South Carolina Human Affairs Commission Board Meeting

June 6, 2024 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 Commissioner Mary Amonitti

STAFF PRESENT

Interim Commissionner Marvin Caldwell, Jr. General Counsel Caroline Scrantom Deborah Thomas Tarnya Whitmire Lawrence Smalls Jamie Smith Ravon Hargrove Janeen Sanders

GUEST

Thomas Kaminer – SCHAC Budget Director ADMIN Shared Services

Sherrial Styles

I. <u>CALL TO ORDER</u>

The South Carolina Human Affairs Commission ("SCHAC" or the "agency") held its Board meeting on June 6, 2024, 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 10:09am and asked for the roll call.

II. <u>ROLL CALL</u>

Janeen Sanders, Executive Assistant, called the roll of Board members. Present at roll call were Chairman McLawhorn, Vice Chair Sellers, and Commissioners Hall and Amonitti. A quorum was established. Commissioner Winn subsequently joined the meeting.

III. <u>APPROVAL OF MINUTES</u>

Chairman McLawhorn called for the approval of the minutes from March 28, 2024. The motion for the minutes to be approved was made by Commissioner Hall and seconded by Vice Chair Sharon Sellers.

The minutes were unanimously approved.

IV. OPENING REMARKS

Chairman McLawhorn expressed the nation is facing difficult times relative to race relations, community relations, equity and diversity and inclusion. It seems that the Human Affairs Commission is at the forefront in trying to mitigate those concerns in South Carolina. He expressed that as the Board they should be more engaged with the elected authorities. The local staff do not have the same relationships and latitude as the board members. He requested that Interim Commissioner Caldwell communicate with the board when he has business dealings with officials to determine how the board may be of assistance.

He gave congratulations to the agency for the EEO Forum that recognized the top state agencies who met their affirmative action goals. He thought next year, the agency could put out a press release to honor the agencies that meet their goals and keep the state engaged in what the agency is doing.

Chairman McLawhorn also mentioned wanting to have a briefing on the Annual Report to the General Assembly. He recalled that, when former Commissioner Janie Davis was head of the Technical Services Division under the leadership of then Commissioner Jim Clyburn, every year they would go to ETV and discuss the findings. He suggested possibly revisiting that again.

V. <u>OLD BUSINESS</u>

There was no old business to be discussed.

VI. <u>NEW BUSINESS</u>

There was no new business to be discussed.

VII. <u>BOARD REPORTS</u>

A. Administration

Commissioner Amonitti gave way to Interim Commissioner Caldwell to give the Administration report.

Interim Commissioner Caldwell began his report by advising the board he was delivering the Administration report in Deputy Commissioner Leslie's absence to attend to personal matters.

Interim Commissioner Caldwell acknowledged that there is an annual IT inventory report which the agency submits every May. That report was completed and submitted on time.

He also expressed that the office location the agency had been looking to possibly relocate to, 223 Dawson Road, was not going to work for the agency. The location was outside the DTO footprint (mainly internet), and the cost to accommodate all that the agency would need to run would be considerable. He asked the Department of Administration to repost for additional bids for 30 days. Those inquiries are due to be returned to him by June 24, 2024.

Interim Commissioner Caldwell further advised that HUD performed an audit of SCHAC in May, and all went well.

Chairman McLawhorn asked Interim Commissioner Caldwell to check with the Department of Administration about building availability on the 12th Street extension.

Vice Chair Sellers asked if Dawson Road was off the board completely. Interim Commissioner Caldwell stated he thought it would be, but the architect had not responded.

Commissioner Amonitti asked about the reason for the building being off the table. She said she was advised that it was solely due to the outfitting of the internet being extremely too high. Interim Commissioner Caldwell explained that there may be a way that could have been worked around, as it was expected for the cost to be high without there being another agency in the building to feed off. It would have been a completely new install. However, due to the lack of communication from the architect, the overall cost of the move could not be ascertained.

