State of South Carolina

Executive Department

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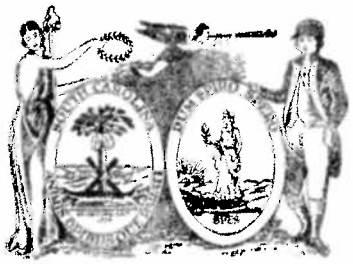
Mark Hammond
SECRETARY OF STATE



Office of the Governor

EXECUTIVE ORDER NO. 2014-23

WHEREAS, the establishment and enforcement of the highest standards of official conduct serves both to support a culture of good government for the State of South Carolina and also to provide the public with greater confidence that their government is serving them responsibly and effectively; and

WHEREAS, the "Rules of Conduct" found in Article 7, Chapter 13 of Title 8 of the South Carolina Code of Laws prohibit the most egregious forms of misconduct, but being decades old, do not provide current state employees with sufficiently clear or robust guidance relating to the public's contemporary expectations for their official conduct; and

WHEREAS, although the General Assembly continues to debate a meaningful ethics reform package, that legislation's primary focus is on the responsibilities of elected officials, as opposed to the senior-level appointees and other state employees who handle sensitive information and make countless key decisions everyday; and

WHEREAS, this year's passage of legislation to establish a Department of Administration expanded whistleblower protections and created a more effective and responsive organizational structure that can be used to develop more stringent and uniform standards of official conduct for state employees, along with a centralized process for developing and distributing related training to new and existing employees; and

WHEREAS, this Administration has led many efforts and supported others to promote accountability and integrity in the provision of public services.

NOW, THEREFORE, pursuant to the powers conferred upon me by the Constitution and Statutes of the State of South Carolina, I hereby establish the State Employee Code of Conduct Task Force, which shall be constituted and shall execute its duties and responsibilities as follows:

1. **Mission**: To develop recommendations for a Code of Conduct for state employees and for the manner in which public servants should receive initial and subsequent training on standards of official conduct.

2. **Membership**: The State Employee Code of Conduct Task Force ("Task Force") shall consist of at least seven members including the State Inspector General, the Director of the Division of Human Resources, the Executive Director of the State Ethics Commission, the Chief Legal Counsel to the Governor, and at least three additional members with experience in management, human resources or employment law or policy, investigations or law enforcement, or public interest advocacy. Each of these additional members shall be appointed by the Governor, one of whom the Governor shall designate as Chair.

3. **Duties and Responsibilities**:

   a. The Task Force shall develop recommendations for the general content of a State Employee Code of Conduct, addressing any appropriate topics that include but are not limited to:
      i. Acceptance and reporting of gifts
      ii. Financial disclosures and/or prohibited transactions for individuals in senior-level positions and/or those with access to sensitive information
      iii. Appropriate use of state resources and equipment, including information technology
      iv. Assurance of a safe, nondiscriminatory work environment
      v. Whistleblower protections and mandatory reporting obligations
      vi. Post-employment reporting requirements and/or restrictions on representing non-state interests before state agencies
      vii. Other conflicts of interest or conduct-related subjects

   b. The Task Force shall also make recommendations for developing and maintaining an effective program for training new employees and periodically retraining existing employees on their rights and responsibilities under the proposed Code of Conduct. These recommendations shall address, at a minimum:
      i. Delineation of central vs. agency roles
      ii. Responsibilities of employees, supervisors, and central and agency human resources staff
      iii. Use of online training
      iv. Variations in training content by level and/or type of position

   c. The Task Force shall request and evaluate written recommendations from the public interest groups; state and local government agencies, officials, and employees; the State Ethics Commission; and the legislative ethics committees.

   d. The Task Force shall conduct a minimum of two public hearings and may conduct more as necessary.

   e. In making final recommendations, the Task Force must evaluate and consider all public testimony and written submissions.

   f. Staff and legal support for the Task Force shall be supplied by the Division of Human Resources.

4. **Recommendations**: Final written recommendations must be submitted to the Governor and the other members of the Budget and Control Board, the State Inspector General, the Chairman of the State Ethics Commission, and the Chairmen of the House and Senate Ethics Committees no later than July 1, 2014.

This Order shall take effect immediately.

GIVEN UNDER MY HAND AND THE GREAT SEAL OF THE STATE OF SOUTH CAROLINA, THIS 9th DAY OF APRIL, 2014.

NIKKI R. HALEY
Governor

ATTEST:

MARK HAMMOND
Secretary of State