cycle.
- (c) Applicants who fail any portion of the physical agility test will be ineligible for further consideration until the next hiring cycle.
  - (1) The results of the written and agility tests will be valid for the current hiring cycle only. A list of top ranking candidates who pass the written test and the physical agility test will be provided to the Deputy Director of Law Enforcement. If for any reason applicants are eliminated causing the applicant pool to be too low, additional applicants may be added from the original rank ordered list.

**F. Personal Interview**

- 1) Applicants successfully completing the interview panel, the written test and the physical agility test will be scheduled for a personal interview with the Deputy Director of the Law Enforcement Division. After interviewing the applicants, the Deputy Director of the Law Enforcement Division will select candidates for intensive background investigations.

**G. Investigation**

- 1) A background investigation will be conducted by the Law Enforcement Division on the candidates provided by the Deputy Director of the Law Enforcement Division. Background investigations shall be conducted by investigators trained in proper collection of necessary information.
- 2) Applicants for the position of DNR Law Enforcement Officer must be of good character. Background investigations will be reviewed by the Human Resources Office and the Law Enforcement Division in their totality in determining an applicant's overall suitability for employment as a DNR Law Enforcement Officer. The investigation shall verify information regarding previous work experience, education, credit and criminal record, driving record, general reputation within the community, and personal and business references.

**H. Recommended Candidates**

- 1) The Deputy Director for Law Enforcement will recommend to the Department Director the candidates for DNR Law Enforcement Officer positions.
- 2) Upon approval by the Director, the Human Resources Office will send the selected candidates a written letter of offer contingent upon the results of medical, psychological, eye and drug screenings.

**I. Medical and Psychological Screenings**

- 1) Applicants will be notified in writing of the date, location and time of screenings.
- 2) If the results of any of these screenings prevent the Department from making a final offer of employment, the applicant will be notified in writing accordingly.
- 3) Upon evaluation of the results, applicants will be notified accordingly of their final selection in writing.
- 4) Applicants not hired will be notified in writing by the Human Resources Office of the non-selection.



**J. Record Management and Retention**

- 1) The Human Resources Office will establish and maintain files on all applicants in accordance with applicable State Regulations and retention schedules. These files shall be stored in a secure area when not in use and shall be disposed of in a manner which prevents disclosure of the information contained in the files.
- 2) Completed applications and resumes of applicants who were not hired by the Department shall be retained for two (2) years and in accordance with State Regulations and retention schedules.
- 3) A record of each applicant's background investigation shall be maintained by the authorized division who conducted the background investigation and shall be maintained pursuant to retention schedules approved by the State Department of Archives in compliance with the Records Retention Act.

APPROVED:



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A.C. Frampton, Colonel



*Law Enforcement Officer Promotional Plan (LE Directive 348)*

(Last revised July 2, 2012)



**SOUTH CAROLINA DEPARTMENT OF NATURAL RESOURCES  
LAW ENFORCEMENT DIVISION DIRECTIVE**

DIRECTIVE #: D 348

PAGE 1 OF 2

SUBJECT: DNR L/E OFFICER PROMOTIONAL PLAN

DATE: MAR 1, 2001

RELATED DIRECTIVES, STANDARDS, ETC:

LAST REVISION: JUL 2, 2012

RESPONSIBLE AUTHORITY: DEPUTY DIRECTOR OF LAW ENFORCEMENT

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The South Carolina Department of Natural Resources, Division of Law Enforcement, is committed to promoting well-qualified and trained individuals and to providing upward mobility and career development, in order to achieve maximum efficiency.

**PURPOSE:** To set forth guidelines for the administration of a uniform promotional plan for DNR Law Enforcement Officers.

