

South Carolina Human Affairs Commission Board Meeting

November 13, 2020
10:00 A.M.

The SC State Museum
301 Gervais Street
Gervais Street Room
Columbia, SC

BOARD MEMBERS PRESENT

Chairman, John A. Oakland
Vice Chairman, Cheryl F.C. Ludlam
Commissioner, Andrew C. Williams
Commissioner, Harold Jean Brown-Williams
Commissioner, Dr. Leon Winn

STAFF PRESENT

Commissioner/CAO Janie A. Davis
Deputy Commissioner Dan Koon
Lee Ann Watson
Benjamin Ruiz
Marvin Caldwell
Sarah Gable
Marcus Sumter
Danielle Lindley
Janeen Sanders

GUEST

Felecia Busby

I. CALL TO ORDER

The South Carolina Human Affairs Commission (“SCHAC” or the “agency”) held its Board meeting on November 13, 2020 at the SC State Museum, 301 Gervais Street, Gervais Street Room, Columbia, South Carolina. Public notice was posted at SCHAC’s main office 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

Janeen Sanders, Executive Assistant, called the roll of Board members. A quorum was established.

III. APPROVAL OF MINUTES

Chairman Oakland called for the approval of the minutes from the August 20, 2020 meeting. There being no corrections to the minutes, Commissioner Brown-Williams made a motion to accept the meeting minutes as written, and Commissioner Williams seconded the motion. The August 20, 2020 minutes were unanimously approved.

Chairman Oakland called for Old Business.

IV. OLD BUSINESS

There was no old business to be discussed.

V. NEW BUSINESS

Chairman Oakland moved to new business.

A. 2020 Community and Race Relations Guide

Chairman Oakland opted to move the discussion of the brochure to later in the meeting. Commissioner/CAO Davis agreed to a later discussion.

B. Impact of Election Outcomes

- i. **State and Local** – This discussion was added to the agenda because several elected leaders that were partners with the agency were defeated during the General election both in the Senate and in the House. Two representatives were sponsors of proposed legislation going through the General Assembly. Commissioner/CAO Davis stated that Lee Ann Watson would be speaking about this matter during her report. Commissioner/CAO Davis mentioned the need for new and additional sponsors for legislation going forward.

Commissioner/CAO Davis stated that the upcoming session starts the beginning of a two-year session. The General Assembly has two years to act on the legislation. The first year the bill will be introduced in both chambers and hopefully passed by 2022.

Chairman Oakland mentioned he had been in contact with the Governor's office with a recommendation for a potential SCHAC Board member. He had yet to hear back but was going to reach out to Representative Hixon for additional support.

Commissioner/CAO Davis advised of the research she had done on possible members of the Legislature to sponsor legislation pertaining to SCHAC. She was hopeful that new sponsors would be found.

- ii. **National** – Commissioner/CAO Davis mentioned that as a result of the national and congressional elections, there could be changes in the EEOC and in HUD funding. We will be paying close attention to how the Presidential and Congressional elections will impact the budget.

Chairman Oakland moved to Board Reports.

VI. BOARD REPORTS

A. Administration

Commissioner Brown-Williams deferred the Administration Report to Deputy Commissioner Dan Koon.

Deputy Commissioner Koon started his report by giving the theme: Building and Construction. He discussed training for and developing the skills and talents of SCHAC's current and potential supervisors. SCHAC affords employees the opportunity to participate in the state APM (Associate Public Manager) and CPM (Certified Public Manager) programs. Deputy Commissioner Koon mentioned that there were five SCHAC employees in the APM program and two in the CPM program. Part of the arrangement with the state requires that the agency mentor the same number

of people the agency sends through the APM program. Five leaders from SCHAC served as mentors to employees from other agencies. Deputy Commissioner Koon's mentee Felecia Busby from the SC Department of Labor was in attendance at the Board meeting.

Deputy Commissioner Koon discussed building construction within the office. Last year, the Department of Administration began and completed Phase I of the Air Handler Project. Phase II of the project is intended to bring better air flow in the offices and is set to begin in January 2021. Another agency building project beginning in 2021 will address correcting the leakage issue in the large conference room and the break room on the first floor. The Department of Administration (DOA) conducted a study and has allocated \$192,000 to do some exterior work on the North side of the building. This project is not expected to start until approximately May 2021.

