

**South Carolina Human Affairs Commission
Board Meeting**

May 23, 2019
10:00 A.M.

SCHAC Board Room
1026 Sumter Street
Columbia, South Carolina

BOARD MEMBERS PRESENT

John A. Oakland, *Chair*
Harold Jean Brown
Ashley Case
Joe R. Fragale
Cheryl Ludlam, *Vice Chair*
The Reverend Willie Thompson - EXCUSED
A. C. Williams

STAFF PRESENT

Raymond Buxton, II
Alyssa Barker
Marvin Caldwell
Sharon Dorn
Stephani Frese
Sarah Gable
Christina Jordan
Dan Koon
Teresa McWilliams
Lee Ann Rice
Deborah Thomas
LaTarnya Whitmire

CALL TO ORDER AND ATTENDANCE CHECK

On May 23, 2019, the South Carolina Human Affairs Commission (SCHAC) held its Board meeting at 1026 Sumter Street, Columbia, South Carolina. A public notice was posted at the main entrance on May 22, 2019, and to the SCHAC website.

Chair John Oakland called the Board meeting to order at 10:00 A.M. All Board members were present, except for Commissioner Thompson, who was excused.

APPROVAL OF MINUTES

There being no corrections to the minutes, Commissioner Fragale made a motion that the minutes be accepted. Commissioner Ludlam seconded the motion. The February minutes were approved unanimously.

MONTHLY DIVISION REPORTS

The monthly division reports were presented to and emailed to Board members on Wednesday, May 15, 2019.

Dan Koon

Report from Technical Services:

Dan presented his report first due to a training obligation.

Dan commended the Intake Office, EEO supervisors and Investigators, the EEO Coordinator Vicki, and the Legal team, Lee Ann, Sarah and Alex, for all working closely together to have such outstanding production months in February, March, and April. Their hard work has allowed EEO Enforcement to be within reach of meeting our EEO Contract.

- I. Stephani Frese and Lauren Caudle are working closely together and have proven to be a great team.
- II. Congratulations to them on the excellent EEO Forum on April 18th at Senate's End. The speakers Cheryl Behymer, a partner with the Fisher Phillips Law Firm, and Director Raymond Farmer of the S. C. Department of Insurance provided excellent presentations. Technical Services recognized, from the Feb. 1, 2019, Report to the General Assembly, the top 10 agencies in State government with goal attainment, and the top 10 agencies with the highest levels of increasing goal attainment by 5% or more. Technical Services recognized the S. C. State Housing Finance and Development Authority and the S. C. Arts Commission for their exempt status, and the Secretary of State Office for obtaining their 100% goal attainment. It was also good to recognize former Technical Services Director, Stephanie Price, for her 10 years of contributions, and she continues to assist Technical Services when needed.
- III. Stephani and Lauren almost have completed the follow-up with State agencies that are responding to the Report to the General Assembly. The agencies have been sharing with Technical Services the ways that they can obtain better goals in areas where they did not reach at least 70% in goal attainment in 2018.
- IV. Technical Services currently is sending to every State agency for correction snapshots of agency employment on January 1, 2019, and this will be the data that is used in the Computerized Affirmative Action Management System for the 2020 Report to the General Assembly.
- V. Training: Conducted EEO employment presentations for the following: 1) Horry County – 20 sessions during February and March, 2) Santee Cooper – one (1), 3) Mental Health – two (2), 4) S. C. State – two (2), 5) Public Safety – one (1), 6) S. C. Judicial Department - Summary Court Staff – one (1). 7) EEO Investigators by Legal and EEO Enforcement supervisors – five-day training.
- VI. Community Relations and Outreach:
 - Anita has been sending out a monthly Community Relations newsletter and a quarterly Agency newsletter, and has been updating the Agency website.

