

South Carolina Human Affairs Commission Board Meeting

August 20, 2020
10:00 A.M.

SCHAC Board Room
1026 Sumter Street, Suite 101
Columbia, South Carolina

BOARD MEMBERS PRESENT

John A. Oakland, *Chair*
Cheryl F.C. Ludlam, *Vice Chair*
Andrew C. Williams
Harold Jean Brown-Williams
Dr. Leon Winn

STAFF PRESENT

Janie A. Davis
Marvin Caldwell
Lee Ann Watson
Christina Jordan
Bryan Jeffries
Carlos Diaz
Christie Linguard

I. CALL TO ORDER

The South Carolina Human Affairs Commission (“SCHAC” or the “agency”) held its Board meeting on August 20, 2020 at 1026 Sumter Street, Columbia, South Carolina. Public notice was posted at SCHAC’s main office entrance, placed on SCHAC’s website, and emailed to *The State Newspaper*. Chairman Oakland called the meeting to order at 10:03 a.m. and called for the roll call.

II. ROLL CALL

Christie Linguard, Executive Assistant, called the roll of Board members. A quorum was established.

III. APPROVAL OF MINUTES

The February 20, 2020 Board minutes, the April 3, 2020 Emergency Board minutes, along with the Board Motion Regarding the COVID-19 Policy and the July monthly reports were mailed to Board members on Wednesday, August 12, 2020.

Chairman Oakland called for the approval of the minutes. There being no corrections to the February 20, 2020 or April 3, 2020 minutes, Commissioner Brown-Williams made a motion to accept both meeting minutes as written, and Commissioner Williams seconded the motion. Both the February 20, 2020 and April 3, 2020 minutes were unanimously approved.

Chairman Oakland called for Old Business.

IV. OLD BUSINESS

A. Ethics Commission Filing

All Board members indicated they filed their Ethics Commission Statement of Economic Interest Form before the March 30, 2020 deadline. For future reference, Chairman Oakland cautioned all Board members to print receipts after completing their filings.

B. Board Outreach to Members of General Assembly

At the last meeting, Commissioner/CAO Davis gave Board members a 2019-2020 Legislative Directory/Desk Calendar and asked each member to contact their local representatives to discuss the importance of the agency and support of its budget. There were no further comments.

C. Update Website/Public Comment Period

Commissioner/CAO Davis assured the Board that the public comment period verbiage from the SCHAC Bylaws is displayed prominently on the agency's website.

V. NEW BUSINESS

There was no new business.

Chairman Oakland moved to Board Reports.

VI. BOARD REPORTS

A. Administration

Commissioner H. Jean Brown-Williams deferred the Administration report to Commissioner/CAO Davis. Commissioner/CAO Davis commenced by thanking the Board members for entrusting this great staff to her leadership. All members should have received the Audit Report, which will be discussed further in Executive Session. Christina was commended for her hard work with the audit; the audit report issued by the State Auditor's Office was excellent with no major audit exceptions.

The information technology function became very important during the Pandemic. Commissioner/CAO Davis thanked members of the staff for getting computers out to everyone, and a special thank you was mentioned of the technical support team who helped other staff members begin the process of working from home. Commissioner/CAO Davis is pleased with the HUD advertisements that Anita and Marvin worked on. She indicated that it is important to let the public know that we are here and available for them.

Depending on what will happen in Phase 3 of re-opening state agencies, Commissioner/CAO Davis noted that it will be impossible for all staff members to

return to the office, due to social distancing. All supervisors have been asked to speak to staff regarding their thoughts on telecommuting on a permanent basis. In addition to the entire staff not being able to social distance in the current space, the air flow in work areas is not adequate. The second phase of the air handler replacement project is scheduled to take place at the end of this year or the beginning of next year; however, given the cost and state budget shortfalls, there may not be money available to complete this project.

To keep our work running smoothly, we have begun to use WebEx and conference calling to maintain communication as a staff. Commissioner/CAO Davis noted that conference calls are no longer available to the agency at no cost. Commissioner Brown-Williams mentioned that "Free Conference Calls" may be an option to use as her church uses this service. Commissioner Ludlam company also uses this service as well but cautioned everyone about the lack of security in using these free services.

