

**South Carolina Human Affairs Commission
Board Meeting**

July 29, 2022
10:30 A.M.

Springhill Suites by Marriott
The palmetto Conference Room
511 Lady Street
Columbia, SC 29201

BOARD MEMBERS PRESENT

Chairman James T. McLawhorn
Commissioner Mary Amonitti
Commissioner Steve Hall
Commissioner Kimberly Snipes
Commissioner Sharon Sellers

GUEST

Jason Epting – SCHAC Budget Director
ADMIN Shared Services
Syeeda Gallman – Budget/Research Analyst
Executive Budget Office

STAFF PRESENT

Commissioner/CAO Janie A. Davis
Deputy Commissioner Marvin Caldwell
Deputy Commissioner Dan Koon
Caroline Scrantom
Janeen Sanders
Tarnya Whitmire
Ray Gray – **New Hire**
Sharon Dorn
Sherrial Styles
Shelton Lorick
Danielle Lindley
Ayana Crawford
Deborah Thomas
Alyssa Barker
Jamie Smith
Stephani Frese
Arrington Jones
Samantha Luck – **New Hire**
Elizabeth Perkins – **New Hire**

I. CALL TO ORDER

The South Carolina Human Affairs Commission (“SCHAC” or the “agency”) held its Board meeting on July 29, 2022, at the Springhill Suites by Marriott, the Palmetto Conference Room, located at 511 Lady Street, 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 10:33 a.m. 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 the May 19th meeting. The motion was made by Commissioner Amonitti for the minutes to be approved. Commissioner Leon Winn seconded the motion. The minutes were unanimously approved.

IV. OLD BUSINESS

Chairman McLawhorn expressed how the 50th Anniversary event was very empowering. He commended the staff for a job well done. Commissioner Sellers expressed that the selection of the panelists was exceptional even with the last-minute change and they were very impressive to listen to. She especially enjoyed the film presentation in the beginning. She gave kudos to all persons involved in bringing the event to life. Commissioner Winn expressed that everything was superb. Commissioner Amonitti expressed her desire to have more state leadership involved due to the importance of the agency and the work we do in South Carolina.

Commissioner Hall expressed his appreciation for the two panels that were presented but would have liked to have had a little more time for them to answer questions. However, the event was a huge success. Commissioner Snipes acknowledged she thought the event was very informative.

Commissioner Davis acknowledged that the 50th Celebration /Forum was an agency team effort. She indicated it was Compliance Programs that kept investigations on-going, with the help of the Legal Division, while Consultative Services Programs and Administration coordinated most of the work associated with the 50th Anniversary event. Commissioner gave special credit to Deputy Commissioner Dan Koon for his assistance with the history part of the event. The profile of the agency was raised through this celebration and forum and will be continued. Also, Commissioner Davis mentioned that a PR person will be hired in the future to continue spreading awareness about the agency around the state. The Commission through HUD funds promotes the agency, but more needs to be done.

V. NEW BUSINESS

Chairman McLawhorn's first order of new business was the election of the Vice Chairman. Commissioner Steve Hall made a motion to elect Commissioner Sharon Sellers as the Vice Chairman. It was seconded by Commissioner Mary Amonitti. The vote was taken and there was unanimous consent.

Chairman McLawhorn then made appointments to the different Board Standing Committees: Commissioner Leon Winn will chair the Human Resources Committee; Commissioner Mary Amonitti will chair the Administration Committee; Commissioner Kimberly Snipes will chair the Legal Committee; Commissioner Steve Hall will chair the Finance Committee, and Vice Chairman Sharon Sellers will chair the Legislative Committee.

VI. BOARD REPORTS

A. Administration

Deputy Commissioner Koon began the Administrative Report and made the following highlights:

- There continues to be water intrusion in our SCHAC offices, but only in the large conference room. Water has seeped from the north side of the conference room wall out into the hallway. Maintenance crews from the Department of Administration, General Services Division, had been very responsive to clean up.
- In addition to the water seepage in our large conference room, the basement of the building flooded during a large rain event on July 4th. The source of the problem has been fixed, but to totally correct the problem in our basement and large conference room there could be additional work done under the sidewalk on Senate Street by the City of Columbia to correct this water intrusion impacting the entire building.
- In preparation to add additional employees to the agency, we are taking quotes from 2 office furniture/renovating companies and Prison Industries to add 6-8 cubicles in 2/3rds of the large conference room where flooding has not previously occurred. The remaining 1/3 of the large conference room would be turned into a smaller conference room. This is the only space in the building feasible to adding multiple cubicles, but we do plan to use wasted space on the second floor to add one additional cubicle to that area.
- We have contacted the Department of Administration to begin the process of adding security cameras to the building so that monitors may be placed for our security officer to observe. The General Assembly and Governor, at Commissioner Davis's request, provided funding for security cameras and for a contract security officer.
- The Bureau of Protective Services provided security for Board meeting.

