

**South Carolina Human Affairs Commission  
Board Meeting**

May 19, 2022  
10:00 A.M.

Edgar A. Brown Building  
Department of Parks, Recreation and Tourism Conference Room, Rm. 252  
1205 Pendleton Street  
Columbia, SC 29201

**BOARD MEMBERS PRESENT**

Chairman James T. McLawhorn  
Commissioner Mary Amonitti  
Commissioner Steve Hall  
Commissioner Kimberly Snipes  
Commissioner Sharon Sellers

**GUEST**

Jason Epting – SCHAC Budget Director  
ADMIN Shared Services

**STAFF PRESENT**

Commissioner/CAO Janie A. Davis  
Deputy Commissioner Marvin Caldwell  
Deputy Commissioner Dan Koon  
Caroline Scrantom  
Janeen Sanders  
Dave Smith  
Tarnya Whitmire  
Cristhian Tellez  
Mark Dunham  
Ayana Crawford  
Deborah Thomas  
Sharon Dorn  
Alyssa Barker  
Jamie Smith  
Shelton Lorick  
Stephani Frese  
Danielle Lindley

**I. CALL TO ORDER**

The South Carolina Human Affairs Commission (“SCHAC” or the “agency”) held its Board meeting on May 19, 2022, at the Edgar A. Brown Building, office of the South Carolina Department of Parks, Recreation and Tourism, Conference Room 252 located at 1205 Pendleton Street, 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 10:00 a.m. 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 March 17<sup>th</sup> meeting. The motion was made by Commissioner Amonitti for the minutes to be approved. Commissioner Leon Winn seconded the motion. The minutes were unanimously approved.

**IV. OLD BUSINESS**

There was no old business to be discussed.

**NEW BUSINESS**

Commissioner Davis began by reading a statement from the former Chair, John A. Oakland, extending his congratulations and best wishes to the new Chair, James T. McLawhorn, Jr. and the new board members.

Commissioner Davis went on to talk about the 50<sup>th</sup> Anniversary Celebration and Forum by advising that the event would be held at the Columbia Metropolitan Convention Center on June 30<sup>th</sup> at 6:00 pm. Danielle Lindley showed the Evite created to send to state agency heads, schools, members of the General Assembly and partners of the agency, requesting their attendance. Commissioner Davis presented to the Board members a draft program of the Anniversary Celebration and Forum. Commissioner Davis acknowledged and thanked the Leadership Team, along with other internal staff members, who made recommendations for a series of events that will continue to take place throughout the remainder of the year to celebrate the 50<sup>th</sup>.

Commissioner Davis informed the board that a Governor's Proclamation had been requested related to the event and asked that June 19<sup>th</sup> thru June 25<sup>th</sup> be deemed Human Affairs Week. The Commission was created and signed into law on June 23<sup>rd</sup> so the proclamation will cover the date that the agency was created. The agency is awaiting final approval from the Governor's Office. Also, to celebrate the event, on June 23<sup>rd</sup> at the State House, the reading of the proclamation will be held on the first floor and acknowledge Human Affairs Week. The public will be invited to attend. Commissioner invited the board to attend if their schedules permitted.

Chairman McLawhorn asked if requests had been made to the United States Department of Housing and Urban Development (HUD) and the United States Equal Employment Opportunity Commission. Commissioner Davis advised that representatives from those organizations had been invited to the event.

Commissioner Davis indicated that the agency is promoting the 50<sup>th</sup> Anniversary event across the state through a partnership with ETV. She indicated ETV will be airing a segment on the agency's creation, history, value to the State and the work currently being done by the agency. The taping will be held on June 16<sup>th</sup>. The first segment will include the first Commissioner of the agency, Dr. George Hamilton, former Chief Justice Jean Toal, Chairman James T. McLawhorn, Jr., and herself. They will be talking about the history of the agency. The next segment will focus on Consultative Services. That segment will include herself, Deputy Commissioner Dan Koon, Stephani Frese, and Danielle Lindley. The discussion will center around community relations, the overseeing of employment plans for state government and the change in state government composition over the last 50 years. The last and final segment will focus on Compliance Programs. This segment will include Commissioner Davis, Deputy Commissioner Marvin Caldwell, General Counsel Caroline Scrantom and EEO Director LaTarnya Whitmire.

Chairman McLawhorn expressed that the ETV program should show the audience where we are going over the next 50 years. He wanted to be sure that the agency not be viewed as social services but as an economic engine undergirding business growth in South Carolina. He stated that without the agency, the economic growth in South Carolina would have been interrupted by civil unrest. He indicated the significance of the agency is being missed.