**PROCEDURES:**

- A. **Region Operations** – The following criteria, as they relate to the position to be filled, are used as guidelines in selecting an employee for promotion to the supervisory positions of Captain, Lieutenant and Unit Sergeant in the Law Enforcement Regions.
- 1) Law Enforcement vacancies will be posted in all law enforcement region offices for a period of five (5) working days.
  - 2) All interested officers submit an updated employment application to the Department's Human Resources Office by the closing date of the vacancy posting.
  - 3) Officers must meet the minimum qualifications for the position.
  - 4) Applicants must appear before the Law Enforcement Promotion Board as follows:
    - (a) First Sergeant: the panel consists of 1) the Region Captain, 2) the Region Lieutenant and 3) a representative of the Office of Human Resources.
    - (b) Lieutenant: the panel consists of 1) the Region Captain, 2) Lieutenant Colonel and/or the designated Major, and 3) the Human Resources Director.
    - (c) Captain: the panel consists of 1) the Lieutenant Colonel and/or the designated Major, 2) the Deputy Director for Law Enforcement, and 3) the Human Resources Director.
    - (d) In cases of absence of above listing panel officers, an appropriate substitution will be made.



## **B. Non-Region Assigned Officers**

The following criteria are used as guidelines in selecting an employee for the law enforcement education positions and non-region assigned officers/staff Lieutenants, etc. This procedure is not invoked when the personnel action is considered a reclassification of a position, such as, in the case of a gradual change of duties and responsibilities or a change due to reorganization or realignment of positions.

- 1) Law Enforcement vacancies will be posted in all law enforcement region offices for a period of five (5) working days.
  - 2) All interested officers must submit an updated employment application to the Department's Human Resources office prior to the closing date of the vacancy posting.
  - 3) Officers must meet the qualifications for the position.
  - 4) Applicants must appear before the Law Enforcement Promotion Board as follows:
    - (a) Staff Ranking Officers and Law Enforcement Education, Training and Boating positions: the panel consists of 1) the Captain and/or Lieutenant, 2) the Major and 3) a representative from the Office of Human Resources. The Deputy Director of Law Enforcement and the Lieutenant Colonel may serve on the promotional panel at the Captain and Major levels.
    - (b) Investigators and other non-covered positions: the panel consists of 1) the Captain, if appropriate, 2) the appropriate Major, 3) the Lieutenant Colonel and 4) a representative from the Office of Human Resources.
    - (c) Major: the panel consists of 1) the Deputy Director of Law Enforcement, the Lieutenant Colonel and 2) the Human Resources Director.
    - (d) Lieutenant Colonel: the panel consists of 1) the Deputy Director of Law Enforcement, 2) the Human Resources Director and 3) the Agency Director.
  - 5) Additional panel representatives may be added upon appropriate justification.
- C. **Criteria** – In order to promote the development and utilization of qualified personnel, the criteria used by the Promotion Boards in selecting the best qualified individuals will include, but will not be limited to:
- 1) Job knowledge
  - 2) Experience
  - 3) Job performance
  - 4) Work habits
  - 5) Past employment records, and
  - 6) Leadership ability

APPROVED:



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A.C. Frampton, Colonel



## *Applicant Evaluation Form*



## APPLICANT EVALUATION FORM

APPLICANT'S NAME \_\_\_\_\_

POSITION \_\_\_\_\_

RATER(S) NAME \_\_\_\_\_

DATE \_\_\_\_\_

**Instructions:** Using the position description or vacancy announcement, document appropriate competencies for the position in the critical Job Requirements field. You may reference the question(s) asked during the interview to assist the rater(s) in determining an appropriate score (example: Leadership (see #2, #4).

**Circle the appropriate number indicating the degree to which the candidate meets each critical job requirement.**

Critical Job Requirements	Below Average Not as strong As needed		Good Meets Job Needs Or Minimum Req.		Very Good More than meets Requirements	
	1	2	3	4	5	6
1.	1	2	3	4	5	6
2.	1	2	3	4	5	6
3.	1	2	3	4	5	6
4.	1	2	3	4	5	6
5.	1	2	3	4	5	6
6.	1	2	3	4	5	6
7.	1	2	3	4	5	6
8.	1	2	3	4	5	6

**Strengths**

**Weak Areas**

**Rating:** \_\_\_\_\_



## COMMITTEE CONTACT INFORMATION





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