

**South Carolina Human Affairs Commission
Board Meeting**

August 29, 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 - EXCUSED
Joe R. Fragale
Cheryl Ludlam, *Vice Chair*
The Reverend Willie Thompson
A. C. Williams

STAFF PRESENT

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

CALL TO ORDER AND ATTENDANCE CHECK

On August 29, 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 August 28, 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 Case, who was excused.

APPROVAL OF MINUTES

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

MONTHLY DIVISION REPORTS

The monthly division reports were presented to and emailed to Board members on Wednesday, August 13, 2019.

COMMITTEE REPORTS

Administrative Update - Commissioner Brown

Commissioner Brown deferred the administrative update to Commissioner Buxton. Commissioner Buxton stated that two years ago, 17% of jobs in the State of South Carolina were vacant. The figure is now close to 14%. Out of the ten largest agencies in South Carolina, all had at least 10% vacancy. The Commissioner stated that these vacancies are due to the tight labor market.

Commissioner Buxton stated that he attended the Annual National EEOC – FEPA Training in San Diego, and he mentioned several highlights such as hearing the Janet Dhillon was sworn in on May 15, 2019. She is the 16th Chair of the EEOC.

The keynote speaker at the annual conference was Anna Park, the Regional Attorney for the Los Angeles District Office of the Equal Employment Opportunity Commission (“EEOC”). Ms. Park has litigated cases in federal court against private and public employers receiving large monetary awards and aggressive injunctive relief remedies. Ms. Park spoke on Trafficking as a Civil Rights Violation (in addition to its being a criminal offence).

Commissioner Buxton stated that he is optimistic SCHAC will receive an upward modification on our contract with the EEOC. Commissioner Brown thanked Don Frierson for being the keynote speaker at a Community Relations event in her district. Don came forward and shared some of the highpoints of his presentation entitled “*Juneteenth*”.

Commissioner Buxton praised the Housing Department for its amazing results. The credit goes to all the hard working people in that department. The Board of Directors applauded.

Legal Update – Commissioner Case

In Commissioner Case’s absence, SCHAC General Counsel Lee Ann Rice presented the legal update. Because of the enormous success of SCHAC Investigators, the Legal Department has been busy handling legal litigations rather than case reviews. Lee Ann stated that SCHAC Attorney Sarah Gable successfully settled several cases. Lee Ann stated that she would discuss litigation and settlements further in the executive session. Lee Ann verbally listed the trainings provided by the Legal Department. Lee Ann stated that SCHAC Attorney Alex Pate visited Charleston to address Fair Housing issues. Lee Ann stated that Charleston County has the highest eviction rate in the nation. Lee Ann stated that she, Alex Pate, and Marvin Caldwell are planning for the CRISM (Civil Rights; It Still Matters) Conference. Lee Ann reminded Board members that SCHAC submitted no new regulations this year, but SCHAC is seeking some statutory changes in conjunction with the Chamber of Commerce. Lee Ann stated that Tracie Mefford, in the last six months, has scheduled 68 mediations compared to 36 last year. Larry McBride is being kept busy overseeing mediations. Lee Ann reminded Board members that with changes to the Freedom of Information Act (FOIA), SCHAC is now providing complainants with more information from their SCHAC files. Tracie Mefford redacts and prints requested information, and Attorney Sarah Gable reviews it before it goes out. Tracie has responded to 135

FOIA requests this year compared to 77 last year. Lee Ann commended Tracie on doing an excellent job. Commissioner Buxton added that occasionally the files have two or three volumes. Lee Ann stated that one of the changes with FOIA requests allows the requester to receive the first 100 pages free of charge.

Legislative Update – Commissioner Fragale

Commissioner Fragale deferred the legislative update to Commissioner Buxton, who stated that the General Assembly voted to adopt our full budget intact. In the House, there were zero nay votes. In the Senate, 40 of 46 voting were yay. Chairman Oakland thanked Commissioner Buxton for his efforts.

