

South Carolina Human Affairs Commission Board Meeting

February 20, 2020
10:00 A.M.

SCHAC Board Room
1026 Sumter Street
Columbia, South Carolina

BOARD MEMBERS PRESENT

John A. Oakland, *Chair*
Cheryl F.C. Ludlam, *Vice Chair*
Andrew C. Williams (*via telephone*)
Harold Jean Brown-Williams
Dr. Leon Winn

STAFF PRESENT

Janie A. Davis
Dan Koon
Marvin Caldwell
Lee Ann Watson
Christie Linguard
Dave Smith
LaTarnya Whitmire
Sherral Styles
Tonya Bethea
Emily Rouse
Shelton Lorick
Alex Nelson

I. CALL TO ORDER

The South Carolina Human Affairs Commission (“SCHAC” or the “agency”) held its Board meeting on February 20, 2020 at 1026 Sumter Street, Columbia, South Carolina. On February 13, 2020, a public notice was posted at SCHAC’s main entrance, placed on SCHAC’s website, and emailed to *The State Newspaper*. Chairman Oakland called the meeting to order at 10:00 a.m. and called for the roll call.

II. ROLL CALL

Christie Linguard, Executive Assistant, called the roll of Board members. A quorum was established.

III. APPROVAL OF MINUTES

The November 21, 2019 Board minutes along with January’s monthly reports were mailed to Board members on Tuesday, February 11, 2020.

Chairman Oakland called for the approval of the minutes. There being no corrections to the November 21, 2019 minutes; Commissioner Williams made a motion to accept the minutes as written and Commissioner Ludlam seconded the motion. The November 2020 minutes were unanimously approved.

Chairman Oakland called for Old Business.

IV. OLD BUSINESS

There was no old business.

Chairman Oakland called for New Business.

V. NEW BUSINESS

There was no new business.

Chairman Oakland moved to Board Reports.

VI. BOARD REPORTS

i. Administration

Commissioner Brown-Williams deferred the administration update to Commissioner Davis who began by thanking everyone for traveling to the meeting, especially due to the threat of inclement weather. She also expressed her sincere gratitude to the SCHAC staff for being open and sharing their concerns and hopes with her during their one-on-one meetings. As a result of these meetings, each staff member was asked to complete an agency survey, which would be used to help Commissioner Davis make decisions regarding the agency's future. Staff was surveyed regarding their feelings concerning the office location, parking, staff meetings, staff fellowship, and staff development and training.

Commissioner Davis reminded Board members to complete their online Statement of Economic Interest by the due date of March 30, 2020.

ACTION ITEM: Chairman Oakland asked Christie Linguard to place the link to the ethics website in a reminder email to the Board regarding the deadline for submission.

Commissioner Davis stated that she, Dan Koon, and Christina Jordan met with Ashlie Lancaster and Steven Lake of the Department of Administration, to discuss the agency's office space along with other topics. As a result of the meeting, Commissioner Davis and Christina are working to finalize a space needs

assessment for the DOA. It was noted that there is office space available in the building SCHAC is currently occupying.

Commissioner Davis informed the board that SCHAC will be celebrating its 50th Anniversary as a state agency in 2022. Commissioner Davis indicated that early planning is needed, and that Attorney Lee Ann Watson is researching the agency's funding possibilities to comply with state law.

ii. Legal Update

Attorney Watson briefed the Board on House Bills 5072 and 3200. A sub-committee hearing was scheduled for Wednesday, February 26, 2020 on House Bill 5072; both Commissioner Davis and Attorney Watson planned to attend the hearing. House Bill 5072 addresses and fixes if passed, language in S.C. Fair Housing Law identified as problematic during the matter of SCHAC vs. Overbrook, et.al. House Bill 3200 is sub-labeled the "Lactation Support Bill" which requires employers to provide reasonable unpaid breaks or flex available paid break times, for a mother to express milk in the workplace.

Attorney Watson informed the Board that in the case of SCHAC vs Bishop, the order was upheld by Judge Robinson in Horry County and as a result, SCHAC will receive \$5,000 in civil penalties and \$17,889.00 in damages to the Plaintiff. She also discussed actions taken in SCHAC vs Sable on the Marsh; SCHAC v. Azalea Lakes, POA, et. al. vs. Stephen Sohanchyk; and SCHAC vs. Picket Fences.

