

**South Carolina Human Affairs Commission
Board Meeting**

November 16, 2023
S.C. Department of Parks, Recreation and Tourism
Edgar A. Brown Building
1205 Pendleton Street, Room 252
Columbia, SC 29201

BOARD MEMBERS PRESENT

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

STAFF PRESENT

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

GUEST

Thomas Kaminer – SCHAC Budget Director
ADMIN Shared Services

I. CALL TO ORDER

The South Carolina Human Affairs Commission (“SCHAC” or the “agency”) held its Board meeting on November 16th, 2023, at the S.C. Department of Parks, Recreation and Tourism, Edgar A. Brown Building, 1205 Pendleton Street, Room 252, Columbia, SC. Public notice was posted at SCHAC’s main office entrance and placed on the SCHAC’s website. Chairman McLawhorn called the meeting to order at 10:24am and asked for the roll call.

II. ROLL CALL

Janeen Sanders, Executive Assistant, called the roll of Board members. A quorum was established.

III. EXECUTIVE SESSION

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 10:25am.

Chairman McLawhorn called for a motion to exit Executive Session. Commissioner Amonitti made the motion to exit, and Vice Chair Sellers seconded. After unanimous consent, Executive Session ended at 11:22am and the general discussion period was reopened.

IV. APPROVAL OF MINUTES

Chairman McLawhorn called for the approval of the minutes from August 10, 2023. The motion for the minutes to be approved was made by Commissioner Hall and seconded by Commissioner Winn. The minutes were unanimously approved.

V. OPENING REMARKS

Chairman McLawhorn commended the staff on the excellent job that is being done and to keep up the good work.

Commissioner Winn also added to the same sentiment that the agency is doing a great job. He thanked the staff who came to Sumter and participated in the meeting he spearheaded at his church. They were very appreciative of the information given to them.

Chairman McLawhorn added additional comments to advise that he and Interim Commissioner Caldwell took a meeting with AARP. IC Caldwell will discuss further.

VI. OLD BUSINESS

In the last board meeting, there was a request to meet with the community relations team to do a deep dive into the division and discuss ways to grow their presence in the state. The recommendation was to look at the calendar of all the board members and see when they would be free to come back to meet with the entire team and have them present where they are now, how they've grown and what they are working towards going forward. An email will be sent to the board to get a date established.

VII. NEW BUSINESS

There was no new business to be discussed.

VIII. BOARD REPORTS

A. Administration

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

- IC Caldwell advised the board he had spoken with someone regarding the space allocation worksheet. He was able to obtain information on what we would be allotted and how that square footage was determined. Based on the number of FTEs on hand at the time of moving and the titles, there are certain allotments given for each title. After meeting with the leadership team, the final draft had been submitted as of Monday, November 6, 2023. The next step would be for the real estate liaison to post for companies to solicit and bid on finding the agency locations to review. We will hear back from the property liaison once the bidding term closes.
- The agency is still working on the APP that can be placed on a phone where Customers of SCHAC can check on the status of the case filed with the agency. There is a workflow document is also being generated to be used as a case management tool also. This will allow supervisors and anyone who has access to the app to follow the case through the process and see where it is in being closed etc. It was submitted for pricing and turnaround time to be complete. A response should be available in the next coming weeks.
- IC Caldwell mentioned that the other side of the agency building is shared with the Arts Commission. They were having renovations being done starting January 2024 and the space used to store some of the agency items needed to be moved. That project was handled and completed of last Friday, November 10, 2023.
- IC Caldwell touched briefly on the meeting Chairman McLawhorn previously referenced around AARP. The relationship was shaping up nicely as there had already been an article run discussing EEOC and in the coming week an article about fair housing would be published. The hope is to have a joint training in the coming future to spread more information around the agency services.

