

# South Carolina Department of Public Safety



Office of the Director

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<b>POLICY</b>	<b>400.16</b>
<b>EFFECTIVE DATE</b>	<b>JANUARY 29, 1998</b>
<b>ISSUE DATE</b>	<b>MAY 22, 2012</b>
<b>SUBJECT</b>	<b>PAY PLAN AND DUAL EMPLOYMENT</b>
<b>APPLICABLE STATUTES</b>	
<b>APPLICABLE STANDARDS</b>	<b><u>21.2.1 (c)</u>; <u>22.1.1 (b) (g)</u>; <u>26.1.2</u>, <u>32.1.1</u>, <u>32.1.3</u>, <u>32.1.4</u>, <u>32.1.5</u>, <u>32.1.6</u>, <u>32.2.1</u>, <u>34.1.3 (e)</u></b>
<b>DISTRIBUTION</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. PURPOSE**

The purpose of this policy is to apprise employees of the department's pay plan and to address the requirements for dual employment.

## **II. POLICY**

The Department of Public Safety is committed to maintaining fair and equitable compensation for its employees. The department's pay plan allows for competitive salaries for employees and provides for awarding compensation for exceptional job performance and outstanding job qualifications. All aspects of this pay plan are contingent upon the department having sufficient funds.

## **III. DEFINITIONS**

**Annual Salary** - The total amount of pay approved for an employee in his/her position including any additional pay such as longevity or temporary salary adjustments.

**Base Pay** - The rate of pay approved for an employee in his position exclusive of any additional pay such as longevity payments, temporary salary adjustments or shift differential payments.

**Class** - A group of positions sufficiently similar in the duties performed, degree of supervision exercised or received, minimum requirements of education, experience or skill, and such other characteristics, that the same state class title, and the same state salary range can be applied to each position in the group.

**Demotion** - The movement of an employee from one position to another position having a lower salary range.

- A. The selection process includes: [32.1.1] [32.1.4 (a)]
  - 1. Reviewing and updating a position description
  - 2. Posting the vacancy on the Internet
  - 3. Application Process
  - 4. Evaluation and Assessment of Credentials
  - 5. Interview and Selection Process
  - 6. Completion of Vacancy Checklist
  - 7. Pre-Employment Process/Final Approval
- B. Following interviews, a selection shall be made and submitted to the Employment Unit within the Office of Human Resources.
- C. The Vacancy Checklist shall be completed to define the elements of the selection process and to ensure uniformity. [32.1.3] [32.2.1 (a) (c)]
- D. A criminal justice history record check shall be conducted to determine eligibility to remain in the selection process. [32.2.1 (b)]
- E. Upon a satisfactory criminal justice history record, a selected candidate's employment information shall be forwarded to the Human Resources Director and/or Agency Head for final approval.
- F. The selection process may take up to 3 months to complete. There is no time-limit on reapplication. [32.1.4 (b) (c)]
- G. After a selection has been made, all candidates interviewed shall be notified via e-mail or in writing. [32.1.5]
- H. All applications shall be retained for three years. [32.1.6]
- I. The selection process for uniformed officers is addressed in Policy 400.02. [32.1.1]

**V. HIRE ABOVE MINIMUM**

- A. An employee who is given an original appointment and meets the minimum training and experience requirements for the class to which appointed shall be paid at least the minimum rate for that class.
- B. If appropriate funding is available, an applicant may be hired above the minimum of the pay band based on the following factors:
  - 1. The applicant has training and/or experience which substantially exceed the minimum training and experience required for the class.
  - 2. The market rates of pay for the position are higher than the minimum salary of the pay band.
  - 3. The department has experienced difficulty in recruiting qualified applicants.
  - 4. Hiring above the minimum will not cause internal inequity with similar positions within the department.
- C. Requests for hiring above the minimum will be made by the hiring official to the Department of Public Safety's Office of Human Resources on the Personnel Action

Request Form. The Financial Services Office must verify that sufficient funding is available.