Commissioner Davis continued discussing the flow of the program for the evening of June 30<sup>th</sup>, stating the doors would open at 5:00 pm for all attendees and that there would be two very important displays that document the history of South Carolina. The first one is entitled "Justice for All" which would be available for use from the USC Center for Civil Rights and the second display from the Cecil Williams South Carolina Civil Rights Museum located in Orangeburg, SC. Another major part of the evening would include a 9 minute, 29 second video, in memory of George Floyd, being worked on to showcase the good, bad and the ugly of the past 50 years across the nation and in South Carolina. Commissioner Davis indicated the pictures selected for the video will directly relate to the work of the agency and things that had impacted the work of the agency. When the nation is impacted, it also impacts community relations. Commissioner Davis noted that people get nervous when things happen locally, as well as across the country, which could cause a rise in complaints.

The last two subjects Commissioner Davis wanted to spotlight on the evening of June 30<sup>th</sup> was first, a significant change over the past 50 years, and second, what could we anticipate over the next 50 years. She indicated the way to bring both to light was to have two panel discussions. The first one being, what has happened to women in the workforce over the past 50 years? One important panelist will be the Honorable Jean Toal, the first woman to serve on the South Carolina Supreme Court, as well as being the first female to serve as Chief Justice.

The second panel will deal with the future of South Carolina; race, jobs, and how do we move forward, etc. The conversation would be centered around where do we go from here and how does the agency factor into the economic development of the state. She indicated the last panel would include former Commissioner James Clyburn, Board Chair James T. McLawhorn, Jr., as well as Secretary of Commerce, Harry M. Lightsey II.

Commissioner Sellers took a moment to interject that she would like to be sure the questions asked of the panelists addressed all aspects of diversity. Commissioner Davis agreed and felt that this would be covered.

In wrapping the discussion, Commissioner Davis was pleased to especially have a confirmation from Barbara Melvin. The Commissioner went on to explain her history at the Commission and why this piece was so important to her personally. During her 14-year tenure at the agency under former Commissioners Clyburn and Ham, Commissioner Davis coordinated the monitoring of employment in state government. She noted that at one point in time Santee Cooper and the State Ports Authority, had no women and no African Americans employed in top management and only in the lower paying positions. In doing some research for speakers for the panels, she discovered there would be a change in leadership at the State Ports. For the first time in history, there would be a woman heading the State Ports. She indicated that as of July 1, 2022, Ms. Melvin would be taking over as the CEO. This was just one example of how the work of the agency contributed to the rise of diversity around the state.

Commissioner Davis also noted that the SCHAC Compliance Division was kept out of the planning process to ensure there would be no conflict of interest with their work and selection of participants for the event.

The report was concluded by Commissioner Davis and Chairman McLawhorn called for the next section, the Administrative Update by Deputy Commissioner Dan Koon.

## **VI. BOARD REPORTS**

### **A. Administration**

Deputy Commissioner Koon began his management report and made the following highlights:

- The agency entered a contract with a security company, in conjunction with the Bureau of Protective Services, which offers security to the state capital complex and hired a security officer who is stationed in an office in the main waiting area.
- The office building being at least 100 years old, when there is substantial rain, the office leaks and has water seepage problems. There were some work repairs that took place in April of 2022 to address those issues.
- There is an inventory report of equipment owned by the agency which is due by May 31<sup>st</sup>
- Deputy Commissioner Koon also acknowledged that Stephani Frese graduated from the CPM (Certified Public Managers Program). This is a two-year program operated by the state and is also recognized as a national program for training and developing public managers and supervisors.

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

### **B. Legal Update**

General Counsel Caroline Scrantom began her report by acknowledging the other legal team members, first staff counsel Jamie Smith. General Counsel Scrantom mentioned that she and Jamie had been with the agency for approximately one year. She went on to recognize Larry McBride, who has a long history with the agency and most recently as a mediator. She indicated he had been very successful mediating and she would report out on his numbers later in the report. Lastly, the team has paralegal Tracie Mefford who handles all FOIA requests.



