

South Carolina Human Affairs Commission Board Meeting

August 12, 2021
10:00 A.M.

South Carolina Department of Archives and History
8301 Parklane Road
Columbia, South Carolina 29223

BOARD MEMBERS PRESENT

Chairman, John A. Oakland
Commissioner, Cheryl Ludlam
Commissioner, Andrew C. Williams
Commissioner, Leon Winn

VIRTUAL

Commissioner H. Jean Brown-Williams

GUEST

Jason Epting – SCHAC Budget Director
ADMIN Shared Services

STAFF PRESENT

Commissioner/CAO Janie A. Davis
Deputy Commissioner Dan Koon
Deputy Commissioner Marvin Caldwell
Alyssa Barker
Stephani Frese
Lee Ann Watson
Caroline Scrantom
Jamie Smith
LaTarnya Whitmire
Mark Dunham
Robert Snipes
Danielle Lindley
Janeen Sanders

I. CALL TO ORDER

The South Carolina Human Affairs Commission (“SCHAC” or the “agency”) held its Board meeting on August 12, 2021 at the office of the South Carolina Department of Archives and History, located at 8301 Parklane Road, Columbia, SC. Public notice was posted at SCHAC’s main office entrance and placed on SCHAC’s website. Chairman Oakland called the meeting to order at 10 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 May 20th meeting with a correction noted by Commissioner Brown-Williams. The minutes were unanimously approved with the correction and accepted.

Chairman Oakland called for Old Business.

IV. OLD BUSINESS

There was no old business to be discussed.

V. **NEW BUSINESS**

Commissioner Davis began her report by acknowledging the upcoming 50th Anniversary of the agency in 2022. She indicated that work had already begun internally to discuss events surrounding the anniversary of the agency. Conversations had already begun with ETV to discuss how to promote the agency and its work over five decades. Commissioner Davis ask Board members to submit any recommendations and informed them that information regarding the initial internal planning will be provided to them.

Commissioner Davis informed the Board members that their comments communicated regarding raising the agency exposure was being considered. Commissioner indicated that given the present divisive environment, she felt it not the time to request a new position for Public Information Director, but rather determine a way to use current staff and resources to raise the profile of the agency. As a part of the Classification and Compensation Study, assigning more public information functions to both the Intake Division, in partnership with the Community Relations Division, would address raising the profile of the agency, thereby letting the public know who we are, what we do, why we do what we do, etc.

Also, funding from the EEOC and HUD, mainly HUD, is specifically provided to promote the housing program by way of TV and social media ads. Commissioner Davis advised that she and Deputy Commissioner Caldwell discussed using HUD funding to increase PR, with the understanding that PR increases case production. Therefore, these rollouts will be gradually implemented to ensure that the agency is prepared for the influx of new cases and that enough HUD staff is on-board to turnaround cases in a timely manner according to HUD requirements. This will be done in coordination with the promotion of the 50th Anniversary.

VI. **BOARD REPORTS**

A. **Administration**

Commissioner Brown-Williams joined us via WebEx and gave the floor to Deputy Commissioner Dan Koon to give the Administration update on her behalf.

Deputy Commissioner Koon began his report with building matters. A security camera and speaker were added to the front door, allowing entrance to the building only after acknowledging nature of purpose and business. The North Wall project to address water entering the Board and Break Rooms was underway and should be completed by September 7th. The recently installed Air Handler System is in and adjustments are being made to ensure appropriate air flow in all offices. The Technology Team under Dave's leadership, inclusive of Alyssa and Lauren continued doing a great job meeting the needs of the agency and we are appreciative of their hard work. Danielle Lindley is also handling the web updates for the agency.

Deputy Koon mentioned that meetings across the state were held to update congressional leaders about the rollout of the Community Relations Program now underway. Meetings were had with Congressman Ralph Norman and attended by Commissioner A. C. Williams; and virtual meetings were held with Susan Hudson from Congressman Tom Rice's office; Mathew Nichols of Congresswoman Nancy Mace's office; and Congressman William Timmons. All meetings were well received.