B. Legal Update

Attorney Lee Ann Watson presented the Legal Division's activity report from February thru July of 2020. She indicated there was a slight decrease in the number of intake charges reviewed by the legal team during the months of April and May; however, this was a direct result of staff getting accustomed to working from home. The numbers have steadily increased each month thereafter. Beginning the middle of March until today, the legal team has been triaging cases. Currently, the agency has seven (7) cause cases.

The agency had one pregnancy accommodation cause case to which Attorney Sarah Gable successfully settled.

Attorney Watson briefly introduced Bryan Jeffries, the newest member of the legal team. Only six weeks with the agency, Attorney Jeffries filed his first lawsuit in Horry County, which is very impressive.

The Lactation Support Act was passed and ratified by Governor Henry McMaster on June 25, 2020. The agency had a month to update its website feeds to comply with the Act, as well as have information available to the public and our staff related to the Act. All updates were completed by July 24, 2020. Commissioner/CAO Davis and Attorney Watson participated in the official signing of the Lactation Support Act by Governor McMaster on Tuesday, August 18, 2020. Additionally, Commissioner/CAO Davis asked Attorney Watson to be participate on a virtual panel discussion call with the Women's Empowerment Network on September 10, 2020, focused on women's rights in employment as it pertains to the Lactation Support and Pregnancy Accommodations Acts.

Division Director Stephani Frese, Deputy Commissioner Dan Koon and Attorney Watson worked on a training fee matrix for conciliated cases. Attorney Watson stated that when we find cause in employment cases, conciliate those matters, and then make

training a part of that conciliation, we now have a standard fee for service matrix in place for use by all investigators.

Attorney Watson mentioned that Larry McBride, the agency's chief mediator, worked well from home and had mediated cases totaling over \$238,750.00 over the past six months. To that end, Commissioner/CAO Davis added that our staff has been quite productive and successful while working from home. After the staff was surveyed, most felt that they benefited from the flexibility of working from home and the flexible hours.

Attorney Watson informed the Board that she would discuss the agency's litigation efforts during Executive Session.

C. Legislative Updates

Commissioner/CAO Davis gave the legislative update and began by stating the General Assembly was not meeting because of the pandemic; however, the Senate is set to resume early September to address the voting issue. She stated the House and Senate plans to come back in late September to concentrate on the budget. As an update, she commented that the agency had gone before the budget subcommittee of the House already; but the Senate's subcommittee was canceled due to the pandemic. Commissioner/CAO Davis stated that the agency received information that the Senate subcommittee would soon reconvene virtually and at that time the agency may have an opportunity to request our budget increase and the addendum we made requesting monies for Community Relations. With this said, Commissioner/CAO Davis stated that she would reach out to Board members again to ask that each member contact Senators regarding the agency's budget. Commissioner/CAO Davis also committed to communicate with Democratic Senators and asked Deputy Commissioner Dan Koon to communicate with Republican Senators on our budget. Commissioner/CAO Davis emphasized the need to continue to communicate the importance of funding Community Relations and the agency's budget request because we may still be facing unrest throughout the state and we have an election in November.

Commissioner/CAO Davis provided Board members with a copy of the Community and Race Relations Guide, which would be published at the end of August or the beginning of September.

D. Personnel Update

Commissioner Williams gave the personnel update. He expressed his pleasure regarding being back with the Board and staff after recovering from surgery. The update follows:

- Total Employees as of 8/17/2020: 44
- State Temp. – 1 - Larry McBride (Program Coordinator I – Mediator)
- Total Vacancies:
 - Program Coordinator I – Bilingual EEO Enforcement (1 position available; in interview process now)

- Program Coordinator I – Technical Services (1 position)
- Program Coordinator I – EEO Enforcement (2 positions)
- Total Resignations: 1 (Tonya Bethea – Program Coordinator I – Technical Services)
- Total New Hires: 1 - Bryan Jeffries – Attorney II (Legal)
- Total Terminations: zero
- Total Internal Moves: zero
- Total Retirements: zero

Commissioner Williams read a brief biography on Attorney Bryan Jeffries and the Board members all welcomed him to the agency. Attorney Jeffries stated his pleasure being part of the agency and voiced his intent to be with the agency for a long time.