- Monthly, Anita investigates 90 (e) or Public Accommodations complaints. There are a limited number of cases--approximately an inventory of three to five (3-5) per month and the investigation of two to three (2-3) per month.
- With the changes in leadership within Community Relations--the former Director Sandra Ligon, retiring, and two (2) Community Relations Consultants leaving the Community Relations Department within a one-year period, Dan and Anita felt it best to have a meeting with Dr. Coetzer, who developed the "Quality of Life Initiative." Thus, on May 3, Anita, Dan, Dr. Gunter, Christina Jordan, and Stephani Frese met with Dr. Coetzer regarding an update and a better understanding of his plan. They will meet with him again on June 5 to discuss implementation of the program he developed and to make a decision about how to proceed with his plan.
- Anita has collaborated with the South Carolina Collaborative on Race and Reconciliation led by Dr. Jennifer Gunter of USC for the "No Blame, No Shame" panel discussion on March 21 in Rock Hill at City Council Chambers and May 20 in Charleston.
- Anita focuses on having three (3) events for the Commission annually.
 - 1) March 21, 2019 - End Racism Day. That event went well. She collaborated with the Department of Education regarding publicity; one result of that collaboration was an art contest at Dent Middle School. (Dan presented pictures on the screen). The Nickelodeon here in Columbia, showed a movie *Life and Nothing More*, a documentary about a young black man finding purpose in today's America, with discussion led by SCHAC Housing Investigator and radio personality Don Frierson.
 - 2) June 4, 2019 – Mother Emanuel 9 Remembrance Day. The Commissioner sent invitations to State agency heads; Technical Services has invited all EEO officers from State agencies. Anita has been publicizing the event. The Presiding Bishop of the Seventh District AME Church Bishop Green will be the featured speaker. Event begins at 11:00 a.m. in the Chappelle Auditorium on the campus of Allen University. Allen University, the Lutheran Theological Seminary in Columbia, and the University of South Carolina are assisting with the event. All of these institutions lost former students in the killings at Mother Emanuel AME Church.
 - 3) Anita and the USC Collaborative on Race and Reconciliation will have two (2) more "No Blame, No Shame" panel discussions around the State, which will make six (6) total events that Anita will coordinate for the year. The next panel discussion is being scheduled tentatively in Aiken or Florence County, but no exact date has been established.
- Sandra met with Myrtle Beach, McCormick, and Anderson Community Relations Councils this past quarter.

VII. Other Agency Activities:

- 1) SCHAC had a great United Way Kick-off Campaign that resulted in the Agency receiving from the United Way the "Highest Participation Award of State Agencies' Employing Between 20-99 Employees."

- 2) SCHAC will have a new air and heating system placed in the building beginning June 1. The State has a 140-day contract by which SCHAC will be without air for one (1) day and Intake will be relocated for two (2) weeks. SCHAC is working on a plan to accommodate employees during this time.

COMMITTEE REPORTS

Administrative Update - Commissioner Brown

Commissioner Brown deferred the administrative update to Commissioner Buxton.

Commissioner Buxton stated that the turnover rate has been a major issue over the past three (3) years, especially for the EEO investigative staff.

In an effort to remedy the turnover issue, the Agency has incorporated incentives such as:

- 1) flexible time,
- 2) spot bonuses for staff who demonstrate exceptional work above and beyond the call of duty. The spot bonus idea came from the Department of Administration at an agency head meeting.

Also, the idea of compressed work scheduling has been very popular for the EEO investigative staff.

Over the past sixteen (16) months SCHAC has seen a moderation in the turnover rate and increased productivity throughout the Agency. The incentives have been very good for staff morale.

Once again, the primary reason for the high turnover rate among the investigative staff is higher salary and better career opportunities at other State agencies or businesses. Unfortunately, our Agency has limited financial resources compared to larger entities. However, we have been able to retain key staff by salary matching.

Over the past four (4) years the Agency has taken a more comprehensive approach toward developing and training across all departments of the Agency, and this has helped us to be a better, stronger, and more efficient Agency.

Since our last Board meeting, the EEO Enforcement Department has had great production during the months of February, March, and April.

