

**From:** [Linguard, Christie](#)  
**Subject:** Meeting Notice - The Commission of the SCDDSN - Commission Meeting - April 9, 2025  
**Date:** Monday, April 7, 2025 1:30:13 PM  
**Attachments:** [Commission Packet for April 9 2025 Meeting.pdf](#)  
[image001.png](#)

**Everyone,**

**The South Carolina Commission on Disabilities and Special Needs will hold its meeting in-person on Wednesday, April 9, 2025, at 10:30 a.m. in conference room 251 at the SC Department of Disabilities and Special Needs, Central Administrative Office, 3440 Harden Street Extension, Columbia, SC. (Please note that this meeting is taking place one week earlier than usual). To access the live audio stream for the 10:30 a.m. meeting, please visit <https://ddsn.sc.gov>.**

**Attached is the Commission Packet for the meeting.**

**For further information or assistance, contact (803) 898-9769 or (803) 898-9600.**

**Thank you,**

**SOUTH CAROLINA COMMISSION ON DISABILITIES AND SPECIAL NEEDS**

**A G E N D A**

**South Carolina Department of Disabilities and Special Needs  
3440 Harden Street Extension  
Conference Room 251 (TEAMS)  
Columbia, South Carolina**

**April 9, 2025**

**10:30 A.M.**

1. Call to Order *Chairman Eddie Miller*
2. Notice of Meeting Statement *Commissioner Gary Kocher, MD*
3. Welcome
4. Adoption of Agenda
5. Invocation *Commissioner Barry Malphrus*
6. Approval of the February 20, 2025 Commission Meeting Minutes **Pages 2-6**
7. Commissioners' Update *Commissioners*
8. Public Input
9. Programs and Services
  - Brain Injury Awareness Month (March) *Ms. Melissa Ritter, Director of Special Services*
  - DDSN Procurement Division Presentation *Ms. Brittney Childs, Procurement Director*
10. Commission Committee Business
  - A. Policy Committee *Committee Chairman Gary Kocher, MD*
    1. 406-03-DD: Reduction-In-Force Policy **Pages 7-20**
    2. 413-13-DD: Smoke-Free Environment Policy **Pages 21-23**
10. Old Business
  1. Sale of 3440 Harden Street Extension *Ms. Courtney Crosby*
  2. Regional Center Renovations Update *Ms. Courtney Crosby*
  3. Legislative Update *Ms. Carol Stewart*
11. New Business
  - FY25 YTD Spending Plan Budget vs. Actual Expenditures **Page 24** *Ms. Mary Long*
12. Director's Update *Ms. Constance Holloway*
13. Next Regular Meeting – May 15, 2025, at 10:30 AM
14. Adjournment

**SOUTH CAROLINA COMMISSION ON DISABILITIES AND SPECIAL NEEDS**

**MINUTES**

February 20, 2025

The South Carolina Commission on Disabilities and Special Needs met on Thursday, February 20, 2025, at 10:30 p.m., at the Department of Disabilities and Special Needs Central Office, 3440 Harden Street Extension, Columbia, South Carolina.

The following were in attendance:

**COMMISSION**

**Present In-Person**

Eddie Miller - Chairman

Michelle Woodhead – Vice Chairman

Gary Kocher, MD - Secretary

**Microsoft Teams**

Barry Malphrus

**Telephone**

David Thomas

**DDSN Administrative Staff**

Courtney Crosby, Chief of Staff; Mary Long, Interim Chief Financial Officer; Carolyn Benzon, General Counsel; Greg Meetze, Chief Information Officer; Lori Manos, Associate State Director of Policy; Janet Priest, Associate State Director of Operations; Bruce Busbee, Budget Director; Jamie Heyward, Director of Risk Management; Ann Dalton, Director of Quality Management; Jana Brown, Information Technology; and Christie Linguard, Executive Assistant.

**Notice of Meeting Statement**

Chairman Miller called the meeting to order, and Commissioner Kocher read the statement of announcement about the meeting that was distributed to the appropriate media, interested persons, and posted at the Central Office and on the website in accordance with the Freedom of Information Act.

**Welcome**

Chairman Miller welcomed everyone to the meeting.

### **Adoption of the Agenda**

On a motion by Commissioner Kocher and seconded by Commissioner Woodhead, the agenda was unanimously approved as written by the Commission. (Attachment A)

### **Invocation**

Commissioner Kocher gave the invocation.

### **Approval of the January 13, 2025, Commission Meeting Minutes**

Commissioner Woodhead made a motion to approve the minutes from January 13, 2025, Commission meeting as presented. This motion was seconded by Commissioner Malphrus and unanimously approved by the full Commission. (Attachment B)

### **Commissioners' Updates**

Commissioner Thomas asked if the Legislative Update included discussion on whether the Advisory Committee proposal was taken out of Senate Bill S2.