Deputy Commissioner Koon noted Commissioner Davis will be providing additional information on other administrative matters in her reports.

Commissioner Davis explained to newly appointed Administration Chair - Commissioner Amonitti, that at the next board meeting she could give the report or relinquish that responsibility to Deputy Commissioner Koon. She acknowledged to the other new chairs as well, that there will always be a staff point person to walk Board members through the reports.

B. Legal Update

General Counsel Caroline Scrantom began her report by acknowledging that the Legal Division is fully staffed. She mentioned her new staff attorney, Ms. Samantha Luck, who would be introduced later but she was indeed grateful to have her on the team.



Legal Activity Log May & June 2022

MAJOR ACTIVITIES CONDUCTED BY LEGAL ON A DAY-TO-DAY BASIS:	
Total Number of Cause Cases Reviewed & Written Up	0
Total Number of Revisions and Expanded Investigations Requested	40
Total Number of Guidance Meetings with Investigators	33
Total Number of Guidance Meetings with Non-Investigators (Executive + Other Divisions)	49
Total Number of No-Cause Case Reviews	96
Total Number of Conciliations Reviewed (Housing)	2
Total Number of Charge Intakes Reviewed (Employment & Public Accommodations)	139
On-Site Visits With Investigators	1

General Counsel Scrantom discussed the above slide. The numbers above reflected the major data points for the Legal Division. While this list is not all-inclusive, it offers a numerical representation of how the legal team allots time reviewing matters to make sure our outcomes are compliant with state and federal law. This list does not account for pending litigation—which will be covered in Executive Session because it is subject to the attorney-client privilege and because it is improper to comment on pending litigation in a public forum.



Division Highlights May & June 2022

Division Outreach & Professional Development	
June	50 th Anniversary Promotion and Events
May 11	EEOC Federal Caselaw Update
May 16	Attended FBI Info Session on Buffalo Shooting
May 18	EEOC Training on Theories of Discrimination, Models of Proof, Workplace Harassment and Retaliation
May 23	SC Residential Landlord Tenant Act Training with SC Appleseed
May 24	EEOC Training on Title VII Caselaw Updates
May 25	EEOC Training on Religious Accommodations and Caselaw Updates on the ADA

This chart tracks the Legal Division’s outreach and professional development for the past two months and activities outside of the agency.



MEDIATION REPORT May & June 2022

Mediation Update	
Number of Mediations Scheduled	12
Number of Mediations Successful	6
Number of Mediations Unsuccessful (Impasse)	4
Number of Mediations Returned	0
Amount of Monetary Settlements	\$57,125
Settlements Completed for EEO Contract Year	36 for a combined \$903,318
Settlements Completed for Calendar Year 2022	27 for a combined \$770,621

The Mediation Report tracks the success of the Legal Division’s mediator, Larry McBride. General Counsel Scrantom was hopeful that the total settlement amount for the contract year ending on September 30, 2022, will top \$1M.



FOIA REPORT May & June 2022

FOIA ACTIVITY	
FOIA Requests Invoiced	17
FOIA Requests Reviewed	4
FOIA Requests Finalized	10
Year-to-Date Payments Received	\$1106.30

The Legal Division also handles all FOIA requests that come into the agency. The agency charges the requesting party if the file they are requesting is over 100 pages.

C. Legislative Update

Commissioner Davis began her report speaking about the FY 22-23 Budget request. She was pleased to announce that the agency received everything that was requested from the General Assembly. The agency received four new FTEs, as well as money requested for security cameras and a few other important items. All in all, it was a very successful year.

Commissioner Davis mentioned that although she is grateful for the new positions, the downside is trying to find ample office space for them at this time. She indicated that she and Deputy Commissioner Koon have begun looking around the office to find underutilize space that can be used for the construction of new cubicles to accommodate the new staff.

