

**South Carolina Human Affairs Commission  
Board Meeting**

November 17, 2022  
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  
Vice Chair Sharon Sellers  
Commissioner Mary Amonitti  
Commissioner Steve Hall  
Commissioner Leon Winn  
Commissioner Kimberly Snipes

**STAFF PRESENT**

Commissioner/CAO Janie A. Davis  
Deputy Commissioner Marvin Caldwell  
Deputy Commissioner Dan Koon  
General Counsel Caroline Scrantom  
Janeen Sanders

**GUEST**

Thomas Kaminer – SCHAC Budget Director  
ADMIN Shared Services  
Kristel Werntz – South Carolina Emergency Management Division  
Dan Koon’s APM Mentee

**I. CALL TO ORDER**

The South Carolina Human Affairs Commission (“SCHAC” or the “agency”) held its Board meeting on November 17, 2022, 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 10:10am and asked for the roll call.

**II. ROLL CALL**

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

**III. APPROVAL OF MINUTES**

Chairman McLawhorn called for the approval of the minutes from the September 22<sup>nd</sup> meeting. The motion was made by Commissioner Hall for the minutes to be approved. Commissioner Amonitti seconded the motion. The minutes were unanimously approved.

**IV. OLD BUSINESS**

There was no old business to be discussed.

**V. NEW BUSINESS**

There was no new business to be discussed.

**VI. BOARD REPORTS**

**A. Administration**

Commissioner Amonitti gave way to Deputy Commissioner Koon to give the report. Deputy Koon delivered the following highlights:

- The water intrusion taking place in one small area of the large conference room has stopped, but the source of the issue, has not been fully corrected. A cable company cut a waste-water storm drainage-line. The Facilities Management Office of the Dept. of Administration is working to help resolve the issue, but the State is at the mercy of the City of Columbia and the private cable company to fully correct the problem.
- In addition to the water seepage into the building, the water in the basement and trash, had been corrected and cleaned.
- In preparation to add additional employees, 1/3 of the large conference room will be turned into a smaller conference room. Six to eight cubicles will be added in the remaining space of the present large conference room and there will be a separate area to accommodate a security officer.
- The agency is looking to construct a second cubicle for the EEO Compliance area on the second floor.
- Quotes have been received for the cubicles to be constructed.
- A permanent wall will be constructed in the present-day large conference room to separate the cubicles and the smaller conference room.
- The agency has received a quote from a State preferred contractor to add security cameras to the building so that monitors may be placed for the security officer to observe. A decision will be made soon on how to proceed.
- The Bureau of Protective Services is providing security for the Board meeting today.
- The agency under state law provides a recycling report to DHEC this year and that report was completed in September.
- The 2021-2022 SFY Accountability Report was completed by the management Team along with Stephani Frese coordinating and logging in data and information to submit to the Dept. of Administration.

Deputy Koon completed his report and advised that Commissioner Davis would be providing additional information on other administrative matters in her reports.

**B. Legal Update**

General Counsel Caroline Scrantom discussed the Legal Division’s work from September – October 2022 as follows:



## Legal Activity Log Sept. & Oct. 2022

MAJOR ACTIVITIES CONDUCTED BY LEGAL ON A DAY-TO-DAY BASIS:	
Total Number of Litigation Filings + Orders + Court Appearances	2
Total Number of Cause Cases Reviewed & Written Up	2 (1E + 1H)
Total Number of Revisions and Expanded Investigations Requested	18 (down)
Total Number of Guidance Meetings with Investigators	46
Total Number of Guidance Meetings with Non-Investigators (Executive + Other Divisions)	104
Total Number of No-Cause Case Reviews	107
Total Number of Conciliations Reviewed (Housing)	1
Total Number of Charge Intakes Reviewed (Employment & Public Accommodations)	223 (up)
On-Site Visits With Investigators	1

The above numbers reflect the major data points for the Legal Division. This list is not all-inclusive and does not delve into the specific status of any pending litigation.