B. Legal Update

General Counsel Caroline Scrantom talked through the Legal Division activities for March – May 2024 as follows:



HUMAN AFFAIRS COMMISSION LEGAL ACTIVITIES LOG

General Counsel Caroline Scrantom EEO Staff Counsel Jamie N. Smith FH Staff Counsel Vacant Legal Assistant Vacant Mediator Larry McBride

Cleared Case Reviews	March	April	May	
EEO Cases	21	15	18	
Housing Cases	8	2	8	
90E Cases	2	0	0	
Non-Litigation A	ctivities (March,	April & May 2024	·)	
Cause Case Com	pletions			3
Requests for Rev	rision or More Inv	estigation		25
Total Case Review	w Return Rate			27%
Housing Concilia	ition Agreement F	Reviews		17
Inquiries Respon	ided to and Guida	ince Issued by Lea	gal	132
Intakes Reviewe	d			360
FOIA Responses	Finalized			15

SCHAC Litigation by the Numbers					
Cases Pending before the Board					
Cases Pending before the Circuit Court	2				
Cases Pending before the Court of Appeals	0				
Recent Case Settlements	1				
SCHAC Mediation by the Numbers EEO Contract Year (Oct. 1, 2023 – Sept. 30, 2024)					
Total Mediations 40					
Successful Mediations 20					
Percent Successful 50%					
Aggregate Settlement Amount \$234,330)				

C. <u>Legislative Update</u>

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



Interim Commissioner Caldwell discussed the four budget priorities that SCHAC sent to the Legislature. The three stars next to Retention Funding means it was in the Governor, the House, and the Senate budgets. The two stars next to the New EEO Supervisors & Investigative team indicates the request was in the House and the Senate budgets. The one star next to the Community Relations request was in the Senate Budget. He mentioned he was able to get the names of those who would be on the Conference Committee. Interim Commissioner Caldwell had his assistant reach out to set meetings, but with no session in place, they were only present the days set for special meetings. He and Deputy Commissioner Leslie were able to get a packet to each committee member's mailbox with information on Community Relations. Once Conference Committee is completed, the agency will be notified as to what funding would be further receiving.

Commissioner Hall asked for the names of all the Conference Committee members to see if there would be some he might know. Janeen Sanders, Executive Assistant, advised she would send the list to the entire Board.

While in the meeting Interim Commissioner Caldwell received notice that the agency's budget request would be discussed on Wednesday, June 12, 2024.

This concluded the report.

D. <u>Personnel Update</u>

Commissioner Winn gave way to Lawrence Smalls to give the report as follows: As of June 6th, there were 57 FTE positions; 47 FTEs employed; and ten vacancies listed below:

- Agency Head (Interim appointed 01/2023)
- Fiscal Technician/ Analyst (Position not funded)
- Program Coordinator I (EEO Investigator) (3 positions) pending job posting.
- Program Coordinator I Fair Housing Intake (2 positions) Job posting closed 5/29 (pending Interviews)
- Attorney II (candidate selected, pending start date)
- Legal Assistant (pending job posting)
- Technical Services Consultant Job posting closed 5/29 (pending Interviews)

There were four resignations, five new hires and one reclass.

Vice Chair Sellers asked for the positions of those who resigned. Mr. Smalls advised three positions were EEO Investigators and one position was a Fair Housing Intake position.

Chairman McLawhorn questioned the impact the EEO investigator resignations would have on the case work and meeting processing requirements. Mr. Smalls advised there would be a notable impact from one departure, as this employee produced more cases. As for the other two investigators, the impact of their resignations will be offset by two temporary workers that were hired with some experience.

Commissioner Hall asked if any of the resignations were long-term employees. Mr. Smalls advised that the longest had been with the agency just about one year.

Chairman McLawhorn asked if exit interviews are held, and if so, what are the reasonings behind the departures. Mr. Smalls said in most cases, it is the pressure with case production.

The report was concluded.

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 reported the YTD figures through April 30th. The cost projections show the agency is expected to reach 83% of its projected expenditures by the end of the fiscal year. That then leaves the agency with a projected surplus of over \$600k, with new cash being projected at 3.8 million.

Kaminer believes that due to extended vacancies and not yet having additional rental costs for a new office space, there was a larger surplus of General Funds than anticipated. He stated that there was a

risk of possibly losing some General Fund money, an amount estimated to be less than \$100k, but also believed that adjustments could be made so that nothing would be lost.

