

State Human Resources Regulations

19-700 DEFINITIONS

The following definitions should be used in conjunction with these Regulations.

ACADEMIC PERSONNEL – presidents, provosts, vice-presidents, deans, teaching and research staffs, and others of academic rank employed by the State educational institutions of higher learning or medical institutions of education and research.

AGENCY - a department, institution of higher learning, board, commission, or school that is a governmental unit of the State of South Carolina. Special purpose districts, political subdivisions, and other units of local government are excluded from this definition.

AGENCY HEAD - the person who has authority and responsibility for an agency.

AGENCY HIRE DATE – the date an employee begins employment with an agency without any adjustments.

APPEAL - the request by a covered employee to the State Human Resources Director for review of an agency's final decision concerning a grievance.

APPOINTING AUTHORITY - the agency head or other person or group of persons empowered to employ.

BASE PAY - the rate of pay approved for an employee in his position exclusive of any additional pay, such as supplements, bonuses, longevity pay, temporary salary adjustments, shift differential pay, on-call pay, call back pay, special assignment pay, or market or geographic differential pay.

BASE PERIOD - the period of time that defines the regular annual schedule of employment (e.g., either a semester, an academic year, or ten months to 12 months).

BREAK IN SERVICE – an interruption of continuous State service. An employee experiences a break in State service when the employee either (1) separates from State service; (2) moves from one State agency to another and is not employed by the receiving agency within 15 calendar days following the last day worked (or approved day of leave at the transferring agency); (3) remains on leave for a period of more than 12 months; (4) separates from State service as a result of a reduction in force and is not recalled to the original position or reinstated with State government within 12 months of the effective date of the separation; (5) involuntarily separates from State service and the agency's decision is upheld by the State Employee Grievance Committee or by the courts; or (6) moves from a full-time equivalent (FTE) position to a temporary, temporary grant, or time-limited position.

CALENDAR DAYS - the sequential days of a year. For purposes of calculating time frames under the State Employee Grievance Procedure Act, the time must be computed by excluding the first day and including the last. If the last day falls on a Saturday, Sunday, or holiday, it must be

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excluded.

CLASS - a group of positions sufficiently similar in the duties performed; degree of supervision exercised or received; minimum requirements of education or experience; and the knowledge, skills, and abilities required that the Division of State Human Resources applies the same State class title and the same State salary range to each position in the group.

CLASS/UNCLASSIFIED STATE TITLE CODE - the alphanumeric identification assigned to a particular class or unclassified State title.

CLASSIFIED POSITION – an FTE position that has been assigned to a class.

CLASSIFICATION PLAN – the classification plan as authorized by § 8-11-230 which includes the non-Higher Education classification plan and the Higher Education classification plan authorized by the Higher Education Efficiency and Administrative Policies Act of 2011.

CLASSIFIED SERVICE – all of those positions in State service which are subject to the position classification plan.

CLASS SERIES - a group of classes which are sufficiently similar in kind of work performed to warrant similar class titles, but sufficiently different in level of responsibilities to warrant different pay bands.

CLASS SPECIFICATION – the official description approved by the Division of State Human Resources providing examples of the kind of work and level of responsibility normally assigned to positions that may be allocated to the class.

CLASS TITLE - the name assigned to a class by the Division of State Human Resources.

CLASS/UNCLASSIFIED STATE TITLE DATE – the date an employee enters his current class or unclassified State title.

COMPENSATION – monetary payment for services rendered.

CONFLICT OF INTEREST - any action or situation in which an individual's personal or financial interest or that of a member of his household might conflict with the public interest.

CONTINUOUS STATE SERVICE – service with one or more State agencies without a break in service.

CONTINUOUS STATE SERVICE DATE – the date that reflects the first date of State employment without a break in service.

COVERED EMPLOYEE - a full-time or part-time employee occupying a part or all of an FTE position who has completed the probationary period and has a “meets” or higher overall rating on the employee’s performance evaluation and who has grievance rights. Instructional personnel

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are covered upon the completion of one academic year except for faculty at State technical colleges upon the completion of not more than two full academic years' duration. If an employee does not receive an evaluation before the performance review date, the employee must be considered to have performed in a satisfactory manner and be a covered employee. This definition does not include employees in positions such as temporary, temporary grant, or time-limited employees who do not have grievance rights.

DEMOTION – the assignment of an employee by the appointing authority from one established position to a different established position having a lower State salary range or, for employees in positions without a State salary range, assignment of a lower rate of pay to the employee except when the employee's job duties also are decreased for nonpunitive reasons.

DUAL EMPLOYMENT –an agreement by which an employee within an FTE position with an employing agency accepts temporary, part-time employment with the same or another agency.

EMPLOYEE - any person in the service of an agency who receives compensation from the agency and where the agency has the right to control and direct the employee in how the work is performed.