## MEDIATION REPORT Sept. & Oct. 2022

Mediation Update	
<b>Number of Mediations Scheduled</b>	18 (up from 13)
<b>Number of Mediations Successful</b>	9 (up from 4)
<b>Number of Mediations Unsuccessful (Impasse)</b>	7 (down from 9)
<b>Number of Mediations Returned</b>	0
<b>Amount of Monetary Settlements</b>	<b>\$76,618</b>
Settlements Completed for New EEO Contract Year	7 for a combined \$48,823
Settlements Completed for Calendar Year 2022	71 for a combined \$976,239

The above chart tracks the success of our mediator. Again, we are almost at \$1 million in settlements negotiated through mediation in calendar year 2022. We did eclipse the \$1 million mark for the EEO contract year that closed Sept. 30, with a settlement total of \$1,060,113.



# FOIA REPORT Sept. & Oct. 2022

<b>FOIA ACTIVITY</b>	
<b>FOIA Requests Invoiced</b>	2
<b>FOIA Requests Reviewed</b>	28
<b>YTD FOIA Requests Finalized</b>	117
<b>YTD Payments Received</b>	<b>\$1411.10</b>

The above chart shows that FOIA requests are holding steady at the end of this year at about 14 per month. We charge the requesting party if the file being produced is over 100 pages.

Chairman McLawhorn asked about how much did the agency receive from the FOIA request and does the complainant party have to pay if they are sent their files electronically? General Counsel explained that the charge is approximately \$0.07 per page if printed. The agency does not charge if the file is sent electronically.

### **C. Legislative Update**

Vice Chair Sellers noted on a national level that the U.S. House had passed an initiative called the Speak Out Act, which was going to prohibit Non-Disclosure Agreements (NDAs) between a company and an individual, who is claiming sexual harassment. No longer will the company be able to sweep it under the rug. She would like the agency to keep a watch out to see if it becomes completely passed and if it does happen, she is wondering if this would result in more sexual harassment claims being filed with SCHAC.

General Counsel Scrantom reported that on October 27, 2022, the agency submitted a letter and report to the Chairman of the S.C. House Regulations and Administrative Procedures Committee. On September 28, Chairman Bradley sent Commissioner Davis a letter requesting an update on the status of the agency's regulations. This was in line with a law contained within the South Carolina Administrative Procedures Act which requires a formal review of agency regulations every five years. Our agency completed its most recent review in 2019, so the agency complied.

The response to Chairman Bradley directly answered the questions in his written inquiry and gave the SCHAC an opportunity to conduct an internal legal review of its regulations. The Legal Division met to dissect the regulations for any outdated language and procedures, as well as for regulations that could use more clarity. General Counsel Scrantom completed a report on the agency regulations and met with the Executive Leadership Team to complete the review process. After that meeting, she finalized the attached Excel spreadsheet (given to the Board) and submitted it to Chairman Bradley as an attachment to the agency's letter.

Commissioner Davis advised the General Assembly would be back in session in early January 2023. She had already been advised that the budget process would begin early on the House side. That will probably be the first thing to tackle when they return.

In December, they will come back in to identify the committees, who will chair them, and the subcommittees, etc. There will most likely be committee changes. Once those committees have been announced, that will determine where the position of power lies. That will also help to determine who the agency needs to meet with, work with and seek support from.

#### **D. Personnel Update**

Commissioner Winn gave way to Commissioner Davis to give the report as follows:

As of 11/17 there are 55 FTE's; 43 are full time employed and there are 12 vacancies listed below.

- Administrative Manager I – Administration (No Funds)
- Accountant/Fiscal Analyst II- Administration (No Funds)
- IT Director (NEW FTE) – Administration – (To Be Posted)
- Program Coordinator I (New FTE) - Community Relations (To Be Posted)
- *Program Coordinator I – Intake (Selection Made)*
- *Program Coordinator I - EEO Investigator (Selection Made)*
- *Program Coordinator I – EEO Investigator (Selection Made)*
- *Program Coordinator I – EEO Investigator (Selection Made)*
- Program Coordinator I-Fair Housing (Reviewing Applications)
- Program Coordinator I – EEO Investigator (Reviewing Applications)
- Program Manager I- Technical Services (Seeking Applicants)
- Program Coordinator I – EEO Investigator ( Seeking Applicants)

Commissioner Davis noted the Administrative Manager I and the Accountant Analyst II position will remain vacant because the money for those positions is used to pay Shared Services. Other vacancies will continue to be filled by qualified and suitable candidates.

