

South Carolina Human Affairs Commission Board Meeting

March 17, 2022

10:00 A.M.

South Carolina State Museum
301 Gervais Street
Columbia, South Carolina 29201

BOARD MEMBERS PRESENT

Chairman James T. McLawhorn
Commissioner H. Jean Brown-Williams
Commissioner Cheryl Ludlam
Commissioner Andrew C. Williams
Commissioner Leon Winn

GUEST

Jason Epting – SCHAC Budget Director
ADMIN Shared Services

STAFF PRESENT

Commissioner/CAO Janie A. Davis
Deputy Commissioner Marvin Caldwell
Deputy Commissioner Dan Koon
Ayana Crawford
Jamie Smith
Caroline Scrantom
Sharon Dorn
Shelton Lorick
Danielle Lindley
Lawrence Smalls
Tarnya Whitmire
Deborah Thomas
Sherril Styles
Alyssa Barker
Arrington Jones
Dave Smith
Deborah Thomas
Doris Mozie
Cynthia Cooke

I. CALL TO ORDER

The South Carolina Human Affairs Commission (“SCHAC” or the “agency”) held its Board meeting on March 17, 2022, at the office of the South Carolina State Museum located at 301 Gervais Street, Columbia, SC. Public notice was posted at SCHAC’s main office entrance and placed on SCHAC’s website. Chairman McLawhorn called the meeting to order at 10:02 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 November 18th meeting. The motion was made by Commissioner Brown-Williams for the minutes to be approved. Commissioner A.C. Williams seconded the motion. The minutes were unanimously approved.

IV. APPROVAL OF AGENDA

Chairman McLawhorn called for the approval of the agenda. Vice-Chair Ludlam motioned for a change in the agenda which would move the Executive Session before Old Business. Commissioner Williams seconded the motion.

The executive session was called into order at approximately 10:15am.

V. EXECUTIVE SESSION

Chairman McLawhorn called for a motion to end Executive Session. The motion was made by Commissioner Williams and seconded by Commissioner Brown-Williams. Executive Session ended at 11:18am.

Chairman McLawhorn then called for a motion for the Board Members to take a five-minute break before the full Board meeting reconvened. The motion was made by Commissioner Williams and seconded by Commissioner Brown-Williams. Meeting was paused at 11:18am.

Chairman McLawhorn called the full Board meeting back to order at 11:28am and asked for any old business to be discussed.

VI. OLD BUSINESS

There was no old business to be discussed.

VII. NEW BUSINESS

Commissioner Davis talked about the upcoming 50th Anniversary of the agency. The potential date of the event is June 23, 2022. This is the exact date Governor West signed the agency into existence. She noted how this was an important year for the agency in terms of raising the profile and highlighting its successes. Two locations had been tentatively placed on hold for the event, the USC Alumni Center, and the Columbia Metropolitan Convention Center. The date is still tentative due to dignitaries' schedules associated with the agency.

Commissioner Davis noted that she had some concern about COVID ramping up again, so she is watching and playing it by ear to ensure the safety of all. With the two locations on hold, the USC Alumni Center would be accommodating in letting the agency move the date, but the agency would still be responsible for the contract. The Convention Center would be a little less rigid. If the decision is made not to go with the event due to a COVID up-tick after signing the contract, they would release us from the contract. Then there would be other smaller events set up surrounding the 50th Anniversary, such as continuing to use the connection with ETV, since the agency already has a contract with them related to the 50th event. The first pieces done by ETV will lead up to June 23rd broadcast. There could be podcast aired on social media. The Commissioner indicated that we would attempt to spotlight successes over the years such as the change in the status of women in the workforce over the last 50 years, especially in state government. The event would be ticketed because given our investigative responsibilities, we cannot have sponsors who we may later have to investigate. Some of the money being used for this event will be from money the agency has on hand. Jason Epting, Budget Director can attest to the budget and the amount of funds we have on hand to be used for this occasion.

Commissioner Ludlam questioned when the deadline would be to decide on when and where the event would be. Commissioner noted she would hope to have a decision made by the end of the March. Commissioner Brown-Williams questioned about an absolute deadline when a contract on either location needed to be signed for the event. Additionally, Commissioner Davis indicated that working with Congressman Clyburn's scheduler would also determine when the event would occur. Commissioner Brown-Williams also wanted to note that after speaking with a school board member

in Darlington County, Dr. Thelma Dawson's father, David Pugh, had served on the Commission years ago and would be a good resource for possibly gathering information.

