

**South Carolina Human Affairs Commission
Board Meeting**

August 10, 2023

S.C. Department of Parks, Recreation and Tourism
Edgar A. Brown Building
1205 Pendleton Street, Room 252
Columbia, SC 29201

BOARD MEMBERS PRESENT

Chairman James T. McLawhorn, Jr.
Vice Chair Sharon Sellers
Commissioner Steve Hall
Commissioner Leon Winn

VIA PHONE

Commissioner Mary Amonitti

STAFF PRESENT

Interim Commissioner Marvin Caldwell, Jr.
General Counsel Caroline Scrantom
Robert Snipes
Deborah Thomas
Tanya Whitmire
Lawrence Smalls
Janeen Sanders

GUEST

Thomas Kaminer – SCHAC Budget Director
ADMIN Shared Services

I. CALL TO ORDER

The South Carolina Human Affairs Commission (“SCHAC” or the “agency”) held its Board meeting on August 10, 2023, at the S.C. Department of Parks, Recreation and Tourism, Edgar A. Brown Building, 1205 Pendleton Street, Room 252, Columbia, SC. Public notice was posted at SCHAC’s main office entrance and placed on the SCHAC’s website. Chairman McLawhorn called the meeting to order at 10:16am and asked 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 McLawhorn called for the approval of the minutes from June 29, 2023. The motion for the minutes to be approved was made by Vice Chair Sellers and seconded by Commissioner Hall. The minutes were unanimously approved.

IV. OPENING REMARKS

Chairman McLawhorn opened by saying how glad he was to see everyone. He went on to mention how the Board had not heard back from the Governor regarding the appointment of a commissioner for the agency. His plan is to follow up with the Governor and see what the next steps are since a name had already been submitted. It is his belief that the agency should not be left in uncertainty as to who will lead them. The Board was in unanimous consent as to his sentiments. Commissioner Hall volunteered to go along with the Chairman to see if they could get a meeting set with the Governor.

V. OLD BUSINESS

The Bylaws for the agency are to be reviewed every two years. The board was given the bylaws at the June meeting to review. There were no recommended changes. Chairman McLawhorn called for a motion to be made to accept the bylaws as they stand. Vice Chair Sellers made the motion and Commissioner Winn made the second. The bylaws were unanimously approved.

VI. NEW BUSINESS

There was no new business to be discussed.

VII. BOARD REPORTS

A. Administration

Commissioner Amonitti gave way to Interim Commissioner Caldwell to brief the board on the administrative items to be discussed.

- IC Caldwell advised the board that the paperwork required for the agency to begin looking for office space had begun. There are numerous documents to be filled out. After they have reviewed our submission, a conversation will be had to determine exactly the type of space we can look for. There is a bidding process etc. so it will not be a quick work. It will be ongoing well into 2024.
- The agency is still working on the APP that can be placed on a phone where Customers of SCHAC can check on the status of the case filed with the agency. General Counsel Scrantom had also presented the idea of the APP working on the backend for case management. Meetings have been ongoing, and all parties were finally in a place of understanding the actual needs of the project. Implementation was set to roll out within the week and a timeline for an approximate completion date would be set. Commissioner Hall inquired about final cost of the project, which IC Caldwell expressed there was no number assigned yet however this project had money budgeted for it and it was not expected to exceed the amount.
- In July the agency changed systems to Microsoft 365. That meant we dropped the use of our virtual system WebEx to Microsoft Teams. Although the cost was not cheaper than the previous system, it was mandated by state government for this to happen.

B. Legal Update

General Counsel Caroline Scrantom discussed the Legal Division activities for June & July 2023 as well as reported out on the Mediation numbers for the EEO Contract year October 1, 2022 – September 30, 2023, as follows:



**HUMAN AFFAIRS COMMISSION
LEGAL ACTIVITIES LOG**

General Counsel Caroline Scrantom
EEO Staff Counsel Jamie N. Smith
FH Staff Counsel Samantha M. Luck
Legal Assistant Rena Johnson
Mediator Larry McBride