There are two new FTE's yet to be filled; the IT Director and the Program Coordinator I for Community Relations. The construction that is being done in the office is very important because once both Technical Services and Community Relations Programs can move to the new space, that will open space for the two new FTE's to be filled. The idea was to make better use of the large Board room space to maximize office space, and it was the most cost-effective way to get extra office space, until the agency can find another location to accommodate the current employees and the potential growth.

Commissioner Davis noted there had been four positions filled recently: three Investigative positions and one in the Intake Division. There are still four vacant positions to be filled: one in housing and one EEO Investigator. The supervisors are reviewing those applications now. The Program Manager I- Technical Services and the Program Coordinator I – EEO Investigator, applications are being sought. The job postings have been put up requesting candidates to apply.

Commissioner Davis announced that the new position of Administrative Coordinator II had been filled by an internal candidate. Mr. Lawrence Smalls will be in the HR/Budget Office internally that will serve as the point person for Admin Shared Services. He will move from the EEO Investigations Department to the position of HR/Business Manager. His first day began the day of this meeting. His position handles personnel, employee matters such as insurance, classifications, grievances, etc. Commissioner Davis stated that she and Janeen Sanders, Executive Assistant to the Commissioner, had been handling this work because there was no one in place to serve in this capacity.

There were two resignations since the last board meeting. One was Stephani Frese, who was the Director of Technical Services and Training Division. That is the area that delivers the Report to the General

Assembly and the area that also deals with training. She was able to advance her career with the State Technical Education System. However, she will remain with the agency under dual employment status to assist with making sure the work to get the report to the General Assembly is completed on time. There is also another former employee working in a dual employment capacity to assist in this area as well, to ensure the report is completed by the February 1<sup>st</sup> deadline. The second resignation was Nikki Owens. She was recruited away from the agency to work for Veteran's Affairs. She was a retired veteran and looked forward to assisting other veterans. There was also a new hire in the Technical Services Division, Ms. Ravon Hargrove. With all the different changes that have happened in this Division, Ravon and Jonathan Knox, both new employees have been doing a phenomenal job.

Commissioner Winn indicated his comfort with whoever is over the program area giving the report, since they have the best knowledge and firsthand experience of what is happening in the agency. In response, Chairman McLawhorn advised that it was the Board's reasonable service to keep abreast of the internal affairs. Chairman McLawhorn suggested the chairs meet with the internal point persons ahead of the Board meeting to ask questions and be better prepared to respond should there be questions when the report is given.

#### **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.

Before Tom spoke, Commissioner Davis wanted to assure the Board that the goal is always to keep the agency in the black, that none of the money is used in an inappropriate way, and that no transactions violate state or federal law.

Tom mentioned there wasn't much change in the report from the last meeting. Under the FY23 projected, there were some general fund allocations received. Approximately \$40k was received in recurring allocations. That means it is added into what will be received next year. That's before the Retirement Increase and the General 3% increase. The \$46k allocation is what was received for the \$1,500 bonus budget, which was non-recurring funds. The projections will need to be revised to reflect the EEO and HUD funds for the current contract. Normally, HUD sends money to the agency for partnership funds. These funds are usually used for outreach. The past fiscal year, the agency took advantage of those funds and was overloaded with Housing intake questionnaires, etc. At this time without being properly staffed, there is no way to handle that large influx of questionnaires at this time, so they opted out of receiving those funds this contract year. With that said, the projections need to be projected down from the \$681k, reduced by the \$32k that would have been received. The agency is projected to have approximately \$2.6 million in non-recurring funds. The one thing that has not been projected but will come out of the \$2.6 million, will be the cubicles needed and possible funds for an office move.

There was a five-minute break taken after the conclusion of the financial report.

#### **COMMISSION REPORTS**

- **Administration**

Commissioner Davis began her report discussing the contract from the EEOC, where they sent the agency \$505k. The next section is for the HUD contract with four documents. On the third document you see the \$32k that was discussed during the financial update section. This is money for administrative cost and then, there is money received for the processing of the cases which is \$484k. Then there is money sent for partnership funds, if the agency chooses to use it and then money sent for training funds. This is all HUD money. This money equates back to the budget.

The last piece is the budget request that was mentioned in the last meeting. When going before the General Assembly, Commissioner Davis indicated she will equip whoever will speak on the agency's behalf regarding the reasonings and rationale behind every budget request.