B. Legal Update

Attorney Lee Ann Watson presented the Legal Division's Activity Report from August thru October 2020. Before giving her report, Attorney Watson discussed sponsorship for the proposed SCHAC legislation initially sponsored by former Representatives Norrell and Funderburk, who were not reelected. She indicated that Representative Neal Collins of Pickens County had co-sponsored this bill with the two former Representatives and he remains in the House. Attorney Watson mentioned she was hopeful he would still be interested in sponsoring and helping get the bill reintroduced. Also, being considered as a name to attach to the bill is Representative Shannon Erickson of Beaufort County. Representative Weston Newton also cosponsored the bill and will be approached regarding sponsorship. She indicated it would be good to have support across both aisles heading into the next session.

Attorney Watson reviewed with the Board the work of the Legal staff. She highlighted cases reviewed from Intake, Employment, and Public Accommodations. She also discussed the SCHAC vs Willow Crossing housing case and indicated it had been settled and dismissed.

C. Legislative Updates

Commissioner/CAO Davis gave the legislative update as it relates to the budget. The South Carolina Revenue and Fiscal Affairs Office/Board of Economic Advisors (BEA) met on Tuesday, November 10, 2020 to review the State's economic progress. They reported that the state was \$34 million in the black and would not need to make budget cuts. Commissioner/CAO Davis discussed some key points of the meeting:

1. The BEA was optimistic the state could weather the storm but expressed concern about the third and fourth quarters (January – June 2021),
2. If COVID-19 caused further shutdowns, there could be problems but otherwise, the report was promising, and
3. If things did not go well, it could potentially eat up the \$34 million plus whatever else they may ask the state agencies to return.

The next BEA report was scheduled for February 2021.

Commissioner/CAO Davis stated based on the report, every agency is going to want to get some of the money that is projected to be available for the 2021/2022 budget. The BEA

projected a 1.7% general revenue growth, or roughly half of the growth seen in a typical year, putting the General Fund budget at \$9.6 billion in the fiscal year that starts July 1, 2021. It was projected that of the \$1.2 billion in new money, only \$182 million is recurring money needed for salaries and expenses that occur every year. The largest part of that \$1.2 billion is non-recurring money. Commissioner/CAO Davis stated that going forward, the agency budget report will reflect the separation of recurring and non-recurring money.

The Governor's budget process starts with the Executive Budget. Commissioner/CAO Davis stated that the agency had already made its virtual Executive Budget presentation and that the Governor and the House appeared to be working together closely on budget priorities.

Commissioner/CAO Davis reminded the Board that in January 2020, the State Budget had in excess of \$815 million dollars of new and recurring money. In 2021, it is projected to be only \$182.2 million. Commissioner/CAO Davis indicated that her strategy to justify the increase funding would be to tie successful business growth/economic development to successful community and race relations.

Chairman Oakland reminded the Board that the SCHAC 2021 budget request asked for a \$1.6 million dollar increase. The Commissioner reminded the Board for the reason of the request with the focus being on Priority's 1 and 2. Priority 1 was to give an across-the-board pay increase to staff and Priority 2 was to fund positions in the Community Relations Program.

D. Personnel Update

Commissioner Williams gave the personnel update.

Total Full-Time Employees as of 11/2/2020: 42

- State Temp. – 1 - Larry McBride (Program Coordinator I – Mediator)
- Total Vacancies: 6
 - Community Relations - 1
 - Program Coordinator I – Technical Services (1 position)
 - Program Coordinator I – EEO Enforcement (2 positions)
 - Administrative Assistant – 1
 - Accounting Financial Analyst II - 1
- Total Internal Moves: 1
 - Marcus Sumter moved to Administrative Manager
- Total Resignations: 3
 - Anita Dantzler (Community Relations)
 - Christie Linguard (Executive Assistant)
 - Christina Jordan (Administrative Manager)
- Total New Hires: 1
 - Benjamin Ruiz (Bi-lingual Investigator)
- Total Terminations: zero

Commissioner Williams read a brief biography on Benjamin Ruiz and Janeen Sanders. All present welcomed them to the agency.