Commissioner Malphrus mentioned the new construction in Hardeeville by the Osprey Village to create a 160-unit facility in the community for people with disabilities.

Commissioner Woodhead announced that she and her daughter, McKenna, will be speaking at this year's Disability Advocacy Day at the state house on Wednesday, March 5<sup>th</sup>. She also announced that McKenna will be attending the University of Michigan for graduate school. Her major is Sports Medicine. She will continue to engage in adaptive sports. Clemson will be hosting the Palmetto Games on April 18<sup>th</sup> through the 19<sup>th</sup>.

Chairman Miller thanked the executive team and everyone at this Agency along with the disability community for all their hard work to assist those in need.

### **Public Input**

There was no public input.

### **Commission Committee Business**

### *Policy Committee*

Commissioner Kocher requested that Lori Manos present the directives up for discussion today.

502-04-DD: Short-Term Admission to DDSN Regional Centers or Community ICFs/IID (make obsolete); 535-11-DD: Appeal and Reconsideration of Decisions; and 600-11-DD: Physical Management (make obsolete) – Coming from the Committee Chairman, Gary Kocher, he presented the motion to approve making 502-04-DD and 600-1-DD obsolete; and to accept the changes made to Directive 535-11-DD as presented. This motion was seconded by Commissioner Thomas and unanimously approved by the full Commission. (Attachments C, D, and E)

Ms. Manos then presented the Caregiver Coaching Standards to the Commission for approval. Brief discussions were held. Coming from the Committee Chairman, Gary Kocher, he presented a motion to approve this Standard as presented; this motion was seconded by Commissioner Woodhead and unanimously approved by the full Commission. (Attachment F)

### **Old Business**

#### *Quarterly Incident Reports*

Ms. Dalton briefly spoke on the five-year incident trend data for Community-Based Services (including Residential and Day Service Settings) through December 31, 2024. She updated the Commission on the various training options that are available for providers. Ms. Heyward gave the five-year trend data report for the Regional Centers through December 31, 2024. (Attachment G)

#### *Home and Community Based Services (HCBS) Settings Regulations Update*

Ms. Priest began by providing an overview of the HCBS Settings Regulation issued by the Centers for Medicare and Medicaid Services (CMS) in January 2014 and became effective in March 2014. States were given years to transition into compliance with full compliance of the Regulations required by March 2022. CMS conducted an on-site review in South Carolina in January 2023. The review team visited settings operated by DDSN-contracted providers across the state. (They visited approximately six providers). Since the on-site review, the state has provided a remediation plan in response to the findings. Part of the remediation plan included site visits that were conducted by the South Carolina Department of Health and Human Services (DHHS). After the site visits, CMS

requested additional clarifications related to a few areas, including leases. In January 2025, residential providers who are landlords were provided instructions to add a sentence to their lease: “As the Tenant, you are entitled to all protections and remedies afforded to tenants by the South Carolina Residential Landlord and Tenant Act (S.C. Code Ann. § 27-40 (2007)).” DHHS was notified of this change. In late January 2025, DHHS submitted its latest clarifications of the remediation plan to CMS.

### *Regional Center Renovations Update*

Ms. Crosby noted that the Agency’s first Quarterly Implementation Progress Report on the Regional Center Renovations Plan (the “Plan”) was submitted to the Joint Bond Review Committee (JBRC) in advance of their January 29<sup>th</sup> meeting. The design work for Highlands 110 and Hillside 620 at the Coastal Regional Center is approximately 66% complete and we are still on track for a Spring groundbreaking. Contracts are now in place for design services at all Priority 1 and 2 Buildings at the Coastal Regional Center. The Agency has received general contract proposals for Pee Dee and Whitten Regional Centers. The next quarterly report to JBRC will be for the quarter ending March 31, 2025.

### *Legislative Update*

Ms. Carol Stewart is attending the Senate Medical Affairs Committee this morning; therefore, Ms. Courtney Crosby gave the Update. The House Ways and Means Committee completed their budget yesterday; the Agency received a total of \$6.0 million (\$1.5 million goes to Greenwood Genetics and the remaining \$4.5 million is for residential services). The budget is scheduled to be debated on the House floor during the week of March 10<sup>th</sup>. The Senate Medical Affairs Committee is meeting this morning to discuss Senate Bill S2, the healthcare agency’s restructuring bill. Ms. Carol Stewart will contact Commissioner Thomas to discuss any questions he has about this Bill. Commissioner Thomas asked if Carol Stewart would send all commissioners a summary of what this Bill actually does.

## **New Business**

### *2025 Autism Connect Conference*

Ms. Stephanie Turner briefed the Commission on the 2025 Autism Connect Conference, which will be held on Wednesday, April 2<sup>nd</sup> from 8:00 AM – 3:00 PM at the Brookland Banquet and Conference Center. There will be 21 unique presentations and an Exhibit Hall to hold approximately 75 people. In just under

two weeks, the Conference sold out; however, there is still room for exhibitors. (Attachment H)

*FY25 YTD Spending Plan Budget vs. Actual Expenditures*

Mr. Busbee presented the budget summary. There is nothing that stands out about the current budget; the Agency is spending a bit ahead of what the budget says at .26% over, which equates to about \$985.000. (Attachment I)

**Next Regular Meeting**

The next scheduled meeting will take place on Thursday, March 20, 2025.