E. Financial Update

Commissioner Ludlam deferred the financial update to Administrative Manager Christina Jordan. Ms. Jordan stated:

SFY 2021 (July 1, 2020 – June 30, 2021) Expenditures as of 7/31/2020:

Subtotal - State Funds	\$	198,676
Subtotal - Earmarked Funds	\$	46,061
Subtotal - Federal Funds	\$	26,720
Total - SCHAC	\$	271,457

She indicated that seven staff members were accepted into the Associate Public Managers (APM) program and two supervisors were accepted into the Certified Public Managers (CPM) program. After this round of CPM training, all agency management staff will be trained CPMs.

As of the meeting, the agency had carried forward \$224,552.30 in State fund appropriations into SFY 2021. A request to reimburse for COVID-19 related expenditures in the amount of \$31,397.09 was submitted to the Department of Administration (DOA). These expenses were primarily expenses related to telecommuting (laptops, cell phones, cell phone service) and some for cleaning/janitorial services, as well as PPE purchases made prior to the announcement that the DOA would be working to procure these items.

Ms. Jordan reminded the Commissioners that the agency was currently operating under a continuing resolution as of July 1, 2020 for the current state fiscal year 2021. She stated that it was anticipated that the General Assembly would return no later than noon on September 15, 2020, and recess no later than 5:00 pm on September 24, 2020, to consider the State budget. She indicated that the new budget request for SFY 2021-2022 was due on September 25, 2020.

The original budget request for SFY2021 included additional salary funding for retention efforts in the amount of \$149,731. The House budget included the original request of \$149,731 only, and the Senate had not put forth a budget due to being in recess due to COVID-19.

Commissioner/CAO Davis added that the Senate will get their first look at our budget Priorities 1 and 2 when they return, and if the agency can obtain approval from the Senate to fund both priorities, then that means the budget has to go to conference committee to get both the House and Senate to agree to the same amount of funding for the agency. After conference, it will go to the Governor for his approval. If by chance the Governor vetoes the conference committee recommendation, then the matter would go back to both the House and Senate for an override of the veto. Commissioner Davis indicated she will be in conversation with the Governor's Office as well to ensure their support.

VII. COMMISSION REPORTS

A. Administration

Commissioner/CAO Davis indicated that the agency had a lot of deadlines in September which involved the Board. The Board is required yearly to conduct strategic planning. Normally, the agency would have a Board Retreat to do this planning, but because of the pandemic, that was not possible. Commissioner/CAO Davis indicated that prior to completing the Annual Accountability Report due on September 15, 2020, she was requesting the Board participate in a virtual Strategic Planning meeting. The Board agreed to have this meeting on Tuesday, September 1, 2020 from 9:00 – 11:00 AM. Commissioner Davis committed to providing the documents the Board members would need prior to the meeting. During this session, they would provide input on the Annual Accountability Report, the SFY2021-2022 budget request, and the Agency Head's Planning Document. Ms. Christina Jordan, Administrative Manager added that the Agency Head's Position Description and the agency's current organizational chart also were due to the Department of Administration by September 8, 2020. Further discussion will take place during Executive Session.

- Accountability Report – Due September 15, 2020 (SFY 19-20)
(Goals 20-21)
- Strategic Planning Session – Date September 1, 2020
- SFY Budget Request – Due September 25, 2020 (SFY 20-21)
- CAO Planning Document – Due October 15, 2020 (SFY 20-21)

B. Consultative Services

Commissioner/CAO Davis gave the report for Deputy Commissioner Dan Koon, in his absence. Deputy Commissioner Koon shared with Commissioner/CAO Davis his appreciation to all the Board members for their expressions of sympathy in the recent passing of his mother.