Chairman McLawhorn suggested an additional location for the event, that being, the Brookland Banquet and Conference Center.

Commissioner Williams questioned if the event would be on a weekday or weekend, and Commissioner Davis advised she was certain it would be held on a weekday.

VIII. BOARD REPORTS

A. Administration

Commissioner Brown-Williams gave the administrative update which was provided to her by Deputy Commissioner Koon. She indicated the administrative functions continue to flow well at the agency:

- Technology internet bandwidth was expanded for the agency to help improve access to communication platforms such as WebEx and Zoom.
- Agency Website is being updated each week.
- 12 new computers purchased for Temp employees.
- The heating system within the building has been corrected and is functioning appropriately.
- Public Safety Officer is providing security for Board meetings.

Commissioner Davis will be providing information on other administrative matters in her reports.

B. Legal Update

General Counsel Caroline Scrantom gave a brief update on Legal. The numbers that were presented to the Board were from November 2021 thru February 2022. General Counsel Scrantom noted that it was a joy to serve in her new position as lead counsel, working with the remaining members of the Legal Division, and how much of an asset they are to the team and the agency. She mentioned there is a vacant Attorney position to be filled and the interviews for that position are set to begin on Friday, March 18.

General Counsel Scrantom went over how she had incorporated a case return rate or a percentage of cases that had come to the Legal Division from the Employment and Housing Divisions over the course of the month, and then had been returned due to a meeting for revisions or for further investigation. She found this to be helpful in determining ways to further help the investigators complete comprehensive and detailed specific investigations. The chart below reflects the recent work of the Legal Division. General Counsel Scrantom indicated that Attorney Jamie Smith bares the weight of the employment reviews so a big thank you went to her for her hard work.

The EEOC case return rate was at 27% from November '21 to February '22. General Counsel Scrantom was hopeful that the number would continue to go down and will improve the meeting and revision process, prior to getting to the Legal Division for the final review.



Legal Activity Log Nov. '21 – Feb. '22

Action Taken	Nov. 2021	Dec. 2021	Jan. 2022	Feb. 2022	Total
Intakes Reviewed- Charge Formed	62	64	29	51	206
Intakes Reviewed -Charge Dismissed	16	13	23	24	76
Cause Found _EEO	3	0	0	1	4
No Cause Found _EEO	14	17	17	30	78
Returned for Investigation	1	4	4	11	20 (18%)
Returned for Revision	1	5	0	5	11 (10%)
Nov. -Feb. EEO Return Rate 27%					
Administrative Closures _EEO	12	6	27	19	64
Subpoenas Issued _EEO	2	3	1	2	8
Subpoena Enforcements Filed _EEO	0	0	0	1	1
Position Statements Reviewed	18	17	13	34	82

February was a challenging month with the number of EEO cases coming through with just two attorneys conducting reviews. It was good for the agency to have cases to meet the contract numbers, but it was a heavy workload for the two staffers to handle. However, with another attorney to be hired soon, Legal will be in a better position moving forward.

General Counsel Scrantom indicated the Legal Division reviews all the Intake charges that come through the agency before they are filed and sent to the Employment Division for investigation. The EEOC transferred files from IMS to a new system called ARC in the middle of January, so the number of Intake cases reviewed went down significantly due to the technological issues that occurred beyond the agency's control. The Intake numbers as of today's meeting indicates they have recovered from the glitch. In February, the number of EEO cases that were being closed out and submitted to Legal was increasing.

As the chart below indicates, the Fair Housing case numbers and return rate held consistent. There was an onsite visit where the Legal Division was asked to participate in a housing case. The reason Legal might be asked to attend an onsite visit is to vet questions which might help in the investigation.

General Counsel Scrantom also reported there had also been a welcome addition in court case filings. She advised she hoped to increase the agency's profile around the South Carolina Bar. If the agency is more involved in the Bar, the agency could be recognized more in the court and in front of the judges when the agency finally does get court dates. General Counsel Scrantom and Attorney Smith had been attending more events sponsored by the Bar, specifically a new Civil Rights Division and they had been active in the monthly meetings and continue to make contacts in Bar Section that could serve as resources for the agency. General Counsel Scrantom also mentioned she attended the Bar Convention and was able to reconnect with many judges and attorneys she had not spoken to in many years. She was able to inform them about the agency, hoping to increase awareness surrounding what the agency does and what it stands for.