**Adjournment**

On a motion by Commissioner Kocher, seconded by Commissioner Woodhead, and unanimously approved by the Commission, the meeting adjourned at 11:35 A.M.

Submitted by:

Approved by:

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Christie D. Linguard  
Executive Assistant

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Commissioner Gary Kocher, M.D.  
Secretary

Reference Number: 406-03-DD

Title of Document: Reduction-In-Force Policy

Date of Issue: October 21, 1991

~~Last Review Date: March 1, 2017~~

Date of Last Revision: ~~March 1, 2017~~ XXXX, 2025 (REVISED)

Effective Date: ~~October 21, 1991~~ XXXX, 2025

Applicability: All DDSN Covered Employees

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**Purpose:**

The purpose of this policy is to prescribe the manner in which covered employees of the Department of Disabilities and Special Needs (DDSN) are released in an equitable manner should a reduction in force become necessary. A reduction in force may require the separation, involuntary demotion, reassignment, or reduction in work hours of DDSN's covered employees. A reduction in force does not apply to non-covered employees (e.g., probationary employees, temporary employees, temporary grant employees, time-limited project employees, research grant employees and employees exempt from the State Employee Grievance Procedures Act).

DDSN may implement a reduction in force for one or more of the following four (4) reasons:

- A. Reorganization;
- B. Work Shortage; ~~or~~



- C. Loss of Funding; ~~or~~
- D. Outsourcing/Privatization.

### **Management Responsibilities**

DDSN shall determine the following items prior to developing the reduction in force plan:

- A. The reason(s) for the reduction-in-force;
- B. The area(s) of DDSN that are to be impacted by the reduction in force  
[**Competitive Area(s)**];
- C. The State Classification Title(s) within the competitive area(s) to be affected  
[**Competitive Group(s)**]; and
- D. The number of positions in each State Classification Title(s) to be eliminated.

### **Competitive Area(s)**

The State Director of DDSN shall determine the competitive area(s) the reduction in force will impact. DDSN shall establish a competitive area that is clearly distinguishable from the staff in other areas, and where interchange of employees would not be practical. The competitive area may be the entire agency, a department, a service unit, or a geographical location.

### **Competitive Group(s)**

DDSN shall determine the competitive group(s) based on the State classification title(s) within the competitive area(s) that the reduction in force will affect. If the reduction in force is to apply to more than one State classification title, each State class title shall be treated separately, except where the reductions are to be made in a State classification title series (e.g. Auditor I, II, III, etc.); or in State classification titles that are part of DDSN's customary career path (e.g. LPN-I, LPN-II, RN-I, or RN-II).

### **Position Identification**

DDSN shall identify the position(s) within the competitive area(s) and competitive group(s) by identifying the following information:

- A. State Classification Title;
- B. State Classification Code;
- C. Pay Band, if applicable;
- D. Total number of positions in the State Classification Title within the competitive area;  
and
- E. Total number of positions in the State Classification Title within the competitive area to  
be eliminated.

## **Retention Points**

DDSN shall calculate retention points for covered employees in the competitive area(s) and competitive group(s) to be used in determining which covered employees are to be involuntarily demoted, reassigned, have reduced hours, or separated from employment. Retention points shall be based on the total scores of the two most recent annual performance appraisals and the length of continuous State service. The sum of the retention points for performance and length of continuous State service are the total retention points that a covered employee uses in the competition.

### **A. Performance Appraisal Points**

DDSN will determine the total score for an annual performance appraisal by using the following numerical values assigned to the EPMS performance ratings.

Exceptional Performance	3 Points
Successful Performance	1 Points
Unsuccessful Performance	0 Points

For employees who have transferred to DDSN whose previous agency utilized more or fewer levels of performance, DDSN will recognize the performance ratings based on the previous agency's conversion to the three standard levels of performance in the State Employee Performance Management System.

For any year in which the employee does not receive an actual evaluation with a rating, the employee will receive a Successful rating for that year; however, if in the previous year the employee received a higher than Successful rating, the employee will receive the points for the higher rating.

### **B. Continuous State Service Points**

Covered employees will receive one retention point for each full year of continuous State service, after completion of a 12-month probationary period. Six (6) months of service, or more of continuous State service will be considered as one year; and less than six (6) months of service will receive no retention points.

### **C. Exception to Procedure for Retention Point Calculation**

If every position in the competitive area is being eliminated, DDSN is not required to calculate retention points. For positions reestablished within one year of the RIF, in the same competitive area and in the same State classification title, DDSN must calculate retention points at the time of recall. DDSN must calculate retention points using continuous State service and performance appraisal points based on the effective date of the reduction in force.