Deputy Commissioner Koon discussed the Accountability Report provided each year to the ADMIN Department. Deputy Commissioners Koon and Caldwell, General Counsel Watson, and

Director Stephani Frese, oversaw the content development of the document. The document measured different objectives and goals of the agency. Deputy Koon reported that despite the pandemic, all areas were successful. There were three areas that still need improvement. They are:

- Retention of employees
- Number of Trainings – The goal was to have approximately over 3000 people trained but the pandemic decreased that number tremendously.
- Technical Services – The goal was to have 70% utilization rate from all 90 agencies. There were three of the 90 agencies that were unable to meet this goal.

The positive impact was that 96.7% of the agencies were able to meet the goal. Forty-three (43) of the agencies were able to maintain or showed an increase in their goal attainment and there was an increase in the number of agencies that achieved 100% of their affirmative action goals.

The Accountability Report would be finalized by the week of August 23rd, submitted to Commissioner Davis and Chairman Oakland for their signatures and approval, and then submitted to ADMIN by September 15th. Deputy Commissioner commended the Leadership Team and others who contributed to the development of the report.

Commissioner Williams questioned if the three agencies who did not reach the goal would be notified and assisted in the areas that needed work. Deputy Koon advised that the agencies are indeed notified and worked with closely by Stephani and her team to see how to move forward. Commissioner Williams asked if there were any agency’s that were repeat agencies not meeting the goal. The answer to that question was only one agency, the State Library. Commissioner Davis noted the reason the State Library has had some challenges is due to the lack of men choosing to work in this field of study. Being a librarian is a nontraditional work area for men.

B. Legal Update

General Counsel Lee Ann Watson began her report by introducing the newest attorney to the agency, Jamie Smith. She joined the agency in June from the private sector and filled the position formerly held by Attorney Sarah Gable. General Counsel Watson indicated Alexis Watson, who was the USC summer intern, concluded her Summer Law Clerkship with the agency on August 6th. She was a great asset to the team, and Ms. Watson expressed her desire to Commissioner Davis to work for the agency in the future.

Lee Ann advised the Board that one-third of her work time was spent on litigation matters; a little more than one-third spent reviewing cases and intake charges; and a little less than one-third spent helping the investigators or other staff members with questions or concerns, that related to their work. She went over the quarterly Legal Report, highlighting points of interest:

<u>Action Taken</u>	<u>May 2021</u>	<u>June 2021</u>	<u>July 2021</u>	<u>Total</u>
Intakes Reviewed – Charges	73	66	64	203
Intakes Reviewed - Dismissals	32	13	14	59
Number of Cause – Employment	59	39	55	153

No Cause – Returned for Revision	1	6	6	13
Number of Cause – Returned for Further Investigation	1	3	7	11
Number of Cause – Employment	0	0	0	0
Administrative Closures (Employment)	13	8	21	42
Subpoenas Issued	1	5	6	12
Subpoena Enforcements Filed	0	4	1	5
Requests for Position Statements	18	21	26	65

Action Taken	May 2021	June 2021	July 2021	Total
No Cause – Housing	7	12	7	26
Cause – Housing	0	0	1	1
Conciliation - Housing	1	5	2	8
Administrative Closures (Housing)	0	1	2	3
Public Accommodations	0	0	1	1
Court Dates	0	0	0	0
On-Sites Performed	1	1	1	3
Meetings with Investigators	18	26	21	63
Meetings with Non-Investigation Staff	5	5	8	18
FOIA Requests Received	16	11	16	43

General Counsel Watson indicated that persons filing EEO charges were down from the previous quarter and COVID-19 may have been a contributing factor. Administrative closures were steady. These are generally, settlements or notice of right to sue. Closures across the board were up and it was anticipated such would be the case next quarter with legal helping to triage cases.

Lee Ann indicated the number of requests for Respondent position statements were up and will possibly continue to increase. She indicated position statements are generated during an investigation. The charging party wants to see what the respondent has said. These statements have only started being provided to the charging parties within the past couple of years, based on the EEOC's guideline changes and how they do things. The statements are important to a case because it gives the charging party the opportunity to understand what the employer has said, and how the complainant needs to prepare going into court. These requests are becoming more common. When they are requested, someone from the legal team needs to look at the documents to see what has been said and redact any confidential information before it is turned over. Lee Ann suggested she thought this was a benefit to the state to help alleviate the number of frivolous cases.

Lee Ann proceeded to discuss housing cases and advised that the numbers were steady. Almost the exact same number of closures were completed as last quarter and mirrored what was being done last year. She indicated the Housing team was getting their cases done in a very consistent manner.