Legal Activity Log Nov. '21 – Feb. '22

Action Taken	Nov. 2021	Dec. 2021	Jan. 2022	Feb. 2022	Total
Cause Found _Housing	0	0	1	0	1
No Cause Found _Housing	6	12	11	10	39
Case Conciliated _Housing	3	3	0	0	6
Returned for Investigation _Housing	0	0	0	0	0
Returned for Revision _Housing	1	3	3	2	9
Nov. – Feb. Housing Return Rate 17%					
Administrative Closures _Housing	2	0	0	0	2
Subpoenas Issued _Housing	0	0	0	1	1
On-Site Visits	0	0	0	1	1
Court Dates & Filings	4	5	5	3	17
Public Accommodations Cases Reviewed	0	0	0	0	

Freedom of Information Act (FOIA) requests, which are handled by Paralegal Tracie Mefford was up from past years. This is due to a trend of parties being more prone to settle disputes.

Lastly, Staff Mediator Larry McBride continues to do a fantastic job. Year-to-Date, Mr. McBride has succeeded in 19 mediations, obtaining a sum of approximately \$418k, in just the first two months of 2022.

C. Legislative Updates

Budget Request Recommendations - Commissioner Davis stated the agency had a very good year in the House. The agency requested approximately \$591k in new funds representing nine budget priorities. Only one was not funded in the House but Commissioner Davis was hopeful to have it funded in the Senate, in addition to the other eight requests. When the meeting was held with the House Ways and Means Subcommittee, they were receptive to providing additional funding for the agency to address the cuts made to the agency’s budget during Recession 2008-2012. Therefore, Commissioner Davis went back and amended the budget request, and the funds were added to the House recommendations. The following nine priorities were submitted:

1. New FTE - Human Resource Manager I
2. New FTE - Community Relations Coordinator I
3. New - IT Consultant I
4. Recurring funds money for a contractual Security Officer
5. New FTE – Program Coordinator I/Intake Officer
6. Non-Recurring Funds/Replacement of Cisco switches
7. Recurring Funds/CAAMS - Across the state, MUSC has purchased numerous hospitals and those employees will be state employees. Therefore, the additional employee count will become a part of what we monitor related to affirmative action planning. The agency was notified by Affirmity, (the company that provides the CAAMS software for affirmative action panning), that the Commission had exceeded the 65k state employee threshold, so

- the program would cost additional money.
8. Security Cameras - for the safety of the agency personnel, whether it stays in its current location or relocates, it is important for the agency to be secure due to the nature of work performed and the divisiveness across the country.
 9. Investigation Status - The General Assembly wants citizens to have more timely information on the status and movement of their investigations. Thus, the House supports the agency adding a means by which citizens can access this information on our website through technology. This will help with the excess calls, letters, and correspondence being sent to the Office of the Inspector General.

Commissioner Davis expressed thanks for the generosity of the House and spoke positively regarding the Senate doing the same.

Commissioner Davis indicated that this was a very active year for bills being proposed that somehow impacted the Commission. General Counsel Scrantom and Staff Counsel Jaime Smith both worked to keep Commissioner Davis abreast of all things that could potentially impact the agency, informed her how certain bills could impact the work of the Commission and made recommendations how best to respond.

General Counsel Scrantom outlined three bills up for review in the General Assembly, indicating there was no guarantee they would pass but provided the status of each bill:

H3126 - This bill had already passed the House and was presently on the Senate calendar with opposition, but it had not been scheduled for debate. It will sit on the calendar until it is taken up and debated. Because there had been an amendment to the version that the House passed, if the Senate were to pass the bill, it would have to go back to the House for further action before it could become law.

This bill is largely focused on disallowing mandated COVID-19 vaccinations for employees. It would make it so no publicly funded entity, no state agency, or school district could mandate that employees be vaccinated for COVID-19. It affects private businesses by stating if they mandate employees be required to obtain a COVID-19 vaccination and don't grant them any medical disability or religious related exemptions, and terminate them for not being vaccinated, then the company would be taxed, and the terminated employees would qualify for unemployment benefits. This affects SCHAC because, Section IX of the amendment, would make it a violation of the agency's public accommodations law. It would affect the Board because public accommodation complaints and the way the law was written would require a panel of three Board members to determine if there is cause for the complaint to be brought, and then a separate Board panel of five would have to determine if there has been some discrimination or violation in relation to the vaccine bill.

