

EXECUTIVE ORDER NO.

2025-17

WHEREAS, on November 21, 2024, the undersigned requested that the Department of Administration (“Department”) conduct a review of the State’s policies and procedures pertaining to closing state government offices for hazardous weather or other similar circumstances, including events subject to a declaration of a State of Emergency, and that the Department’s Division of State Human Resources (“DSHR”) provide recommendations regarding any necessary or appropriate modifications or amendments to the same; and

WHEREAS, the State’s longstanding procedure for closing state government offices in connection with hazardous weather or other similar scenarios provides that state agencies and departments, including state-supported colleges, universities, and technical colleges, must follow county government closure decisions in the county where the state offices are located, *e.g.*, Exec. Order No. 2024-33, § 1(H) (Nov. 7, 2024); and

WHEREAS, under the aforementioned policy, state agency heads retain the authority and discretion to designate emergency personnel or other critical employees as essential or mission-critical to the State’s preparation for or response to emergency conditions or otherwise necessary to serve the State or to ensure the continuity of critical operations of state government and to require that any such employees report to work, and in the event of a county closure, state agencies are required to utilize, to the maximum extent possible, telecommuting or work-from-home options for nonessential employees; and

WHEREAS, state employees absent from work due to the closure of a state office may receive leave for this time if the Governor authorizes leave in accordance with section 8-11-57 of the South Carolina Code of Laws, as amended, which provides, in pertinent part, that “whenever the Governor declares a state of emergency or orders all or some state offices closed due to hazardous weather conditions he may authorize up to five days leave with pay for affected state employees who are absent from work due to the state of emergency or the hazardous weather conditions”; and

WHEREAS, as detailed in the undersigned’s November 21, 2024 letter to the Department, the foregoing hazardous-weather procedure, which was designed to ensure the safety of state employees and the public, has generally served the State well, due in large part to its acknowledgment that, in many instances, county officials are often the closest to and the most familiar with local forecasts and conditions and its recognition that state agencies’ county or regional offices are often co-located in county-owned buildings or facilities; and

WHEREAS, notwithstanding the aforementioned benefits, in light of recent experience and the relocation of the principal offices of certain state agencies from Richland County to Lexington County, it is necessary and appropriate to revisit the above-referenced approach to hazardous-weather events and other similar scenarios and to reconsider whether state government offices should automatically follow county government closure determinations in Lexington and Richland Counties; and

WHEREAS, while the current approach has provided flexibility and avoided overbroad closure scenarios, experience has demonstrated that different counties make closure determinations based on a multitude of different factors, as is their prerogative; and

WHEREAS, because county officials are not responsible for evaluating—and understandably may not consider—the “upstream” effects of closure decisions on state agencies or state offices, continued adherence to the longstanding practice of following county closure determinations risks creating confusion for employees and the general public and unnecessarily impeding state government operations, particularly in the Midlands, where several state agencies have relocated or expanded beyond Richland County, such that one county’s closure decision may have unintended consequences not only for county-specific offices but also for state agency headquarters and principal offices; and

WHEREAS, on March 14, 2025, the Department advised the undersigned that it had completed the requested review and recommended adoption of a hybrid approach utilized by other States to determining when to close state offices due to hazardous weather or other dangerous conditions; and

WHEREAS, in accordance with section 25-1-440 of the South Carolina Code of Laws, as amended, when an emergency has been declared, the undersigned is “responsible for the safety, security, and welfare of the State and is empowered with [certain] additional authority to adequately discharge this responsibility,” to include issuing, amending, and rescinding “emergency proclamations and regulations,” which shall “have the force and effect of law as long as the emergency exists”; and

WHEREAS, section 25-1-440 of the South Carolina Code of Laws provides that the Governor is responsible “for the development and coordination of a system of Comprehensive Emergency Management,” which includes “provisions for mitigation, preparedness, response, and recovery in anticipated and actual emergency situations” and “procedures for response and recovery operations at all levels of government from the municipality, special purpose district, through the county to the State, according to the incident scene location”; and

WHEREAS, pursuant to section 25-1-440 of the South Carolina Code of Laws, when an emergency has been declared, the undersigned is authorized to “suspend provisions of existing regulations prescribing procedures for conduct of state business if strict compliance with the provisions thereof would in any way prevent, hinder, or delay necessary action in coping with the emergency”; and

WHEREAS, in addition to the foregoing, section 25-1-440 of the South Carolina Code of Laws authorizes the undersigned, during a declared emergency, to “transfer the direction, personnel, or functions of state departments, agencies, and commissions, or units thereof, for purposes of facilitating or performing emergency services as necessary or desirable,” and to “compel performance by elected and appointed state, county, and municipal officials and employees of the emergency duties and functions assigned them in the State Emergency Plan or by Executive Order”; and

WHEREAS, as the elected Chief Executive of the State, the undersigned is authorized under section 25-1-440 of the South Carolina Code of Laws to direct and compel the evacuation of all or part of the populace from any stricken or threatened area if such action is considered necessary for the preservation of life or other emergency mitigation, response, or recovery; and

WHEREAS, for the aforementioned and other reasons, and in recognition and furtherance of the undersigned’s responsibility to provide for and promote the safety of state employees and the general public and simultaneously to enhance state government operations, the undersigned has determined that it is necessary and appropriate to modify the existing policies and procedures pertaining to the closure of state government offices for hazardous weather or other similar circumstances so as to adopt the Department’s recommendation and account for the fact that the principal offices for most state agencies and departments are located in Richland and Lexington Counties.

