

**Williamsburg Technical College
PROCEDURE**

SECTION A – COLLEGE ORGANIZATION AND GOVERNANCE

Title REQUIREMENTS FOR EMPLOYEES AND PUBLIC OFFICIALS	Number A-13.1
Division of Responsibility President – Human Resources	Approval Date Page 1/21/2021 1 of 4
Approval Vice President _____ President _____	Supersedes Procedure No. A-13.1 Date 5/24/10

PURSUANT TO SECTION 41-1-110 OF THE CODE OF LAWS OF SC, AS AMENDED, 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 State Ethics, Government Accountability, and Campaign Reform Act was enacted in 1991 to restore public trust in governmental institutions and the political governmental process. The Act recognizes that public employment is a public trust, and an effort to realize personal gain through official conduct is a violation of that trust. All employees of Williamsburg Technical College are public employees. Violations of the rules of ethical conduct are investigated and punished where appropriate. The State Ethics, Government Accountability, and Campaign Reform Act applies to all public officials and public employees of the state and political subdivisions, with exception of members of the judiciary.

The law:

1. Provides a code of conduct to prohibit public officials and employees from being involved in certain conflicts of interest;
2. Provides for the filing of Statements of Economic Interest by certain designated public employees and public officials;
3. Provides for advisory opinions to be issued on questions involving the State Ethics, Government Accountability, and Campaign Reform Act;
4. Provides for procedures for participation by citizens in the enforcement of the law; and
5. Provides for the State Ethics Commission to administer the law.

The rules of conduct, Sections 8-13-700 through 8-13-795 of the 1976 South Carolina Code of Laws, as Amended, should be consulted for specific information. The Rules of Conduct:

1. Prohibit employees from using their official position or office to obtain an economic interest for the employee or the employee's family member (spouse, parent, brother, sister, child, mother-in-law, father-in-law, daughter-in-law, brother-in-law, grandparent, or grandchild), an individual with whom the employee is associated, or a business with which the employee is associated;
2. Prohibit employees from giving or offering, soliciting, or receiving compensation to influence the action of public officials or employees;

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3. Prohibits employees from receiving anything of value for speaking before a public or private group in his/her official capacity (Employees may be reimbursed for actual expenses incurred; however, reimbursement requires prior approval of the College President or their official designee).
4. Prohibits employees from receiving compensation while acting in their official capacity from any group or organization to whom professional services are rendered.
 - Honorariums and gratuities, whether in-state or out-of-state for services rendered on state time or at state expense, cannot be received by individuals, but may be received by the College.
 - Section 8-1-170 of the South Carolina Code of Laws authorizes state agencies to develop group productivity incentive programs for the recognition and award of team accomplishments through group performance. Employees of any organizational unit within each of the various agencies are eligible to share equally twenty-five percent of the identified savings resulting from reduced operational costs in the unit up to a maximum of two thousand dollars per employee in a fiscal year.
 - Section 8-1-180 of the South Carolina Code of Laws allows state agencies and institutions to spend public funds on employee plaques, certificates, and other events including meals and similar types of recognition to reward innovations or improvements by individual employees or employee teams that enhance the quality of work or productivity or as a part of employee development programs of their agency or institutions. Awards shall be limited to fifty dollars for each individual.
5. Prohibits the use or disclosure of confidential information for personal financial gain;
6. Prohibits employees from membership on or employment by a regulatory commission or agency that regulates any business with which the employee is associated;
7. Provides for actions to be taken by employees where a decision would affect the employee's personal financial interest;
8. Prohibits employees from appearing before certain regulatory commission; and
9. Calls attention to breaches of ethical standards.

Violation of the State Ethics, Government Accountability, and Campaign Reform Act is punishable by a fine up to \$10,000, up to twenty years imprisonment, or both. In addition to disciplinary action which may be taken by the College, the State Ethics Commission may recommend administrative or disciplinary action, impose oral or written warnings or reprimands, require civil penalties, require forfeiture of anything received, or refer the matter to the Attorney General for criminal prosecution.

Any employee needing further information concerning the applicability of the State Ethics, Government Accountability, and Campaign Reform Act should contact the Human Resources Office or the State Ethics Commission.