There are five Critical Race Theory (CRT) bills that are high profile this session and they are currently in the House Committee on Education and Public Works. The bill being discussed that could significantly impact SCHAC is:

House Bill 4605 - This bill is written in such a way as to prevent all EEO/Affirmative Action training, all Diversity, Equity, and Inclusion programs; thereby, impacting all state agencies and federal contractors because such prohibited activities are dubbed as tenets of Critical Race Theory. Passage of this bill would abolish the work of this agency's Technical Services and Training Division. Actions are underway to impact the outcome.

House Bill 3344/Senate 532 – These two pieces of legislation are the same and deal with

recommendations that came from the House Legislative Oversight Committee review of the agency in 2017. The bills were held up due to COVID for the past two legislative sessions. Attention to getting the bills moving in the upcoming session is a priority. These bills attempt to clarify and address various weaknesses noted by the House Legislative Oversight Committee in the South Carolina Human Affairs Law.

Chairman McLawhorn asked General Counsel Scrantom to expand a bit more on the CRT bill and the meaning. She indicated that there is no consensus in legislation right now as to the definition of Critical Race Theory or which of the five versions of the bills pending will advance from the committee to the House floor. The House was in recess and upon their return, there will only be two weeks of legislative work for them to advance the bill and have it out to meet the cross over date to the Senate. General Counsel Scrantom indicated that it would be unlikely for the body to meet the deadline but not unheard of. If the House decided to draft a new bill specifically related to secondary education only, it will not include the agency or the agency's efforts in preventing unlawful discrimination. The agency could be impacted if a teacher is fired because they were alleged to be impermissibly teaching CRT. If a bill advances to the full House and includes applicability to state funded entities, then the Commission could be prevented from conducting Diversity, Equity, and Inclusion (DEI) trainings. It wouldn't just impact SCHAC, all state agencies would be implicated as well.

Commissioner Davis joined the conversation, thanking Caroline for her in-depth research regarding what has happened across the country with CRT legislation. Commissioner Davis also informed the Board that based on the discussions and testimony provided concerning the proposed CRT bills, it would lead one to think that this is a bill strictly about the public school system. However, there are other sections of the bill that deal with public and private employers. With the help of Deputy Commissioner Koon and other members of the Leadership Team, efforts were made to contact others impacted who did not know what was in the bill or how they might be impacted. Commissioner Davis also noted she had reached out to the Office of Federal Contract Compliance Programs (OFCCP), who monitors federal contractors. There are many companies in South Carolina who are federal contractors and as a part of their agreements with the federal government, these companies are to provide Equal Employment Opportunity/Affirmative Action Programs, which would be unlawful under H4605. Commissioner Davis shared information with the OFCCP regarding the proposed bill to obtain information on how such a bill might impact federal contract compliance and the many billions of dollars for roads, infrastructure, services, etc. The Commission is doing its due diligence in the hopes the final legislation will not impact the agency or State negatively.

Commissioner Brown Williams asked if the bill defines Critical Race Theory. Commissioner Davis said there is something there, but no one is satisfied with it. That has been part of the discussions. Once the hearings have been completed, there should be a better understanding of what the meaning will be. A lot of things got placed into the bill. Right now, as it stands, the bill would have serious implications for our Technical Services and Training Program, the monitoring of the 90 plus state agencies, colleges, and universities, and all the state training we do for private and public sector employers.

D. Personnel Update

<u>Total Employees:</u>	42 – 13 – 51 –	As of 3/17/2022 Full Time Employees State Temp – Larry McBride (Program Coordinator I – Mediator) Total Employees
<u>Total Vacancies:</u>	09	As of 3/17/2022 <ul style="list-style-type: none"> • Administrative Manager I – Administration • Attorney II – Legal • Program Coordinator I – Intake • Program Coordinator I- Technical Services • Program Coordinator I-Fair Housing (2) • Program Coordinator I- EEO Investigator (2 positions) • Accountant/Fiscal Analyst II- Administration
<u>Total Terminations:</u>	00	
<u>Total Internal Moves:</u>	02	<ul style="list-style-type: none"> • Cynthia Cooke – from Intake to EEO Enforcement • Carolina Scrantom – From Staff Attorney to General Counsel
<u>Total Resignations:</u>	01	<ul style="list-style-type: none"> • Lee Ann Watson – Attorney IV
<u>Total Retirements:</u>	00	
<u>Total New Hires:</u>	02	<ul style="list-style-type: none"> • Doris Mozie – EEO Administrative Assistant/Supervisor Vicki miller • Arrington Jones – EEO Enforcement Investigator/Supervisor Dave Smith

Commissioner A. C. Williams gave the personnel update, after which he read brief biographies for new employees Doris Mozie and Arrington Jones, as well as acknowledged the internal move of Cynthia Cooke from Intake to Compliance Programs – EEO Investigator.