NOW, THEREFORE, by virtue of the authority vested in me as Governor of the State of South Carolina and pursuant to the Constitution and Laws of this State and the powers conferred upon me therein, I hereby order and direct as follows:

Section 1. Modifying Default Policy for State Office Closures Due to Hazardous Weather or Other Dangerous Conditions

A. I hereby adopt the Department’s recommended modifications to the State’s default policies and procedures pertaining to the closure of state government offices for hazardous weather or other similar circumstances, including events subject to a declaration of a State of Emergency.

B. I hereby authorize and direct that, with the exception of state government offices located in Richland and Lexington Counties, unless otherwise directed by the undersigned, state agencies and departments, including state-supported colleges, universities, and technical colleges, shall follow county government closure determinations for purposes of closing state government offices in any such counties or operating the same on an abbreviated schedule due to hazardous weather or other dangerous conditions. Consistent with the Department’s recommendations, the

undersigned will determine and direct when and if state agencies and departments, including state-supported colleges, universities, and technical colleges, shall close or operate state government offices on an abbreviated schedule in Richland and Lexington Counties. I further authorize the Department, including DSHR, to communicate the undersigned's determinations regarding the closure of state government offices in Richland and Lexington Counties, through appropriate means, without the need for further Orders.

C. Notwithstanding the foregoing, emergency or other critical personnel designated and determined by, and in the sole discretion of, the corresponding agency head, or their designee, as essential or mission-critical to the State's preparation for, response to, or recovery from hazardous weather or emergency conditions, or otherwise necessary to serve the State of South Carolina or to ensure the continuity of critical operations of state government, may still be required to report to work. State agencies and departments shall utilize, to the maximum extent possible, telecommuting or work-from-home options for nonessential employees.

D. Pursuant to section 25-1-440 of the South Carolina Code of Laws, as well as other applicable law, I hereby prohibit any county, municipality, or other political subdivision of the State of South Carolina from restricting access by essential state employees to any location or facility that is occupied or utilized, in whole or in part, by any state agency or department for the duration of any declared State of Emergency. Accordingly, I hereby direct that any such county, municipality, or other political subdivision of the State shall authorize, allow, and provide access to said locations or facilities by any state agency or department, and the officials and employees thereof, as deemed necessary and appropriate and in the manner prescribed by the state agency or department so as to ensure the uninterrupted performance and provision of emergency, essential, or otherwise mission-critical government functions and services during any declared State of Emergency.

E. I hereby authorize the Department, including DSHR, to issue, provide, or promulgate any necessary and appropriate additional or supplemental guidance, rules, regulations, or restrictions regarding the application, implementation, or enforcement of this Section, or to otherwise provide clarification regarding the same, without the need for further Orders.

Section 2. General Provisions

A. This Order is not intended to create, and does not create, any individual right, privilege, or benefit, whether substantive or procedural, enforceable at law or in equity by any party against the State of South Carolina, its agencies, departments, political subdivisions, or other entities, or any officers, employees, or agents thereof, or any other person.

B. If any section, subsection, paragraph, subparagraph, sentence, clause, phrase, or word of this Order is for any reason held to be unconstitutional or invalid, such holding shall not affect the constitutionality or validity of the remaining portions of this Order, as the undersigned would have issued this Order, and each and every section, subsection, paragraph, subparagraph, sentence, clause, phrase, and word thereof, irrespective of the fact that any one or more other

sections, subsections, paragraphs, subparagraphs, sentences, clauses, phrases, or words hereof may be declared to be unconstitutional, invalid, or otherwise ineffective.

C. This Order shall be implemented consistent with and to the maximum extent provided by applicable law and shall be subject to the availability of appropriations. This Order shall not be interpreted, applied, implemented, or construed in a manner so as to impair, impede, or otherwise affect the authority granted by law to an executive agency or department, or the officials or head thereof, including the undersigned.

D. I hereby expressly authorize the Office of the Governor to provide or issue any necessary and appropriate additional or supplemental guidance, rules, regulations, or restrictions regarding the application of this Order or to otherwise provide clarification regarding the same, through appropriate means, without the need for further Orders.

E. This Order is effective immediately and shall remain in effect unless modified, amended, superseded, or rescinded by subsequent Order.

**GIVEN UNDER MY HAND AND THE
GREAT SEAL OF THE STATE OF
SOUTH CAROLINA, THIS 1st DAY OF
MAY, 2025.**

HENRY DARGAN MCMASTER
Governor

ATTEST:

MARK HAMMOND
Secretary of State