## **Sequence of Reduction in Force**

1. The order of the reduction in force of covered employees in each State classification title(s) shall be governed by the total number of retention points for each employee.

2. If two or more of the employees affected by a reduction in force have the same number of retention points and not all employees are to be affected by the reduction in force, the DDSN hire date will determine the order of the employees affected. The covered employee with the earlier DDSN hire date will be first retained.

If, after using the DDSN hire date to determine the order of affected employees a retention points tie still exists, DDSN will place the names of those employees with whom the tie exists in a hat. The name(s) drawn from the hat will be first retained.

3. Bumping rights are provided for covered employees who have accumulated more retention points than those with whom they are competing. Under no circumstances can an employee gain from a reduction in force. Bumping rights are provided only downward.

### **Retention of Necessary Qualifications**

No employee with a lower number of retention points shall be retained in preference to another employee in a competitive area(s) and competitive group(s) with a higher number of retention points, except when DDSN determines that a Retention of Necessary Qualification applies.

If an employee is competing for a position that is not being eliminated and DDSN asserts that an employee with higher retention points who has rights to be placed in that position cannot satisfactorily perform the duties of the position within a reasonable training period, the employee with lower retention points may be retained in preference to the employee with higher retention points.

DDSN may make the determination that the employee with higher retention points will not be able within a reasonable training period, to satisfactorily perform the duties of the job based on a lack of knowledge, abilities, skills, supervisory responsibilities, or necessary experience.

When a Retention of Necessary Qualifications is used in a reduction in force plan, justification for this retention must be documented and approved by the State Director of DDSN prior to submitting the Reduction in Force plan to the Department of Administration's Division of State Human Resources (DSHR) for review and approval for procedural correctness. DDSN will retain documentation to support any retention made on this basis.

### **Writing The Reduction In Force Plan**

Once the State Director of DDSN has made the decisions outlined above and prior to the implementation of a reduction in force, the State Director or his/her designee shall develop the reduction in force plan. This plan must include the following:

- A. The reason for the reduction in force;
- B. The identification of the competitive area(s);
- C. The identification of the competitive group(s) [State classification title(s)];

- D. The number of position(s) to be eliminated in each State classification title;
- E. A list of the covered employees, in order of retention points, in the competitive area(s) and competitive group(s) to include the following:
  - 1. Name;
  - 2. Age, race, gender; and,
  - 3. Retention points;
- F. Justification of any Retention of Necessary Qualifications used in the reduction in force plan; and
- G. DDSN's efforts to assist employees affected by the reduction in force.

### **Approval Process**

When it becomes necessary to implement a Reduction in Force, a formal directive to implement a Reduction in Force plan will be issued by the State Director of DDSN ~~after consideration of input from Associate State Directors, District Directors, Facility Administrators and other key staff.~~ Once the Reduction in Force Plan has been completed, DDSN shall submit the following information to the Department of Administration's Division of State Human Resources (DSHR) for review and approval for procedural correctness:

- A. The Reduction in Force plan as outlined in "Writing the Reduction in Force Plan" section above;
- B. An organization chart including each position (designated with the state class title and incumbent's name) within the competitive area(s);
- C. A copy of DDSN's Reduction in Force policy; and
- D. A sample letter to employees affected by the Reduction in Force including information as outlined in the "Implementation and Communication of the Reduction in Force" section below, along with:
  - 1. A list of the employee's recall and reinstatement rights;
  - 2. DDSN's procedure for the recall of an employee; and
  - 3. The employee's grievance rights.

### **Implementation and Communication of the Reduction In Force**

Before a Reduction-in-Force becomes effective and after DSHR has approved the plan for procedural correctness, affected employees will be informed in person and in writing on several matters. A representative from the DDSN Human Resources Division or the employee's supervisor will meet with each employee individually as soon as possible to explain the

Reduction in Force and answer questions. DDSN shall communicate the following information to each affected employee:

1. The reason for the Reduction in Force;
2. The competitive area(s) and competitive group(s) in which the employee competed;
3. The benefits to which the employee is entitled and the manner in which the Reduction in Force will affect the employee's State benefits, (e.g., health insurance, optional life insurance, retirement);
4. The employee's reinstatement rights, (e.g., reinstatement of all sick leave; option of buying back all, some, or none of the annual leave at the rate at which it was paid out);
5. The employee's recall rights to any position, within the competitive area, that becomes available in the same State class title as the position the employee held prior to the Reduction in Force;
6. The manner in which DDSN will notify the employee of any such vacancies; and
7. The requirements of S.C. Code Ann. § 8-11-185, which requires DDSN to report information about the employees separated in a Reduction in Force to DSHR.