B. Legal Update

General Counsel Caroline Scrantom discussed the Legal Division activities for August - October 2023 as follows:



HUMAN AFFAIRS COMMISSION LEGAL ACTIVITIES LOG

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

Non-Litigation Activities (August, September, October 2023)		SCHAC Litigation by the Numbers	
Cause Case Completions	1	Cases Pending before the Board	1
Requests for Revision or More Investigation	32	Cases Pending before the Circuit Court	2
No-Cause Case Reviews (Housing + EEO + 90E) <i>Breakdown on next slide</i>	164	Cases Pending before the Court of Appeals	1
Housing Conciliation Agreement Reviews	6	Recent Case Settlements	0
Total Case Review Return Rate	20%	SCHAC Mediation by the Numbers	
Inquiries Responded to and Guidance Issued by Legal	120	EEO Contract Year (Oct. 1, 2022 – Sept. 30, 2023)	
Intakes Reviewed	325	Total Mediations	80
FOIA Responses Finalized	13	Successful Mediations	39
FOIAs Completed Year-to-Date	73	Percent Successful	48%
		Aggregate Settlement Amount	\$476,957.00

General Counsel Scrantom announced the loss of the Fair Housing Staff Attorney. She reviewed the aggregated legal activities data from August 2023 – October 2023. She reviewed the mediation totals for the close of the EEOC contract year.



LEGAL ACTIVITIES LOG CASE BREAKDOWN

Legal's Total Reviews Breakdown	AUG	SEPT	OCT	
Housing Cases Submitted by Month Ordinary Track, Total Individual Reviews	15	10	14	Housing Case Comparison: 2022 vs 2023
Employment Cases Reviewed by Month- Ordinary Track, Total Individual Reviews	38	10	7	
Employment "Fast Track" by Month	2	49	0	
Employment "Stand Down" by Month	24	37	0	
Legal Division's Role in 2023 EEO Contract Crunch				
Cases Drafted by Legal as "Fast Track"				82
Cases Drafted with Legal as "Stand Down"				71
Cases Reviewed by Legal in EEO Case Audit				188
Cases Closed by EEO Division after Audit by Legal (not Fast Track or Stand Down)				18
Percentage of Contract Closures Receiving Legal Assist(520 case contract)				33%
Contract Crunch Procedures Began in June and July				
Cases Reviewed via Ordinary Track	JUNE		JULY	
	0	0	0	0
Employment "Fast Track" by Month	0		38	
Employment "Stand Down" by Month	24		0	

The above slide shows a breakdown of individual case reviews conducted by legal since the last board meeting.

The background table (green) shows the total number of individual case reviews conducted by legal for each category. That means the background table includes reviews not resulting in a recommendation for closure, i.e., the review could have resulted in the case being returned for more work.

The two major inset tables (blue and green) show numbers for the case reviews that led to a closed case. That means the inset tables do not account for reviews by legal resulting in a returned case.

This aggregate data is intended to demonstrate (1) consistency in the housing division that had been previously referenced; and (2) the end-of-contract year uptick in work in the EEO division that the legal division has a direct role in; and (3) the immediate drop-off in case submissions to legal after the EEO contract is closed on Sept. 30.

C. Legislative Update

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

Interim Commissioner Caldwell advised as previously stated, the department of administration is conducting their own study on the merging SCHAC along with the Commission of Minority Affairs due to legislation by December 1, 2023, regarding the merger of. He received an email from Karen Wingo stating there would be a meeting to discuss the administration's determination of the study as if the agencies were to merge.

IC Caldwell advised that on September 12, 2023, he met with Representative Ivory Thigpen as an introductory meeting and to discuss the budget.

On September 27, General Counsel Scrantom, Administrative Manager Smalls, Financial Analyst Tom Kaminer and IC Caldwell attended an Executive Budget meeting. There was a request made on additional retention funding. Although it was asked for and received in the last year's budget request, the retention funding awarded last year was specifically targeted for Program Coordinator's I, II and Legal. This year's retention funding request is for those who did not fall in that category. Additional requests were made for an EEO Supervisor and investigative team, Community Relations Staffers and a Technical Services employee who would focus on training.