## Legal Activity Log March & April 2022

Action Taken	March	April	N/A	N/A	Total
Intakes Reviewed- Charge Formed	64	57			121
Intakes Reviewed -Charge Dismissed	36	25			61
No Cause Found _EEO	55 ↑	29 ↓			84 ↑
Cause Found _EEO	0	0			0
Returned for Investigation	2	3			5
Returned for Revision	6	3			9
<b>March- April EEO Return Rate 9%</b>					↓ (down from 27%)
Administrative Closures _EEO	19	6			25
Subpoenas Issued _EEO	1	0			1
Subpoena Enforcements Filed _EEO	0	0			0
Position Statements Reviewed	16	15			31

General Counsel Scrantom stated the above numbers reflect the Legal Division’s activity interacting with the EEO Enforcement Division of our office. The arrows indicate changes in the number of “no-cause” cases that have been submitted to legal for review. In total, the number has increased from the past board meeting, but you can see that the number was inconsistent between March and April. The return rate has decreased dramatically from the past quarter’s report, which indicates success from increased meetings and consultations between Legal and Employment Division investigators and supervisors. Administrative closures represent cases resolved through a private settlement reached in mediation, or due to lack of jurisdiction and other technicalities. This number’s reduction in April is a good sign, because the EEOC prefers a low administrative closure rate. You will also see we have not had to file any subpoena enforcement actions, which indicates that respondents in our enforcement actions are complying with our investigators’ requests for information.

Commissioner Sellers asked if the case is settled through mediation, does it go under the no cause category? General Counsel Scrantom advised it would go under the Administrative Closure category. Administrative Closures are jurisdictional type closures or settlement closures. Commissioner Sellers also asked, does the class action cases automatically go to EEOC or are they handled by Counsel? Caroline mentioned that they do go to the EEOC. She indicated that Deputy Commissioner Caldwell tracks the cases and is in constant discussion with EEOC about cases to determine how they should be handled.

Commissioner Davis interjected about the “no cause” cases that the agency investigates. She advised that the agency does not make the guidelines that determines “cause”. They come from the EEOC based upon court precedent, in terms of what is believed to be unlawful discrimination that will hold up in court. Commissioner Davis stated that when she is approached about cases, she advises that the agency is quasi-judicial, and the cases are reviewed with the understanding that any case that is received can go to court. The cases are analyzed and studied by the investigators before they go back to the EEOC or HUD. If either agency feels as if the right finding was not established, they can overturn the SCHAC finding and send it back to be reworked. It is the practice of the SCHAC to do a thorough job of investigating each case. This lets the claimant know that if they want to do a private action, get an attorney, take the notice of right to sue letter and go into court, they would have already been alerted that there is something about the case that shows the outcome may not be favorable for them. It is solely up to them to make that decision.

Chairman McLawhorn asked what is the benefit in going to SCHAC versus going through the EEOC? Commissioner Davis advised the employers here would prefer going through the agency because the turnaround with processing is quicker.

Commissioner Steve Hall asked for an example on how a claimant would get started on filing a claim based on feelings of discrimination. General Counsel Scrantom advised him that you can begin by going to the agency

website or calling the agency directly. There is an Intake area for employment, housing, and public accommodation cases. There is a form that can be filled out online or can be filled out in person. It then is given to the Intake Division, where an Intake Officer will review the information and then reach out to the claimant to get additional information that could possibly be needed to draft what is considered a formal charge. Once that is completed, it is sent through to the Legal Department to ensure all the necessary boxes are checked. A filed charge is similar to an indictment that would be obtained by a solicitor's office for prosecution, but our agency is a civil enforcement agency, not a prosecutor's office.



## Legal Activity Log March & April 2022

Action Taken	March	April	N/A	N/A	Total
Cause Found _Housing	1	1			2
No Cause Found _Housing	7	9			16
Case Conciliated _Housing	3	4			7
Returned for Investigation _Housing	1	4			5
Returned for Revision _Housing	2	4			6
<b>March –April Housing Return Rate 32%</b>					<b>↑ (up from 17%)</b>
Administrative Closures _Housing	1	1			2
Subpoenas Issued _Housing	0	0			0
On-Site Visits	0	1 (EEO)			1
Court Dates & Filings	3	7			10
Public Accommodations Cases Reviewed	4	2			6 ↑

General Counsel Scrantom indicated the above chart shows the Housing Division case reviews for March and April 2022. The numbers are consistent with past monthly numbers, meaning our Housing Division is generally quite consistent in the number of cases they resolve each month. For these two months, a good number of cases were conciliated, which means they were resolved through voluntary settlements prior to the investigator having to finalize a determination on the merits of the case. General Counsel Scrantom acknowledged stepped-up internal quality controls, which led to an increase return rate of housing cases over the past two months. She indicated that some of the increase can be attributed to the end of the Housing Division's fiscal year, which occurs on June 30. As the federal fiscal year ends, investigators attempt to wrap up their older, likely messier cases that require more complicated analyses. Steps have been taken to meet with investigators on cases when they are returned to re-direct the investigation or to give guidance on revisions that will shore up the analysis to comply with legal requirements. She also indicated the number of public accommodations cases closed out increased over the past two months. This just indicates an increase in activity in this area but does not denote any major deviation from the norm. Finally, Legal went on an on-site visit for an employment case in Orangeburg to oversee interviews in a pending case. The trip was a success; these on-sites are boots-on-the-ground methods of getting a true feel for a work environment and give the investigators insight on cases that look like a close-call on paper.