Non-Litigation Activities: June & July 2023		SCHAC Litigation by the Numbers	
Cause Case Reviews + Write-Ups	1	Cases Pending before the Board	1
Requests for Revision or More Investigation	26	Cases Pending before the Circuit Court	3
No-Cause Case Reviews (Housing + EEO + 90E)	56	Cases Pending before the Court of Appeals	1
Housing Conciliation Agreement Reviews	2	Recent Case Settlements	2
Total Case Review Return Rate	49%	SCHAC Mediation by the Numbers EEO Contract Year (Oct. 1, 2022 – Sept. 30, 2023)	
Intake Reviews	356	Total Mediations	66
Guidance Meetings with Investigators	41	Successful Mediations	32
Guidance Meetings with Non-Investigative Staff	65	Percent Successful	48%
FOIA Responses Finalized	15	Aggregate Settlement Amount	\$404,457.00

General Counsel Scrantom thought it befitting to speak to the two case settlements the agency reached since they are for public record. One was a housing case based out of Horry County against an HOA. It was a disability case based on a tenant sublet their condo to someone else who came in with a support

animal. There was medical information in favor of the sub-leased tenant having the support animal. The HOA would not approve the documentation presented. The case was settled, and the HOA agreed to adopt better policies related to emotional support and service animals and paid a \$2500 penalty to the agency and \$3k to the property owner. The HOA also removed the rule that only property owners and not renters could have animals on the premises so now they have an equally applicable policy. The HOA agreed for the management team there to receive fair housing training. They are also subject to being monitored of their policies and procedure by SCHAC for one year.

The second settled case was Georgetown County case that arose when the Respondents were served with notice that some residents of their mobile home park filed a fair housing complaint with SCHAC. Once the Respondent received notice the complaint had been filed, they took affirmative and documented action to intervene with the charging party's steps to sell the mobile home. This was a form of retaliation and a violation of the fair housing laws. Also, when the agency's investigators made a site visit as part of the early investigative process, the investigators advised Respondent they could not retaliate against the charging party. The case was set to go before a panel of you for an administrative hearing. On the eve of the hearing, the case was settled with the agency receiving \$6k in civil penalties and \$8k to the charging part for the inconvenience caused. Due to this outcome, the respondents are to implement fair housing policies and procedures over two months, complete fair housing training within three months, and they are subject to monitoring from SCHA for two years.

Chairman McLawhorn expressed how he felt there was a housing crisis over the state. His question was how can the agency be leveraged for the work it does in the community? How can the community be appraised of what the agency does? How do we get the name and the work out there? What kind of partnerships does the agency have with housing stakeholders? How can more stakeholders be brought in collectively to assist in housing discrimination?

General Counsel Scrantom acknowledged that Interim Commissioner Caldwell could speak more towards the HUD funds that the agency is required to spend on an annual basis around advertising etc. She then shared that she receives calls once or twice a month from attorneys that work at the disability related organizations around that state that are aware of the agency and the work it does. The agency is also actively involved with the civil rights section of the SC bar. Chairman McLawhorn inquired about a relationship with AARP. He mentioned they have a large footprint. Interim Commissioner Caldwell advised that since the last board meeting, he had been in contact with them and wanted to do some articles with the for the newspaper.

C. Legislative Update

Vice Chair Sellers gave way to Interim Commissioner Caldwell to give the Legislative Update.

Interim Commissioner Caldwell advised that with the legislature not back in session, there has not been much happening. On September 15th the annual Accountability Report is due to the legislature. The task to deliver the report has been a joint effort with multiple members within the agency.

There was a 2024 personnel related budget request that is due August 25th. The last report was for a FY25 Budget Request due September 15th.

There has been no more news related to the merger study. As he previously stated, the department of administration is conducting that which is due to legislation by December 1, 2023.

Chairman McLawhorn wanted to note for the record that he questioned some of the motivations behind the merger and didn't believe that some of them were in the best interest of the citizens of South Carolina.

D. Personnel Update

Commissioner Winn gave way to Interim Commissioner Caldwell to give the report as follows:

As of Aug. 10th, there were 56 FTE positions available; 49 FTEs employed; and 7 vacancies listed below:

- Administrative Manager I – Administration (No Funds)
- Accountant/Fiscal Analyst II- Administration (No Funds)
- IT Consultant (NEW FTE) – Administration – (Pending New hire 07/17/23)
- Program Coordinator I – Technical Services (Pending Interviews)
- Program Coordinator I – EEO Bilingual Investigator (Pending Interviews)
- Program Coordinator I – Fair Housing Investigator (New FTE)
- Program Manager II – (Seeking Applicants)
- Program Coordinator I (Selection Made, Tentative Start date (09/18/23))

There was one retirement which was former Deputy Commissioner Dan Koon and two new hires: one in IT and the other in Fair Housing.