Personnel Update – Commissioner A. C. Williams

Commissioner Williams presented the personnel update:

Total Employees: 44 – As of 08/29/2019

- 43 – Full Time Employees
- 01 – State Temp – Larry McBride (Program Coordinator I – Mediator)
- 44 – **Total Employees**

Total Vacancies: 05 – As of 08/29/2019

- Program Coordinator I – Community Relations (2 positions; in process of interviewing for 1 position at this time)
- Program Coordinator I – Technical Services (1 position; Position closed, in process of reviewing applications)
- Program Coordinator I – Fair Housing (1 position; Position closed, in process of reviewing applications)
- Program Coordinator I – EEO Enforcement (1 position; Position closed, in process of reviewing applications)

- Total Terminations: 00 –
- Total Internal Moves: 00 –
- Total Resignations: 00 –
- Total Retirements: 00 –
- Total New Hires: 02 – Program Coordinator I – Technical Services (Tonya Bethea)
EEO Administrative Assistant – EEO Enforcement (Danielle Lindley)

Updates: Tonya Bethea is happy to join The South Carolina Human Affairs Commission. In joining the organization, she hopes to add and takeaway meaningful methods to help drive the Mission, Values, and Vision of SCHAC. In the role as EEO Technical Consultant she shall dedicate her time, energy, and efforts to work alongside her team while regulating agencies in the areas of Affirmative Action Planning.

Finance Update – Cheryl Ludlam

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

For SFY 2019:

State Funds:

Salaries (FTE's)	\$ 1,378,278.55
Salaries (Temps)	\$ 64,633.42
Employer Contributions	\$ 541,975.96
Other Operating Expenses	\$ 317,258.54
Per Diem (Board)	\$ 1,330.00
CRC Funds	\$ 6,706.02
Terminal Leave Payout	\$ 10,774.96
Subtotal - State Funds	\$ 2,320,957.45

As of July 2019, SCHAC has consumed:

Earmarked Funds:

Salaries (FTE's)	\$ 336,990.51
Salaries (Temps)	\$ 1,028.85
Employer Contributions	\$ 137,874.22
Other Operating Expenses	\$ 73,863.07
Terminal Leave Payout	\$ 1,305.91
Subtotal - Earmarked Funds	\$ 551,062.56

Federal Funds:

Salaries (FTE's)	\$ 207,635.95
Employer Contributions	\$ 76,328.35
Other Operating Expenses	\$ 38,420.17
Subtotal - Federal Funds	\$ 322,384.47

Total - SCHAC	\$ 3,194,404.48
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Total Expended:

We have spent approximately 91.72% of the total budget. The remaining budget for SFY 2019 has not yet been carried forward to SFY 2020.

For SFY 2020:

State Funds:

Salaries (FTE's)	\$ 117,838.03
Salaries (Temps)	\$ 4,774.85
Employer Contributions	\$ 47,343.26
Other Operating Expenses	\$ 49,532.40
CRC Funds	\$ 415.78
Subtotal - State Funds	\$ 219,904.32

As of July 2019, SCHAC has consumed:

Earmarked Funds:

Salaries (FTE's)	\$ 25,647.68
Employer Contributions	\$ 10,888.73
Other Operating Expenses	\$ 1,387.02
Terminal Leave Payout	\$ 977.20
Subtotal - Earmarked Funds	\$ 38,900.63

Federal Funds:

Salaries (FTE's)	\$ 18,634.46
Employer Contributions	\$ 6,938.95
Other Operating Expenses	\$ 1,570.24
Subtotal - Federal Funds	\$ 27,143.65

With the budget at the initial allocation, we have spent approximately 7.9% of the budget with 8.33% of the year elapsed.

The budget amounts that you see on the monthly report currently do not include the carry forward or the additional funding for the COLI or increases for retirement/health insurance. Those amounts will be included in the August report:

2% Pay Plan: \$31,914
Retirement: \$12,535
Insurance: \$11,614
Total: \$56,063

The full carry forward amount has not yet been determined as there are still some expenses to come from SFY 2019. Once the funds have been moved, they will be included in the report.