Lastly, Commissioner Davis, wanted to mention the Proviso regarding the merger between SCHAC and CMA. She and the Leadership Team are working on a document that is due to the Governor's office December 1, 2022. As soon as the draft document is prepared, it will be sent to the Board for review. There were efforts made between the agency and members of CMA to come to an agreement to submit a combined document, but the Leadership Teams were unable to come to a compromise. Commissioner Davis indicated she opted to stay out of the process since she wouldn't be directly affected. However, the decision was made that since she had knowledge of both agency's due to her running them both, she decided to take the information from the teams and draft the study document with the help of the SCHAC Leadership Team.

### **Consultative Services Programs**

#### **i. Technical Services**

Deputy Commissioner Dan Koon started his report by reminding the board that Consultative Services Division represents the "prevention" side of the agency's functions. They are responsible for monitoring hiring in state government and conducting employment training for public and private sector employers.

Deputy Commissioner Koon reported that the two new Technical Services Consultants are working hard and closely with Stephani Frese as she sits in her dual employment role to assist them in completing the tasks for the report that is due to the General Assembly by February 1<sup>st</sup>.

He then reported on the trainings that the team had been involved in from September – October as follows:

SC STATE University - Oct 5

- Preventing Harassment in the Workplace

University of South Carolina - Oct 12

- Workplace accommodations: SC Pregnancy and Lactation Support Act

SC Youth Challenge Academy - Oct 13

- Preventing Harassment in the Workplace

Lander University – Oct 19

- EEO is the Law

SC Association of Counties – Oct 19

- EEO is the Law

Office of the Adjutant General – Oct 20

- EEO is the Law

Office of Adjutant General – Nov 7

- EEO is the Law

Department of Public Safety – Nov 17

- EEO is the Law

Several agencies have contacted the team for additional trainings, but the schedule may slow down a bit since Alphia Dunbar will be assisting the team in Stephani Frese's absence with the tasks surrounding the report to the General Assembly.

#### **ii. Community Relations**

Deputy Commissioner Koon went through his report as follows:

Deputy Commissioner Koon highlighted the Community Relations Division for their hard work on Community Outreach. One of the agencies where they were able to secure ads was at the DMV. The ads will stream in certain areas regarding EEO and Housing. EEO - Georgetown, Greenwood, Anderson, Belton, Florence, Lake City, Sumter, Edgefield, and Manning. In

Housing, they will run in Georgetown, Greenwood, Anderson, Belton, Florence, Lake City, Sumter, Edgefield, and Manning.

Some additional outreach events attended included:

- SC NAACP State Convention in October as well as some National Nights Out; Columbia-Washington Street Night: SC Chamber of Commerce
- Florence- Community Block Party- National Night Out
- Columbia- Community Block party- National Night Out
- McBee- Community Block Party- National Night Out in Myrtle Beach

The team is still visiting numerous towns around South Carolina for a showing of the film called, ‘Meltdown in Dixie’. A Division team member goes to each event because they are having discussions around racial dialogue. The hope is that there would be people in attendance interested in forming or assisting in the creation of a local Community Relations Council.

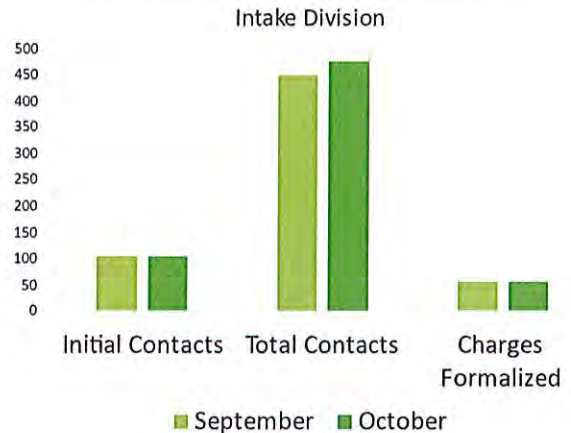
Additionally, the team will be attending the Fairfax Community Forum on November 19, 2022.

Chairman McLawhorn and Vice Chair Sellers both expressed knowing some entities that could benefit from the Community Relations presence. They will follow up with Deputy Commissioner Koon.

iii. **Intake Processing**

Deputy Koon acknowledged the staff and the hard work of the Intake Division. The activities for the division from September – October are below.