There was one “Cause” case in July. The Legal team is waiting to see if it will be moved to Circuit Court or if a panel will be needed in the future for an Administrative Hearing. According to Lee Ann, court cases are still stagnant due to the pandemic. There are motions pending for possible court action but due to the Delta variant, it is expected to play a part in determining how the cases get heard, in person or on briefs.

Lee Ann indicated that meetings with investigators had increased drastically and that is due to having two attorneys again. Chairman Oakland inquired about the hearing that was on the calendar. Lee Ann advised that Caroline Scrantom was the Advice Counsel for the hearing, and it had been scheduled for November 2-4, 2021. Further details would be discussed in Executive Session.

The number of Freedom of Information Request (FOIA) had increased slightly for the period due to court resuming and more requests for file content was sought.

Lee Ann gave an update on a case that had been settled by Caroline Scrantom and Deborah Thomas in Housing. This case had been with the agency since 2019 and had passed through multiple hands. The complainant had physical disabilities and sought reasonable accommodations. The accommodations were produced but resulted in the complainant becoming injured. The results ended with the complainant receiving a \$16,000 settlement. The agency received \$1,000 in civil penalties. Approximately 70 hours were spent on making sure this settlement was received.

Lee Ann indicated that Larry McBride may have been a little less busy due to the pandemic. But that should pick up because Larry had a lot of referrals from both Public Accommodations and Employment for mediation of complaints.

Lee Ann also gave an update on a legislative meeting she and Commissioner Davis had at the close of the Legislative Session with Senator Shealy regarding pending legislation that will carry over for the next year, H3344 and S537.

Lee Ann indicated that she and Stephani Frese had worked on some asynchronous training. Stephani created the training, whereas Lee Ann reviewed and edited the final product, which would allow individuals to tap into training at their leisure. It would allow them to sign on whenever they needed to.

The last item on Lee Ann’s agenda was about reviewing the Bylaws for the agency. It is required that Bylaws be reviewed every two years. She recommended no changes to the bylaws themselves, but a scrivener’s error in numbering be corrected. There were no objections by Board members to leave them as is and having Chairman Oakland sign the 2021 version.

C. Personnel Update

Commissioner Williams gave the personnel update.

<u>Total Employees:</u>	As of 08/02/2021
	42 – Full Time Employees
	01 – State Temp – Larry McBride (Program Coordinator I – Mediator)
	51 – Total Employees
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<u>Total Vacancies:</u>	09 – As of
	<ul style="list-style-type: none">• Program Coordinator I-Community Relations (2 Positions)• Program Coordinator I- Technical Service (2 positions)• Program Coordinator I-Fair Housing• Program Coordinator I- EEO Investigator (3 positions)• Accountant/Fiscal Analyst II-Administration (1 position)
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<u>Total Terminations:</u>	00
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<u>Total Internal Moves:</u>	01 – <ul style="list-style-type: none">• LaTarnya Whitmire-EEO Director• Mark Dunham-EEO Enforcement Supervisor• Robert Snipes-Community Relations Supervisor
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<u>Total Resignations:</u>	01 – <ul style="list-style-type: none">• Hollis Burnett-EEO Investigator
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<u>Total Retirements:</u>	00
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<u>Total New Hires:</u>	03 – <ul style="list-style-type: none">• Jamie Smith

Commissioner Williams also read brief biography for new employee Attorney Jamie Smith, as well as biographies of the new supervisors - Robert Snipes, Community Relations Supervisor, LaTarnya Whitmire, EEO Director, and Mark Dunham, EEO Enforcement Supervisor.

D. Legislative Updates

Commissioner Davis shared that the agency had a good year in the legislature. Due to the pandemic, there were not as many in-person meetings, however, legislators were still very engaged using virtual meetings. The agency was well received on both sides in the isle. The agency received enough votes from both legislative bodies to obtain 100% of the retention funding asked for and they listened carefully to our request regarding the need to strengthen our Community Relations Program, especially given the climate across the nation and state. One new Community Relations FTE was approved for the agency to start the process of rebuilding the Community Relations Program. It was recommended that the agency focus on first piloting the new concept and then come back to members and explain what was done and how. That is how the agency is proceeding.