E. Financial Update

Commissioner Ludlam deferred the financial update to Administrative Manager Marcus Sumter. Mr. Sumter stated that as of October 2020, the following amounts were spent that impacted the following line items in the budget:

1. **State Funds** – consumed a total of \$837,989, which comprised money spent on Salaries (FTE's), Salaries (Temp), Per Diem, Contractual Services, Supplies and Materials, Fixed charges, Travel, Capital Equipment, Tax Property, and Fringe Benefits.
2. **Earmarked Funds (EEOC)** – consumed a total of \$192,064, which comprised money spent on Salaries (FTE's), Contractual Services, Supplies and Materials, Fixed Charges, Capital Equipment, Tax Property, and Fringe Benefits.
3. **Federal Funds (HUD)** – total consumed is \$139,154 which is comprised of Salaries (FTE's), Contractual Services, Supplies and Materials, Fixed Charges, Travel, Tax Property, and Fringe Benefits.

A total of \$1,169,207 or approximately 31% of the budget was spent, with one third (33.3%) of the fiscal year elapsed. The agency also carried forward \$224,552.30 from SFY2019-2020.

Mr. Sumter indicated that through the CARES Act, the agency could seek to be reimbursed for funds spent to make it possible for the staff to work from home during the pandemic. In Phase I of the reimbursement, a request was made for reimbursement in the amount of \$31,397.09 for PPE's and telecommuting expenses. In Phase II, a second reimbursement submission was made in the amount of \$12,652.95 for telecommuting expenses and leave reimbursement. If the submissions are approved, the agency should receive a reimbursement of \$44,050.04.

Chairman Oakland made a comment regarding the HUD contract. The report stated that the running total for the first four months was \$139,000. The remaining balance of \$197,000 would not take the agency through the remaining eight (8) months. Mr. Sumter advised there were HUD funds still to be drawn down from HUD for SFY20-21. He indicated that he would reach out to the Division of Administration (DOA), who is assisting him with the financial aspects of the agency's budget.

VII. COMMISSION REPORTS

A. Administration

Commissioner/CAO Davis reminded the Board that for the last Board meeting and the interim meeting held for Strategic Planning, there were a lot of deadlines and things that needed to be submitted. She was happy to report that as a staff, all materials requested were submitted successfully.

- i. Agency Head Position Description - -Submitted September 8, 2020
- ii. Accountability Report – Submitted September 15, 2020
- iii. SFY21-22 Budget Request – Submitted September 25, 2020
- iv. Agency Head Interviews/SAHSC – Submitted September 29, 2020
- v. CAO Planning Document – Submitted October 15, 2020
- vi. Governor's SYF21-22 Budget Hearing – Submitted October 21, 2020

- vii. Strategic Planning Session – took place after the conclusion of the Board meeting on November 13, 2020

Chairman Oakland thanked the SCHAC staff and department heads for doing an excellent job of meeting all deadline in a timely fashion, especially with the constraints they were working under (Remote/Telecommuting etc.).

B. Consultative Services

Deputy Commissioner Dan Koon started by thanking everyone for their support during the passing of his mother, which made him unable to attend the August meeting. Mr. Koon made the following comments:

- i. ***Technical Services*** – The 2020 Annual Report to the General Assembly due February 1, 2021 is being worked on diligently by Stephani Frese and Lauren Caudle. Employee files as of January 1 had been corrected and submitted to agencies for review. The next step is the ‘snapshot’ of current employees which is due to SCHAC by September 30, 2020.

Even in the midst of COVID, agencies were still requesting training. Mr. Koon indicated that Ms. Frese had created a virtual training to keep training opportunities going for agencies making request. All trainings were done via WebEx with more trainings to be done.

- ii. ***Community Relations*** – Mr. Koon indicated that Mr. Robert Snipes is currently the only employee in Community Relations. Commissioner/CAO Davis is actively seeking to acquire more funding and staff for the area in order to perform the work across the state.

Mr. Koon indicated that Mr. Snipes had conversations with Spartanburg County government officials and citizens to start the process and training to establish a Community Relations Council (CRC). Discussions have also been held with Kershaw and Union counties regarding establishing Community Relations Councils.