Chairman McLawhorn called for the financial update from Commissioner Ludlam, and she deferred to Jason Epting.

E. Financial Update

Jason Epting, Budget Director walked through a report showing two years of actual data. The report showed actuals through February 2022. He pointed out the agency’s cash balances for state, federal and earmark funds. At 67% of the year expended, the agency had spent 48% of its funds. He indicated the agency was on track to move funding to the cash balance from the prior fiscal year, so the anticipation is to carry forward in state, federal and earmark money approximately, \$2.6 million dollars. Most of this money is one time money, coming from federal and earmark funds.

Commissioner Davis explained to the Board that there is money to be spent but the agency must ensure the money is being used to meet the thresholds. One of the areas where funds can be spent is in the housing program area. The agency must spend at least 20% of state funding on HUD matters. For the last two years, this has been an issue because some of the money usually spent to meet the threshold requirement, came through travel and training for housing staff. But due to COVID, that was not possible because of limited traveling during COVID and most training was virtual and without cost. In anticipation of the next HUD review/audit, the Commission will be doing some creative things to make sure the proper thresholds are met and benefit the citizens of the state. Jason and the Commissioner are working on departmentalizing the spending throughout the agency, making sure there is a separate account specifically showing how much money is being spent in each program area. Previously, this information had not been clearly available, therefore, creating a process that makes it easier to identify spending by program areas is on-going.

Jason had previously mentioned to the Board that if federal HUD dollars comes to us as a grant, the money must be spent in the year that it was appropriated. For many years, the agency had not followed that process. As a result, that is why there is so much carryforward. It is a state law that the state cannot accrue interest on federal funds. If the money is in the account, it is indeed accruing interest

which is not good. One of the ways to address that, as well as cushioning the agency to meet the federal contracts, is by adding temporary grant positions. It helps to meet the contracts for HUD and EEOC and allows the money to be spent.

Commissioner Williams questioned if the money was recurring money and Jason advised that some was.

IX. COMMISSION REPORTS

- **Administration**

Commissioner Davis received notification that there was a rent increase for the agency. However, she was able to negotiate to keep the rent as is for now due to lack of notice and lack of discussion. The rent remains at \$105,523.60 per year. She made the Board aware that the agency is still in the process of looking for a new location.

Tort insurance went up by \$2,100.00. This insurance protects the agency in the event of loss to the content of the building and property of the agency, such as data processing, building content, automobile insurance, and general tort liability. Tort insurance has been going up every year. It is also the insurance that protects the Board members, the executives, and staff members.

As previously mentioned, new office space for the agency is a must. Commissioner Davis expressed that given the divisive climate in the nation and the need for greater security, lack of enough office space, poor parking, the agency must continue to look for office space to meet the needs of the agency into the future. There is limited space for the new FTE's requested in the current budget process. If new space is not found, the plan is to convert the current boardroom into cubicles/offices temporarily. Some of the recurring funds will be used to upfit the next office space for the agency.

The EEOC Contract for FFY 2021-2022 is 800 cases. The HUD contract is always 60 cases based upon the population of the State in accordance with HUD regulations. Commissioner Davis noted the exceptional work of the Housing Department because they have consistently investigated upwards of 150 cases over the past several years.

Commissioner Davis stopped to note the number of staff members in attendance and thanked them for an exceptional job they continue to provide for the agency.

- **Consultative Services Programs**

- i. Technical Services** –

Deputy Commissioner Dan Koon started his report by mentioning the Technical Services and Training Department composed of Stephani Frese, Director, and staff members Alpha Dunbar and Eithne McWhorter. He indicated that the team lost one of its highly skilled employees during a critical time and had to regroup and did so with the hire of Eithne McWhorter. The team was in the process of updating information for the Annual Report to the General Assembly. At that time Eithne was onboarded and Stephani trained her while continuing to produce the report. Deputy Commissioner Koon indicated it was a major undertaking for the department which compiles the Annual Report to the General Assembly comprised of employment and hiring information from 90 state agencies, colleges, and universities. Below is a list of the top ten state government agencies that met their annual goals. Per the chart, there were only two agencies that didn't meet their annual hiring goal.