WTC employees are provided and sign a statement acknowledging receipt of a copy of the South Carolina State Ethics Commission Rules of Conduct which are included here as follows:

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**South Carolina State Ethics Commission
Rules of Conduct**

General Information

All public employees, public officeholders, and public members are expected to adhere to and follow the Rules of Conduct as outlined in the Ethics Reform Act. Anyone who is found guilty of violating these rules is subject to prosecution by the State Ethics Commission and the Attorney General's Office.

A public official, public member, or public employee may not knowingly use his official office, membership, or employment to influence a government decision to obtain an economic interest for himself, a member of his immediate family, an individual with whom he is associated, or a business with which he is associated.

A person may not directly or indirectly give, offer, or promise anything of value to a public official, public member, or public employee with intent to influence the public official's, public member's, or public employee's official responsibilities, nor is the public official, public member, or public employee to ask, demand, solicit, or accept anything of value for himself or for another person in return for fulfilling his official responsibilities or duties.

A public official, public member or public employee may not receive anything of value for speaking before a public or private group in his/her official capacity. A meal can be accepted if provided in conjunction with the speaking engagement where all participants are entitled to the same meal and the meal is incidental to the speaking engagement. A public official, public member or public employee may receive payment or reimbursement for actual expenses incurred.

Public officials, public members, or public employees may not receive money in addition to that received by the public official, public member, or public employee in his official capacity for advice or assistance given in the course of his employment as a public official, public member, or public employee.

No public official, public member, or public employee may disclose confidential information gained as a result of his responsibility as a public official, public member, or public employee that would affect an economic interest held by himself, a member of his immediate family, an individual with whom he is associated, or a business with which he is associated.

No person may serve as a member of a governmental regulatory agency that regulates any business with which that person is associated.

No person shall serve on the governing body of a state; county; municipal; or political subdivision, board, or commission and serve in a position of the same governing body which makes decisions affecting his economic interests.

A public official occupying a statewide office, a member of his immediate family, an individual with whom he is associated, or a business with which he is associated may not knowingly represent another person before a governmental entity.

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No member of the General Assembly or an individual with whom he is associated or business with which he is associated may represent a client for a fee in a contested case before an agency, a commission, board, department, or other entity if the member of the General Assembly has voted in the election, appointment, recommendation, or confirmation of a member of the governing body of the agency, board, department, or other entity within the 12 preceding months.

A public member occupying statewide office, an individual with whom associated, or a business with which associated may not knowingly represent a person before the same unit or division of the governmental entity for which the public member has official responsibility.

A public official, public member, or public employee of a county or municipality, an individual with whom associated, or a business with which associated may not knowingly represent a person before any agency, unit, or subunit of that county or municipality.

A public employee, other than of a county or municipality, an individual with whom associated, or a business with which associated may not knowingly represent a person before an entity of the same level of government for which the public employee has official responsibility.

No public official, public member or public employee may cause the employment, appointment, promotion, transfer, or advancement of a family member to a state or local office or position in which the public official, public member or public employee supervises or manages. A public official, public member, or public employee may not participate in an action relating to the discipline of the public official's, public member's or public employee's family member.

A former public official, former public member, or former public employee holding office, membership, or employment may not serve as a lobbyist or represent clients before the agency or department on which the public official, public member, or public employee formerly served in a matter in which he directly and substantially participated for one year after terminating his public service or employment.

It is a breach of ethical standards for a public official, public member, or public employee who participates directly in procurement to resign and accept employment with a person contracting with the governmental body if the contract falls or would fall under the public official's, public member's, or public employee's official responsibility.

No person may use government personnel, equipment, materials, or an office building in an election campaign. A person may use public facilities for a campaign purposes if they are available on similar terms to all candidates and committees. Likewise, government personnel may participate in election campaign on their own time and on non-government premises.

A public official, public member, or public employee may not have an economic interest in a contract with the state or its political subdivisions if the public official, public member, or public employee is authorized to perform an official function (including writing or preparing the contract, accepting bids, and awarding of the contracts) relating to the contract.