### **Recall and Reinstatement Rights**

An employee affected by a Reduction in Force has recall and reinstatement rights to a position in State Government for one year after the effective date of the Reduction in Force.

#### **A. Recall Rights**

If a vacancy occurs within the competitive area which is in the same State classification title as the position the employee held prior to the Reduction in Force, DDSN will recall employees in the inverse order of the Reduction in Force. DDSN will notify the employees in writing of the job offer and recall rights. If the employee does not accept the job offer within ten (10) days, the employee's recall rights are waived. Should the employee accept the job offer, DDSN will reinstate the employee's accumulated sick leave, and will provide the employee the option of buying back all, some, or none of his/her annual leave at the rate it was paid out at the time of the separation. Upon returning to employment in an insurance eligible Full Time Equivalent (FTE) position, the employee will also be offered insurance benefits as a new hire. The recalled employee may purchase retirement service credit under the leave of absence provision in Section S.C. Code Ann. § 9-1-1140(D) for the period of time the employee was not employed by State Government, at the cost specified in S.C. Code Ann. § 9-1-1140(D). When an employee is recalled, the time will not be considered punitive in the determination of retiree insurance eligibility.

## B. Reinstatement Rights

An employee separated by a Reduction in Force may apply for any State job for which he/she meets the minimum training and experience requirements. Should the separated employee accept a job offer for a Full-Time Equivalent (FTE) position, DDSN will reinstate the employee's accumulated sick leave, and will provide the employee the option of buying back all, some, or none of his/her annual leave at the rate it was paid out at the time of separation. Upon returning to employment in an insurance eligible FTE position, the employee will also be offered insurance benefits as a new hire. The reinstated employee may purchase retirement service credit under the leave of absence provision in S.C. Code Ann. § 9-1-1140(D) for the period of time that the employee was not employed by State government at the cost specified in S.C. Code Ann. § 9-1-1140(D). When an employee is reinstated, this time will not be considered as punitive in the determination of retiree insurance eligibility. If the employee is reinstated to another position, he/she still retains recall rights to a position in the same State class in the competitive area.

## Grievance Rights

A covered employee who is affected by a Reduction in Force has the right to file a grievance through DDSN's Grievance Procedure and an appeal to the State Human Resources Director only if the grievance or appeal is based on improper or inconsistent application of the Reduction in Force Policy or Plan.

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~~Deirdre Blake Sayers, SPHR~~

~~Director Human Resources~~

~~(Originator)~~

Eddie L. Millier

Chairman

---

Beverly A. H. Buscemi, Ph.D.

State Director

(Approved)

Michelle Woodhead

Vice Chairman

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**Constance Holloway, Esq.**  
*State Director*  
**Courtney Crosby**  
*Chief of Staff*  
**Carolyn Benzon**  
*General Counsel*  
**Janet Brock Priest**  
*Associate State Director*  
*Operations*  
**Lori Manos**  
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*Chief Information Officer*



**COMMISSION**  
**Eddie L. Miller**  
*Chairman*  
**Michelle Woodhead**  
*Vice-Chairman*  
**Gary Kocher, M.D.**  
*Secretary*  
**Barry D. Malphrus**  
**David L. Thomas**

Reference Number: 406-03-DD

Title of Document: Reduction-In-Force Policy

Date of Issue: October 21, 1991

Date of Last Revision: April 9, 2025 (REVISED)

Effective Date: April 9, 2025

Applicability: All DDSN Covered Employees

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**Purpose:**

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DDSN may implement a reduction in force for one or more of the following four (4) reasons:

- A. Reorganization;
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- A. The reason(s) for the reduction-in-force;
- B. The area(s) of DDSN that are to be impacted by the reduction in force [**Competitive Area(s)**];
- C. The State Classification Title(s) within the competitive area(s) to be affected [**Competitive Group(s)**]; and
- D. The number of positions in each State Classification Title(s) to be eliminated.

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### **Position Identification**

DDSN shall identify the position(s) within the competitive area(s) and competitive group(s) by identifying the following information:

- A. State Classification Title;
- B. State Classification Code;
- C. Pay Band, if applicable;
- D. Total number of positions in the State Classification Title within the competitive area; and
- E. Total number of positions in the State Classification Title within the competitive area to be eliminated.



## **Retention Points**

DDSN shall calculate retention points for covered employees in the competitive area(s) and competitive group(s) to be used in determining which covered employees are to be involuntarily demoted, reassigned, have reduced hours, or separated from employment. Retention points shall be based on the total scores of the two most recent annual performance appraisals and the length of continuous State service. The sum of the retention points for performance and length of continuous State service are the total retention points that a covered employee uses in the competition.

### **A. Performance Appraisal Points**

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### **B. Continuous State Service Points**

Covered employees will receive one retention point for each full year of continuous State service, after completion of a 12-month probationary period. Six (6) months of service, or more of continuous State service will be considered as one year; and less than six (6) months of service will receive no retention points.