State Government's Top Ten & Below 70%

RANKING	AGENCY	PERCENT	RANKING	AGENCY	PERCENT
1	Museum Commission	100%	71	Natural Resources, Dept	69.0%
1	Public Service Comm.	100%	72	Library, State	55.6%
2	Santee Cooper	99.8%			
3	Tech and Comp Ed	99.5%			
4	Secretary of State	99.1%			
5	Treasurer, State	98.6%			
6	Comptroller General	98.0%			
7	Commerce, Dept of	96.6%			
8	Indigent Defense	96.5%			
9	Piedmont Tech	95.9%		Currently reviewing all agency responses.	

Deputy Commissioner Koon also discussed the work of the department related to employment rights for women. The state legislature in 2018 passed the South Carolina Pregnancy Accommodation Act (PAA) and in 2020 the Lactation Support Act. Along with passage of the PAA, came one FTE position that afforded the agency the opportunity to hire Alpha Dunbar, who is responsible for getting out into the state and educating businesses on these acts. Outside of doing that, she sends a Prevention Newsletter that goes out to over 6k people and assist with the work related to the annual compilation of the Report to the General Assembly.

Deputy Commissioner Koon noted that around state government, there are several changes taking place. Last year, there were about 68k state employees but this year (because of the COVID pandemic), the report issued to the General Assembly showed 65k employees. It seemed to have mirrored what is happening in the nation as it relates to employment trends. The number of females employed also dropped from the previous year. The Technical Services and Training Team is also working with numerous state and local agencies to provide the best practice trainings related to EEO/AA and DEI.

- ii. **Community Relations** – Deputy Commissioner Koon thanked Commissioner Davis for giving him the opportunity to work alongside the Community Relations Team. The staff is made up of Robert Snipes, Director, and staffers Ayana Crawford and Danielle Lindley. Ayana and Danielle began working with the team in October 2021 and have accomplished numerous successes. They have taken over the social media platform for the agency, where the number of views is continuously growing. Year 2023, the goal is to expand to Twitter as the agency works to increase the use of social media platforms to help spread the mission of SCHAC to a larger and more diverse audience.

Deputy Commissioner Koon also informed the Board about a new partnership that would serve to increase the visibility of the agency in the community. One of the activities since the Board last met was a “Justice for All” event. Dr. Bobby Donaldson,

Director of the USC Center for Civil Rights, reached out to Deputy Commissioner Koon advising of a grant they received which allowed him to take the “Justice for All” exhibit he created in 2018-2019 across counties to be shown. Dr. Donaldson asked if the agency’s Community Relations Department (CRD) would like to partner with him in Sumter County to unveil the ‘Justice for All’ exhibit. Commissioner Winn was able to be there in support of the event.

There were a couple of different activities surrounding the collaboration with Dr. Donaldson:

- Trainings materials had to be created for individuals in Sumter County about the process regarding how to promote the dialog within their county.
- Selection of a panel with five members of the Sumter community, who would discuss how to go forward in the community to discuss improving race relations.
- A second meeting held with community members about how to move forward regarding community issues related to race.

Deputy Commissioner Koon went on to discuss the number of counties the Community Relations Department staffers have visited since Ayana and Danielle have joined the department. One county to highlight is Tega Cay. Commissioner Williams is a part of that county and had been very instrumental in assisting them and Ayana in hosting the meetings. The hopeful outcome is that a Community Relations Council will be created.

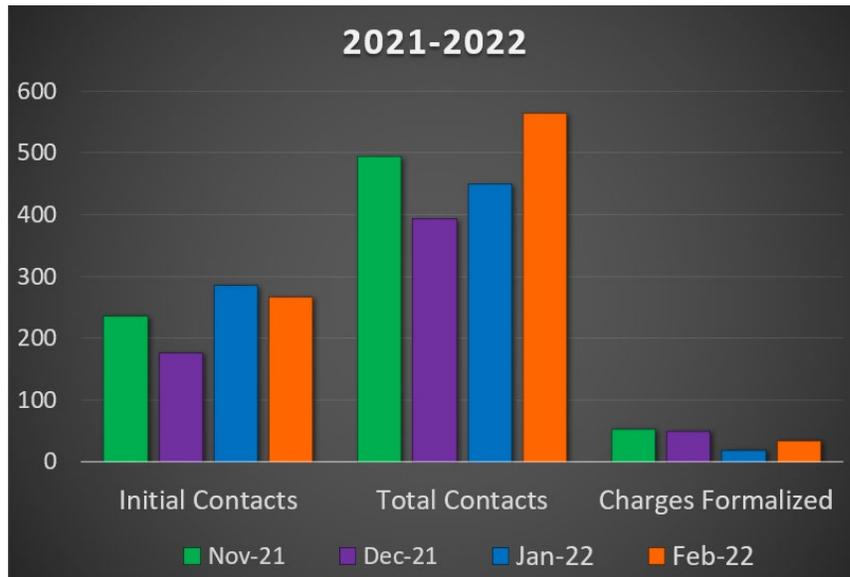
The CRD is working on putting together a statewide webinar. On May 24, there will be a Town Hall meeting with different Community Relations Councils and the FBI. The discussions will cover hate crimes and domestic terrorism.