## MEDIATION REPORT March & April 2022

<b>Mediation</b>	
Number of Mediations Scheduled	16
Number of Mediations Successful	12
Number of Mediations Unsuccessful (Impasse)	4
Number of Mediations Returned	0
Amount of Monetary Settlements	<b>\$497,109</b>
Percent Mediations Successful	<b>75%</b>
Number of Mediations Upcoming	12

The slide is an internal document created by the Community Relations Director Robert Snipes which explains the benefits of the agency's mediation program. In the 1<sup>st</sup> quarter of 2022, you will see that Larry facilitated almost \$500K in employment settlement cases which is a wonderful result for the citizens that sought relief through the agency. He has a 75% success rate of mediations he has conducted.



## FOIA REPORT March & April 2022

<b>FOIA ACTIVITY</b>	
FOIA Requests Invoiced	13
FOIA Requests Reviewed	27
FOIA Requests Finalized	24
Payments received on FOIAs	<b>\$584.35</b>

Finally, the division also handles all FOIA requests that come into the agency. Tracie Mefford, the paralegal for Legal does a fantastic job with these. There is a steady flow of FOIA's, these numbers are not out of the ordinary.

General Counsel Scramton concluded her update and Chairman McLawhorn called for the Legislative Update and Commissioner Davis began her report.

### C. Legislative Updates

Commissioner Davis began her report indicating that the House and the Senate have gone back and forth with the recommendations for the state budget. She advised the Board that she would go over what the priorities were for this year.

Commissioner Davis indicated there were nine priority requests made to the General Assembly. The priorities are always entered in terms of recurring or non-recurring money. The priority list is as follows:

1. New FTE - Human Resource Manager I (Recurring Money)
2. New FTE - Community Relations Coordinator I (Recurring Money)
3. New FTE - IT Consultant I (Recurring Money)
4. Contractual Security Officer (Recurring Money)
5. New FTE – Program Coordinator I/Intake Officer (Recurring Money)
6. Replacement of Cisco Switches (Non-Recurring Money)
7. Recurring Funds/CAAMS - Across the state, MUSC has purchased numerous hospitals and those employees will be state employees. Therefore, the additional employee count will become a part of what we monitor related to affirmative action planning. The agency was notified by Affirmity, the company that provides the CAAMS software for affirmative action planning, that the Commission had exceeded the 65k state employee threshold, so the program would cost additional money. (Recurring Money)
8. Security Cameras - for the safety of the agency personnel, whether the agency stays in its current location or relocates, it is important for the agency to be secure due to the nature of work performed and the divisiveness across the country. (Non-Recurring)
9. Public Information – there is a need for better public information and website enhancements that allow the public quick access to complaint investigative status and other information about the agency. (Non-Recurring Money)

Commissioner Davis indicated the list above are requests for things that larger state agencies have. Some of the reasons why these positions are nonexistent at SCHAC is due to the recession that occurred in 2008 - 2012, when the agency lost a significant number of employees. Over half of the agency's employees were let go under a Reduction-in-Force. She indicated that prior to coming on-board, the previous Commissioner was rebuilding and working to get the money put back in the budget. Commissioner Davis indicated her focus was to strengthen the administrative area of the agency and rebuild the Community Relations Program.

Commissioner Amonitti asked if a relationship with the local Chamber of Commerce's exist, where they ask for their members to come in for training? Commissioner Davis asked Deputy Commissioner Koon to answer on behalf of Community Relations Division. Deputy Koon mentioned the partnerships with the Municipal Association, the County Associations, SC Together, SC Emergency Management Division, just to name a few. He stated also that Community Relations Division staffers, Ayana Crawford, Danielle Lindley and the Division Director, Robert Snipes each have counties they go to and engage with the community, building relationships with city and county council members, providing information about how to start their own community relation council. The three Community Relations employees also work with local Chambers of Commerce to build community relationships. The goal is having a community relations council in all 46 counties. Commissioner Sellers asked if this team provided employment training to employers also? Commissioner Davis indicated that piece is led by the Technical Services Division which Deputy Koon would discuss later in his report.