Chairman McLawhorn believes that the Board should have a conversation around the budget more often because in previous conversations, it was stated there is more than half a billion dollars that we lose if we don't spend it. He mentioned the agency does not want to create a precedent of asking the legislature for additional dollars when there is money that could be used.

Commissioner Hall offered a second perspective, stating that, due to the agency preparing to move, the argument could be made to the legislature that some of the surplus funds could be used to offset moving costs.

VIII. COMMISSION REPORTS

A. Administration

IC Caldwell gave way to the EEO and Fair Housing divisions to discuss their numbers and contracts.

B. <u>Consultative Services Programs</u>

0

i. <u>Technical Services & Training</u>

This report was given by Director Ravon Hargrove, addressing the following:

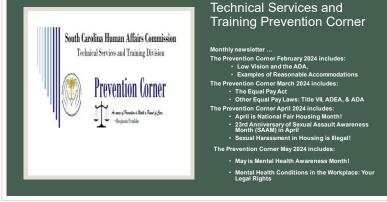
- After the Completion of the General assembly report on February 1, 2024, the team focused on providing assistance to State Agencies and response letters
- Technical Services and Training hosted the 2024 EEO Forum held on April 24, 2024, at Seawell's
 - The Forum topic was Artificial Intelligence in the Workforce
 - There were three guest speakers
 - Besty Rader from EEOC Charlotte
 - Andrew Williams from The Citadel (Keynote speaker)
 - Nathan Hogue from SC Department of Admin
 - We recognized 14 agencies in SCHAC Top 10 this year.
 - Four agencies, achieved 100% Goal Attainment
 - Museum Commission
 - Commission on Indigent Defense
 - SC State Library
 - SC Secretary of State's Office

Continue SCHAC Top Te	n
Trident Technical College	99.6%
Public Service Commission	98.7%
Office of the Comptroller General	98.4%
Elections Commission	98.4%
Sea Grant Consortium	98.3%
York Technical College	97.4%
State Accident Fund	97.0%
State Board for Technical & Comprehensive Education	96.8%
Ethics Commission	96.5%
Office of Regulatory Staff	96.1%

Recognition	Agencies 10% increase South Carolina Secretary of State's Office Elections Commission Consumer Affairs Horry-Georgetown Technical College Office of Regulatory Staff	25.0% 15.1% 11.1% 10.8% 10.0%
Agencies Increase	Increase by 5% Williamsburg Technical College Governor's School for Arts & Humanities Francis Marion University SC Comptroller General Patriots Point Authority Midland's Technical College Department of Health & Environmental Control South Carolina State University SC Criminal Justice Academy	9.2% 9.2% 8.8% 7.6% 6.0% 5.7% 5.3% 5.3% 5.1%

- Technical Services and Training will be conducting the EEO Officer Training for SC state agencies on June 18, 2024, at the Archives and History Building
- Technical Assistance to State Agencies -
 - Gathering data for the 2025 General Assembly Report
 - State agencies' Affirmative Action plan will include the next minority group, which has a population of at least 2% in the workforce, for process improvement.



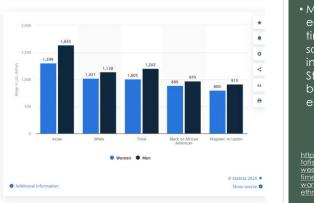


As per a Board request at the last meeting, Ms. Hargrove and her team provided a snapshot of the disparities found between white males and black males as well as the white female and black female salaries over a three year period as follows:

employee	s with ti	ne sa			nite m ar peri		and E	slack m	nales o	over c
Year of the report data	Total number of Employees/ Average Salary	January 1. 2023 January 1. 2022		Januar	y 1. 2021	The difference between employee cou and salary of White males and Black ma within a three-year review (The ones with #Value had no black mai				
Composition of State Government Workforce by Race and Sex	Column1	White Males	Black Male:	White Males2	Black Males2	White Males4	Black Male5	January 1, 2023, Data		January 1, 2021, Data
	# of Employees	19,881	5,733	16,703	4,925	19,724	6,450	14,148	11,778	
	Average Salar	\$73,288.36	\$56,461.96	\$68,180.26	\$52,370.98	\$80,448.53	\$70,518.40	16,826	15,809	9,9

The comparison of the total number of South Carolina State employees with the salaries of White Females and Black Females over a three-year period.