Commissioner Davis then requested General Counsel Scrantom to discuss the new laws that impacted the agency that went through the last session of the General Assembly. General Counsel Scrantom noted that since the last board meeting, there had been no new cases submitted to the agency regarding laws passed, namely, the Vaccine Mandate Act and the Medical Ethics and Adversity Act. Commissioner Davis advised that in the State Public Accommodation Law, which these two new laws

impact, there is a role for the Board. As the Public Accommodation Law now reads, there are not enough board members appointed to adequately divide up the administrative processes appropriately. General Counsel Scrantom explained that given the news laws, the Attorney General's Office would have to submit to SCHAC a charge under the Vaccine Mandate Act and a panel of three SCHAC Board members would have to review the charge and determine if there was probable cause for a violation under the Public Accommodations Law. If probable cause is determined, five different Board members would then conduct a panel hearing. Commissioner Davis noted she had already contacted the Governor's Office to share that if we were faced with that situation, the agency does not have enough seated Board members. The Governor's Office indicated they could possibly make emergency appointments over the summer to address the matter. General Counsel Scrantom also noted that since the legislature is not in session, there isn't any pending litigation to discuss; however, there is work being done to obtain legislative sponsorship for changes to the agency laws that were suggested in the 2017 Legislative Audit. Also, the agency will work to comply with the proviso that orders a feasibility study regarding a merger between the Human Affairs Commission and the Commission for Minority Affairs.

D. Personnel Update

Commissioner Davis introduced and read short bios about the three newest staff members. The agency hired Ray Gray in Housing, Elizabeth Perkins in Intake and lastly, Samantha Luck in Legal. Chairman McLawhorn welcomed them to the agency and wished them well.

E. Financial Update

Before Budget Director Jason Epting gave the financial report, Commissioner Davis congratulated him on his promotion to Director - Office of Administrative Services in the SC Department of Administration. She indicated she hoped he would remain the SCHAC Budget Director, but should he not be able to, she wished him continued success.

Budget Director Epting provide the Board with reports documenting expenditures during the month of June and how the agency ended the SFY 21-22. He indicated the agency ended the year in the black and would have carry forward state and federal funds. He focused was on state appropriations, agency receipts, revenue, EEOC contract revenue and HUD federal funding. The total revenue for the year was \$4.1M. The total expenses for the year were \$3.5M. The funds carried into SFY 21-22 included the South Carolina Pregnancy Accommodations Act monitoring funding, \$59K remaining in that account and \$20K in capital reserve funds for IT upgrades. Those funds would be carried forward into SFY 22-23. The ending cash balance for the agency was \$2.7M, which will be carried over into SFY 23. Commissioner interjected that most of the carry forward money was nonrecurring money because it is federal funds. Mr. Epting indicated the carry forward this year may not be the same for the next year.

Budget Director Epting gave an overview of the new budget beginning SFY 22-23. He pointed out the starting base budget of \$2,781,677 and denoted all new funds added to this base, which brought the agency starting budget to \$3,436,600 in state funding. When projected federal and earmark funds are added to the \$3,436,600 state funds, the agency is projected to manage \$5,076,973.

In addition to new funding for new positions, the agency received new funds for technology replacement of \$9K; security cameras which was \$60K; and \$70K for website enhancements.

Budget Director Epting concluded his presentation and then Commissioner Davis began her Administration report.

VII. COMMISSION REPORTS

- **Administration**

Commissioner Davis began her report discussing the space issue that was previously mentioned. She reminded the board about Commissioner Koon's report discussing the water intrusion issue in the building. Commissioner Davis noted she contacted the Division of Administration, the Division of Facilities Management and Property Services to address her concerns. Not just that issue is of concern to her, but also the lack of security for the agency, and the lack of state-owned office space availability. The benefit of staying in state owned office space per Commissioner Davis was the cost, as it is less costly than going into the private market. Under Former Governor Haley, there was a huge push for state agencies to move out of the private sector into state-owned facilities. In doing that, it created a shortage of state space. Commissioner advised that when looking for state space, there was only one office space to view, and it was determined that it was not a good fit for the agency. The State Department of Education is building a new campus so the entire department can be housed in one location. Once that is completed, there will be availability, however, that building project is not set to be completed for at least two years. Until that time there will need to be provisions made within the present location to accommodate staff. Commissioner Davis then referred to the budget where she advised, due to the office space issue, she was holding on to non-recurring funds. She would like to have some leverage to upfit state space in the event state space is found for the agency. As an agency head, there must be some forward planning for at least six months to a year to anticipate the needs of the agency. As Commissioner Davis and Deputy Koon already mentioned, the plan is to get the leak issue resolved so there can be some construction done in the 1st floor conference room to make space for cubicles. Commissioner Davis expressed to the Board this was the reasoning behind holding on to non-recurring funds. Right now, the cost of staying in state property is approximately \$9.00 per square foot. Going to the private market could cost approximately \$18 to \$25 per square foot.