E. Financial Update

Commissioner Steve Hall, chair of the Finance Standing Committee of the Board, turned the meeting over to Thomas Kaminer to explain the financial report to the Board.

Kaminer began his report by stating the FY24/25 is officially underway and the projections listed on his spreadsheet are probably a little higher than we will be spent unless the open positions are filled. The one thing not listed in his spreadsheets are the allocations received due to the general increase the general assembly gave. Those numbers will report out in September. Even without that added to the budget, there is still a reported. It is projected the agency should have \$3.4 million in cash at the end of this fiscal year and little more at the end of the next.

Commissioner Hall what should the agency keep their focus on by way of spending. Kaminer responded that he would be monitoring the open positions as well as the amount the agency would need when dealing with the move. IC Caldwell also mentioned the funding received from HUD and the EEOC could go down, due to the number of cases closed not being at the normal amount as the previous year, but there is no way to know at this time.

VIII. COMMISSION REPORTS

A. Administration

- i. Interim Commissioner Caldwell didn't have much to discuss but mentioned the fair housing contract closed on June 30th and they closed approximately 117 cases. The EEO contract will close on September 30th, and they are diligently working on those case closures. Director Whitmore will expound on how many there are left to close for the contract.

B. Consultative Services Programs

i. Technical Services

Director of Community Relations, Robert Snipes gave the report on Technical Services. He began by stating the team is down a person. Interviews for that vacancy was held on August 7th, 2023.

On July 7th, they were in the first phase of the Affirmative Action Plan for all state agencies with 15 or more FTEs. They disseminated the employee files to state agencies; conducted one-on-one training demos with multiple EEO Officers and they are also working with individual agencies to correct data in the new employee file to ensure it runs smoothly through CAAMS.

They have had some internal trainings as well conducted some external trainings as per the below slide:

Technical Services and Training Internal Training

- Team Affirmity CAAMS training - July 24- 25
- Process Improvement training - July 27

External Training: June - July

MIDLANDS TECHNICAL COLLEGE BELTLINE
CAMPUS - JUNE 9

- DIVERSITY, EQUITY, & INCLUSION

SC HUMAN AFFAIRS COMMISSION - JUNE 14

- EEO OFFICER TRAINING

FAIRFIELD COUNTY - JUNE 20

- EEO IS THE LAW

The team conducted an EEO Officer Training on June 14. The information about that training is on the below slide:



Affirmative Action Plan

The purpose of
affirmative action is
to ensure
Equal Employment Opportunities
for
applicants and employees.

EEO OFFICER TRAINING

June 14, 2023
South Carolina Human Affairs Commission



79 attendees

54 State Agencies Represented

Speakers:

Director, EEOC Atlanta District Office
Director, EEOC Charlotte District Office



Panel Discussion
"Good Faith Efforts"
Recruitment / Hiring / Promotion

As per the Accountability report, the technical services division is responsible for providing two (2) types of trainings free of charge to state government agencies. The topics of these trainings are ***EEO is the Law*** and ***Preventing Harassment in the Workplace-including Sexual Harassment***. The below slide will show the increase in trainings from FY22 to FY23.

Technical Services and Training

training@schac.sc.gov

FY 2022 Attendees 2848	44% Increase	FY 2023 Attendees 4098
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**South Carolina
Human Affairs
Commission**

EQUAL EMPLOYMENT OPPORTUNITY IS THE LAW
Employer and Employee Training

EEO is the Law

- EEO is the Law is a one day or half day training for all employers and employees.
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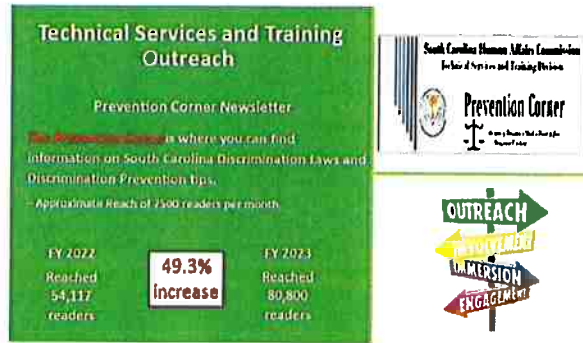
Preventing Sexual Harassment in the Workplace

- EEO is the Law is a one day or half day training for all employers and employees.
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The South Carolina Human Affairs Commission's Technical Services and Training Division offers training for all employers and employees. The training is designed to provide employers, employees and others involved in the workplace with the information necessary to understand and prevent workplace harassment.