Attorney Watson informed the Board that Attorney Alex Pate had resigned his position to take a promotion at the State Department of Mental Health. His contributions to the work of the legal staff and agency were acknowledged.

Attorney Watson presented a legal update to the SC Chamber of Commerce's Human Resources Committee in January 2020 and was scheduled to present to the Bankers Association's Human Resource managers.

iii. Legislative Updates

Commissioner Davis informed the Board that she, Dan Koon and Christina Jordan attended the House Budget meeting in January where she presented the agency's budget request to the subcommittee members. The presentation was well received.

She informed the subcommittee that one request was made by former Commissioner Buxton and that was in response to the 2017 House Legislative Oversight Committee's recommendation to address employee retention. The request asked for money to adjust and pay competitive salaries to current employees.

Upon closer review of the 2017 House Legislative Oversight Committee's recommendations, Ms. Davis indicated that she decided to amend the budget request as it moved over to the Senate. She indicated that the revised budget request was an attempt to respond to both recommendations made by the 2017 House Legislative Oversight Committee: 1) to develop a written employee retention policy and update the agency's website to include its policies and procedures; and 2) design and implement performance measures for the agency's work with community relations councils.

The budget request addendum requested funds to fully staff the Community Relations Division with seven (7) new FTEs to work in six districts to help establish community relations councils across South Carolina. Commissioner Davis stated that SCHAC needs to work alongside the Emergency Management Division (EMD) and all other entities when a crisis or situation arises in the state. She indicated that the agency must request additional funding for personnel in each district to get ahead of issues rather than reacting to them. Commissioner Davis emphasized that the agency had a responsibility to ask for the funding and she is hoping with the assistance of key stakeholders and with the help of Board members reaching out to their legislators in their districts, the agency can get the funding needed. Commissioner Davis planned to present to the Republican Caucus and the Speaker of the House, in hopes of getting their support for additional funding.

ACTION ITEM: Commissioners Davis and Board Commissioners will speak soon to discuss key legislators to contact. Ms. Davis indicated she would also provide talking points to all Board members.

iv. Personnel Update

Commissioner Williams presented the personnel update:

Total Employees: 46 – As of 02/16/2020

45 – Full Time Employees

1 – State Temp – Larry McBride (Program Coordinator I – Mediator)

Total Vacancies: 5 FTE's – As of 02/16/2020

- Program Coordinator I – Community Relations (1 position which is not anticipated to be filled this calendar year)
- Program Coordinator I – EEO Enforcement (2 positions – initial interviews are in the process or have been completed)
- Program Coordinator I – Bilingual EEO Enforcement (1 position – supervisor is in the process of reviewing applications)
- Attorney II – Legal (1 position – initial interviews have been completed)

Total Terminations: None

Total Internal Moves: None

Total Resignations: 1 – (Randy) Alex Pate – Legal Attorney II (Effective March 2020)
 Total Retirements: None
 Total New Hires: 2 – Executive Assistant – Christie Linguard
 Program Coordinator I – Technical Services – Alpha Dunbar

Updates: Governor McMaster selected Janie Davis to serve as Commissioner/Agency Head for the SCHAC effective January 2, 2020.

A brief biography of Janie Davis, Robert Snipes, Christie Linguard and Alpha Dunbar were read. Commissioner Williams and the entire Board welcomed all new staff members.

v. **Financial Update**

Commissioner Ludlam disseminated the following information. As of January 2020, SCHAC had spent:

State Funds:

| | |
|-------------------------------|------------------------|
| Salaries (FTE's) | \$ 894,163.72 |
| Salaries (Temps/Bonus) | \$ 69,025.85 |
| Employer Contributions | \$ 361,377.91 |
| Other Operating Expenses | \$ 287,678.45 |
| Per Diem (Board) | \$ 770.00 |
| CRC Funds | \$ 415.78 |
| Subtotal - State Funds | \$ 1,613,431.71 |

Earmarked Funds: HUD

| | |
|-----------------------------------|----------------------|
| Salaries (FTE's) | \$ 224,518.85 |
| Salaries (Temps) | \$ 11,150.00 |
| Employer Contributions | \$ 83,517.00 |
| Other Operating Expenses | \$ 67,864.54 |
| Terminal Leave Payout | \$ 977.20 |
| Subtotal - Earmarked Funds | \$ 388,027.59 |