Commissioner Hall inquired that if the issue is resolved with the water leak in the large conference room, would it adequately fit the FTE's that would be forthcoming? Commissioner Davis advised this is part of the plan being worked on currently by her and Deputy Commissioner Koon. They have been studying the layout of the building and where everyone is now. She also advised the need to speak with Shared Services because the telecommuting policy will need to be revisited. When the agency returned to work after COVID, state agencies were required to redo the telecommuting policies. It was the position of the Governor that if you signed up for telecommuting, you relinquish your office space. The agency then must make space for those that are telecommuting so they will have a space to work when they come in the office once a week. The biggest issue will be whether the board room can be fixed. Deputy Commissioner Koon advised the conference room issue is the storm drain water backing up into our building. He understood that the City of Columbia bears the responsibility of rectifying the issue. How long it takes to do so will depend on them.

Commissioner Amonitti inquired if an inspection had been done in the boardroom to ensure there are no safety issues with employees working in there. Commissioner Davis advised that there had been.

Commissioner Sellers inquired about the states policy on hybrid working, where an employee works potentially three days in the office and two days at home, etc. Commissioner Davis advised that the state telecommuting policy addresses this issue. Commissioner Sellers' next question was, wouldn't it be feasible to have a couple of offices that could be scheduled for telecommuters? Commissioner Davis advised again that is indeed correct. Commissioner Davis indicated that presently, the agency has two offices being used for this reason.

Commissioner Amonitti inquired as to the square footage of the agency space now and looking toward the future as the agency grows, what square footage would be needed? Commissioner Davis responded that the agency currently has a little under 11,000 useable square feet, keeping in mind that the state has a requirement for the size of office space based on job titles (i.e., Managers, Supervisors, employees etc.). We can have an employee now sitting in a cubicle bigger than what

is allotted under state guidelines. The agency does not get to decide that. The Division of Facilities Management and Property Services will work with the Commission and advise how much square footage SCHAC would be allowed to lease based on the number of employees.

Commissioner Davis proceeded with her report by advising the agency is in the season of audits. The auditors are not physically in the office but conduct their work remotely. They are analyzing what the agency has done over the last two fiscal years, due to limited audits being conducted during COVID. A copy of what they are looking for and what they have been looking through was provided to the Board, and by the time of the next board meeting, Commissioner advised she should have the final findings.

The next item up for discussion was the Annual Accountability Report which had already been discussed with the Board at the training on July 28th, 2022. The final document will be presented at the next Board meeting.

Next on the agenda was the Agency Head Evaluation, of which training was previously conducted during Board Member Training the day before, and additional information would be given in Executive Session.

While the new funding for the budget year 22/23 had just been received, Commissioner noted it is time to requests funding for SFY 23/24. At the next board meeting, she will go over what the new agency requests will be based on staff and agency needs beginning July 1, 2023, thru June 30, 2024.

That concluded Commissioner Davis's report. Deputy Commissioner Dan Koon followed and presented for the Consultative Services Programs – Technical Services, Community Relations, and Intake Division's reports.

Consultative Services Programs

i. Technical Services

Deputy Commissioner Dan Koon started his report by reminding the board that Consultative Services Division represents the “prevention” side of the agency's functions. The Technical Services and Training Division is composed of Stephani Frese, Director, and staff members Alpha Dunbar and Shannon Smith (a part-time Consultant for the team). She was recently hired to assist Stephani with the work related to Affirmative Action Planning for the state agencies. The Division also had a resignation, however, interviewing for two new team members will be getting underway as of August 9, 2022.

Deputy Commissioner Koon reported on the following:

- 1) All State agency employee files were distributed for Correction in May and June.
 - a) Majority agency employee files due to Technical Services on July 11, 2022. Director Frese is currently still working through these. Most requests for extension due to HR staff shortages
- 2) Technical Assistance provided to State Agencies - questions mostly involved
 - a) new CAAMS v5 department format
 - b) new Census codes
 - c) agency-specific recruitment
- 3) In person visit to assist SCDNR HR Director/EEO Officer – July 12, 2022.