This high level of production is due to our dedicated, hardworking staff of 14 EEO Investigators, three (3) EEO Enforcement supervisors, the EEO Coordinator, the Deputy Commissioner, and a special thanks to our Legal Department for the extra work they performed in facilitating quality investigations and case production.

Legal Update – Commissioner Case

Commissioner Case deferred the Legal Update to Lee Ann Rice. Lee Ann discussed the regulations SCHAC presented to legislators. All the regulations SCHAC presented have been approved and will take place May 31. The law that has been presented regarding service animals

has passed the Senate. The law would make it a misdemeanor to misrepresent an animal as a service animal. If the law passes, the SCHAC Housing Department could request verification that such animal was appropriately trained to be a service animal.

Lee Ann will speak with legislators regarding the reintroduction of legislation that was left unresolved last year, pertaining to statutes of limitations.

Lee Ann discussed settlements and hearings and status of cases. Further discussion was tabled until the Executive Session.

Lee Ann announced that she has graduated from her 18-month certified public manager training, and that Alex Pate has completed his APM training. Commissioner Buxton interjected that Christina Jordan and LaTarnya Whitmire also have completed APM training. Lee Ann stated that SCHAC's "extern" from USC law school has completed his clerkship. Tracie Mefford has been working on subpoenas and FOIAs at high, unprecedented levels.

The Legal Department enacted a fictional mediation to demonstrate the process to the Board. Chair John Oakland thanked them for providing valuable information.

Legislative Update – Commissioner Fragale

Commissioner Fragale deferred the legislative update to Commissioner Buxton, who shared with Board members the packet that he gives to legislators in his annual updates regarding SCHAC goals and accomplishments. The packet includes a letter from the Commissioner to the legislator; the SCHAC brochure "Open the Doors To Equal Opportunity"; a letter of recommendation from the S. C. Chamber of Commerce praising SCHAC's mission and "efficient case-processing times, a fair process, and prompt communication"; a letter of recommendation from the South Carolina Bar praising SCHAC's mission and "efficiency and quality"; and the following charts showing SCHAC's progress in five (5) areas over a five-(5)-year period:

- Community Relations Councils/Sustained and Created
- Employment: Monetary Value of Settlements
- Total Number of SCHAC Receipts vs. Total Number of SCHAC Final Actions
- Total Cases Filed by HUD vs. SCHAC Final Actions
- State Agency AA Plans Monitored

The Executive Budget that has been presented to be signed into law includes the new position SCHAC requested for the Housing Department.

SCHAC managers are reviewing the Strategic Plan. The Commissioner presented the current copy to the Board members. Chairman Oakland asked how many clients who receive a Notice to Sue from SCHAC actually do so. Lee Ann said that SCHAC does not have that data, but her guess, based on FOIA requests, is about 25%. Chairman Oakland asked if the complainants are allowed copies of SCHAC files. Lee Ann stated that both parties may request SCHAC files and, if a lawsuit has been filed, they have access to everything except file sections A, O, Y, and Z. (Those sections are primarily internal, administrative documents.) If a lawsuit has not been filed, there are more restrictions in terms of what they may have. Chairman Oakland asked if SCHAC

can be subpoenaed to testify. Lee Ann responded that can happen, but it usually does not. Commissioner Buxton reminded the group that those lawsuits are often settled through conciliation or mediation, and rarely go to court.

Personnel Update – Commissioner A. C. Williams

Commissioner Williams presented the personnel update:

<u>Total Employees:</u>	As of 05/22/2019
	42 – Full Time Employees
	01 – State Temp – Larry McBride (Program Coordinator I – Mediator)
	43 – Total Employees
<u>Total Vacancies:</u>	03 – As of 05/22/2019
	<ul style="list-style-type: none"> • Program Coordinator I – Community Relations (2 positions) • Program Coordinator I – Technical Services (1 position; Filled effective 6/17/2019) • Administrative Assistant – EEO (1 position; Filled effective 6/17/2019) • Program Coordinator I – EEO Enforcement (1 position; Anticipate hiring September 2019)
<u>Total Terminations:</u>	00
<u>Total Internal Moves:</u>	00
<u>Total Resignations:</u>	01 – Nathania Anderson – Program Coordinator I (EEO Enforcement; Effective 5/27/2019)
<u>Total Retirements:</u>	00
<u>Total New Hires:</u>	00
<u>Updates:</u>	