Regarding the Technical Services and Training Division, Commissioner/CAO Davis reiterated that this year's EEO Forum was canceled due to the COVID-19. In anticipation that the pandemic will subside, the Forum has been rescheduled for April 15, 2021. The Division continues working on training, statewide marketing, and outreach for the Pregnancy Accommodations Act, and sending the First Friday Facts and email blasts to organizations. Due to the social and racial unrest of recent months, more request for the agency to conduct Cultural Awareness and Sensitivity Training was experienced. Thus, the training staff is developing new content which should be finalized by the end of this year.

Commissioner/CAO Davis and Ms. Anita Dantzler, Division Director of Community Relations, organized three virtual meetings with protest leaders during the months of July and August. The SC State Law Enforcement Divisions' Chief, Mr. Mark Keel, was the special guest during the second meeting, and Representatives Leon Howard (Richland County) and Wendell Gilliard (Charleston County) were special guests during the third virtual meeting. A fourth meeting is planned which will focus on the leaders narrowing their concerns to formally address the General Assembly with constructive ideas to promote positive change. Commissioner Davis/CAO reported that the Community and Race Relations Guide was almost ready for publication and dissemination across the state. Commissioner Brown-Williams expressed that she would like to hand-deliver copies to the city and county council members. Additionally, it was reported that Ms. Dantzler had also been instrumental in assisting with the implementation of the HUD grant, i.e., placing television and digital media buys and writing TV commercials. Several counties expressed interest in organizing Community Relation Councils, and Ms. Dantzler and Staffer Robert Snipes are working to make this a reality. It was also stated that the new Community Relations' website was nearing completion. This website will be used as a training tool for SCHAC's Community Relations staff and leaders within various communities across the state. Lastly, Community Relations is focusing on social media by re-creating the agency's Facebook page, updating YouTube videos, and creating an Instagram page.

A detailed discussion was held about law enforcement matters and the issues that occurred in South Carolina as it pertained to social unrest due to police shootings across the nation. Commissioner/CAO Davis reiterated that both Representatives Howard and Gilliard stated that any matters we want to address within the General Assembly, should be given to them and they will follow through. It was suggested that the agency contact the SC Criminal Justice Academy (the "Academy") for future virtual meetings. In the discussions, it was noted that many feel that the training and other support provided to law enforcement officers through the Academy, needs to be addressed to ensure officers are properly trained to interact with persons across and from all communities. A discussion was had regarding the demeanor of officers these days approaching vehicles with their hands on their guns. A discussion was held regarding the need for an entity other than law enforcement, to investigate law enforcement. It was also recommended that the magistrates' fees be investigated, and that the SC Human Affairs Commission look into teaching mandatory class at the SC Criminal Justice Academy on acts of racial bias.

C. EEO Compliance/In-take

Highlights from the Compliance/In-Take Program included signing of the EEOC contract in June to complete 980 cases (instead of 1,021), which is still 59 cases more than the previous year. Commissioner/CAO Davis indicated that due to the pandemic many businesses were temporarily closed, and work disruptions had caused response delays. At the end of July, the EEO investigators had completed 873 cases, and would have two months to complete 107 cases to meet the agency's contract goal. Monetary settlements at the end of the SFY June 30, 2020 were \$2,065,371.00.

Other agency news included the Department of Administration, Division of General Services providing extra office cleaning to take place in the agency on Wednesdays after the close of business. As mentioned earlier, Phase 2 of the Air Handler Replacement Construction Project on the top of our building was delayed due to the pandemic, and construction will not take place until November or December 2020. Lastly, the agency is beginning the planning for a virtual United Way campaign meeting. Last year, the agency raised over \$5,000 for the United Way State Agency Campaign.