<b>Initial Contacts:</b>	
Sept: 104	Oct: 106
<b>Total Contacts:</b>	
Sept: 450	Oct: 476
<b>Charges Formalized</b>	
Sept: 56	Oct: 58



*South Carolina  
Human Affairs  
Commission*

Deputy Commissioner Koon concluded his report and turned the meeting over to Deputy Commissioner Caldwell.

• **Compliance Programs**

• **EEO Enforcement**

Deputy Commissioner Caldwell acknowledged that as of the last Board meeting the EEO Division met their contract. It was a bit of a task, but everyone put their best foot forward to make it happen. Conducting stand downs was a major contributor to achieving this goal.



He advised that in the next few slides he would be showing charts of the last quarter's push so you can see the number of closed cases each month.



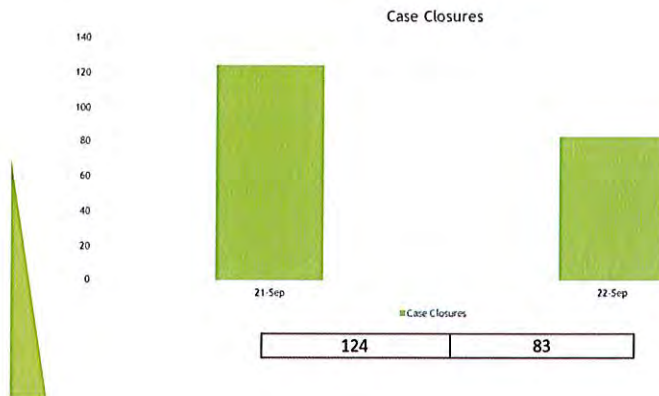
The above slide shows that in July, the supervisors informed everyone that they would be conducting stand downs each week to meet the contract and told the staff to go through their cases and prepare cases for closure. We closed 37 in July.



In August we pushed and closed 79 cases to meet the contract.



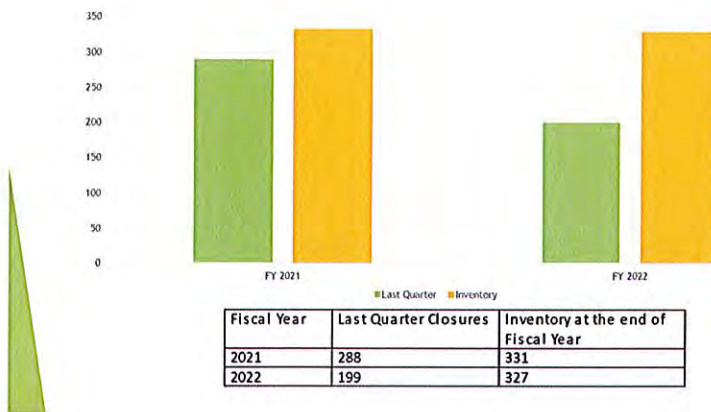
## EEO Last Quarter Push September



In September, there was a huge push and closed an additional 83 cases to meet the contract.



## EEO Fiscal Year Comparison



Fiscal Year	Last Quarter Closures	Inventory at the end of Fiscal Year
2021	288	331
2022	199	327



To end the fiscal year, in EEO, 199 cases were closed during the last quarter of the fiscal year, compared to 288 the year before. With a big push like that, that left the division with a low inventory of 327 cases by the end of the year. But they have been receiving additional cases from EEOC to help with that.

Lastly, for the next FFY 2022 – 2023, the EEOC contract will be set at 600 cases. The EEO Division currently has 50/50 senior vs new investigators and have quite a few more new hires to make. It will be tough to meet this number with the current number of new investigators, so there is a hope to hire some strong candidates. The supervisors are tasked to investigate at least one case a month to help.

- **HUD Enforcement**

Deputy Commissioner Caldwell switched gears to highlight some things Fair Housing has been doing in the Community since September. These are a list of events and trainings attended and

presented at. This is outside of the times they accompany Community Relations with some of their events:



## Fair Housing Outreach/Training Events

### Outreach

- ▶ Landlord Tenant Workshop (Spartanburg, SC)
- ▶ Neighborhood Council of Empowered Residents (NCER) Meeting (Columbia, SC)
- ▶ Marion County Long Term Recovery Group (Marion, SC)
- ▶ Able of SC (Columbia, SC)