COMMITTEE REPORTS CONTINUED ON NEXT PAGE

Finance Update – Cheryl Ludlam

Commissioner Ludlam deferred the finance update to Christina Jordan, who disseminated the following:

For SFY 2019:

As of April 2019, SCHAC has consumed:

State Funds:

Salaries (FTE's)	\$ 1,145,700.10
Salaries (Temps)	\$ 57,583.72
Employer Contributions	\$ 443,511.84
Other Operating Expenses	\$ 243,500.13
Per Diem (Board)	\$ 1,120.00
CRC Funds	\$ 4,480.73
Terminal Leave Payout	\$ 10,774.96
Subtotal - State Funds	\$ 1,906,671.48

Earmarked Funds:

Salaries (FTE's)	\$ 280,274.47
Salaries (Temps)	\$ 1,000.00
Employer Contributions	\$ 100,372.32
Other Operating Expenses	\$ 40,692.99
Terminal Leave Payout	\$ 1,305.91
Subtotal - Earmarked Funds	\$ 423,645.69

Federal Funds:

Salaries (FTE's)	\$ 170,952.08
Employer Contributions	\$ 62,024.94
Other Operating Expenses	\$ 30,754.53
Subtotal - Federal Funds	\$ 263,731.55

Total Expended:

Total - SCHAC	\$ 2,594,048.72
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We have currently spent approximately 74.45% of total budget with approximately 83.33% of the year elapsed. We do anticipate a slight carry forward of state funds in the amount of approximately \$120,000 at this time. This figure will be reduced after we determine how much of the Housing expenditures we will need to move to State funds.

As a reminder, we have made the following requests totaling \$209,738 for FY 2019-2020:

1. A new FTE and associated costs due to the Pregnancy Accommodation Act in the amount of \$70,708 of reoccurring funds
2. One time funding for a consultant due to the Pregnancy Accommodation Act in the amount of \$70,100
3. A new FTE and associated costs with the increased case load for the Fair Housing Department and the necessity of having a second bilingual investigator in the amount of \$68,930 of reoccurring funds

The Conference Committee's budget included the full request, we are waiting on the Governor's vetoes.

COMMISSIONER'S REPORT

Administration Update - Commissioner Buxton

Commissioner Buxton stated that a key to SCHAC's current success is a good relationship with legislators. Chairman Oakland agreed, stating that there is value to the State of South Carolina in keeping disputes at the State level rather than having them shift to the federal level.

Commissioner Buxton stated that the Legal Department, SCHAC's dedicated EEO Investigators, supervisors, and the EEO Coordinator have worked together and have done an outstanding job shattering previous records:

- As of the last EEOC pending report for May 13, 2019, there were 479 EEO cases in the system.
- Average case load per nine (9) Investigators with the Agency for over one (1) year is 31 cases.
- Average case load per five (5) additional Investigators with the Agency less than one (1) year is 26 cases.
- Mediation since October 1: 340 cases received for mediation, and 85 agreed to mediate. There have been 50 successful mediations.
- Mediations for the same period last EEOC contract period were 237 cases received. Fifty (50) agreed to mediate, and 24 of the mediations were successful.
- EEO Employment: 154 cases were submitted for credit in April. Record number compared to 88 cases last April!
- **Total cases submitted to 2018-2019 EEO contract is 710.**
- **At this point, EEO Enforcement needs 181 cases, or 36 cases per month, to reach the goal of 891 proposed EEOC contract.**
- 710 cases for EEO contract with an upward modification to 1,029 cases - 319 cases to go for an upward modification if granted by the EEOC.
- **For State FY, EEO Enforcement had completed 809 cases last State FY at this time, compared to 996 cases investigated this State FY, and that is a difference of 187 cases.**

Intake data for April includes: Initial Intake Total Contacts for April - 345

- **First contacts – 256**
- **IIQs issued- 62**
- IIQs received- 89
- Charges prepared and closed- 139
- Charges prepared for Complainant - **105**
Another Great Month for Intake!
- Potential charges not yet completed: 60
- Spanish contacts – 0

Five hundred eighty-seven (587) charges have been completed or formalized during this EEOC contract year beginning Oct. 1.