On October 4th, Chairman McLawhorn and Commissioner Winn met with the Speaker of the House regarding the merger study.

Chairman McLawhorn thanked Commissioner Winn for attending the meeting with him and advised they went to explain the Board's position on not wanting the agencies to be merged. These two entities do not do the same thing nor stand for the stand things. Merging them would be like 'oil and water'.

D. Personnel Update

Commissioner Winn gave way to Lawrence Smalls to give the report as follows:

As of November 16th, there were 56 FTE positions; 47 FTEs employed; and 9 vacancies listed below:

- Agency Head (Interim appointed 01/2023)
- Administrative Manager I – Administration (No Funds)
- Program Coordinator I – (EEO Investigator) (Position vacated 11/16/23)
- Program Coordinator II (EEO Investigator)
- Program Coordinator I – EEO Bilingual Investigator (Selection Made/Anticipated start date 12/04/23)
- Program Coordinator I – Fair Housing Investigator (New FTE)
(Job Posting submitted to State HR pending review)
- Program Manager II (Interviews conducted)
- EEO Admin Coordinator II (Pending Interviews)
- Attorney II (Job Posting opened on 11/03/23 and will close on 11/19/23)

There two resignations: one was an EEO Investigator and the other was the staff counsel for housing. One retirement was the EEO Administrator and one new hire as the EEO Bi-Lingual Investigator.

E. Financial Update

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

Kaminer began his report by stating there were no major changes other the receipt yearly allocations received totaling approximately \$170k for additional recurring funds. Still projecting a slight surplus for the next couple of years. With 33% of the year expended, the agency at 31% of spending.

IX. COMMISSION REPORTS

A. Administration

Interim Commissioner Caldwell didn't have much to discuss but mentioned both the EEO and the HUD contracts are closed. The process now is to use the online systems set in place by both federal agencies to request the funds for the cases closed for the past fiscal year. The HUD funding has been approved to be 'pulled down' by shared services. The EEO funding should be approved shortly.

B. Consultative Services Programs

i. Technical Services

Director of Community Relations, Robert Snipes gave the report on Technical Services as follows:

- They welcomed a new employee in September to the team.
- Their priority task now is collecting data needed to build the report that goes to the general assembly every year on February 1, 2024.
- Technical Services and Training (TS&T) began in the Month of August, disseminating the Emp files to the state agencies.
- Conducted training demos with multiple agency EEO Officers.
- Review the process for the General Assembly Report.
- In the month of October, TS&T began the second phase of the General Assembly Data Collection.
- They have had numerous internal and external trainings as follows:

Chairman McLawhorn and Vice Chair Sellers inquired as to what CAAMS was. IC Caldwell explained that this was the system used by all state agencies to run the reports needed to send the data we require for the GA report produced.

The Prevention Corner Newsletter is a monthly email provided to a mass distribution list at the direction of Alpha Dunbar. Here were the topics the newsletter covered from August to October 2023:



TOPICS

August 2023

Age Discrimination in the Workplace

September 2023

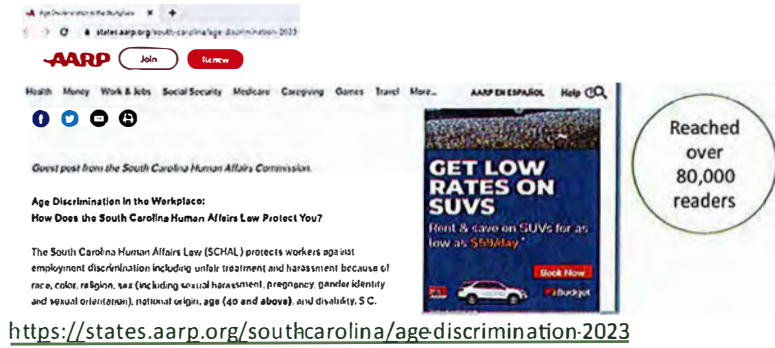
Retaliation Discrimination

October 2023

Hostile Work Environment

This is the clip of the article IC Caldwell mentioned previously that was run by AARP.