## **VI. IN-BAND INCREASES [22.1.1 (b)] [26.1.2]**

### **A. Performance Increases**

#### **1. Procedures [22.1.1 (b)] [26.1.2]**

Any request or recommendation for performance increase shall be submitted by the employee's immediate supervisor to the appropriate Deputy Director or Department Head. Once the Deputy Director or Department Head has concurred with the recommendation, the request shall be delivered to the department's Office of Financial Services. If sufficient funds are available, the request is forwarded to the department's Human Resources Office. The request will then be forwarded to the director for approval.

#### **2. Eligibility [22.1.1 (b)] [26.1.2]**

All permanent employees of the department with the exception of those employees covered by the Agency Head Salary Commission shall be eligible for such increases.

#### **3. Criteria [22.1.1 (b)] [26.1.2]**

A request for pay for performance must have as a minimum, a current EPMS evaluation with a rating of "successful" or "exceptional" and any of the following additional criteria:

- a. The employee has demonstrated a positive attitude and spirit of service and cooperation. [26.1.2]
- b. Innovative acts of the employee have resulted in a significant increase in service or productivity. [26.1.2]
- c. The employee has made a significant contribution to cost savings, cost reductions, or cost containment. [26.1.2]
- d. The employee has performed special assignments in an exceptional manner or has provided exceptional service not already reflected or included in the applicable performance evaluation. [26.1.2]

#### **4. Amount of Salary Increase**

A Pay for Performance salary increase may range up to 15% of an employee's base pay, provided the increase does not place the employee's salary above the maximum of the pay range of the employee's position.

#### **5. Funding and Frequency of Pay Increases**

Pay for Performance increases must be funded from sources within each division's budget. Only one such pay increase may be granted to an eligible employee during a fiscal year.

#### **6. Effective Date Pay for Performance increases will be effective in the pay period coincident with or immediately following the director's approval of the request.**

- B. Additional Duties and/or Responsibilities Increase [22.1.1 (b)]**
1. An additional duties/responsibilities in-band increase may be granted when an employee is assigned additional job duties and/or broader responsibilities, either within his current position or another position in the same pay band. An employee's salary may be increased by up to 15% for the recognition of the additional job duties and/or responsibilities, provided such increase does not place the employee's salary above the maximum rate of the pay band.
  2. Approval for an increase of more than 15% must be submitted by the Department of Public Safety's Office of Human Resources to the State Budget and Control Board's Office of Human Resources for approval.
  3. Should the additional job duties and/or responsibilities be taken away from the employee within six (6) months of the date that the salary increase was awarded; the salary may be reduced by up to the amount of the additional job duties and or responsibility increase.
- C. Transfer Increases [22.1.1 (b)]**
1. An employee may receive an increase of up to 15% of his base pay when transferring from another state agency if the position is in the same class and/or pay band as his current position. Salary levels within the Department of Public Safety and the hiring division will be reviewed to ensure equity of compensation for similar positions and responsibilities. The increase may not place the employee's salary above the maximum rate of the pay band.
  2. The employee's qualifications, current classification and salary will be verified with the State Budget and Control Board's Office of Human Resources.
- D. Retention Increases [22.1.1 (b)]**
1. An employee may receive an increase of up to 15% of his base pay upon receiving a bona fide job offer, and the Department of Public Safety wishes to retain the services of the employee in his current position. The increase may not place the employee's salary above the maximum of the pay band. An employee may only receive one (1) retention increase per year.
  2. The job offer will be verified by the Department of Public Safety.
- E. Additional Knowledge and Skills Increase [22.1.1 (b)]**
1. An additional knowledge and skills in-band increase may be granted when an employee gains additional skills and/or knowledge directly related to the job. An employee's salary may be increased up to 15% for the acquisition of additional skills and/or knowledge, provided such increase does not place the employee's salary above the maximum rate of the pay band.
  2. Approval for an increase of more than 15% must be submitted by the Department's Office of Human Resources to the State Budget and Control Board's Office of Human Resources for approval.
- F. Temporary Salary Adjustments [22.1.1 (b)]**
- An employee may receive a temporary salary adjustment for assuming additional duties for a limited period of time. Temporary salary adjustments are approved by the

Budget & Control Board's Office of Human Resources and do not become a permanent part of an employee's base pay. [22.1.1 (g)] A temporary salary adjustment may be approved with the understanding that it will be terminated at the end of twelve months or upon completion of the project, whichever occurs first.