For more information, please contact:
 Technical Services and Training
 South Carolina Human Affairs Commission
 1000 North Main Street, Suite 1000
 Columbia, SC 29201
 Phone: (803) 735-2333
 Fax: (803) 735-2334

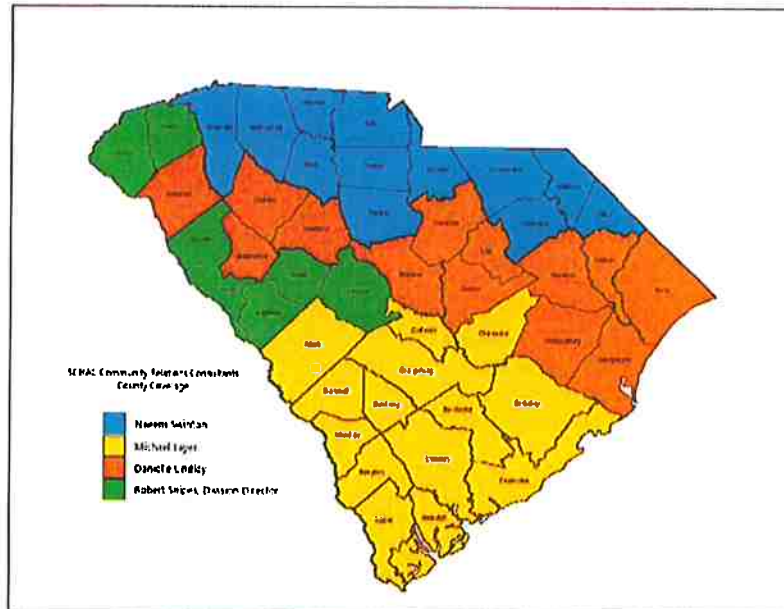
The Technical Services division is also responsible for putting out The Prevention Corner Newsletter under the direction of Alpha Dunbar. The below slide shows the increase in reach from FY22 to FY23.



ii. **Community Relations**

Director Snipes reported that the Community Relations team is fully staffed at this point however, more personnel are always welcome.

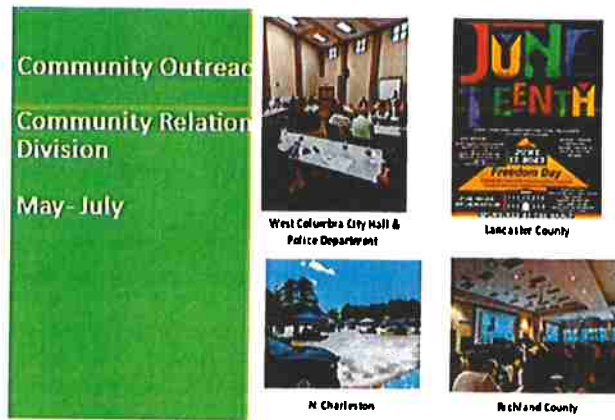
The below slide shows the community relations division’s coverage map.



Based on the coverage map and the appearance that one person had a larger area than another, there was an extensive conversation among the Board on how to better use the team’s knowledge and effectiveness in each county. The Board requested a meeting between the Board and the Community Relations Division for the purpose of workshopping ideas pertaining to agency outreach. The Board wishes to discuss how the Division may further impact communities in need.

The Chairman called for a five minute break at 11:16am. The break ended at 11:22am and Director Snipes continued with his report.

The below slide reflects events the Community Relations Division attended from May – July 2023:



- West Columbia City Hall & Police Department- LGBTQIA+ Cultural Competence and Antidiscrimination Policy Panel
- Lancaster County- June 17th Celebration with CRC in Lancaster County
- Gun Violence Prevention Festival- North Charleston
- The Right to Read Film Screening- with SC Department of Education- Richland County

The next slide shows professional development for the team as well as future events the division will be participating in:

- August 8- Lexington Chamber Breakfast Meeting- Lexington
- August 10- Brooker Washing 'Block Party'- Columbia
- August 12- Barnwell Law Enforcement EXPO- Barnwell County
- August 19- Spirit of the Midlands- Richland County
- August 24- United Against Hate- US Attorney's Office- Greenville County
- August 25- DOJ Facilitated Training- Facilitating Meetings Around Community Conflict- Columbia
- September 19- Indian Land Community Rotary Meeting- Lancaster County