### **C. Exception to Procedure for Retention Point Calculation**

If every position in the competitive area is being eliminated, DDSN is not required to calculate retention points. For positions reestablished within one year of the RIF, in the same competitive area and in the same State classification title, DDSN must calculate retention points at the time of recall. DDSN must calculate retention points using continuous State service and performance appraisal points based on the effective date of the reduction in force.

## **Sequence of Reduction in Force**

1. The order of the reduction in force of covered employees in each State classification title(s) shall be governed by the total number of retention points for each employee.
2. If two or more of the employees affected by a reduction in force have the same number of retention points and not all employees are to be affected by the reduction in force, the DDSN hire

date will determine the order of the employees affected. The covered employee with the earlier DDSN hire date will be first retained.

If, after using the DDSN hire date to determine the order of affected employees a retention points tie still exists, DDSN will place the names of those employees with whom the tie exists in a hat. The name(s) drawn from the hat will be first retained.

3. Bumping rights are provided for covered employees who have accumulated more retention points than those with whom they are competing. Under no circumstances can an employee gain from a reduction in force. Bumping rights are provided only downward.

### **Retention of Necessary Qualifications**

No employee with a lower number of retention points shall be retained in preference to another employee in a competitive area(s) and competitive group(s) with a higher number of retention points, except when DDSN determines that a Retention of Necessary Qualification applies.

If an employee is competing for a position that is not being eliminated and DDSN asserts that an employee with higher retention points who has rights to be placed in that position cannot satisfactorily perform the duties of the position within a reasonable training period, the employee with lower retention points may be retained in preference to the employee with higher retention points.

DDSN may make the determination that the employee with higher retention points will not be able within a reasonable training period, to satisfactorily perform the duties of the job based on a lack of knowledge, abilities, skills, supervisory responsibilities, or necessary experience.

When a Retention of Necessary Qualifications is used in a reduction in force plan, justification for this retention must be documented and approved by the State Director of DDSN prior to submitting the Reduction in Force plan to the Department of Administration's Division of State Human Resources (DSHR) for review and approval for procedural correctness. DDSN will retain documentation to support any retention made on this basis.

### **Writing The Reduction In Force Plan**

Once the State Director of DDSN has made the decisions outlined above and prior to the implementation of a reduction in force, the State Director or his/her designee shall develop the reduction in force plan. This plan must include the following:

- A. The reason for the reduction in force;
- B. The identification of the competitive area(s);
- C. The identification of the competitive group(s) [State classification title(s)];
- D. The number of position(s) to be eliminated in each State classification title;

- E. A list of the covered employees, in order of retention points, in the competitive area(s) and competitive group(s) to include the following:
  - 1. Name;
  - 2. Age, race, gender; and,
  - 3. Retention points;
- F. Justification of any Retention of Necessary Qualifications used in the reduction in force plan; and
- G. DDSN's efforts to assist employees affected by the reduction in force.

### **Approval Process**

When it becomes necessary to implement a Reduction in Force, a formal directive to implement a Reduction in Force plan will be issued by the State Director of DDSN. Once the Reduction in Force Plan has been completed, DDSN shall submit the following information to the Department of Administration's Division of State Human Resources (DSHR) for review and approval for procedural correctness:

- A. The Reduction in Force plan as outlined in "Writing the Reduction in Force Plan" section above;
- B. An organization chart including each position (designated with the state class title and incumbent's name) within the competitive area(s);
- C. A copy of DDSN's Reduction in Force policy; and
- D. A sample letter to employees affected by the Reduction in Force including information as outlined in the "Implementation and Communication of the Reduction in Force" section below, along with:
  - 1. A list of the employee's recall and reinstatement rights;
  - 2. DDSN's procedure for the recall of an employee; and
  - 3. The employee's grievance rights.

### **Implementation and Communication of the Reduction In Force**

Before a Reduction-in-Force becomes effective and after DSHR has approved the plan for procedural correctness, affected employees will be informed in person and in writing on several matters. A representative from the DDSN Human Resources Division or the employee's supervisor will meet with each employee individually as soon as possible to explain the Reduction in Force and answer questions. DDSN shall communicate the following information to each affected employee:

- 1. The reason for the Reduction in Force;
- 2. The competitive area(s) and competitive group(s) in which the employee competed;

3. The benefits to which the employee is entitled and the manner in which the Reduction in Force will affect the employee's State benefits, (e.g., health insurance, optional life insurance, retirement);
4. The employee's reinstatement rights, (e.g., reinstatement of all sick leave; option of buying back all, some, or none of the annual leave at the rate at which it was paid out);
5. The employee's recall rights to any position, within the competitive area, that becomes available in the same State class title as the position the employee held prior to the Reduction in Force;
6. The manner in which DDSN will notify the employee of any such vacancies; and
7. The requirements of S.C. Code Ann. § 8-11- 185, which requires DDSN to report information about the employees separated in a Reduction in Force to DSHR.