- G. Requests for In-Band Increases must be submitted to the Department of Public Safety's Budget Office on the Personnel Action Request Form along with the Personnel Action Request Form complete with the required approval signatures. An updated position description must also be submitted. If sufficient funds are available, the request will be forwarded to the department's Office of Human Resources.

## **VII. RECLASSIFICATION AND PROMOTION INCREASES**

### **A. Promotional Increase**

#### **1. Criteria**

- a. Upon promotion, the employee's base pay shall be increased to at least the minimum rate of the pay band of the class to which promoted.
- b. Upon promotion, an employee's base pay may be increased up to 15% of the base pay prior to the promotion, or to the midpoint of the new pay band, whichever is greater. Such increase shall not place the employee's base pay above the maximum rate of the new pay band.
- c. An employee's promotion information is available for review upon written request by the employee to the department's Office of Human Resources. [34.1.3 (e)]

#### **2. Procedures**

Requests for a promotional increase must be submitted to the department's Budget Office on the Personnel Action Request Form. An updated position description must also be submitted. If sufficient funds are available, the request will be forwarded to the department's Office of Human Resources.

### **B. Reclassification Increase**

#### **1. Criteria**

- a. When a filled position is reclassified to a class having a higher minimum and maximum salary range, the employee's base pay shall be increased to at least the minimum rate of the pay band of the class to which reclassified.
- b. Upon reclassification, an employee's base pay may be increased by up to 15% of the base pay prior to reclassification, provided such increase does not place the employee's base pay above the maximum rate of the new pay band.

#### **2. Procedures**

Requests for reclassification must be initiated by the immediate supervisor on the Personnel Action Request Form and forwarded through the appropriate chain of command for concurrence. The request is then forwarded to the Budget Office. An updated position description must also be submitted. If

sufficient funds are available, the request is forwarded to the department's Human Resources Office for review.

## **VIII. REALLOCATION**

- A. A job class can be moved to a higher or lower pay band as a result of a study which reviews pay levels, recruiting difficulties, educational and training requirements, and which is approved by the Budget and Control Board's Office of Human Resources.
- B. If the job class is reallocated upward, an employee's salary must be moved to at least the minimum of the pay band. An employee may receive up to a 15% increase provided the increase does not place the employee's base pay above the maximum of the new pay band. Sufficient funding levels must be available to award increases higher than the minimum of the pay band.
- C. If the class is reallocated downward, the pay of an employee shall not be changed as a result of this action. If the employee's base pay exceeds the maximum of the new pay range, the salary shall remain unchanged and the employee shall not be eligible for pay increases of any type unless one of the following situations applies:
  - 1. Subsequent pay adjustments establish the maximum of the pay band above the employee's rate of pay, or
  - 2. The employee is subsequently promoted and the rate of pay is below the maximum for the class to which promoted.

## **IX. BONUSES**

- A. Eligibility – All permanent and probationary employees in classified permanent positions are entitled to participate in the bonus program. The director and deputy directors are not eligible to receive bonuses.
- B. Criteria – Bonuses may be awarded to recognize the accomplishments and contributions of individual employees. Examples of appropriate reasons for awarding bonuses are:
  - a. contributions to increased organizational productivity;
  - b. development and/or implementation of improved work processes;
  - c. exceptional customer service;
  - d. realized cost savings; or
  - e. other specific contributions to the success of the organization.
- C. Funding and Amount/Frequency of Bonuses – Bonuses cannot exceed one thousand dollars (\$1,000.00) per employee. An employee may receive no more than one bonus in a fiscal year. State general funds identified as carry forward funds or federal or other sources of revenue may be used to fund awards. Divisions or offices that use federal or other sources of revenue to fund bonuses must maintain documents verifying that the bonuses funded were from savings resulting from increased efficiency in their operations. Also, divisions or offices using federal funds for bonuses must show that the use of the funds is in compliance with federal law.