EMPLOYING AGENCY – the agency having primary control over the services of the employee.

EXEMPT EMPLOYEE - an employee who is exempt from both the minimum wage and overtime requirements of the Fair Labor Standards Act due to employment in a bona fide executive, administrative, professional, or outside sales capacity.

FULL-TIME EQUIVALENT or FTE - a numerical value expressing a percentage of time in hours and of funds related to a particular position authorized by the General Assembly.

GRIEVANCE - a complaint filed by a covered employee or the employee's representative regarding an adverse employment action taken by an agency designated in § 8-17-330 of the South Carolina Code of Laws.

HOLIDAY – any holiday recognized by State law or enumerated in the South Carolina Code of Laws § 53-5-10.

HOLIDAY COMPENSATORY TIME - leave time earned by an employee for work performed on a holiday.

IN-BAND INCREASE - a salary increase which is awarded within the pay band assigned to the employee's class.

INITIAL EMPLOYMENT - the employment of a person newly hired into State government in a classified or unclassified FTE position.

INSTRUCTIONAL PERSONNEL – for purposes of the State Employee Grievance Procedure

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Act, employees of an agency that has primarily an educational mission, excluding the State technical colleges and excluding those employees exempted in § 8-17-370 10. of the South Carolina Code of Laws, who work an academic year.

INVOLUNTARY REASSIGNMENT - the movement of an employee's principal place of employment in excess of 30 miles from the prior workstation at the initiative of the agency. The reassignment of an employee by an agency in excess of 30 miles from the prior workstation to the nearest facility with an available position having the same State salary range for which the employee is qualified is not considered involuntary reassignment.

LEAVE ACCRUAL DATE – the date used to calculate an employee's rate of annual leave earnings, which includes: (1) all State service in an FTE position, including part-time service, adjusted to reflect periods where there was a break in service; and, (2) all service as a certified employee in a permanent position of a school district of this State.

LEAVE DONOR - an employee of an employing agency whose voluntary written request for donation of sick or annual leave to the pool leave account of his employing agency is granted.

LEAVE RECIPIENT - an employee of an employing agency who has a personal emergency and is selected and approved to receive sick or annual leave from the pool leave account of his employing agency.

MEDIATION - an alternative dispute resolution process whereby a mediator who is an impartial third party acts to encourage and facilitate the resolution of a dispute without prescribing what it should be. The process is informal and non-adversarial with the objective of helping the disputing parties reach a mutually acceptable agreement.

MEDIATION-ARBITRATION - an alternative dispute resolution process that provides for the submission of an appeal to a mediator-arbitrator, an impartial third party who conducts conferences to attempt to resolve the grievance by mediation and render a decision that is final and binding on the parties if the appeal is not mediated.

NONEXEMPT EMPLOYEE - an employee who is covered by the Fair Labor Standards Act and who is, therefore, subject to both the minimum wage and overtime requirements of the law.

DIVISION OF STATE HUMAN RESOURCES (DSHR) formerly referenced as the Office of Human Resources (OHR) - the central State human resources entity under the Department of Administration.

PAY BAND – for classified positions, the dollar amount between the minimum and maximum rates of pay to which a class is assigned by DSHR.

PERFORMANCE REVIEW DATE – the first day which marks the beginning of a new performance review period.

PERMANENT STATUS – the status attained by an employee upon completion of a

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probationary or trial period in a class or an unclassified State title.

PERSONNEL NUMBER (PERNR) – the employee identification number

PERSONAL EMERGENCY - a catastrophic and debilitating medical situation, severely complicated disability, severe accident case, family medical emergency, or other hardship situation that is likely to require an employee's absence from duty for a prolonged period of time and to result in a substantial loss of income to the employee because of the unavailability of paid leave.

POSITION - those duties and responsibilities constituting a single job.

POSITION NUMBER - a unique number assigned to an FTE position by DSHR.

PROBATIONARY STATUS - the status of an employee during the probationary period.

PROBATIONARY EMPLOYEE - a full-time or part-time employee occupying a part or all of an FTE position in the initial working test period of employment with the State of 12 months' duration for non-instructional personnel, of the academic year duration for instructional personnel except for those at State technical colleges, or of not more than 2 full academic years' duration for faculty at State technical colleges. An employee who receives an unsatisfactory performance evaluation during the probationary period must be terminated before becoming a covered employee.

PROBATIONARY PERIOD - an initial working test period of employment in an FTE position with the State of not more than 12 months' duration for non-instructional personnel or the academic year duration for instructional personnel except for those at State technical colleges, or of not more than 2 full academic years' duration for faculty at State technical colleges. An employee who receives an unsatisfactory performance evaluation during the probationary period must be terminated before becoming a covered employee.

PROMOTION – the assignment of an employee by the appointing authority from one established position to a different established position having a higher State salary range or, for positions without a State salary range, having a higher rate of pay. Failure to be selected for a promotion is not an adverse employment action that can be considered as a grievance or appeal.