The agency's authorization to spend non-state money also was increased. Commissioner Davis indicated the agency is granted federal or earmarked money, but the state still must give the authorization to spend those dollars. With the increase, the agency would be able to spend up to \$1million dollars in EEOC funds and up to \$600,000 in HUD funds.

Commissioner Davis introduced Jason Epting who is with the Division of Administration and serves as the Budget Director for the agency thru ADMIN Shared Services. Commissioner indicated he was a great help to her and Marcus in dealing with the budget.

E. Financial Update

Commissioner Davis discussed the financial documents made available to the Board members in the absence of Marcus Sumter. Additionally, Jason Epting gave a complete overview of all the changes and adjustments made to the budget and what is to come for the upcoming fiscal year.

VII. COMMISSION REPORTS

- **Administration**

Commissioner Davis noted the reason she wanted to spend more time on the budget was to make sure it was fully explained in detail because the agency would incur additional expenses in the coming year.

- i. New expenditures/SFY21-22*

1. ***Tort Insurance*** - \$11,983.00 vs \$20,473.00 – No prior notice was given. This insurance covers SCHAC property, inventory, and protection against lawsuits. A detail study to ensure the agency was covering everything it should and no more, was conducted to try to offset some of the additional cost.
2. ***Service Contracts (TBD)*** – This will be reviewed because there may be some additional cost with copiers, computers, printers. etc.
3. ***CAAMS (New Hosting Service) - \$9,000/\$11,500/\$14,000 (Support Fee) + 16,550 annual maintenance cost*** – This system is used by Technical Services to prepare the state agencies' affirmative action plans. Significant increases will occur over the next three years. Previously, the CAAMS software was housed at the Division of Administration, but now it will be housed by the company that owns the Affirmity software. The Commission will be charged an additional hosting fee by Affirmity, while the cost to ADMIN will cease when the conversion is complete.
4. ***Bandwidth – \$210 x 12 months = \$2,520 (From 10 to 15 megabytes)*** – This helps with the speed and response time in the office. The agency has incrementally added bandwidth to reach the point that satisfies productivity needs.
5. ***AT&T – TBD/moving from analog to newest technology*** – SCHAC has a private analog data line that sends what we save on our computers to the State Department of Technology (DTO) for storage. This AT&T analog data line will no longer be supported and the contract with AT&T expires 2022. The State DTO is currently investigating whether we will need our own server or whether some other option through them may be available to house our data. This may require additional funding by the General Assembly. The cost to implement a replacement process has yet to be determined.
6. ***Training (TBD)*** – More money may be spent in coming year in training/conferences because employees are back in the office (travel, hotel cost, meals, etc.).

- ii. Agency Relocation Study*

Commissioner Davis approached the Board about looking into new office space or expanding the current space (11,956 sq. ft./9,683 useable – Rent \$105,523.60/\$9.10 per sq. ft.). The Commissioner noted that the agency was at maximum capacity in office space and there was no storage space. Storage was being housed in two offices needed for new staff. On the first floor of the Sumter Street office, some space became available that could possibly be used. Deputy Commissioner Koon and the Commissioner Davis looked at the space but there were some issues with the flooring

in what could be the boardroom so that would require some major repair work. Some of the reasons for relocating are: 1) no office space/storage and room for growth; 2) problems with current space (parking, no windows, leaks, roof, north wall, loitering, etc.); and 3) security. Commissioner Davis expressed her concern for staff safety and the fact that the roof upon further inspection by Admin engineers was determined to require major work. Chairman Oakland and the Board granted Commissioner Davis permission to begin looking for new space.

- iii. *EEOC Reassessment/FFY2000-2021 Contract* (1,100 x 85% = 935 vs EEOC Cases Down (1,100 x 25% = 825)
Because the EEOC case load remained down across the country, state agencies were given the opportunity to reassess their contract numbers. As of the Board meeting, Commissioner Davis and Deputy Commissioner Caldwell were working with staff to meet the contract for the EEOC.
- iv. *Restructuring* – Commissioner Davis indicated the study was going well and that the Office of Human Resources was assisting the agency. She indicated the vacancy list given during the personnel report showed nine (9) vacancies but after the restructuring and positions being filled, there should only be two (2) vacancies left.

- **Consultative Services Programs**

- i. **Technical Services** – Dan advised that this team was managed by Stephani Frese who is doing an outstanding job alongside her team, Lauren Caudle and Alpha Dunbar. One of the biggest responsibilities they have is gathering data and analyzing that data for 90 agencies to compile the report that goes to the General Assembly each year on February 1st.