D. The Department Director is the final approving authority for employee bonuses.

**X. REASSIGNMENT [22.1.1 (b)]**

An employee may move from one position to another position within the department. An employee would not receive additional monies based primarily on the reassignment. [22.1.1 (b)]

**XI. SALARY DECREASES [22.1.1 (b)]**

All requests for salary decreases must be discussed with the Department of Public Safety's Office of Human Resources.

**A. Performance Decrease [22.1.1 (b)]**

An employee's salary may be decreased based on poor performance and justified by the employee's EPMS. The EPMS evaluation must indicate a "below performance requirements" on job duties that are critical to the employee's overall duties and responsibilities. The decrease cannot place the employee's base pay below the minimum of the pay band. [22.1.1 (b)]

**B. Removal of Additional Job Duties and/or Responsibilities [22.1.1 (b)]**

An employee who was awarded a salary increase upon the assignment of additional job duties/responsibilities may have his salary reduced if the duties/responsibilities are removed within six (6) months of the date the salary increase was awarded. If all of the duties are taken away, the entire amount of the increase shall be taken away. If only a portion of the duties are taken away, the employee may be allowed to retain a percentage of the increase in proportion to the additional duties that were retained.

**C. Voluntary Salary Decreases [22.1.1 (b)]**

An employee who voluntarily accepts a lower level position in the same pay band or a demotion to a lower pay band may have his salary reduced. The employee must sign a "Voluntary Salary Decrease" statement agreeing to the lower salary.

**D. Involuntary Salary Decreases [22.1.1 (b)]**

An employee, who is involuntarily assigned lower level responsibilities or moved to a position in his current pay band with lower level responsibilities than his current position, shall not have his salary reduced for a period of two years from the date of the action unless an exception is approved by the Budget & Control Board. Upon expiration of the two year period, with the approval of the agency head, the employee's base pay may be reduced by up to 15% or to the midpoint of the pay band or any point in between, whichever is lower.

**E. Other Salary Decreases**

The Department of Public Safety's Office of Human Resources shall be contacted regarding decreasing an employee's salary for disciplinary reasons or as a result of the assignment of lower level responsibilities, demotion or downward reclassification.

**XII. DUAL EMPLOYMENT**

Requests for dual employment must be forwarded and approved through the supervisory chain of command to the Office of Human Resources. Approval for any dual employment

must be obtained before beginning work. Dual Employment will be approved on a fiscal year basis. If the dual employment continues into a new fiscal year, a new dual employment form must be submitted and approved.

**A. 30% Limitation**

Compensation for dual employment may not exceed 30% in a fiscal year of the employee's annualized base pay for his primary job.

**B. Approval Authority**

The Dual Employment request form must be signed by both the primary (home) agency and the secondary (employing) agency with final approval obtained from the director of the home agency. Approval signature by the employee's supervisor on the approved DPS form must be obtained prior to beginning the dual services. A copy of the signed form shall be forwarded to Office of Human Resource for placement in the employee's personnel file. If the dual service continues into a new fiscal year, a new request form must be submitted for approval. Dual employment forms may be obtained from the Office of Human Resources.

**C. Exempt/Non-Exempt Status**

The U.S. Department of Labor, Wage and Hour Division has determined that the state is one employer. Therefore, if non-exempt work is involved, the accumulation of non-exempt work in both employed agencies must be considered in overtime/compensatory credit calculations. Because of this interpretation and the potential overtime liability, non-exempt employees will not be approved for dual employment.

By Order of the Director Date: May 22, 2012
<i>Letoy Smith</i>
Director S C Department of Public Safety
The Original Signed Copy of this Policy is on File in the Office of the General Counsel