### **Recall and Reinstatement Rights**

An employee affected by a Reduction in Force has recall and reinstatement rights to a position in State Government for one year after the effective date of the Reduction in Force.

#### **A. Recall Rights**

If a vacancy occurs within the competitive area which is in the same State classification title as the position the employee held prior to the Reduction in Force, DDSN will recall employees in the inverse order of the Reduction in Force. DDSN will notify the employees in writing of the job offer and recall rights. If the employee does not accept the job offer within ten (10) days, the employee's recall rights are waived. Should the employee accept the job offer, DDSN will reinstate the employee's accumulated sick leave, and will provide the employee the option of buying back all, some, or none of his/her annual leave at the rate it was paid out at the time of the separation. Upon returning to employment in an insurance eligible Full Time Equivalent (FTE) position, the employee will also be offered insurance benefits as a new hire. The recalled employee may purchase retirement service credit under the leave of absence provision in Section S.C. Code Ann. § 9-1-1140(D) for the period of time the employee was not employed by State Government, at the cost specified in S.C. Code Ann. § 9-1-1140(D). When an employee is recalled, the time will not be considered punitive in the determination of retiree insurance eligibility.

#### **B. Reinstatement Rights**

An employee separated by a Reduction in Force may apply for any State job for which he/she meets the minimum training and experience requirements. Should the separated employee accept a job offer for a Full-Time Equivalent (FTE) position, DDSN will reinstate the employee's accumulated sick leave, and will provide the employee the option of buying back all, some, or none of his/her annual leave at the rate it was paid out at the time of separation. Upon returning to employment in an insurance eligible FTE position, the employee will also be offered insurance benefits as a new hire. The reinstated employee may purchase retirement service credit under the leave of absence provision in S.C. Code Ann. § 9-1-1140(D) for the period of time that the employee was not employed by State government at the cost specified in S.C. Code Ann. § 9-1-1140(D). When an employee is reinstated, this time will not be considered as punitive in the determination of retiree insurance eligibility. If the employee is reinstated to another position, he/she still retains recall rights to a position in the same State class in the competitive area.

**Grievance Rights**

A covered employee who is affected by a Reduction in Force has the right to file a grievance through DDSN's Grievance Procedure and an appeal to the State Human Resources Director only if the grievance or appeal is based on improper or inconsistent application of the Reduction in Force Policy or Plan.

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Eddie L. Millier  
Chairman

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Michelle Woodhead  
Vice Chairman

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**Constance Holloway, Esq.**  
*State Director*  
**Courtney Crosby**  
*Chief of Staff*  
**Carolyn Benzon**  
*General Counsel*  
**Janet Brock Priest**  
*Associate State Director*  
*Operations*  
**Lori Manos**  
*Associate State Director*  
*Policy*  
**Mary Long**  
*Interim Chief Financial Officer*  
**Greg Meetze**  
*Chief Information Officer*



**COMMISSION**  
**Eddie L. Miller**  
*Chairman*  
**Michelle Woodhead**  
*Vice-Chairman*  
**Gary Kocher, M.D.**  
*Secretary*  
**Barry D. Malphrus**  
**David L. Thomas**

Reference Number: 413-13-DD

Title of Document: Smoke-Free Environment Policy

Date of Issue: April 9, 2025

Last Revision Date: April 9, 2025 (NEW)

Effective Date: April 9, 2025

Applicability: All DDSN Employees, Volunteers, Vendors, and Visitors

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## **I. POLICY STATEMENT AND PURPOSE**

The South Carolina Department of Disabilities and Special Needs (“DDSN”) is committed to the well-being of our employees, volunteers, vendors, visitors, and persons supported. In accordance with our commitment to promoting and protecting the health of such persons, DDSN will prohibit the sale of Tobacco and Smoking Products on DDSN Property and prohibit the use and/or possession of Tobacco and Smoking Products and Paraphernalia by all employees, volunteers, vendors, and visitors, while on DDSN Property. The intent of this policy is to create an environment that promotes tobacco prevention, reduces the risks associated with secondhand smoke, and is conducive to quitting the use of tobacco.

## **II. COVERED INDIVIDUALS**

The provisions of this policy apply twenty-four (24) hours a day, seven (7) days a week to all DDSN employees, volunteers, vendors, and visitors.

Nothing in this policy applies to or prohibits the lawful use or possession of Tobacco and Smoking Products or Paraphernalia by persons supported.

### **III. DEFINITIONS**

1. **Tobacco and Smoking Products** means all products that are tobacco-derived or contain tobacco, including but not limited to cigarettes, electronic cigarettes, cigars, cigarillos, pipes, water pipes, smokeless tobacco products (chew, pouches, snuff, snus, etc.), or any device intended to simulate smoked tobacco (vapes and similar products). This does not include FDA approved nicotine replacement therapy, such as nicotine gum, patches, lozenges, or inhalers.
2. **Paraphernalia** means miscellaneous articles or equipment used in conjunction with Tobacco and Smoking Products.
3. **DDSN Property** means all buildings, facilities, or other grounds controlled by DDSN, regardless of whether signs are posted or not.
4. **State Vehicle** means any vehicle owned, leased, or under the control of DDSN or the State of South Carolina. State Vehicles do not include vehicles owned by employees, volunteers, vendors, or visitors.