The other function of Technical Services is training. As previously mentioned, the agency prevents discrimination, and the chart above shows the trainings conducted from May thru June.

Deputy Commissioner Koon discussed the importance of the training team getting out and bringing awareness about the agency around the state.

Deputy Commissioner Koon also talked about the Prevention Corner Newsletter that Alpha manages for the agency. It is a publication that reaches over 6K people. Director Frese will be gathering the board members email addresses to ensure they are on the mailing list going forward.

ii. **Community Relations**

Deputy Commissioner Koon acknowledged the Community Relations team of Director, Robert Snipes and Community Relations Consultants Ayana Crawford and Danielle Lindley who were both in attendance. Ayana and Daniele were hired into their positions in October and there is one more FTE to be filled. Deputy Commissioner Koon acknowledged all the hard work Ayana and Danielle provided in helping to make the 50th Anniversary Celebration and Forum a great success. He also gave kudos to Robert Snipes, who was very instrumental in making the June 23, 2022 – Governor’s Day Proclamation reading a success. The news media outlets were present to capture the moment and he thanked Robert for a job well done.

Deputy Koon also highlighted the partnership that the Community Relations Division has with a group out of Orangeburg, SC by the name of the Center for Creative Partnerships. They are visiting numerous towns around South Carolina showing a film called, Meltdown in Dixie. A Division team member goes to each event because they are having discussions around racial dialogue. The hope is that there would be people in attendance who may be interested in forming or assisting in the creation of Community Relation’s Council in the future.

The Division has been working with USC: Center for Civil Rights and their “Justice for All” Exhibit. The team was asked to go in and promote some dialogue and discussion with the groups who participate in the exhibit.

An upcoming project for Community Relations will be the creation of FY2021/22 Community Relations and Outreach Report that will provide a detail overview of the Community Relations and Outreach Team’s impact in South Carolina. This report will be shared with Community and State leaders.

iii. Public Accommodations/90 (e)

Deputy Commissioner Koon discussed another task handled by the Community Relations Division, to resolve complaints that are filed under 90E & Public Accommodations. General Counsel Scrantom is very instrumental is assisting in this area. For FY21-22, 48 complaints have gone through the system.

iv. Intake Processing

Deputy Koon mentioned this is the first division the citizens of South Carolina encounter when wanting to file a complaint with SCHAC. He acknowledged all their hard work under the direction of Mr. Alex Nelson. As already mentioned, they just welcomed a new team member - Elizabeth Perkins and a new FTE is in the works for them.

This Division made 97 initial contacts (first contact by a client) in the month of June. Total contact was 430 for June and there were 43 charges formalized in June. Deputy Commissioner Koon was hopeful these number would increase in the future.

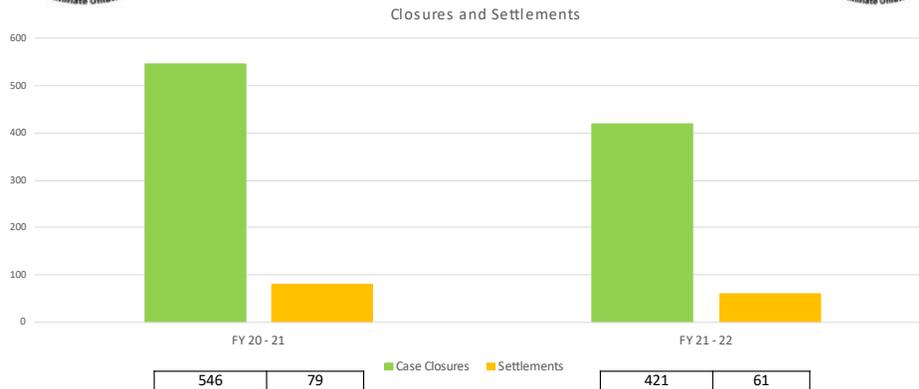
Deputy Commissioner Koon concluded his report and turned the meeting over to Deputy Commissioner Caldwell.