We may have an unexpected expenditure this year. Microsoft will no longer be supporting Windows 7, which many of our computers run. We had anticipated a computer refresh of approximately 10-12 machines this SFY; however we may have to refresh all 24 machines that were purchased in calendar year 2014. We will be working with DTO to see if the additional machines can be updated to the supported Windows 10, but that effort may fail.

We are in the process of working on the State budget for SFY 2020-2021, which is due on 9/13/2019. I anticipate asking for one employee to assist with the large quantity of FOIA requests that we have been receiving due to the amazing efforts of all of our investigators. I also anticipate asking for additional salary/fringe funding in order to continue with our retention efforts.

COMMISSIONER'S REPORT

Administration Update - Commissioner Buxton

Commissioner Buxton stated that since our May 2019 Board Meeting the EEO Enforcement Department has continued to perform to a level of above expectations.

Again, this is due to the great dedication and work of our 13 EEO Investigators, 3 EEO Enforcement Supervisors, the EEO Coordinator, our EEO Intake Supervisor and Intake Officers and staff to include assistance from Deborah Thomas who assisted Intake this past contract year. Also, a special thanks to our Legal Department for the extra work they performed in facilitating quality investigations and case production.

The Contract with the EEOC is based, in part, on the amount of funding Congress provides them, the number of FEPAS making requests for cases to investigate, and our own past history of case investigation production. Based on those factors, the EEOC granted the Commission for this 2018- 2019 EEOC contract in late May of this year to Investigate 891 cases.

After this contract was signed in May, the EEOC provided to SCHAC in August an upward modification of 30 cases which would make our total EEOC contract of 921 cases to investigate.

The following is the current summary of data in the EEO Enforcement Investigations area:

- As of last EEOC pending report for August 19, 2019, there were 548 EEO cases in the system being investigated.
- Average case load per 9 investigators who have been with the agency for over one year is 36 cases.
- Average case load per 4 additional investigators who have been with us less than a year is 38.
- Mediation since Oct 1 until the end of July: 478 cases received for mediation compared to 328 last year, and 128 agreed to mediate this year compared to 71 last year. There have been 69 successful mediations this year compared to 41 last year.

- Mediation has had a very good 2018-2019 contract year in terms of cases received for mediation and cases successfully mediated compared to last year. Congratulations to our Mediation Department.

With the combined work of Mediation and EEO Investigations, I can provide the following summary:

- **Total Cases submitted to 2018-2019 EEO Contract is 891 cases. With one month to go into the contract, the EEO Enforcement Department needs to only investigate 30 more cases to make the 921 case EEOC contract.**
- **On another interesting note: For 2018-2019 State FY, we completed 1,117 cases compared to 952 cases investigated during State FY 2017-2018, and that is a difference of 165 additional cases being Investigated this State FY ending June 30, 2019.**

Congratulations to the EEO Enforcement Investigations Department and Legal Department for great work!

Now for the Report on EEO Enforcement-Intake Department

Initial Intake Total Contacts for EEOC contract period from October 1, 2018 until July 31, 2019 -2024 Total Contacts

- First Contacts (meaning anyone calling SCHAC for Assistance) for EEOC Contract October 1 until July 31, 2019 – **1411 Contacts**
- IIQ's (Questionnaires) issued- EEOC Contract October 1 until July 31, 2019 – **764**
- IIQs (Questionnaires) received – **830**
- Charges prepared EEOC Contract October 1 until July 31, 2019 – **557**
- Charges closed- EEOC Contract October 1 until July 31, 2019 – **717**
- Spanish Contacts – EEOC Contract October 1 until July 31, 2019 – **8**

853 Charges have been completed or Formalized and sent to Investigations during this EEOC Contract year beginning Oct. 1 until July 31, compared to 476 charges formalized in 2018 during that same time period.

Congratulations to Alex and his team of Intake Officers and Staff and to Deborah Thomas for helping out during this current EEOC contract period to increase the number of charges.

In your packets you have a list of cases that have been filed at our agency by County. This was compiled by our Intake Department Supervisor, Alex Nelson.

Dan Koon's Report

Commissioner Buxton will provide the report for EEO Enforcement, but I also want to personally commend the Intake Office staff, and Deborah Thomas for assisting Intake during this EEO Contract period, the 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 during this EEO Contract year. This has allowed EEO Enforcement to reach our EEO Contract without the rush we have had to meet numbers in past years.