-	Gov		orkforce of th					itions and ead		, or oraile
Year of the report	Total number o Employees/ Average Salary	January 1	. 2023 Data	Januar	y 1. 2022	Januar	y 1. 2021	count and s	ence betweer alary of White is within a thre	females a
Composition of State Government Workforce by Race and Sex	Column1	White Females	Black Females	White Females2	Black Females2	White Females4	Black Females5	January 1. 2023		January 1. 2021
	# of Employees	25,088	15,921	18,060	13,302	21,169	15,504	9,167	4,758	5,6
	Average Salary	\$65 178 47	\$50.044.07	\$59,950,36	\$47,309,30	\$73,798,10	\$69.311.60	15.134	12.641	4.4



 Median weekly earnings of fulltime wage and salary workers in the United States in 2023 by gender and ethnicity

https://www.statista.com/s tatistics/185409/medianweekly-earnings-of-fulltime-wage-and-salaryworkers-by-gender-andethnicity/

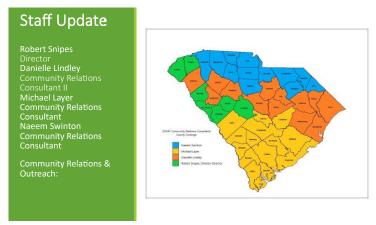
What Women Earn by Race/t	Ethnicity
White	36,000 77.2%
Hispanic	\$25,891 55.6%
Black	\$26,600 57.1%
Asian/Pacific Islander	\$31,069 66.7%
Native American	N/A N/A
Other Race or Two or More Races	\$29,000 62.2%
All	\$32,000 80.0%
Source: IWPR analysis of American Community Survey o Microdata Series, Version 5.0).	data (Integrated Public Use

Chairman McLawhorn called for a five minute break at 12:05pm

The meeting was resumed at 12:13pm beginning with Director Robert Snipes and the Community Relations Division Report.

ii. Community Relations

Director Snipes reported that the Community Relations team is fully staffed at this point however, more personnel are always welcome. Here is the current grid for who covers what areas:



Director Snipes next highlighted the community outreach recently conducted by the Community Relations Division and provided a list of future events the Division plans to attend.

Community Outreach: Location Status **CRD** Assigned City of Rock Hill Planning a retreat- June 22nd Mr. Swinton **Community Relations** Lancaster County Planning Juneteenth Celebration Mr. Swinton Division Greenville County Elections completed Mr. Swinton Cory White Diversity Awards to school Anderson County Ms. Lindley students March-May McCormick County Working to restart the council Mr. Snipes City of Myrtle Beach Provided new SCHAC Brochures to the Mr. Snipes city City of Orangeburg Working to restart the council Mr. Snipes Working on their 60th Anniversary Ms. Lindley City of Columbia Celebration-June 20th

Community Outreach:

Community Relations Division

SC State Library



Partnership:

SCHAC's new 'Green Door' Brochures in Spanish and English have been distributed to all SC counties' public libraries for display with the help of the SC State Library.



Community Outreach Community Relations Division March-April Partnerships: The City of Columbia, Richland County, SC Appleseed Legal Justice Center, and SCHAC provide two



On May 9, 2024, SCHAC's Community Relations Team (CRT) and SCHAC's Deputy Director of Consultative Services, Mr. Clark met with Mr. Chaudhry Sadiq, President of PICNA, in SCHAC's large conference room from 10-11:30am to discuss strengthening our partnership with Islamic Faith Leaders in the midlands and around the state. The City of Rock Hill through their AC has agreed to host the training in September 2024. (slide below)

Community Centers.



On May 30, 2024, 42 Law Enforcement Officers and 8 community members participated in the US DOJ Facilitating Meetings Around Community Conflict training. The next Training at SC CJA will be in August 2024.