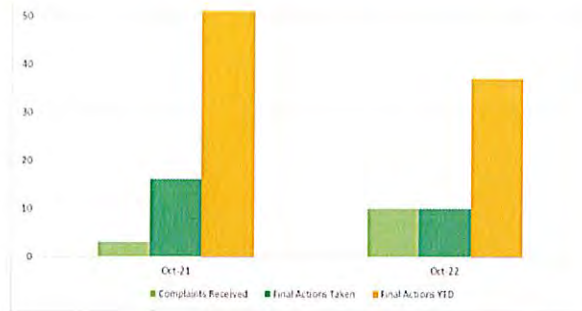
### Training

- ▶ Real Estate School for Success (Columbia, SC) in September, October, and November

The below chart is an update on where the division stands with the HUD contract. So far, this fiscal year, the division has closed 37 cases. They must complete at least 60 cases a year.



## Fair Housing Complaints Received vs. Final Actions Taken YTD



Number of Complaints Received vs. Final Actions Taken			
State of SC FY	Complaints Received	Final Actions Taken	Final Actions Taken YTD
October 2021	3	16	51
October 2022	10	10	37

## FH FY 2022 – 2023 Investigators

- ▶ 5 Investigators
- 2 Seasoned Investigators
- 1 Senior Consultant
- 1 New Investigator
- 1 Just Hired



The division presently has five investigators. Two are seasoned, one is a senior consultant, one newer investigator, and one hired in June.

Deputy Caldwell concluded his report.

### VII. PUBLIC COMMENT PERIOD

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

### VIII. BOARD MEMBER COMMENTS

Vice Chair Sellers spoke on behalf of the Board to Commissioner Davis, thanking her for her years of service with the agency and for taking the agency from good to great.

Chairman McLawhorn called for a break to have Board pictures taken before entering Executive Session and he released the attendees from the general meeting at 11:48am.

### IX. EXECUTIVE SESSION – Part I

Chairman McLawhorn called for a motion to enter Executive Session. A motion was made by Commissioner Amonitti to enter Executive Session and Commissioner Winn seconded. After unanimous consent, Executive Session began at 12:16pm.

Chairman McLawhorn called for a motion to exit Part I of Executive Session. Commissioner Winn made the motion and Commissioner Amonitti seconded. After unanimous consent, Part I of Executive Session closed at 1:05pm.

**X. EXECUTIVE SESSION – Part II**

Chairman McLawhorn called for a second motion to enter Part II of Executive Session to discuss the SCHAC Agency Head position. Vice Chair Sellers made the motion and Commissioner Amonitti seconded. After unanimous consent, Part II of Executive Session began at 1:06pm.

Chairman McLawhorn called for a motion to be made to have Dr. Alisa Warren recommended to the Governor as the new Agency Head of the South Carolina Human Affairs Commission. Vice Chair Sellers made the motion and Commissioner Winn seconded. There was unanimous consent.

Chairman McLawhorn called for a motion stating should the new Agency Head not be in place by the time of Commissioner Davis' departure, an interim Agency Head would be selected. Vice Chair Sellers made the motion and Commissioner Winn seconded. There was unanimous consent.

Chairman McLawhorn called for a motion stating in the event the new Agency Head is in office, along with the interim, Commissioner Davis would become a temporary consultant to both for a period to be determined. Vice Chair Sellers made the motion and Commissioner Winn seconded. There was unanimous consent.

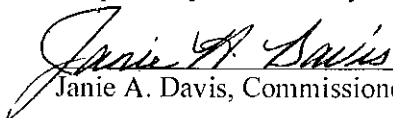
Chairman McLawhorn made a motion that should an interim Agency Head be needed; Deputy Commissioner Marvin Caldwell would be the person put in place. Commissioner Winn seconded. Chairman called for all in favor. Three Commissioners were for the motion, Commissioners Winn, Sellers, and Chairman McLawhorn and Commissioner Amonitti abstained from voting.

Chairman McLawhorn called for a motion to adjourn for the day. Commissioner Winn made the motion and Commissioner Amonitti seconded.

After unanimous consent, the meeting adjourned at 1:33pm.

The next Board meeting is scheduled for February 16<sup>th</sup>, with a location to be determined.

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

  
\_\_\_\_\_  
Janie A. Davis, Commissioner

  
\_\_\_\_\_  
James T. McLawhorn, Chairman

12-29-2022  
\_\_\_\_\_  
Date