This is a true example of our SCHAC values of Teamwork, Accountability and Customer Service both internally and externally working very well together thanks in large part to the leadership of our Commissioner and the assistance of the Board.

Report from Community Relations and Technical Services:

I. Community Relations and Outreach:

- Anita has been:
 1. sending out a monthly Community Relations newsletter and a quarterly Agency newsletter, and has been updating the Agency WEB site
 2. investigating 90E or Public Accommodations complaints, this duty will transition over to Tonya Bethea in Technical Services
 3. collaborating with "South Carolina Collaborative on Race and Reconciliation" led by Dr. Jennifer Gunter of USC for the No Blame, No Shame panel discussion on September 26 at the Florence County Library beginning at 6:00 P.M.
- The next collaborative panel discussion is being planned for Aiken County, around November 7th, if a site can be found.
- A few days before the panel discussion in Florence on September 26th, Anita has our agency sponsoring the showing of the Emanuel 9 documentary on September 24th at the Nickelodeon in Downtown Columbia at 6:00 P.M. Afterwards there will be a panel discussion. Tickets for the event are already sold out.
- June 4, 2019 – Mother Emanuel 9 Remembrance Day, The Presiding Bishop of the Seventh District AME Church, Bishop Green, was the featured speaker in the "Chappelle Auditorium" on the campus of Allen University. Allen University, the Lutheran Theological Seminary in Columbia and the University of South Carolina all assist with the event. All of these institutions lost former students in the shooting at Mother Emanuel AME Church. There was a good crowd and media representation.
- Sandra organized a visit from the United States Department of Justice Civil Rights Division, Walter Atkinson – Senior Conciliation Specialist, to present to some of our partners in July, and we had the Anderson County Community Relations present at that

event. Representatives from SC Interfaith, Midlands Mediation and Able SC were also present.

- Anita and Vicki helped plan the recent EEOC Charlotte first annual “Constituent Social” held in downtown Columbia, this proved to be a very good meeting where we could see people that we talk to on a daily basis regarding EEO Law matters and we could have face-to-face interaction with them. This social also included partners such as the OFFCP, staff from the Greenville and Charlotte EEOC office.
- On September 14th Anita will attend the Celebration of African American Excellence in Aiken. Keynote speaker is Victoria Smalls, the Director of History and Culture at the Penn Center on St. Helena Island.
- Anita is also working with Division Director Marvin Caldwell and General Counsel Lee Ann Rice for the upcoming Housing Event: “Civil Rights: It still Matters” conference in April 2020.
- Anita is working to hire another Community Relations Consultant, and we hope to have this person on board in another few weeks. This person will be working with the “Quality of Life” initiative to share with our Community Relations Councils.

II. TECHNICAL SERVICES

- Stephani Frese, Lauren Caudle and new team member Tonya Bethea are working closely together and have proven to be a great team.
- Stephani will be presenting to us in a few moments about her team and the work that they are doing with monitoring over 90 Affirmative Action Plans for State Agencies.
- I also wanted you to know that Technical Services is looking to hire a fourth person in their Department to cover training for the SC Pregnancy Accommodation Act.
- In addition, I do have to commend Stephani for assisting me with a number of trainings in employment. I was speaking earlier of teamwork and customer service.
- A great example of team work that we perform at the Commission is this example from EEO Enforcement:
 - As you know, our investigators do great work and the supervisors review those cases. Sometimes, Legal will get a hold of a case after reviewing the work of our investigators and based on that work establish that the case is going to lean towards Cause.
 - Our Legal Department has had several cases in the past few months that Sarah has reviewed and then worked to conciliate. A conciliation agreement refers to cases that were going to be cause cases and, under the guidance of Sarah, the parties were brought together to conciliate agreements instead.
 - Some of these conciliations resulted in Stephani and I going on the road to several entities to conduct training to prevent discrimination. This would have

never happened without Intake providing the correct charge, the Investigator investigating it properly, the Supervisor giving guidance, and the Legal department applying our law properly.