Mr. Koon indicated that part of the reason why these counties are contacting us is due to the new Community Relations and Race Relations Guide. Mr. Koon indicated that Commissioner/CAO Davis coordinated the development of the new Community and Race Relations Guide, as well as provided input regarding creating the new website strictly for the Community Relations Program. Once that was completed, the Guide was sent to all municipalities and county administrators and leaders. Mr. Koon indicated that after the newly appointed leaders come into office in January 2021, it is believed that there will be more movement surrounding the Guide and the creation of Community Relation Councils.

Additionally, Mr. Koon indicated that the Community Relations Division tapped into the Social Media platform and created YouTube videos, which assisted the agency in getting the message out to communities about who we are and what we do.

- iii. **Public Accommodations/90(e)** – Mr. Koon indicated that these investigations are addressed through the Community Relations Division. There were seven cases in the process of moving from Intake to the Community Relations Division for processing.

C. EEO Compliance/In-take

Mr. Koon walked the Board through the numbers related to Intake and the comparison for the past three years. He also informed the Board that the new EEOC proposed contract for the FFY 2020 – 2021 had been agreed to and provided for the investigation of 1100 cases. Mr. Koon discussed the contract numbers for the previous two years and the current year. He took the opportunity to thank the Legal Department for their hard work in collaborating with the investigators and because of that, approximately \$800,000 came back to the agency from the EEOC.

Mr. Koon also acknowledged the investigators and how much they attributed to the monetary value of settling cases i.e. negotiations, mediations, and settlements. Collectively, along with Legal the total number that was reached for monetary settlements totaled \$2,158,736. Mediator Larry McBride was responsible for approximately \$1.1 million and the investigators the remainder. He gave special mention to Danielle Lindley for learning the investigative process that resulted in her contributing to reaching the EEOC contract goal.

Board members were shown ads created for social media. Chairman Oakland wanted to know if TV ads were only showing in the Midlands and Low-Country areas. Mr. Koon indicated that Anita Dantzler handled the media advertisements and markets selections. Because of the EEOC Charlotte office and the costly Charlotte market, the agency had not spent money in that market area. More affordable media markets within the state were selected. Chairman Oakland asked that Augusta, Georgia be considered in the future because the western counties are served through the Georgia media market. Commissioner Williams also asked if Rock Hill could be added to the list for more targeted media coverage. Commissioner Williams indicated the only way he can get information regarding Columbia is to go online and there is no SCHAC presence or information coming into the Rock Hill area. Commissioner Brown Williams also mentioned Horry County as another area to look into for more SCHAC presence.

Commissioner/CAO Davis inquired if Mr. Koon thought people in the Rock Hill area were bypassing SCHAC and filing directly with the EEOC in Charlotte due to their proximity to that office. Mr. Koon thought it possible especially in the Greenville area where there is an EEOC regional office; in Rock Hill, which is close to Charlotte; and in Beaufort which is close to the EEOC Savannah Office. Mr. Koon explained further that due to our workshare agreement, cases would still come to SCHAC from those areas. Over the past two months, SCHAC had received approximately 100 cases from the Charlotte and Savannah offices.

D. Fair Housing/In-Take

Mr. Marvin Caldwell began by discussing what was done with the CARES Act funds received from HUD:

1. Acquisition of Technology Assets - \$3,218 for Laptops. This was to enable staff to work remotely during to the pandemic.
2. Funding for Broadcasting Fees - \$16,782 for SCETV broadcasting of housing hearing for public viewing
3. Personal Protective Equipment - \$5,200 for 500 Facemasks. Provided to ensure the staff was properly protected when doing onsite visits as required.
4. Education and Outreach - \$25,503.75 for TV and Digital Media Campaign. Three (3) TV and social media digital campaigns were run to educate the public about unlawful housing discrimination during the pandemic.

There were two ads run through social media that reached approximately 135,000 each month, received about 2,000 clicks each month, and 220 people visiting the website by clicking the ads. Various sites were used.

Mr. Caldwell advised that as a result of running the media campaign, 17 COVID-19 based cases were filed since the start of the pandemic and eight COVID-19 based cases were filed since the TV and Media campaign began.

Additionally, Mr. Caldwell covered his handout comparing the number of cases received from August thru October. (see chart below)

Cases Received Fiscal Year Comparison

	August	September	October
FY 19 - 20	11	11	19
FY 20 - 21	22	20	20

Special Highlight: A total of 61 cases were received during the month the media campaign ran, which is 21 more cases than what was done during the same time period the prior year.