PUNITIVE RECLASSIFICATION – for classified employees, the assignment of a position in one class to a different class with a lower pay band with the sole purpose to penalize the covered employee.

REALLOCATION – for classified positions, the assignment of all positions in a class from one pay band to another pay band.

REASSIGNMENT - the movement within an agency of an employee from one position to another position having the same State salary range, or the movement of a position within an agency which does not require reclassification.

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RECLASSIFICATION – for classified positions, the assignment of a position in one class to another class which is the result of a natural or an organizational change in duties or responsibilities of the position.

REDUCTION IN FORCE - the procedure used by an agency to eliminate or reduce a portion of one or more filled FTE positions in one or more organizational units within the agency due to budgetary limitations, shortage of work, organizational changes or outsourcing/privatization.

REEMPLOYMENT - the employment of a person following a break in service in an FTE position.

REINSTATEMENT - the return of an employee to State service without a break in service. Examples include return resulting from: (1) the Reduction in Force procedure; (2) the reversal of a termination under the State Employee Grievance Procedure Act; (3) the settlement of a complaint negotiated under an authorized administrative agency; or, (4) the order of a court.

REQUESTING AGENCY – for dual employment purposes, the agency engaging the services of and compensating any employee for services which are clearly not a part of the employee's regular job.

RESIGNATION – written or oral notification by an employee of his relinquishment of employment.

SEPARATION – action initiated by either the agency or employee which ends the employment relationship.

SHIFT DIFFERENTIAL - the additional amount of pay awarded to employees who are assigned to an evening, night, weekend, rotating, or split-shift.

STATE EMPLOYEE GRIEVANCE COMMITTEE - the committee composed of State employees who are appointed by the Director of the Department of Administration and who conduct hearings involving appeals filed by covered employees.

STATE HIRE DATE - the first date of State employment in an FTE position adjusted to reflect periods when there were breaks in service.

STATE HUMAN RESOURCES DIRECTOR - the head of the Division of State Human Resources of the Department of Administration, or his designee who is responsible for statewide coordination of human resources programs.

STATE SALARY RANGE – the dollar amount between the minimum and maximum rates of pay as established by DSHR.

STATE SERVICE - total employment defined in years, months, and days in which an employee has occupied an FTE position, including part-time service.

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SUPERVISOR - an individual who directs one or more subordinates and is designated as the rater on those subordinates' performance evaluations.

SUPPLEMENT – any compensation, excluding travel reimbursement, from an affiliated public charity, foundation, clinical faculty practice plan, or other public source or any supplement from a private source to the salary appropriated for a State employee and fixed by the State.

SUSPENSION - an enforced leave of absence without pay pending investigation of charges against an employee or for disciplinary purposes.

TEACHERS - individuals employed in instructional positions for which certification is required.

TEMPORARY EMPLOYEE - a full-time or part-time employee who does not occupy an FTE position, whose employment is not to exceed one year, and who is not a covered employee.

TEMPORARY GRANT EMPLOYEE - a full-time or part-time employee who does not occupy an FTE position and is hired to fill a position specified in and funded by a federal grant, public charity grant, private foundation grant, or research grant and who is not a covered employee.

TEMPORARY POSITION - a full-time or part-time non-FTE position created for a period of time not to exceed one year.

TEMPORARY SALARY ADJUSTMENT - compensation not included in an employee's base salary that is awarded for a limited period of time.

TERMINATION – for purposes of the State Employee Grievance Procedure Act, the action taken by an agency against an employee to separate the employee involuntarily from employment.

TIME-LIMITED PROJECT EMPLOYEE - a full-time or part-time employee who does not occupy an FTE position who is hired to fill a position with time-limited project funding approved or authorized by the appropriate State authority, and who is not a covered employee.

TRANSFER - the movement to a different agency of an employee from one position to another position having the same State salary range, or the movement of a position from one agency to another agency which does not require reclassification.

TRIAL PERIOD – the initial working test period of six months required of a covered employee upon movement to any class or an unclassified State title in which the employee has not held permanent status.

TRIAL STATUS – the status of a full-time or part-time covered employee who is in the initial working test period of six months following the movement of the employee or the employee's

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position to any class or unclassified State title in which the employee has not held permanent status.

UNCLASSIFIED POSITION – an FTE position that has been assigned to an unclassified State title.

UNCLASSIFIED SERVICE – all those positions in the State service which are not subject to the position classification plan.

UNCLASSIFIED STATE TITLE - the name assigned to an unclassified position or to a group of similar positions by the Division of State Human Resources.

WORKDAY (AVERAGE) – the number of hours upon which leave and holidays are based. To determine the number of hours in an average workday, divide the total number of hours an employee is regularly scheduled to work during a week by five (regardless of the number of days the employee actually reports to work).