News Article: AARP South Carolina
Topic: Age Discrimination in the Workplace
September 2023



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

The below slide reflects events the Community Relations Division attended from August – October 2023, future events to come and their Professional Development tracker:

Community Outreach
 Community Relations
 Division
 Future Events



- Nov 7- Rockhill Baptist SCHAC Presentation- Manning
- Nov 15- DOJ Facilitated Training- Facilitating Meetings Around Community Conflict- Columbia
- Nov 16- City of Columbia All Access Clinic- Columbia.
- Dec 1- Sumter County Prevention Team- Sumter.
- Jan 12- DOJ Facilitated Training- Facilitating Meetings Around Community Conflict- Lancaster.
- Feb 15- LEXPO- Lexington.


Professional Development

- Till March 2024 - Mr. Snipes continues in Certified Public Manager Program through Department of Administration.
- September 2023- Ms. Lindley began the LeadSC Program through Department of Administration.
- January 2024 - Mr. Swinton and Mr. Layer will participate in the Midlands Mediation Center's training, Introduction to Mediation.

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

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

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



2023 State Fiscal Year Cases 43
2022 State Fiscal Year Cases 28

NonEmployment Complaints:

The Human Affairs Commission may process discrimination complaints arising outside of the contexts of housing and employment. The Commission has limited authority to handle the following:

90(e) and Public Accommodations

Section 1-13-90(e) and Public Accommodations discrimination complaints are received based on a variety of circumstances. Attempts are made to reconcile the parties or, at minimum, obtain a position statement on behalf of the respondent for the complainant's information.

Public accommodations discrimination complaints may be filed on the basis of race, color, religion, or national origin. The types of businesses covered include the following: inns, hotels, motels, retail establishments, restaurants, hospitals, clinics, theaters, concert halls, billiard parlors, barrooms, golf courses, sports arenas, stadiums, or other places of amusement, exhibition, recreation, or entertainment.

The statutory limitation for filing a non-employment and/or 90(e) complaint with Human Affairs is 180 days from the date of violation.

iv. **Intake Processing**

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



August- October 2023

Initial Contacts:

August: 122 September: 101 October: 153

Total Contacts:

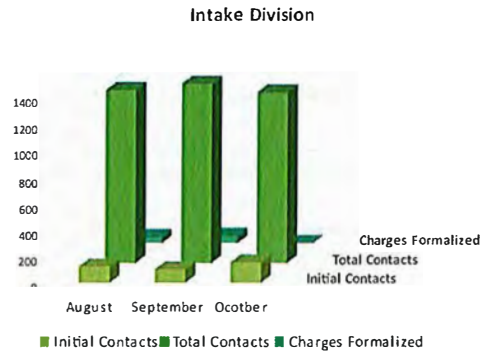
August: 1304 September: 1350 October: 1286

Charges Formalized:

August: 44 September: 54 October: 43



*South Carolina
Human Affairs
Commission*



C. Compliance Programs

1. EEO Enforcement

Director Whitmire opened her remarks with the following slide showing the FY23 Contract was met after much hard work from her team as well as help from legal.

- The FY24 EEOC Contract runs 1 October 2023 thru 30 September 2024
- The target case closure goal for the fiscal year is 620 cases.
- That would be an average of 52 cases per month to meet the contract.

Director Whitmire discussed the methods needed to meet the FY24 contract:

Stand Down – Investigators brief the particulars of a case to all members of the review team (Supervisor, Director, Legal, and Commissioner). After discussing the case, a determination is made as to whether additional information is needed or if there is enough to write up the case. If the decision is made to write up the case, it is written up during the meeting with input from all members. This normally takes about an hour per case and can typically reduce the review process by 2-3 days. As a training tool, the new investigators have attended some of the Stand Downs. This also a good teaching and training moment not just for them, but also for our seasoned and intermediate investigators.