Alpha Dunbar handles the SC Pregnancy and Lactation Acts. She educates public and private sectors on these acts that were passed in legislation. She also assists with training and is a great asset to the agency.

Dan discussed some of the training that had taken place since the last Board Meeting: From July 20-22, the SCHAC Training Team conducted in-person training for Berkeley County employees on Equal Employment is the Law. Since May 2021, SCHAC Training Team have trained over 1000 Berkeley County employees either in person or virtually on how to prevent and eliminate discrimination in the workplace and additional training options are under development. MUSC has scheduled training for September and October 2021.

- ii. **Community Relations** – As mentioned earlier, Robert Snipes was chosen to be the new Community Relations and Outreach Director. Two slots remained to be filled in this program area for Community Relation Consultants. Interviews were set to begin on August 13. Seven candidates will be interviewed.

Dan discussed the travel that he and Robert had been doing in meeting with some of the Community Relations Councils already in existence. The pandemic impacted the councils because they were unable to meet. Once things began to re-open, Dan and Robert met with six existing councils to help keep them moving forward. The six counties impacted included Greenville, Aiken, Rock Hill, Anderson, McCormick, and

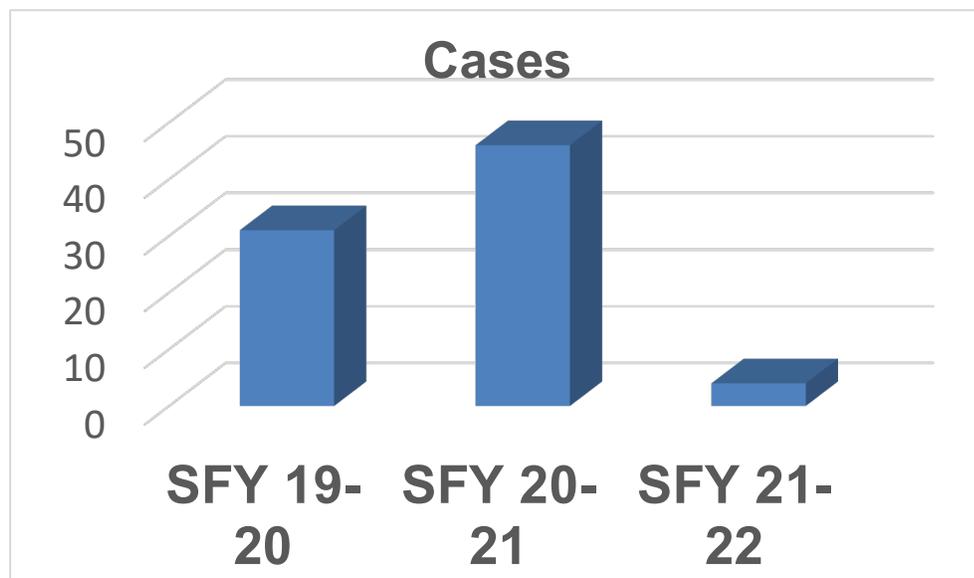
Beaufort. They were all receptive to using the Community and Race Relations Guide to assist them going forward. Deputy Commissioner Koon indicated that part of what they found in their travels is that councils need some structure and guidance on how to stay focused and fulfill their mission related to why they were created. Dan and Robert gave them some measurables to follow which should make that task easier.

Dan indicated that there are multiple counties the team will be visiting in the upcoming months to continue trainings. He indicated relationships are continually being built and they anticipate that their work will greatly impact the state as the word about what the agency is doing continues to grow and spread across South Carolina.