- Their work has allowed Stephani and I this past quarter to speak and train several hundred employees in employment that would have never been exposed to an understanding of employment law had it not been for everyone doing great work to resolve.
- Stephani does a superb job at training. She is an expert regarding disability and service animals and is a terrific addition to our staff as are Lauren and Tonya.
- We also conducted training for the Attorney General's Office where all State Agency attorneys were invited to attend. We had around 100 attorneys and the attorneys received CLE credit. This has also resulted in more requests for training from State agencies.

III. TRAINING

- Conducted EEO employment Presentation for the following:
 - DSS X 4
 - Santee Cooper
 - Attorney General's Office (CLE)
 - SC Industrial Liaison Group-2
 - Disabilities and Special Need
 - SLED
 - South University
 - Nursing Home Facility in Western part of the State
- Anita and I attended the first Unity Day at McEntire Air Base sponsored by the SC National Guard where I was a featured speaker. Representatives of the Hispanic, LBGTQ, Native American, Pacific Islander, African American communities were present with dance and culture. It was a very good event in which the Adjutant General and his Deputy also made remarks.

IV. OTHER AGENCY ACTIVITIES

- Agency has been working with the Department of Administration regarding a new air and heating system placed in building. The 140 day contract to complete this activity began on June 1st, and the contractors have not made much headway. We will see if they complete their work by October 18th.

- We have honey bees in our building, but the Department of Administration assures me that they have hired a second company to safely move these bees away to another location.

Now for Stephani's presentation regarding "Technical Services and State Affirmative Action Plans"

Following Dan's presentation, Stephani Frese presented a PowerPoint. Dan pointed out that SCHAC won't receive 2020 census data until approximately 2024, so at present, the data is coming from the 2010 census.

Commissioner Buxton presented a PowerPoint regarding SCHAC and EEOC cases for SFY 2018 and SFY 2019. Commissioner Buxton thanked Danielle Lindley for preparing the graphs. Commissioner Buxton pointed out that disability cases are increasing. Chairman Oakland asked why our complaint numbers keep going up and Commissioner Buxton replied that it is due to SCHAC awareness training. In addition, the Commissioner makes legislators aware of SCHAC's mission and they refer constituents to us. Commissioner Brown requested that a copy of the PowerPoint be emailed to her.

The Commissioner stated that Housing Investigators have increased the closure rate 147% in the past three years. In addition to this being a record-breaking year, all closures were accepted by the EEOC without a single rejection. This is all thanks to the Legal Department, the Investigative staff, the Intake Department, and excellent teamwork.

Housing Update - Marvin Caldwell

Marvin Caldwell stated that HUD conducted an audit in June, and the auditor expressed surprise after his interviews with staff at how much SCHAC employees love and have passion for their work. The credit for the successful audit goes to Alyssa Barker, Don Frierson, Grisel Jackson, Deloris Jenkins, Tamiko Johnson, and Deborah Thomas. Marvin also stated that the Housing Department has had some settlements with high figures in comparison the past year.

CHAIRMAN'S COMMENTS

Chairman Oakland praised the hard work of the SCHAC staff. Chairman Oakland pointed out that mediation doubled compared to last year, but dollar amounts for the cases went down. Chairman Oakland asked if that meant the cases were not as severe. Dan Koon responded that each individual case is different and depends on the participants.

BOARD MEMBERS' COMMENTS

Commissioner Ludlam praised the mission-driven teamwork and stated that the citizens of South Carolina need SCHAC more than ever.

Commissioner Brown praised Anita Dantzler and Alex Pate for their segment on WIS. She praised the excellent SCHAC staff. She praised Dan Koon for the great job he did with training in Georgetown. Chairman Oakland praised Commissioner Brown for her commitment to her community.

Commissioner Williams thanked everyone for all their hard work.

Commissioner Thompson thanked the staff for all their hard work.


Commissioner Fragale asked is it feasible to know who filed complaints in his district. Chairman Oakland responded no, because that information is meant to be kept confidential.


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

The next Board meeting is scheduled for November 21, 2019. 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