Lastly, the Department is looking to bring back the South Carolina Human Affairs and Community Relations Association (SCHACRA). The hope is to have a SCHACRA meeting in Charleston. The team has been working with Ms. Amber Johnson, an employee in the City of Charleston handling DEI matters.

- iii. **Public Accommodations/90 (e)** – Deputy Commissioner Koon explained that the Community Relations Division is responsible for handling and investigating complaints of discrimination unrelated to housing and employment. Thanks to Director Robert Snipes for his work related to mediating these cases.

State Fiscal Year	90E Complaints Number
2021-2022	26*
2020-2021	46
2019-2020	31
*Note: State Fiscal Year ends June 30th	
Current Open 90E Complaint Cases	
7 Cases	
2 Cases in Mediation	

- iv. **Intake Processing** – Deputy Commissioner Koon thanked Alex Nelson, Director over Intake, and his team made-up of Cherry Dow and Angela Adams (Intake Officers), Emily Rouse and Venisha Webber (Program Assistants) for their hard work. These are staffers that interact with persons reaching out to the agency for services and the first faces one sees when visiting the office.



As the graph indicates, both January and February numbers were down. This is attributed to conversion from the old IMS (Integrated Mission System) to the new ARCS (Agency Record System) at the EEOC. The EEOC implemented the new system, which caused some delays in reporting of information. Additionally, with

the internal move of Cynthia Cooke to EEO Investigations, Intake was down a staff member. A new employee has accepted and will begin on April 18th.

At the conclusion of Deputy Commissioner Koon's report, Commissioner Williams asked, what happens to the state agency's that fall below their annual goal number? Deputy Commissioner Koon advised that technical assistance will be provided to guide them towards doing a better job of recruiting in certain positions.

- **Compliance Programs** – Deputy Commissioner Marvin Caldwell welcomed the new Board Chair. He went on to explain that the Compliance Programs consist of EEO Enforcement Investigations and Fair Housing Investigations. The contract for EEOC Enforcement is from October 1st – September 30th and the contract period for HUD Fair Housing is July 1st – June 30th.
- i. **HUD Enforcement** – They had gone through several trainings in the last quarter as listed below:

Fair Housing Trainings

<p style="text-align: center;">November</p> <ul style="list-style-type: none">▶ Strategies for LGBTQI+ and Gender Identity Investigations <p style="text-align: center;">January</p> <ul style="list-style-type: none">▶ Algorithmic Bias in Housing Related Transactions	<p style="text-align: center;">February</p> <ul style="list-style-type: none">▶ Housing Segregation is Not an Accident: A Black History Month <p style="text-align: center;">March</p> <ul style="list-style-type: none">▶ Assistance Animals are Not Pets: Reasonable Accommodations Related to Support Animals
---	--



ANNIVERSARY
1972-2022

Deputy Commissioner Caldwell indicated that HUD partnership money was received for the Division, which allowed the agency to advertise based on specific guidelines in places such as: Aiken, York County, Hilton Head and Beaufort. Board members had previously stated that those markets were unaware of our work, who the agency serves, and what we do, so a plan was developed to target those areas.

April is Fair Housing Month and as in years past, except for 2020, the staff is busy participating in webinars and seminars intended to bring awareness to the public regarding unlawful housing discrimination.

Fair Housing Providing Education and Outreach

February

- ▶ Fair Housing Law with Trident Association of Realtors
- ▶ History of Fair Housing Black History Program Federation Center of the Blind of South Carolina
- ▶ Fair Housing Community comparisons between the Hispanic Community and African Americans relative to issues we confront SCFHL
- ▶ Disability based training for 2022 Region IV Fair Housing Summit

March

- ▶ Disability based training for National Disability Awareness Month
- ▶ Disability Rights SC Accessible Housing, 101 Reasonable Modifications and Reasonable Accommodations



In the past couple of months, the Fair Housing Division participated in Education and Outreach across communities. Individuals from the Fair Housing Section presented on various Fair Housing topics for different events as listed above.