This SFY, 168 Law Enforcement and Community leaders have participated in this training. (*slide below*)



On May 30, 2024, SC CJA gratefully accepted the new 90(e) card from SCHAC and provided the card to law enforcement at the DOJ led FMACC Training starting on May 30th. The DOJ CRS was very impressed with the cards, and they requested one to take back with them to share with their team. (*slide below*)



In addition to Ms. Lindley completing her LeadSC course, Ms. Lindley and Ms. Ravon Hargrove have applied for the APM program and are awaiting to hear back from the SC Department of Administration on their decision. (*slide below*)





Congratulations also to Mr. Snipes and Ms. Thomas for their participation and graduation from their CPM course. (*slide below*)



iii. Intake Processing

Director Snipes delivered a report on activities from our intake division. The below slide shows intake data from February – May 2024:

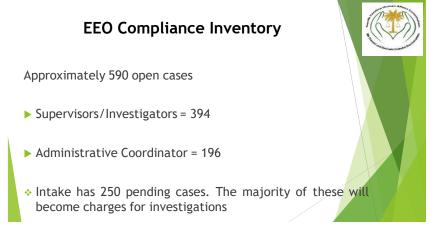


C. Compliance Programs

i. EEO Enforcement

Director Tarnya Whitmire gave her report as follows:

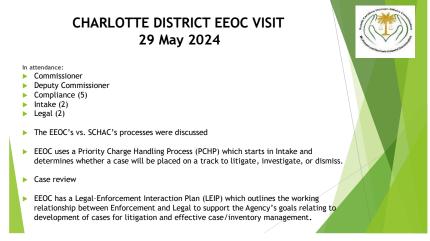
- EEOC Contract runs 1 October 2023 thru 30 September 2024
- The contract was reduced from 620 to 564 in May. There was a 9% decrease across the nation due to federal budget cuts.
- Currently closed 225 cases
- Need an average of 85 cases per month to meet the contract



Director Whitmire updated the board on the staff she presently has:



Lastly, Director Whitmire advised on the onsite visit to the EEOC District in Charlotte, NC on May 29, 2024, as follows:



PCHP is a type of grading system.

The attorneys at EEOC do not look at all case closures and the Director does not review case closures. Dependent on their tenure, some EEOC investigators have the authority to close cases without reviews. Others submit cases to their supervisors for review and closure. Legal and investigators at EEOC work together on cases that are on track to be litigated or need more indepth investigations.

EEOC indicated that, in cases where Charging Parties (CP) did not provide comparators or evidence, the Position Statement and Exhibits (evidence) from the Respondent employer were often sufficient to refute CP's allegations.

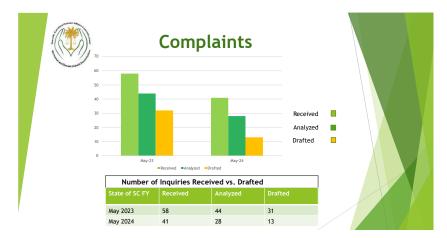
The Legal-Enforcement Interaction Plan (LEIP) was an internal document outlining the relationship between the EEOC's legal and enforcement divisions, addressing communication, PCHP, development of charges, resolution of litigation and cause cases, training, and staff recognition.

ii. HUD Enforcement

Director Deborah Thomas reported about the Outreach and Training the Fair Housing Division took part in or facilitated from May – June 2024:



Director Thomas reported on a comparison of Fair Housing inquiries received and drafted in May 2023 and May 2024



Director Thomas also mentioned the HUD Division receives partnership funds that they can use for trainings and advertising, etc., but explained that HUD requires the funds be used in certain targeted ways. Below are their intentions to bring awareness and samples of what will go out:



Partnership Fund Education & Outreach Efforts To Provide information about protection available under the S.C. Fair Housing Law

Underserved areas of Counties:

Colleton, Jasper, Newberry, Saluda, Union

Communities:

Asian Americans, Pacific Islanders, Blacks, Indigenous, Other Communities of Color and LGBTQ Communities(including Sexual Orientation & Gender Identity)



Partnership Fund (cont'd) Targeted Email Marketing

Designed to reach and influence more Local Consumers

□ Increase Brand Awareness Expand the reach of our service through Branded Emails that are

dropped into thousands of boxes.

