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## MEMORANDUM

**TO:** Agency Directors and Human Resources Directors of All Agencies, Departments, Institutions of Higher Education, Boards, and Commissions

**FROM:** Samuel L. Wilkins

**DATE:** January 23, 2015

**SUBJECT:** Employment Protection for Reports of Violations of State or Federal Law or Regulation

Effective January 1, 2015, the following changes were implemented, whereby affecting the definitions of S.C. Code §8-27-10 as it relates to the employment protection for reports of violations of state or federal law or regulation. These amendments were a part of the South Carolina Restructuring Act of 2014.

- A report is now defined as a written *or* oral allegation of waste or wrongdoing that contains the date of disclosure, the name of the employee making the report, and the nature of the wrongdoing, and the date or range of dates on which the wrongdoing allegedly occurred.
- A report also means sworn testimony regarding alleged wrongdoing, regardless of when the wrongdoing allegedly occurred, given to any standing committee, subcommittee of a standing committee, oversight committee or subcommittee, or study committee of the Senate or the House of Representatives.
- An employee must make a report within 180 days of the date that he/she learns of the alleged wrongdoing. Previously a report had to be made within 60 days of the alleged wrongdoing.
- Chapter 27, Title 8 of the S.C. Code was amended with the addition of S.C. Code §8-27-60. S.C. Code §8-27-60 states that each public body must make a summary of any reported wrongdoings on the public body's Internet website. The summary must include an explanation of the process required to report an alleged wrongdoing, an explanation of what constitutes wrongdoing, and a description of the protections available to an employee who reports wrongdoing. If the public body does not maintain an Internet website, the public body is required to provide an annual written summary of this chapter to its employees and maintain copies of the summary at all times. An example of the process is attached.

Wrongdoing is specifically defined as action by a public body which results in substantial abuse, misuse, destruction, or loss of substantial public funds or public resources. This also includes an allegation that a public employee has intentionally violated federal or state statutory law or regulations or other political subdivision ordinances, regulations, or a code of ethics, which violation is not merely technical or of a minimum nature.

If you have any questions regarding these changes, please contact your HR consultant at (803) 896-5300.

## REPORTING WASTE AND WRONGDOING

State Employees may NOT be

- terminated
- suspended
- demoted
- reduced in compensation

for reporting substantial abuse, misuse, destruction or loss of substantial public funds or resources and violation of Federal, State, or local laws, regulations and ordinances.

To make such a report, do so in writing, within 180 days of learning of the alleged wrongdoing, to AGENCY, the South Carolina Law Enforcement Division, the Solicitor's Office, the State Ethics Commission, the State Auditor, the Legislative Audit Council or the Office of Attorney General.

For more information, click here to see the [Chapter 27, Title 8 of the S.C. Code of Laws, et seq.](#)