In addition, SCHAC is receiving an upward modification in payments for Intake and Employment cases closed.

Commissioner Buxton went on to share a list of cases by county in response to Commissioner Brown's request. This information was compiled by SCHAC Intake Department supervisor, Alex Nelson.

Summary Report of Employment Charges Filed by County in SC:

1. Abbeville County – 0 cases filed.
2. Allendale, Lee, Marion, Marlboro, Oconee, and Saluda all had just one (1) charge receipt.
3. Richland County had the highest number of charge receipts with 132.
4. Followed at a distant second with counties like Lexington with 41 charge receipts, Charleston with 42, and Horry County with 25 receipts.
5. Please recall that there is an EEO office in Greenville where that county had 22 charges filed, and Spartanburg had 24 complaints filed with SCHAC.
6. York, close to the Charlotte EEO office had 24 cases filed with SCHAC.

Commissioner Buxton also praised Marvin Caldwell for his leadership in leading the Housing Division in record case closures.

Housing Update - Marvin Caldwell

Marvin Caldwell presented the Housing Intake staff and praised them for their hard work, stating that the Intake Department is the engine that drives the Fair Housing Department. He thanked Deborah Thomas and Tamiko Johnson for their excellent work.

Marvin stated that, based on analysis, 70% of questionnaires are signed and returned, meaning that there is opportunity to increase intake by 30%. The Intake Department will be making follow-up calls to encourage potential Complainants and answer any questions they might have about the process.

Of the 214 inquiries received: 55% have been disability related and 31% have been national origin related. (Third most requested inquiry had to do with race.)

Next month HUD auditors will be onsite. Chairman Oakland asked if the auditors are here often. Marvin stated that they are here every other year. Each time, there is a new monitor with different priorities, which can be challenging as SCHAC works to respond to them.

The goal for the Housing Department for this year is 120 cases. Housing already has exceeded the goal with 137 cases to date.

CHAIRMAN'S COMMENTS

Chairman Oakland praised the hard work of the SCHAC staff. He praised SCHAC for their good work on the budget. He praised Stephani and Lauren for the excellent EEOC Forum, saying he heard great comments from attendees. He congratulated SCHAC on this year's increased workloads, saying that the SCHAC comparison charts are informative.

BOARD MEMBERS' COMMENTS

Commissioner Ludlam stated that she loved the EEOC Forum and thanks to the SCHAC staff!

Commissioner Brown agreed that the EEOC Forum was excellent. She thanked Dan for responding to her inquiry. She appreciates all the work done on the cases-by-county report.

Commissioner Case regrets that she was unable to attend the EEOC Forum, because she was in court that day. She stated that it is good to see all the SCHAC departments assisting each other.

Commissioner Williams stated that the EEOC Forum was excellent. He commended Anita Dantzler on the End Racism Day activities in Rock Hill.

Commissioner Fragale stated that the EEOC Forum was wonderful.

The meeting adjourned for lunch to be followed by Executive Session.

The next Board meeting is scheduled for August 22, 2019 [subsequently changed to August 29].
The meeting will be held at 10:00 A.M. in the Board room of the S. C. Human Affairs
Commission, 1026 Sumter Street.

Respectfully submitted by SCHAC Executive Assistant Teresa McWilliams.

BOARD MEETING ADJOURNMENT


Raymond Buxton, II, Commissioner


John Oakland, Chair
Date 9/12/2019