

# South Carolina Department of Public Safety

Office of the Director

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<b>POLICY</b>	<b>400.03</b>
<b>EFFECTIVE DATE</b>	<b>NOVEMBER 4, 1994</b>
<b>ISSUE DATE</b>	<b>MARCH 20, 2000</b>
<b>SUBJECT</b>	<b>PROMOTION POLICY FOR COMMISSIONED PERSONNEL OF THE HIGHWAY PATROL</b>
<b>APPLICABLE STATUTES</b>	<b>§23-6-170, §23-6-520</b>
<b>APPLICABLE STANDARDS</b>	<b>34.1.1, 34.1.2, 34.1.3, 34.1.4, 34.1.6</b>
<b>DISTRUBTION</b>	<b>TO ALL EMPLOYEES</b>

**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.**

## **I. GENERAL**

- A. In accordance with Act 181 of 1993, Governmental Restructuring Act, the Director of the Department of Public Safety shall be responsible for making all promotions within the Highway Patrol in accordance with this policy directive. The Deputy Director of the Highway Patrol shall be responsible for submitting the name of a qualified candidate for promotion to the Director for approval in accordance with this policy directive. [34.1.1]  
[34.1.2]
- B. Promotions will be made by the Director from those candidates who meet minimum training and experience requirements set forth in the published position descriptions, who have been recommended for promotion and whose names have been forwarded by the Deputy Director as recommended for the specific promotions. Additionally, the Director may make promotions based upon a continuous record of meritorious service. Copies of the applicable position descriptions may be obtained from the Department's Office of Human Resources. [34.1.1]
- C. To be eligible for promotion to Lieutenant, an applicant must hold the rank of First Sergeant or Sergeant for a minimum of six months. To be eligible for promotion to First Sergeant, an applicant must hold the rank of Sergeant

for a minimum of six months. To be eligible for promotion to Sergeant, an applicant must hold the rank of Corporal for a minimum of six months. To be eligible for promotion to Corporal, an applicant must have held the rank of Lance Corporal for six months. Individuals with breaks in service must complete the probationary period imposed upon rehiring before the individual is considered eligible for promotion. [34.1.3 (a)] [34.1.6 (c)]

- D. Advancements to the ranks of Trooper First Class, Senior Trooper and Lance Corporal will occur upon satisfactory time in grade and the recommendation of the District/Unit Captain which shall be based on the employee's satisfactory service, the employee's most recent performance evaluation, any counseling sessions held since the last performance evaluation and any disciplinary action which has been imposed on the individual during the 12 months preceding the eligibility to advancement to a rank listed above. [34.1.3 (a)]
- E. The Director and Deputy Director will determine the promotion procedures for the ranks of Captain, Major and Lieutenant Colonel as vacancies occur. [34.1.3 (a)]
- F. An individual, who is interested in a transfer for the ranks of Lieutenant, Sergeant and Corporal, must apply for a lateral move when the vacancy is posted. The lateral transfer candidates may be considered for the vacancy prior to the convening of the promotional board, and if selected, the promotional board for that vacancy will not be convened. [34.1.3 (g)]
- G. Any individual who has been suspended for disciplinary reasons and/or involuntarily demoted during the 12 months preceding the individual attaining eligibility to the next rank or during the promotion process shall be considered ineligible to participate in the promotion process. Any individual who has received a "below performance requirements" rating on the employee's most recent performance evaluation shall be ineligible to participate in the promotion process. Any individual serving a probationary/trial period shall be ineligible to participate in the promotion process. [34.1.3 (a)]
- H. Candidates who are not selected for promotion after two years will be required to retake the applicable test. [34.1.3 (f)] [34.1.6 (d)]
- I. The subsequent imposition of a suspension and/or involuntarily demotion against an employee deemed qualified for promotion will eliminate his or her eligibility status for 12 months from the date of the suspension and/or involuntary demotion.

## **II. TESTING FOR PROMOTION ELIGIBILITY**

- A. As personnel achieve the minimum eligibility requirements to participate in the promotion process for the ranks of Lieutenant, First Sergeant, Sergeant and Corporal, they shall forward a "Letter of Intent" and an Internal

Commissioned Officer Promotion Application form to the Highway Patrol Office of Promotion Policy Administration. The "Letter of Intent" and the Internal Commissioned Officer Promotion Application shall be provided to each patrol location by the Highway Patrol Office of Promotion Policy Administration.