Federal Funds: EEOC

| | |
|---------------------------------|----------------------|
| Salaries (FTE's) | \$ 141,522.54 |
| Salaries (Temps) | \$ 7,000.00 |
| Employer Contributions | \$ 53,098.45 |
| Other Operating Expenses | \$ 27,912.55 |
| Subtotal - Federal Funds | \$ 229,533.54 |

| | |
|----------------------|------------------------|
| Total - SCHAC | \$ 2,230,992.84 |
|----------------------|------------------------|

The agency had spent approximately 56.89% of the budget with 58.33% of the year elapsed.

Governor McMaster’s Executive budget included additional funds above the original request of \$149,731 for retention funds spread across all funding sources (State funds: \$109,358, EEOC funds: \$26,156, and HUD funds: \$14,217). The Executive Budget included: State funds: \$200,000, EEOC funds: \$26,156, and HUD funds: \$14,217 for a total of \$240,373.

Commissioner Ludlam noted, as stated previously, Commissioner Davis requested an amendment of the original budget request which was sent to the Executive Budget Office, House of Representatives, and Senate on February 6, 2020. The amended budget request included eight (8) new FTE positions and a State funding request of \$935,389 for salaries, fringes, and operating expenditures.

The Commission will be meeting with the Senate Finance Subcommittee at a date to be determined.

VII. COMMISSION REPORTS

Deputy Commissioner Dan Koon and Housing Director Marvin Caldwell presented their respective PowerPoint presentations outlining key progress and accomplishments. Below are a few highlights:

i. Consultative Services

1. Technical Services

- i. The 2019 Annual Report to the General Assembly was submitted in January 2020. This report included employment data by race, gender, and level of employment for 90 state agencies, including only agencies with at least 15 employees. “EEO is the Law Training” continued, and other outreach trainings and forums were held and being planned.

2. Community Relations

- i. The staff continued to hold “No Blame, No Shame” discussions; they also sponsored and attended the 2019 Equity Summit, as well as attended many faith-based and community outreach meetings.

3. Public Accommodations/90(e)

- i. Since October 1, 2020, Tonya Bethea investigated 14 charges, with three charges under investigation.
- ii. Commissioner Davis, Deputy Commissioner Dan Koon and Attorney Watson met with Attorney General Alan Wilson, SLED Chief Mark Keel and several members of the staff of the Attorney

General's Office, to discuss Section 45-9-10 et. seq. of the South Carolina Code of Laws that addresses 90(E) and Public Accommodation complaints. Attorney Watson briefed the Board on this section of the law and answered all questions. Commissioner Davis noted that it was SCHAC's responsibility to inform all parties of the law, their responsibilities under the law, and seek to work together according to the law, as written. A second meeting will be organized by the Attorney General's Office.

ii. **EEO Compliance/In-Take**

Since October 1, 2019, SCHAC investigated 466 cases, leaving 734 cases to complete to meet the EEOC contract of 1200 cases. As of February 13, 2020, there were 502 cases within our system, 11 FTE Investigator positions filled, and three new investigators soon to be hired. Dan reminded the Board that our EEO goal is to complete an investigation within 180 days, and as of February 13th, the average charge age is 172 days.

The Intake Department had 1120 citizens to contact the agency. As a result, 494 of those contacts were employment related complaints that lead to 244 charges being formalized into employment discrimination cases.

Board members were also given dates of upcoming events, some sponsored by the Commission that they may attend.

| Event | Date & Time | Location |
|---|----------------------------------|---|
| Lamar Bus Attack | March 2 nd @ 6:00 PM | USC Capstone Building |
| Men of Color National Summit | March 3-4, 2020 | Clemson University |
| Facing Race Together SC Conference | March 4-6, 2020 | Marriott Downtown Columbia |
| End Racism Day | March 19 th | State Capitol Rotunda (1 st floor) |
| EEO Forum | April 2 nd @ 11:00 AM | SC State Museum |
| Civil Rights – It Still Matters (CRISM) Fair Housing Conference | April 24 th @ 8:30 AM | Columbia Metropolitan Convention Center |
| Remembering Mother Emanuel Nine | June 4 th @ 11:00 AM | Allen University Chappelle Auditorium |