Lastly, Director Whitmire updated the board on the staff she presently has as well as what is come with the hiring of future employees:

EEO Enforcement Staff

- EEO Enforcement Director
 - Three(3) EEO Enforcement Supervisors
 - Nine (9) Investigators
 - Two (2) Experienced Investigators
 - Two (2) Intermediate Investigators
 - Six(6) New Investigators
 - Hirings
 - Bilingual (Spanish speaking) investigator starts December 2023
 - We have two (2) vacant Investigator positions
-

11. **HUD Enforcement**

Director Deborah Thomas reported about the Outreach and Training the Fair Housing Division took part of or facilitated from August – October 2023:



FH Outreach & Training August, September, October 2023

OUTREACH

- 9/11 - Lower Richland Crime Watch
- 10/17 - Burnside Elementary
- 9/28 - NAACP & RCSD1 Housing Clinic
- 10/13 - SC NAACP Conference

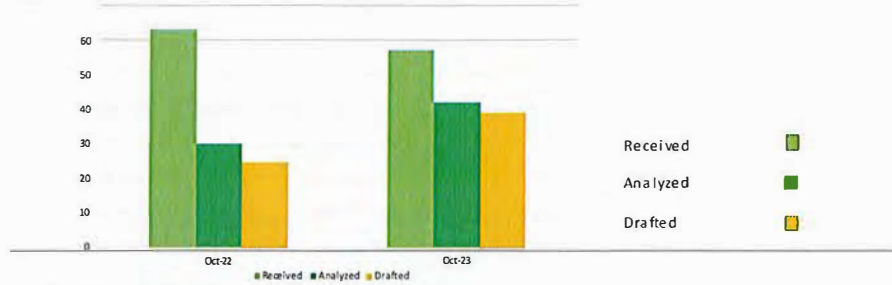
TRAINING

- 9/26 & 10/13 - Real Estate School for Success (Columbia, SC)

Here is a breakdown of the Fair Housing Inquiries received from October of 2022 to October of 2023:



FH Inquiries



State of SC FY	Received	Analyzed	Drafted
October 2022	63	30	25
October 2023	57	45	36

Director Thomas mentioned they decided to follow what the EEO Division had been doing and did standdowns in their area also. The reason for trying this new initiative was to see if they could get more cases closed a little faster than what they had. They were not quite satisfied with the number they had at this point and wanted to see if it would work for their division. She noted that it was a big help and will probably institute it going forward.

Director Thomas also mentioned the HUD Division receives partnership funds that they can use for trainings and advertising etc. The below two slides show the places where the funds will be used this fiscal year:



FH Partnership Funds

For Education and Outreach geared toward:

- Education Asian American and Pacific Islander, Black, indigenous, and other communities of color on the Fair Housing Law.
- Educate the LGBTQ (including Sexual Orientation and Gender Identity) community on protections under the Fair Housing Act and the jurisdiction's substantially equivalent Law.



FH Partnership Funds will be used:

- Three-month long television and digital media campaign in rural counties.
- Concentrated Radio Campaign (PSAs) in Rural Counties.
 - Radio announcements specifically geared to sexual orientation and gender identity discrimination.
- Direct Contact – Meetings, Onsite Literature Distribution, Festivals



Here is how the Fair Housing Division is currently staffed:



FH Team

8 Team Members

- 1 - Administrative Coordinator
- 1 – Senior Consultant
- 2 – Intake Investigators
- 4 - Investigators



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

The Board thanked the staff for their diligence and continued hard work and a safe and happy holiday season.

XII. NEXT BOARD MEETING

The next Board meeting is scheduled for February 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. Commissioner Hall made the motion to adjourn, and Commissioner Winn seconded. After unanimous consent, the meeting was adjourned at 12:20pm.

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

Marvin Caldwell, Jr.
Marvin Caldwell, Jr., Interim Commissioner

James T. McLawhorn, Jr.
James T. McLawhorn, Jr., Chairman
3-28-2024
Date