VIII. PUBLIC COMMENT PERIOD

Chairman Oakland acknowledged that the agency did not receive any request for public comments prior to the meeting. He then moved to the Board Member comments.

IX. BOARD MEMBER COMMENTS

Chairman Oakland deferred back to Mr. Koon to introduce his mentee, Ms. Felecia Busby. Mr. Koon indicated the Ms. Busby was going through the APM Training Program and had been an employee of the Department of Labor for approximately 30 years. Mr. Koon indicated that they were set to meet four times during the program. Ms. Busby's attendance at the meeting was to provide a greater understanding of the work and operations of SCHAC versus the work and operations of the Department of Labor.

Commissioner Ludlam wanted to thank the SCHAC staff for all of their hard work, dedication, and commitment, especially during these unprecedented times. She commented that it was evident that the work continued to be produced. She was looking forward to the local, state, and national communities reopening.

Commissioner Williams expressed his joy at being a part of such a great agency and working with great people putting out great work. He encouraged the staff to stay safe and healthy.

Commissioner Brown-Williams added that the staff was to be commended for their discipline in working from home. She welcomed Janeen and Ben to the agency. She also announced the passing of Mr. Benny Swans in September 2020. He had a long-standing working relationship with Mr. Koon and the former Commissioner. Mr. Swans was the organizer for the Martin Luther King Event and for the Myrtle Beach Community Relations Council. In regard to the Community Relations booklet, Commissioner Brown-Williams was able to personally deliver booklets to the County Council in Georgetown. She thanked the staff for the very hardworking team and encouraged staff to continue doing the great work.

Commissioner Winn reminded everyone that he was the newest member of the Board and he looked forward to getting more training and getting involved in more cases. Commissioner Winn commented that with all the tensions, not only in South Carolina but around the world, the agency needs to continue to be active in bringing about change. He stated that 2020 will go down as a difficult time in history, with things happening that many have never seen, with times changing and things evolving. He encouraged SCHAC to be a part of the change.

Commissioner Brown-Williams also thanked Mr. Marcus Sumter for his help when the mail didn't deliver documents to her and his stepping up in his new role to assist her.

Commissioner Oakland thanked the Board for their continuous attendance and hard work. He indicated that he called the Governor's Office regarding adding additional Commissioners and was told there was a lot of interest in the Commission. Chairman Oakland had submitted a name for consideration but no response to date.

Chairman Oakland recessed the Board meeting for a lunch break at 12:03 PM.

LUNCH BREAK

Chairman Oakland reconvened the meeting after lunch at 12:36 PM.

X. STRATEGIC SESSION

Commissioner/CAO Davis began the Strategic Session by commending the tremendous work of the SCHAC staff in spite of the events of 2020. She stated that they had excelled in their work and productivity and had continued the legacy of being strong and hard working. She indicated she was thankful for their continued hard work, dedication, and strong ethics.

Commissioner/CAO Davis indicated that she was able to meet with every employee within the first 60 days of her employment. She asked each employee two questions: 1) Do you have any recommendations for improving the agency? and 2) What would you like to happen to improve your overall performance and continued employment with the agency? She indicated that information along with information from a SWOT (Strengths, Weaknesses, Opportunities, and Threats) Analysis would guide her work moving forward. As a part of the yearly required Board Strategic Planning Session, she hoped to obtain a completed SWOT Analysis from Board members and the staff to help set future goals for the agency. She also indicated that a review of the agency's mission statement, vision and

values should be reviewed yearly by the Board as a part of yearly strategic planning process and updated as needed to ensure clarity and conformity with any changes in statutory mandates.

Mission Statement

The next topic of discussion was the Mission Statement for the agency. Commissioner/CAO Davis made a recommendation to shorten and remove the protective classes from the mission statement. Discussion was held among members of the Board: specifically, Commissioner Brown-Williams questioned changing “all citizens” to “all people” and Commissioner Williams expressed misgivings about removing the protected classes from the statement.

Commissioner/CAO Davis explained that there are people in the state/country who are not citizens, but they should not be treated any different. She indicated that the recommendation to shorten the mission statement was made because mission statements are recommended to be short and to the point, easily remembered.