### **IV. PROVISIONS**

The use and/or possession of Tobacco and Smoking Products and Paraphernalia is prohibited on DDSN Property and in all State Vehicles.

The Facility Administrator may designate an area for the use of Tobacco and Smoking Products by persons supported. The designated area may have appropriate receptacles or ashtrays.

This policy does not prohibit the otherwise lawful use or possession of Tobacco and Smoking Products or Paraphernalia in an employee's, volunteer's, vendor's, or visitor's personal vehicle in the parking lot of DDSN Property.

### **V. EDUCATION AND ASSISTANCE**

This policy will be communicated to DDSN employees, volunteers, vendors, visitors, and persons supported as follows:

1. Emailed notification to employees with a copy of the policy attached.
2. References to this policy will be added to new employee orientation materials and other publications as appropriate.
3. Self-identified tobacco users may be referred to the S.C. Tobacco Quitline at 1-800-QUIT-NOW.
4. DDSN staff will assist in informing visitors of this policy and asking that they comply while on any DDSN Property.
5. Tobacco-free property signs will be posted throughout DDSN Properties including all State Vehicles.

DDSN will offer resources and support to assist those tobacco users who desire to quit or abstain from using tobacco. Many of the tobacco cessation programs are offered at little or no cost. Referrals may be made to the S.C. Tobacco Quitline at 1-800-QUIT-NOW. Employees may enroll in the Quit for Life program at no cost with a \$0 co-pay. To enroll, call 800-652-7230 or visit the website: [www.quitnow.net/SCStateHealthPlan](http://www.quitnow.net/SCStateHealthPlan).

## **VI. ENFORCEMENT AND COMPLIANCE**

DDSN management will enforce this policy and determine appropriate disciplinary actions according to DDSN Directive 413-01-DD: Standards of Disciplinary Action.

Corrective actions will include an educational component and, for those who wish to quit using tobacco, a referral to a tobacco cessation program.

DDSN will provide tobacco-free campus policy information cards to facilitate education and enforcement of the policy.

## **VII. TOBACCO INDUSTRY MARKETING OR SPONSORSHIP**

DDSN facilities will not accept any contributions, gifts, money, or materials from the tobacco industry or related companies. Also, DDSN will not participate in any type of functions that are funded by the tobacco industry. In addition, any gear or clothing that advertises tobacco use or tobacco products will not be allowed on DDSN Property.

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Eddie L. Miller  
Chairman

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Michelle Woodhead  
Vice Chairman

Resources:

Cessation Fact Sheet  
E-Cigarette Fact Sheet  
FAQs for Employees  
FAQs for Human Resources  
Implementation Notice (English)  
Implementation Notice (Spanish)

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FY2025 EXPENDITURES SUMMARY – MARCH 2025

DRAFT

FY25 SPENDING PLAN BUDGET - APPROVED		\$ 378,895,420
YTD EXPENDITURES BY CATEGORY		EXPENDITURES THRU 3/31/2025
501000 - PERSONAL SERVICES - PAYROLL		\$ 66,542,180
502000 - CONTRACTUAL SERVICES		\$ 156,308,341
503000 - SUPPLIES AND MATERIALS		\$ 6,793,700
504000 - FIXED CHARGES AND CONTRIBUTIONS (RENT/LEASE)		\$ 3,856,002
505000 - TRAVEL		\$ 297,513
506000 - FIXED ASSETS (CAPITALIZED)		\$ 660,797
507000 - LAND & BUILDINGS		\$ 2,032,479
511000 - PUBLIC ASSISTANCE		\$ 7,921,849
513000 - EMPLOYER CONTRIBUTIONS - FRINGE BENEFITS		\$ 30,675,384
515000 - UTILITIES		\$ 1,482,432
517000 - ALLOCATIONS		\$ 2,900,000
518000 - AID TO SUBDIVISIONS (STATE AID)		\$ -
520000 - FIXED ASSETS(NON-CAPITALIZED)		\$ 92,771
DHHS RECLASSIFICATION JOURNAL ENTRY TO REIMBURSE EXP		\$ -
TOTAL YTD EXPENDITURES		\$ 279,563,449
% OF YTD EXPENDITURES		73.78%
% OF SPENDING PLAN REMAINING		26.22%
% OF FISCAL YEAR REMAINING		25.00%
% DIFFERENCE - OVER (UNDER) BUDGETED EXPENDITURES		-1.22%
Notes:		

Methodology & Report Owner: DDSN Budget Division