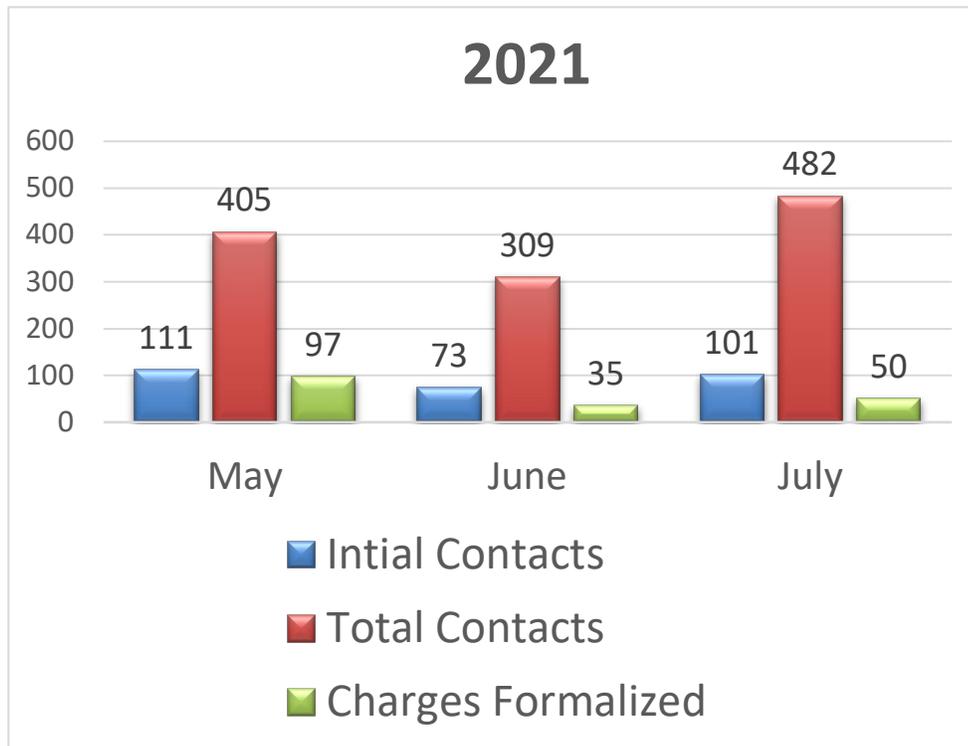
On June 24, 2021, Mr. Snipes, with the assistance of Ms. Cynthia Cooke from In-Take, participated in the Lexington Business Expo as a vendor. The event brought 100 business vendors and an estimated 500 public attendees together for a networking event. The staff was able to introduce SCHAC and our services to the business community and the public in Lexington County. June 25th, Deputy Commissioner Koon and Mr. Snipes held a meeting with the Rock Hill CRC representatives in Rock Hill, and lastly, on June 30th, they met with the Aiken CRC representatives and county staff in Aiken.

Dan noted there are six regional districts used by the South Carolina Emergency Management Department and that is the model being used by the Commission. According to the chart presented, it showed where councils were already are located and where there are none, which helps the agency determine where meetings and work needs to be done to create new CRC's. This will be an ongoing project to expand CRCs in all 46 counties.

- iii. **Public Accommodations/90 (e)** – Robert Snipes investigates these cases and there was a significant increase in public accommodation cases during SFY20-21.



- iv. **Intake Processing** – Deputy Commissioner Koon indicated that July saw the highest number of complaints being filed with the agency from May thru July 2021. This trend is expected to continue as people seek to return to pre-COVID places of employment or seek other positions.

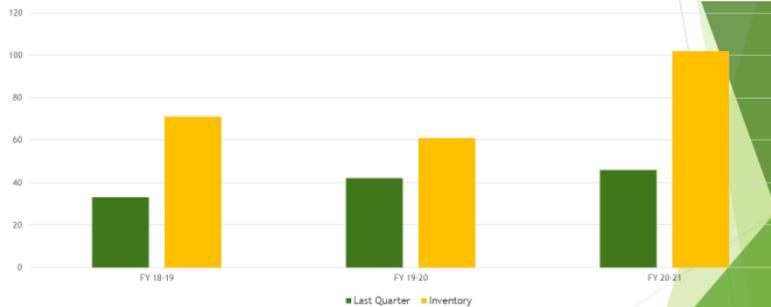


- **Compliance Programs**

- i. **HUD Enforcement** – Deputy Commissioner Marvin Caldwell discussed closures for past three (3) fiscal years. These numbers are considered “the big push” numbers at the end of the HUD contract year. The contract was completed June 30th. Deputy Commissioner Caldwell indicated that due to that last push, the inventory of cases gets depleted tremendously; however, this last quarter, there were cases left over to begin work in the next fiscal year beginning July 1, 2021.