- B. Candidates for promotion to the ranks of Lieutenant, First Sergeant, Sergeant or Corporal must pass the applicable written examination to be eligible for further participation in the promotion process. Prior to the initial administration of a test, a committee of subject matter experts will review each examination for accuracy. Tests shall be administered within thirty days after the individual is deemed eligible. A second test date will be established a minimum of thirty days after the completion of all initial testing. Candidates who fail to achieve a passing score on the initial test will be eligible for retesting on the second test. Candidates who fail to achieve a passing score on the second test will not be eligible to participate further in the promotion process for a period of twelve months after the individual is deemed eligible. [34.1.3 (b)]
- C. All candidates will be notified in writing of the outcome, pass or fail, of their examination. All scores shall be valid for a period of two years or until the candidate retakes the examination and receives a new score, which shall remain valid for a two-year period. If the candidate fails to achieve promotion to the rank during the two-year period, then the candidate must retake and pass the examination at the next scheduled test date. [34.1.3 (b) (f)] [34.1.6 (d)]

### **III. CREATION OF PROMOTION INTERVIEW BOARDS**

- A. The Director will appoint a pool of Highway Patrol Officers to serve as interview board members. Board members will serve at the Director's pleasure.
- B. An interview board will be formed from the appointed pool of officers once a vacancy occurs. The Deputy Director will select a diversified board which will include a chairman and four additional uniformed personnel from the appointed pool. The captain or unit commander where the vacancy is located shall be one of the four voting members of the interview board but shall not be the chairman. The Director shall also appoint one non-voting civilian representative for each board who will be present during all meetings of the board and will be responsible for collecting and compiling all ballots.
- C. Promotion interview boards for the ranks of Lieutenant will be chaired by a Major or above. Promotion interview boards for the ranks of First Sergeant, Sergeant and Corporal will be chaired by a Captain or above.
- D. All interview board members will sign and strictly adhere to a code of ethics approved by the Director. Any member who divulges confidential

information about any candidate will be subject to disciplinary action up to and including termination from employment. Any member who has knowledge of intimidation or collusion by any of the board members to influence the outcome or decision of the board shall immediately notify the Director who may order the board to disband and may select a new interview board. Disciplinary action, including suspension or termination from employment, may be taken against any board member for such acts of intimidation or collusion.

#### **IV. APPLYING FOR POSTED VACANCIES**

- A. Only candidates who have passed the applicable written examination will be eligible to apply for vacancies in that rank as they are posted by the Department. When a vacancy is announced for which the candidate desires to compete, the candidate must forward an Application for Commissioned Vacant Position to the Highway Patrol Office of Promotion Policy Administration before the closing date.
- B. The Highway Patrol Office of Promotion Policy Administration will review the applications to ensure that the applicants meet the specified qualifications for the posted vacancy. The Highway Patrol Office of Promotion Policy Administration will pull and compile the applicants record of disciplinary action, if any, and will secure the supervisor leadership assessment from the applicants supervisor and Captain. [34.1.3 (g)]
- C. Candidates will be required to appear before the board every time they apply for a vacant position. In the event a single candidate has applied for a position, the Director may waive appearance before the board.

#### **V. APPEARANCE BEFORE PROMOTION INTERVIEW BOARD [34.1.3 (d)]**

- A. The Deputy Director shall appoint a committee of subject matter experts, to develop a pool of questions for each eligible rank. The Highway Patrol Office of Promotion Policy Administration shall select 5 questions for each interview board prior to the board's consideration of any candidate. The Director or his designee prior to consideration of any candidate shall approve these questions and criteria. [34.1.4]
- B. The interview board members will be encouraged to ask follow-up questions for clarification of candidate's answers. Each member will then independently assess every candidates potential for performing the duties of the rank in question by reviewing and assessing such factors as the employees answers to questions administered during the oral interview and the employees ability to communicate in oral form. [34.1.3 (a)] [34.1.4]
- C. Every member will independently assess each candidate using the approved criteria, and using a closed, secret ballot will rate the candidate by using the approved numerical system. The Directors non-voting civilian

representative will collect the individual members ballots and together with an employee of the Department's Internal Audit Section, will tally the scores and determine the top 35% or 5 candidates (whichever is higher) that will be forwarded to the Deputy Director to be considered for promotion. The ballots will be maintained and secured by the Office of Internal Audit for a period of two years. The Deputy Director shall make his selection for filling the posted vacancy and will forward his recommendation to the Director for final approval. [34.1.3 (h)] [34.1.4] [34.1.6 (a) (b) (e)]

This policy will be effective upon approval by the Public Safety Coordinating Council.

<b>By Order of the Director</b> <b>Date: March 20, 2000</b>
<i>B. Boykin Rose</i>
<b>Director</b> <b>S C Department of Public Safety</b>
The Original Signed Copy of this Policy is on File in the Office of the General Counsel