Drive More Website Traffic Of Consumers who are more likely to visit to our Website

Promotes the Speciality of What We Offer

Send a timely digital postcard to consumers inclined to buy through the ability to target ideal customer profiles



Partnership Fund (cont'd) Email Blast

91,758 - Impressions-

the number of eyeballs that have seen your ad; the number of times your ad has been shown to your target market within the specified geographical area

79 - Clicks-

the number of times someone has interacted with your digital creative by moving their mouse to click on it

0.09 - Click Through Rate (CTR)- the number of clicks divided by the number of impressions; national average is .03%-.05%



^{south Carolina} Human Affairs Commission



Wherever you want to live and whatever your gender identity or sexual orientation is, you're protected by the South Carolina Fair Housing Law.

If you believe you've experienced housing discrimination because of your gender identity or sexual orientation, file a complaint with the Human Affairs Commission at call us at <u>1.800.521-0725</u>.

Two women found a great place to retire, with all the amenities and activities they desired. But when the management company found out they were married and not just roommates, they were denied the unit. Sexual orientation and gender identity are protected by the Federal Fair Housing Act and South Carolina Fair Housing Law. Learn more by contacting the Human Affairs Cormission at: <u>schac.sc.ov</u> or call us at <u>1-800-521-0725</u>.

South Carolina Human Affairs Commission Marvin Caldwell, Jr., Interim Commissioner

It is against the law for landlords to deny your application, give you the run-around, charge you more rent, or steer you away from a rental complex or neighborhood because of your race or national origin.



Communities of Color

If you suspect housing discrimination, file a complaint with the South Carolina Human Affairs Commission at <u>schac.sc.gov</u> or call us at <u>1-800-521-0725</u>.

A couple and their children found the home of their dreams, but the real estate agent said she thought they would be more comfortable in a different neighborhood. It is illegal to steer prospective homeowners to or from certain neighborhoods based on race or national origin. Report racial steering and put an end to it at: <u>schac.sc.ov</u> or call us at <u>1-800-521-0725</u>.

Good Credit. Good Jobs. Good References. Good rental history. But the landlord denies you the house of your dreams because of your race or national origin. Did you know this happens every day? Fair Housing. The law is on your side. Learn more by contacting the South Carolina Human Affairs Commission at sca.ex or call us at 1-800-521-0725.





16

Director Thomas gives kudos to her staff and says she cannot do it without them:



IX. <u>PUBLIC COMMENT PERIOD</u>

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

The Board thanked the staff for their diligence and continued hard work.

XI. <u>EXECUTIVE SESSION</u>

Charmain McLawhorn called for a motion to be made to enter Executive Session. Commissioner Amonitti made a motion to enter Executive Session. Commissioner Winn seconded. Executive Session began at 12:52pm.

Chairman McLawhorn called for a motion to exit Executive Session. Commissioner Winn made the motion to exit, and Vice Chair Sellers seconded. After unanimous consent, Executive Session ended at 1:39pm.

Charmain McLawhorn called for a motion to return to general session. Commissioner Hall made the motion and Vice Chair Sellers seconded. General session resumed at 1:40pm.

Chairman McLawhorn reported out the following having occurred during Executive Session:

- 1. Update on pending agency litigation
- 2. Update on personnel matters
- 3. Receipt of legal advice related to agency representation

The order of business attended to after Executive Session was a motion made my Commissioner Amonitti to write a letter to the Governor, signed by all the Commissioners, requesting an in-person meeting with certain personnel or the entire Board to discuss the appointment of an agency head. and asking that the meeting take place within 30 days of the dated letter. Commissioner Winn seconded the motion.

XII. <u>NEXT BOARD MEETING</u>

The next Board meeting is scheduled for August 15, 2024, with a location to be determined.

XIII. ADJOURNMENT

There was no other business for the good of the body to be discussed. Chairman McLawhorn called for a motion to adjourn for the day. Commissioner Winn made the motion to adjourn, and Commissioner Hall seconded. After unanimous consent, the meeting was concluded at 1:47pm.

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

Marvin Caldwell, Jr., Interim Commissioner

James T. McLawhorn, Jr., Chairman Date