D. Fair Housing/In-Take

Director of Housing, Mr. Marvin Caldwell began by updating the Board on hurdles the staff faced during the pandemic. Early in the year, the Housing Division lost their database system for reporting cases due to an oversight during an agencywide upgrade in software; then, like everyone else, the staff had to adapt to working from home; and finally, the face-to-face fair housing trainings abruptly came to a halt. However, with the resilience of the housing staff, the division is more modernized and excelling in every facet of their work. Director Caldwell reported that the Housing Division now uses HUD's database to run all housing reports; staff members have adapted to working from home with only two members coming into the office every day of the week; and finally, through CARES ACT funding, the division is now able to produce television advertisements to reach people all across the state. Additionally, Director Caldwell stated the division is also able to reach more people by using WebEx for trainings. As an example, Director Caldwell held a virtual fair housing training earlier during the month and 150 professionals were in attendance. As a result of this training, two additional contacts have been made requesting more training. Director Caldwell indicated the division has eight (8) cases under investigation that involve COVID-19. Nationally, there has been a 30% increase in housing cases due to COVID-19. Also increasing is the number of national sexual harassment cases, by 13%. Due to financial restraints, some property owner's prey on women for sexual favors in lieu of paying rent. The Commission currently has a sexual harassment television advertisement running throughout the state explaining that such actions are unlawful.

The Housing Division closed 147 cases for SFY20, compared to 162 cases for SFY19. There were 29 conciliated cases this year, and the division filed 11 cause cases for SFY20.

VIII. PUBLIC COMMENT PERIOD

Chairman Oakland acknowledged that the agency did not receive any request for public comments prior to the meeting and there were no visitors present.

IX. BOARD MEMBER COMMENTS

Chairman Oakland moved to the Board members comments.

Commissioner Ludlam commented that she was glad to be back at the agency. She thanked the agency's leadership for all their hard work during these very unprecedented times. She also talked briefly about the racial unrest in our state and nation. Commissioner Ludlam indicated that she looks forward to working with the agency to prevent events that unfortunately appear inevitable.

Commissioner Brown-Williams welcomed Attorney Bryan Jeffries and stated that the agency is glad to have him. She commended the staff for keeping everything flowing well during this time. She indicated that she would be attending an upcoming Georgetown County meeting to discuss promoting unity. Commissioner Brown-Williams also indicated that she would like to work with the Community Relations Division to establish a Community Relations Council in Georgetown. Lastly, Commissioner Brown-Williams mentioned a complaint with the Georgetown County Voter Registration Board that has stirred controversy in the Georgetown area.

Commissioner Winn stated that he is running for the state senate seat in Sumter County (District 36) and will do all he can to help people work together. Regarding the racial unrest in our world today, Commissioner Winn asked the question, "who is to say that this organization, doing what is right for the people, cannot change the world?" Commissioner Winn solicited everyone to be prudent, honest and communicate with each other. Commissioner Winn stated that change comes by being active and we all need to be active.

Commissioner Williams reiterated how good it is to be meeting with SCHAC staff and Board members in person again. Commissioner Williams stated that COVID-19 changed America and George Floyd's death resurrected something in young people. Due to the pandemic and the racial unrest in our society, Commissioner Williams stated that he did not feel that we would be going back to "normal" anytime soon. He indicated that we have a lot of work to do, including changing laws. The legal system is a big problem due to antiquated laws on the books. In closing, he stated that we must start with loving one another.

Chairman Oakland began by telling of a book he recently read, *The Sun Does Shine* which is the story of a man who was wrongfully accused of murders that he did not commit. He spent 37 years in prison and was sentenced to death row. Commissioner Oakland stated that he is deeply saddened by what has been taking place across our nation. Regarding the agency, Chairman Oakland admitted that initially when Commissioner Davis told him employees would be working from home, he did not think this was going to be a successful undertaking; however, he commends Commissioner Davis and the staff, feels the agency has done a fantastic job, and that everything seems to be working extremely well.

Chairman Oakland recessed the Board meeting for a lunch break at 12:27 AM.

LUNCH BREAK

Chairman Oakland reconvened the meeting after the lunch break at 1:03 PM.

X. EXECUTIVE SESSION

Upon a request from Commissioner Oakland, a motion was made by Commissioner Williams to enter Executive Session; seconded by Commissioner Brown-Williams; and unanimously approved by the Board. The Board entered Executive Session.

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

XI. ADJOURNMENT

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

The next Board meeting is scheduled for October 22, 2020 at 10:00 A.M. with location to be determined.

Respectfully submitted by Christie D. Linguard, previous SCHAC Executive Assistant and Janeen D. Sanders, current SCHAC Executive Assistant.



Janie A. Davis, Commissioner



John A. Oakland, Chair

Date