Professional Development

- August 9-10th- Mr. Swinton and Mr. Layer will participate in the Presentation Skills through Department of Administration.
- September 2023- Ms. Undley will begin the LeadSC Program through Department of Administration.
- January 2024- Mr. Swinton and Mr. Layer will participate in the Midlands Mediation Center's training, Introduction to Mediation.

iii. **Public Accommodations/90(e)**

Another task performed by this Division is the processing of 90e/Public Accommodations complaints. Although the agency doesn't have the authority to investigate these complaints in the same way that the EEO and Housing charges are investigated, the agency is to task to attempt to resolve the complaints. With the help of legal and the SCHAC mediator, Director Robert Snipes works towards resolving each complaint. The below chart shows the numbers for recent 90e/Public Accommodations complaints:

Community Outreach:
 90E:
 SC Codes:
 1-13,90E
 45-9,110

Cases Received Since Feb 2023	Cases Completed Since Feb 2023
19	16
Current Inventory of 90E Cases	12

Director Snipes also wanted to show in the next two slides a couple of the partnerships that SCHAC has formed with other agencies. These partnerships have developed as a result of past conversations aimed at informing other stakeholders who we are and what we do.

The 90E Card below is reflective of a partnership between and the SC Criminal Justice Academy. The purpose is to develop and provide another tool for SC Law enforcement to be able to serve as 'Peacemakers' in our communities.

Community Outreach
 Community Relations Division
 Building Partnership with Law Enforcement

DENIED EQUAL ENJOYMENT?
 The South Carolina Human Affairs Commission may be able to help you find a resolution.

DENIED EQUAL TREATMENT?
 The South Carolina Human Affairs Commission may be able to help you find a resolution.

TREATED DIFFERENTLY?
 The South Carolina Human Affairs Commission may be able to help you find a resolution.

Legal Division Team & Community Relations Team
 Partnering with SC Criminal Justice Academy

Currently the SC Criminal Justice Academy's Leadership team is reviewing all three of the proofs and will provide their recommendation.

Community Outreach
 Community Relations Division
 Building Partnership with Law Enforcement

Facilitating Meetings Around Community Conf/Bet
 Training facilitated by the Department of Justice

August 26, 2023

Time: 9 a.m. - 4:30 p.m.
 Registration begins at 8:30 a.m.

Location: South Carolina Criminal Justice Academy
 6400 Broad River Road
 Columbia, South Carolina 29212

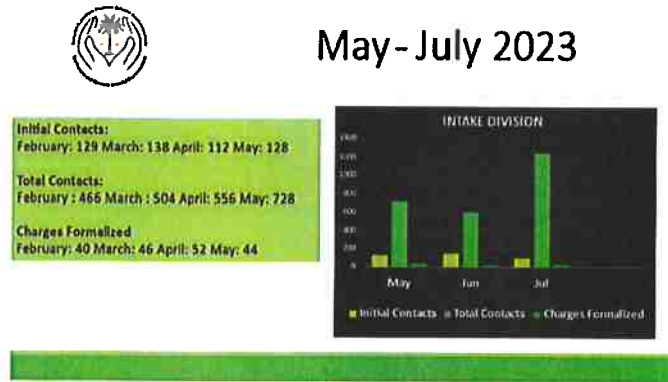
Eligible for seven (7) hours of CLEEC and CLE

Housed by

On August 25, 2023, from 9am till 4pm, DOJ will be facilitating a training to law enforcement and attorneys from around the state. The collective partnership with SC CJA, DOJ Community Relations Division, and SCHAC.

iv. **Intake Processing**

Director Snipes delivered a report on activities from our intake division. The below slide shows intake data from May – July 2023:



C. **Compliance Programs**

i. **EEO Enforcement**

Director LaTaryna Whitmire presented to the board on the following information:

- EEOC Contract runs 1 October 2022 thru 30 September 2023
- October 2022 thru June 2023 – Closed 367 cases thus far
- 153 cases are needed to meet 520 case contract
- Need an average of 77 cases per month to meet the contract

Director Whitmire share the staffing breakdown for the EEO Division:

- EEO Enforcement Director
- Three (3) EEO Enforcement Supervisors
- Ten (10) Investigators
 - Three (3) Experienced Investigators
 - Two (2) Intermediate Investigators
 - Five (5) New Investigators
- Vacancies/Hiring
 - Currently conducting interviews for two (2) vacant Investigator positions. One (1) of the positions is for a bilingual (Spanish speaking) investigator.