• Compliance Programs

i. EEO Enforcement



EEO Fiscal Year Comparison

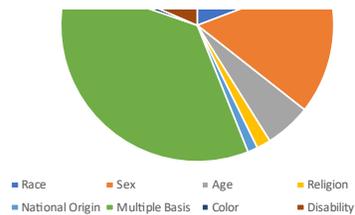
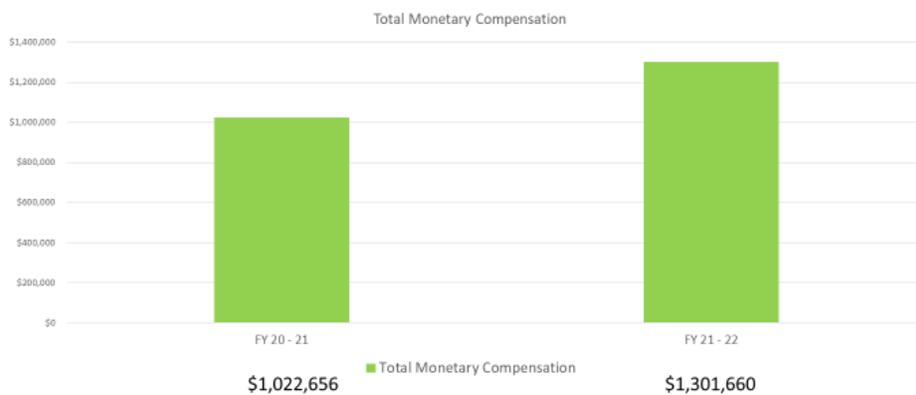


Deputy Commissioner Caldwell began his report by walking through the EEO Fiscal Year End Comparisons. The above totals about 14% for both years which were consistent with the settlement and mediations.

Deputy Commissioner Caldwell, who oversees all housing and EEO investigations, presented the report for Compliance Programs. He indicated that cases regarding Race and Disability were the single highest categories investigated in EEO. Multiple Basis cases are the highest overall and the definition of multiple basis is that a claimant has filed in two or more protective classes.



EEO Compensation Comparison

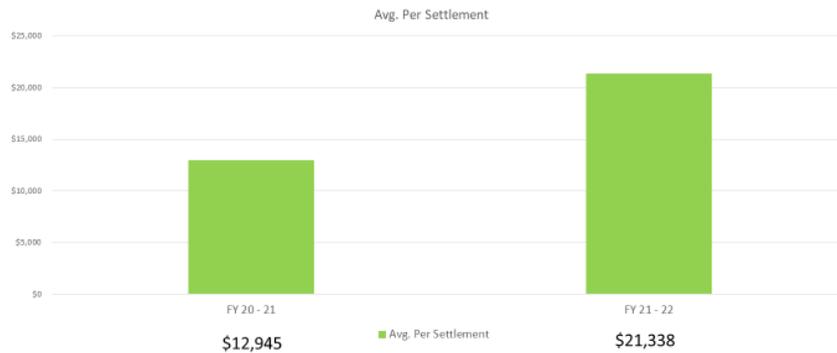


Religion	7
National Origin	5
Multiple Basis	153
Color	5
Disability	78

Deputy Commissioner Caldwell reported on the monetary compensation that includes settlements and mediations for the past two years. Based on the above numbers, FFY 21-22 showed increased monetary compensation for complainants.



EEO Settlement Averages



The average amount per settlement was up during FFY 21-22.

EEO FY 2020 – 2021 Investigators

- 12 Total Investigators
- 10 Seasoned Investigators
- 2 New Investigators



EEO FY 2021 – 2022 Investigators

- 10 Total Investigators
- 6 Seasoned Investigators
- 1 Intermediate Investigator
- 3 New Investigators

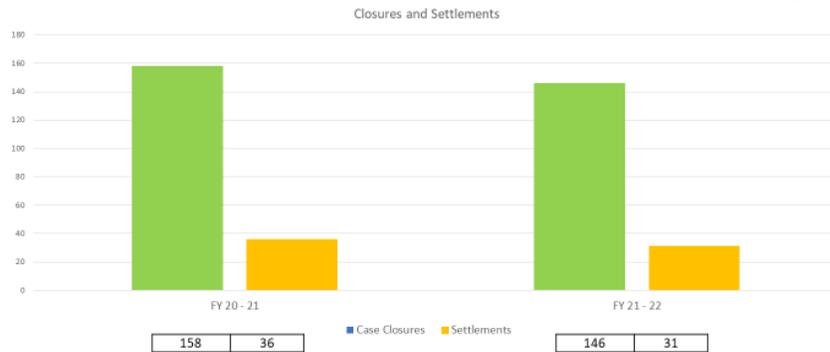


Deputy Commissioner Caldwell went over the attached two slides to show the comparison of the teams from last FFY to the present.