Last Quarter Push/Inventory

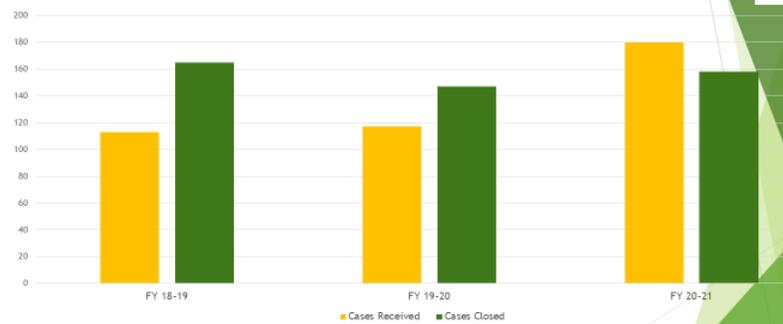


Fiscal Year	Last Quarter Closures	Inventory at the end of the Fiscal Year
FY 2018 – 2019	33	71
FY 2019 – 2020	42	61
FY 2020 – 2021	46	102

The number of cases received SFY 2020-2021 was due in part to the grant money and partnerships funds received for advertisements that were done, which left over 100 cases in inventory to start the new fiscal year contract.



Fiscal Year Comparison



Fiscal Year	Cases Received	Cases Closed
FY 18-19	113	165
FY 19-20	117	147
FY 20-21	180	158

Deputy Commissioner Caldwell also discussed the settlement reached for a claimant that was awarded \$16,000 as discussed by General Counsel Lee Ann Watson. It was a collaborative effort for legal and fair housing. He mentioned how he also tried to close the case but was unsuccessful, so great job goes to Deborah Thomas and Caroline Scrantom for getting it done.

- ii. **EEOC Enforcement** – Deputy Commissioner Caldwell discussed the work of the



Compliance Programs May 2021 through July 2021



Employment: Measurables & Deliverables					
Completed Cases To Date	Federal FY 21 612	April: Closed Employment Cases 67	No cause 52	Settlements 7	Admin Closures 8
Mediations & Settlements FY 2021	\$1,204,986				
Cases On Hand	449 Cases				
Investigator's Case Load	10 EEO Investigators 35		Ben 30		Lawrence 23

EEO Enforcement Investigators. Specifically, Marvin gave an overview of the work completed thru July and indicated that staff was working hard to complete its contract obligations to the US-EEOC. Noteworthy was the great work performed by Larry McBride in Legal/Mediation to date on behalf of persons filing employment discrimination complaints through the Commission. Some \$1,204,986 was obtained for complainants.

VIII. **PUBLIC COMMENT PERIOD**

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

IX. **BOARD MEMBER COMMENTS**

Commissioner Brown-Williams thanked everyone for an awesome job and wished the staff continued safety during the pandemic.

Commissioner Ludlam thanked the staff and agency for all their hard work. She thanked Commissioner Davis for her diligence with the work of the agency and on the telecommuting program. She appreciated the discernment for the need to have a telecommuting program while allowing the staff to balance their time in and out of the office. Commissioner Ludlum expressed her pleasure with the efficiency of the leadership and the staff.

Commissioner Williams thanked the Board for getting their evaluations of Commissioner Davis in on time. He acknowledged that Commissioner Davis continues to exceed the expectations and how she continues to lead the staff in excellence. He thanked the staff and leadership on how they have managed during the pandemic. They did not fall or fail. Continue to keep up the good work.

Commissioner Winn thanked Commissioner Davis and the staff for doing an exquisite job. Keep up the good work.

Chairman Oakland expressed that Commissioner Davis was an outstanding leader. He thanked her for coming out of retirement to meet that task and lead the agency.

Chairman Oakland recessed the Board meeting at approximately 11:58 a.m. and broke for lunch.

At 1:04 p.m., the Board returned from recess and Chairman Oakland called for a motion to go into Executive Session. Commissioner Ludlam made the motion and Commissioner Brown-Williams seconded.

X. EXECUTIVE SESSION

Upon reconvening from Executive Session, Commissioner Williams made a motion that the Board end Executive Session; the motion was seconded by Commissioner Ludlam. The motion was unanimously approved.

XI. ADJOURNMENT

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

The Board Meeting was adjourned at 2:00 P.M.

The next Board meeting is scheduled for November 18, 2021 at 10:00 A.M. with location the to be determined.

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

Janie A. Davis, Commissioner

John A. Oakland, Chair

Date