Commissioner Williams expressed his concern about the agency’s lack of presence in the community as a whole and to remove all of the protective class information from the Mission Statement was cause for concern. He did not want to leave any question about who we serve or what we do. He indicated the current statement clearly states who we protect. The newer shorter statement would leave some questions. Commissioner Ludlam agreed with Commissioner Williams. Commissioner Brown-Williams also agreed to leave the Mission Statement intact but to change from “all citizens” to “all people”. Commissioner Winn also agreed with Commissioner Williams’ thoughts surrounding the Mission Statement.

Commissioner Williams made a motion to change the wording from “all citizens” to “all people” and to keep the wording of the Mission Statement as is with the protected classes included.

Commissioner Brown-Williams second the motion. The Board unanimously agreed. The following statement represents the new wording of the mission statement:

The mission of the South Carolina Human Affairs Commission is to eliminate and prevent unlawful discrimination in: employment on the basis of race, color, national origin, religion, sex, age, and disability; housing on the basis of race, color, national origin, religion, familiar status, and disability; and public accommodations on the basis for race, color, national origin, and religion thereby promoting harmony and the betterment of human affairs for all people.

Vision Statement

Commissioner/CAO Davis made a recommendation to add the word “nationally” to the statement and to shorten the Vision Statement. Chairman Oakland asked if adding the word was necessary. Commissioner/CAO Davis explained that the

recommendation to add “nationally” was made because a large portion of our funding comes from federal dollars. Additionally, our counterparts across the U.S. see SCHAC as uniquely situated and different from many of the other local and state agencies that don’t have statewide powers as we do. They respect us because of who we are and what we have been able to accomplish to have a state agency with our funding and staff. Additionally, the EEOC reaches out to SCHAC to see what we are doing here in South Carolina, so it seems appropriate that we would want to be recognized not only in this state but nationally as a model for the work we do.

Commissioner Brown-Williams made a motion to use the revised Vision Statement. Commissioner Williams second the motion. The Board unanimously agreed. The following statement represents the new wording of the Vision Statement:

The South Carolina Human Affairs Commission’s Vision is to be well known statewide and nationally, with a positive image and a mission that is understood and accepted by the public. SCHAC is a fully resourced, customer-friendly agency with a diverse, well-trained and efficient team working together effectively in a safe and supportive work environment in fulfillment of the agency’s mission.

Value Statement

No additions or deletions were made to the Values.

Commissioner/CEO Davis indicated the assessment of how well we are doing with demonstration of our values.

The Board was given a S.W.O.T. Analysis assignment related to the agency. They were asked to give their perception of the “Strengths, Weaknesses, Opportunities, and Threats” facing the agency and possibly the Board? Commissioner/CEO Davis asked the Board members to take the assignment home and to think about it. She also indicated that the SWOT Analysis would also be given the staff to obtain their perspective.

Upon a request from Commissioner Oakland, a motion was made by Commissioner A.C. Williams to enter Executive Session to discuss legal and personnel matters; the motion was seconded by Commissioner Brown-Williams; and unanimously approved by the Board. The Board entered into Executive Session.

XI. EXECUTIVE SESSION

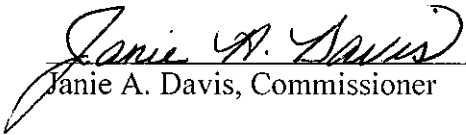
Upon reconvening after Executive Session, Commissioner Brown-Williams made a motion that the Board end Executive Session; the motion was seconded by Commissioner Ludlam. The motion was unanimously approved. No business discussed in Executive Session required further Board action.

XII. ADJOURNMENT

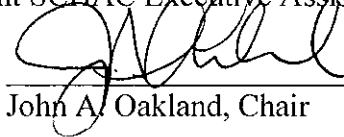
There being no further discussion, Chairman Oakland called for a motion to adjourn; this motion was moved by Commissioner Ludlam and seconded by Commissioner Winn. The motion was unanimously approved.

The next Board meeting is scheduled for February 2021 at 10:00 A.M. with location to be determined.

Respectfully submitted by Janeen D. Sanders, current SCHAC Executive Assistant.



Janie A. Davis, Commissioner



John A. Oakland, Chair

5/20/2021

Date