- ii. **HUD Enforcement (FH – Fair Housing)**



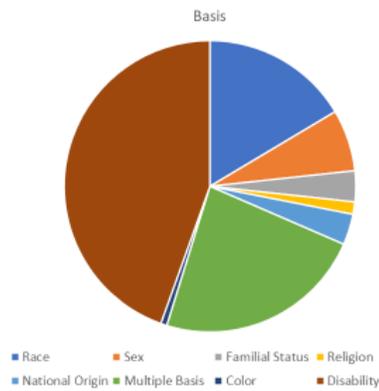
FH Fiscal Year Comparison



Deputy Commissioner Caldwell explained the HUD contract ended on June 30, 2022. The attached are the final numbers.



FH Basis Breakdown

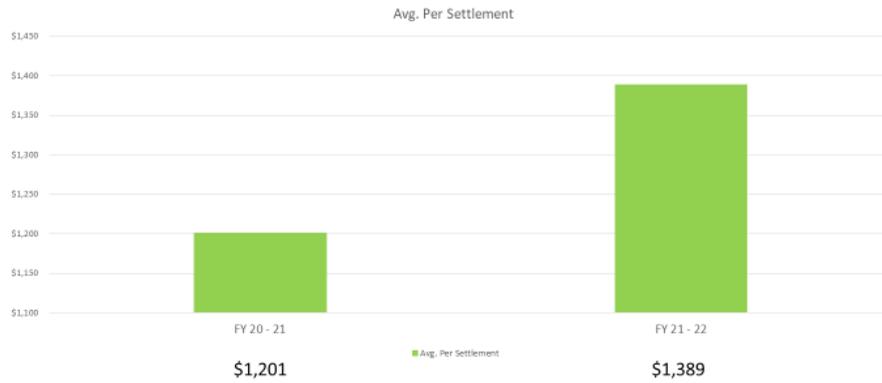


Basis	Cases
Race	24
Sex	10
Familial Status	5
Religion	2
National Origin	5
Multiple Basis	34
Color	1
Disability	65

Deputy Commissioner Caldwell indicated and discussed that most cases reviewed for Housing discrimination were concerning Disability.



FH Settlement Averages



Deputy Commissioner Caldwell indicated an approximate \$200 difference from last year to this year in total monetary compensation. This amount includes the cases that were settled by investigators, as well as legal after a “cause” case was determined.

In Fair Housing, Deputy Commissioner Caldwell noted the average amount of monetary settlement differences between FFY’s. Most often claimants are settling for accommodations and not money. Housing claimants may resolve their charges through relocation of their apartment or rental venue, or it may involve an accommodation matter, i.e., having a ramp built. It is more complicated to disperse funds in Fair Housing versus Employment.

FH FY 2020 – 2021 Investigators

- 5 Investigators
- 5 Seasoned Investigators



FH FY 2021 – 2022 Investigators

- 5 Investigators
- 2 Seasoned Investigators
- 1 Senior Consultant
- 1 New Investigator
- 1 Just Hired



Deputy Commissioner Caldwell reviewed the attached two slides to show the comparison of the teams over two SFYs.

Deputy Commissioner Caldwell concluded his report.

I. PUBLIC COMMENT PERIOD

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

II. BOARD MEMBER COMMENTS

Commissioner Amonitti took a moment to commend the staff for all their continual hard work.

III. ADJOURNMENT

Chairman McLawhorn called for a motion to go into Executive Session. Commissioner Winn made the motion and Commissioner Sellers seconded. After unanimous consent, the meeting moved into Executive Session at 12:47pm.

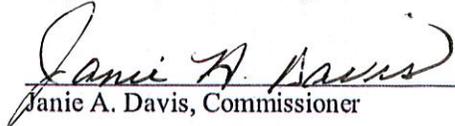
IV. EXECUTIVE SESSION

A motion was made by Commissioner Winn to return from Executive Session. Commissioner Sellers seconded. After unanimous consent, the Executive Session ended at 2:41pm.

A motion was then made by Commissioner Winn to adjourn. Commissioner Hall seconded and after unanimous consent, the board meeting was officially closed at 2:42pm.

The next Board meeting is scheduled for September 22, 2022, at 10:30 A.M. with a location to be determined.

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


Janie A. Davis, Commissioner


James T. McLawhorn, Chairman
9/26/2022
Date