Director Whitmire discussed the methods that have been put in place to meet the EEO contract:


- **Stand Down** – Investigators brief the particulars of a case to all members of the review team (Supervisor, Director, Legal, and Commissioner). After discussing the case, a determination is made as to whether additional information is needed or if there is enough to write up the case. If the decision is made to write up the case, it is written up during the meeting with input from all members. This normally takes about an hour per case and can typically reduce the review process by 2-3 days.
- **Fast Track** – After completing an investigation, the Investigator submits their cases to Legal through their Supervisors. Upon the review from Legal, and if the case has satisfied the stated criteria, Legal will write the analysis for the case. This is unlike the normal process where Investigators prepare their own analysis upon completion of an investigation and submit the case through the review process/team.

- **Enforcement Supervisors** - Supervisors have been tasked with investigating additional cases per month.

Lastly, Director Whitmire discussed some of the trainings they have completed thus far as per the below slide:

TRAINING

- June 2023- Investigator Training by Atlanta District Director, Darrell Graham
- July 2023 - Pregnant Workers Fairness Act (PWFA) Training
- On-going training for new Investigators



She mentioned there will be more training around the PWFA; however, much what was presented under this new federal law is already being done by SCHAC in response to our own state protections for pregnant workers.

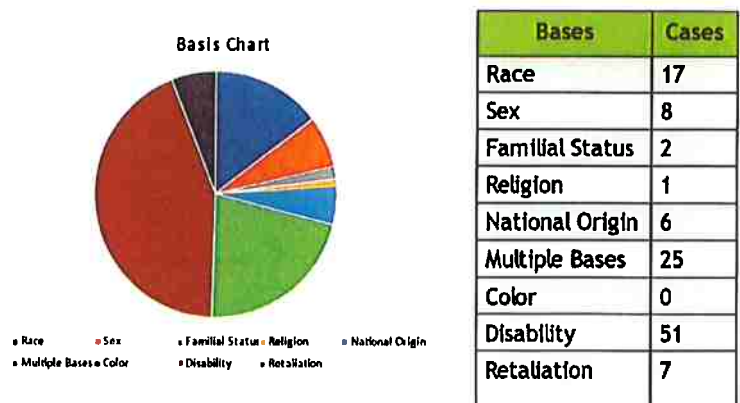
In response to a question from Vice Chair Sellers, Director Whitmire discussed that SC’s Pregnancy Accommodations Act and Lactation Support Act are similar to this new federal law. SCHAC has been investigating these types of cases already. Chairman McLawhorn sought to understand how the America Family Leave Act and the Pregnant Workers Fairness Act intertwine.

ii. **HUD Enforcement**

Director Deborah Thomas reported for the Fair Housing Division:

- They have been involved in 24 events that had to do with trainings, education & outreach
- They received 648 inquiries. The team was able to complete draft of 349 cases
- Director Thomas thanked her team for a consolidated effort. With a limited number of investigators, she was able to cross train her new employees to assist with the intake process.
- The below slide shows the breakdown of cases investigated per protected class:

Breakdown of Basis



Director Thomas shared the top counties where the complaints came from this fiscal year:



IX. PUBLIC COMMENT PERIOD

Chairman McLawhorn acknowledged that the agency did not receive any request for public comments prior to the beginning of the meeting.

X. BOARD MEMBER COMMENTS

There were no comments or concerns.

The public section of the board meeting adjourned at 12:08pm.

XI. EXECUTIVE SESSION

Chairman McLawhorn called for a motion to be made to enter Executive Session. Vice Chair Sellers made a motion to enter Executive Session. Commissioner Hall seconded. Executive Session began at 12:09pm.


Chairman McLawhorn called for a motion to exit Executive Session. Commissioner Winn made the motion to exit, and Commissioner Hall seconded. After unanimous consent, Executive Session ended at 12:20pm.

Chairman McLawhorn called for a motion to adjourn. Commissioner Amonitti made the motion to adjourn, and Commissioner Hall seconded. After unanimous consent, the meeting was adjourned at 12:22pm.

The next Board meeting is scheduled for November 16, 2023, with a location to be determined.

Minutes respectfully submitted by Janeen D. Sanders, SCHAC Executive Assistant.


Marvin Caldwell, Jr., Interim Commissioner


James T. McLawhorn, Jr., Chairman
11/16/2023
Date