- ii. **EEO Enforcement** – Deputy Commissioner Caldwell discussed the changes that occurred regarding the reporting structure affecting how cases are received and processed to the EEOC. As discussed during the Intake Report, the conversion from the old IMS (Integrated Mission System) to the new ARCS (Agency Record System) at the EEOC meant new processes and training for all EEO Investigators and supervisors. The EEOC implemented the new system, which caused some delays in reporting of information. Learning the new system was a big change for Investigators, but they have successfully transitioned. There are issues on the back end with reports and transmittals which had the administrative end backed up due to not being able to run timely reports. The issues were being addressed. They went through several trainings in the last quarter as follows:

EEO Enforcement’s Trainings

December

- ▶ Interviewing Cognitive & Traditional
- ▶ Investigative Plans
- ▶ Settlement Negotiations
- ▶ Investigating Harassment
- ▶ Disability & Age Discrimination

January

- ▶ ARC Training

February

- ▶ Identifying Systemic Charges
- ▶ Case/Time Management

March

- ▶ Establishing Jurisdiction



Training is an important part of making sure cases are thoroughly investigated and meet the standards of quality and quantity required by the EEOC.

X. PUBLIC COMMENT PERIOD

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

XI. BOARD MEMBER COMMENTS

Chairman McLawhorn invited Board members to comment on the reports from the staff and to make any other remarks.

Commissioner Ludlam advised that this meeting may or may not be her last meeting. She commented she was appointed to the Board in 2005. From that time to the present, she had tried her best to focus on the mission, “to eliminate unlawful discrimination”. She stated it had been an honor and privilege to serve on the Board of the South Carolina Human Affairs Commission. She commented that when she first started in 2005, she was a wife, mother of two, and had just barely started her first business in South Carolina. She indicated it was a challenge struggling with the work life balance and being a woman in business. She recalled breastfeeding one of her children in a private sector environment where she was ridiculed in a boardroom. She mentioned that she was particularly moved by being a first-generation Philippine-American woman in business and being asked to do something for the state of South Carolina, and not just for women, but for people in general. Fast forward to present, she is still a wife. She has been married for 29 years and has four children and will be a grandmother in October. She has expanded her businesses, which is not just in the Low County, but they are also in the Midlands and in the Pee Dee area. Commissioner Ludlam indicated she felt she had received more than she had given. She indicated she had learned so much from the Board. She went on to acknowledge former Chairman, John A. Oakland, for his knowledge and support. Lastly, even though there is still much work to be done due to the fragmented country we live in, the agency is under great leadership and up to the task of carrying on the mission.

Commissioner Brown Williams stated this too may be her last meeting. She expressed how the agency had become a family to her and she had enjoyed working with the staff, wishing them continued success. The work of the agency is very important. She noted she would continue to serve with same fervor and dedication until her replacement has been appointed. It had been a privilege to serve on this board and for the state of South Carolina.

Commissioner Williams stated he never thought the experience of serving on the Board would get him involved so deeply in fairness and community work. He is finishing his eighth year. The agency has a group of beautiful individuals who work hard. He will miss the friendships made. He will be sending continued prayers for Chairman McLawhorn as he works alongside Commissioner Davis to continue the work of the agency. There is still much work to be done but he is confident they can handle it.

Commissioner Winn stated that although he has not been around as long as the others, he sees the goodness of the agency. Until he got on the board and got involved, he was not sure about the purpose and work of the agency. He gave great accolades to Commissioner Davis for the work she has done. He noted knowing Chairman McLawhorn for many years personally and professionally, and he knows the Chair is up to the task of continuing the work of the agency.

Chairman McLawhorn mentioned serving under former Commissioner Ham. He noted he had been a

part of the social justice system for many years. He will not get weary in the fight for justice. His approach of life is, he believes in God first. That is his motivation. There will be challenges at every hand but do not be weary. He is grateful for the staff and leadership because they had accepted the call to promote justice fighting against hate and discrimination. Chairman McLawhorn has known Commissioner Davis for a very long time and spoke of her integrity and expressed that he is here to assist with continuing to advance the agency forward.

XII. ADJOURNMENT

Chairman McLawhorn called for the meeting to be adjourned. Commissioner Williams moved and Commissioner Brown Williams seconded. After unanimous consent the meeting was adjourned.

Meeting adjourned at 1:24pm

The next Board meeting is scheduled for May 19, 2022, at 10:00 A.M. with location to be determined.

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

Janie A. Davis, Commissioner

James T. McLawhorn, Chairman

Date