iii. **Fair Housing/In-Take**

Director of Housing, Marvin Caldwell, presented the fiscal year comparisons for housing cases; and cause vs conciliated cases:

| Fiscal Year | Cases Received | Cases Closed | Open Case Inventory |
|---------------------|-----------------------|---------------------|----------------------------|
| July - January 2018 | 82 | 55 | 87 |

| | | | |
|---------------------|----|----|----|
| July - January 2019 | 53 | 86 | 85 |
| July - January 2020 | 73 | 82 | 75 |

| Fiscal Year | Cause Cases | Conciliated Cases |
|---------------------|-------------|-------------------|
| July - January 2018 | 2 | 19 |
| July - January 2019 | 6 | 24 |
| July - January 2020 | 6 | 16 |

Marvin also discussed the upcoming Fair Housing Conference (CRISM – Civil Rights - It Still Matters) scheduled at the Columbia Metropolitan Convention Center from 8:30 AM – 4:00 PM on Friday, April 24, 2020. Commissioner Davis encouraged all Board members to register to attend.

VIII. PUBLIC COMMENT PERIOD

Chairman Oakland acknowledged that SCHAC must include information as written in the bylaws on the agency’s website regarding public comments and the timeframe in which the Board will receive the comments. The Board does not have to respond publicly to comments, but we must note when comments are received.

IX. BOARD MEMBER COMMENTS

Chairman Oakland commended Commissioner Davis on the impact she has had on the agency thus far. He stated that she is very dedicated to the agency and we are very lucky to have her.

Commissioner Ludlam echoed Chairman Oaklands sentiments regarding Commissioner Davis. She stated that the agency is so privileged to have her as the Commissioner and she knows the best is yet to come.

Commissioner Winn thanked Commissioner Davis for the one-on-one meeting they had and looks forward to learning more about the agency. Chairman Oakland asked Commissioner Winn to set aside time to meet with a manager to go over state cases, as well as attend the upcoming scheduled administrative hearing in Newberry beginning March 23, 2020.

Commissioner Brown-Williams welcomed all new employees and wished Attorney Alex Pate well. She personally welcomed Commissioner Davis and asked that she contact her if she can do anything. She thanked Commissioner Davis for hitting the ground and running but cautioned her not to get burnt out too soon. Commissioner Brown-Williams stated that she continued to do what she could to get the agency’s name out in the community; she likes to know about charges in her district and would love to learn more about charges in other districts. Commissioner Brown-Williams noted that her background included administrative assistance type work, to which she thanked Christie

Linguard for her dedication and hard work thus far and is excited about working with her in the future.

Commissioner Davis added that SCHAC has an excellent staff who does great work.

Chairman Oakland recessed the Board meeting for a lunch break at 11:44 AM.

LUNCH BREAK

Chairman Oakland reconvened the meeting after the lunch break at 12:33 PM.

X. EXECUTIVE SESSION

On a motion by Commissioner Winn, moved by Commissioner Williams and seconded by Commissioner Ludlam; the Board entered Executive Session.

Upon returning from Executive Session at 1:18 PM, Commissioner Brown-Williams reported that the Board discussed personnel matters and funding for legal issues. Commissioner Ludlam made a motion to approve the Hollywood Feed, LLC lawsuit; the motion was moved by Commissioner Winn and seconded by Commissioner Williams. The motion was unanimously approved.

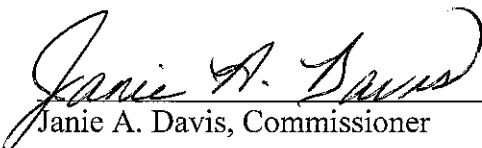
XI. ADJOURNMENT

Commissioner Davis asked if she could reserve the right to have a Board meeting in Newberry after the scheduled Administrative Hearing if any issues or concerns should arise in the interim; the Board approved for a special called meeting in March if necessary.


The next Board meeting was scheduled for May 21, 2020 at 10:00 A.M. in the Board Room of the South Carolina Human Affairs Commission.

Chairman Oakland called for a motion to adjourn; this motion was moved by Commissioner Brown-Williams and seconded by Commissioner Williams at 1:22 P.M.

Respectfully submitted by Christie D. Linguard, SCHAC Executive Assistant.



Janie A. Davis, Commissioner



John A. Oakland, Chair
8/20/2020

Date