Jason Epting, the Budget Director working with the agency from ADMIN Shared Services went on to provide additional information regarding agency expenditures and remaining funds for the fiscal year. He indicated that the agency would end the year in the black by all indications, even with the understanding that there would be several bills coming in at the very end of the fiscal year due to the upcoming 50<sup>th</sup> Anniversary and Forum event. He pointed out that the Conference Committee would compare recommendations from the House and Senate, and those items where there was not agreement, the Conference Committee would seek to make decisions about funding for the agency.

A break was requested by Commissioner Amonitti at 12:02; they agreed to return at 12:07pm.

Upon return, General Counsel Scrantom spoke about bills moving through the General Assembly that could directly impact the Commission should they become law during the session:

- H. 3126 passed as the Vaccine Mandate Act. The law provides that state entities cannot impose vaccine mandates on employees. The law also protects employees of private employers who have imposed vaccine mandates. The law was passed in response to COVID-19. It implicates SHAC in Section 9, which invokes our public accommodations law. Under this law, if someone feels they have been denied a public accommodation, or that a government action has caused them to be denied entry to some accommodation or event – because of their vaccination status—they may file a complaint with the Attorney General’s Office (AG). The AG, in his discretion, may present the claim to a panel of three of our Board members, who will sit like a grand jury and determine if the claim can proceed. The AG would have the discretion to then continue to investigate the case with SLED and call for a hearing before a separate SCHAC five-member Board panel to determine if there was a violation of the law.
- H. 4776 passed as the Medical Ethics and Diversity Act. This law adds state protection for conscientious objectors to medical procedures. It allows conscientious objectors (employees of medical institutions and potentially, the medical institution) who feel they have had an adverse employment action taken against them to file a complaint with SCHAC under our Human Affairs Law at Section 1-13-90. The law allows us to investigate or to attempt to conciliate the complaint. It could be interpreted as expanding the powers of our agency; however, General Counsel Scramton did not anticipate this law having a great effect on our agency because it is very similar to a federal law that has existed since the 1970s. Though the state law is broader, this federal protection has existed for a long time, and had violations of this law been occurring in our state, many medical institutions would have lost federal funding because this law is regulated by the federal/state Department of Health and Human Services - Office of Civil Rights.

Commissioner Amonitti posed a question regarding the stance of medical practitioners in favor of the bill. General Counsel Scramton answered that there are likely many interpretations for the impetus of this bill becoming law, but that this report is limited to an explanation of how the law implicates SCHAC.

- CRT, the group of bills known as the critical race theory legislation, failed to meet the crossover date and did not become law. Additionally, though we discussed these bills at our last Board meeting, the version that did pass the House did not involve state agencies and was limited to the Department of Education. That bill died in the Senate.

Commissioner Davis commented on the CRT bill. The agency had a large interest in this bill because it would have impacted a large portion of the agency’s training program. As discussed earlier regarding partnerships, Commissioner advised that SCHAC contacted one of its partners and alerted them to the diversity training piece that was in one of the proposed CRT pieces of legislation. After reading the document, the partner was able to jump in and address proposed CRT legislation, and the impact it would have on federal contractors statewide.



**D. Personnel Update**

<b>Total Employees:</b>	43 – 8 – 51 –	As of 5/19/2022 Full Time Employees (FTE) Vacancies (FTE) Total (FTE) Employees  *13 State Temporary Positions
<b>Total Vacancies:</b>	08	As of 5/19/2022 • Administrative Manager I – Administration • Accountant/Fiscal Analyst II- Administration • Attorney II – Legal • Program Coordinator I – Intake • Program Coordinator I- Technical Services • Program Coordinator I-Fair Housing (2) • Program Coordinator I- EEO Investigator
<b>Total Terminations:</b>	00	
<b>Total Internal Moves:</b>	02	
<b>Total Resignations:</b>	01	
<b>Total Retirements:</b>	00	
<b>Total New Hires:</b>	02	• Cristhian Tellez

Commissioner Davis brought to the attention of the Board that at the advice of the Budget Director, federal EEOC and HUD funds needed to be spent in the year the grant was provided. As a result, there were 12 temporary-part time federally funded positions established to assist with investigations. All positions have not been filled and these employees will work from home less than 29 hours per week.

All open positions listed will be filled except for the Administrative Manager I and the Accountant/Fiscal Analyst II position. The money associated with those positions is used to pay ADMIN Shared Services to perform the functions. ADMIN Shared Services is a support service of the Department of Administration that aids smaller agencies in anything related to administration. They are paid over \$100k per year for their services.

Commissioner Davis read a short bio for the new hire in EEO Investigations, Cristhian Tellez and welcomed him to the agency.

**E. Financial Update**

Human Affairs Commission Operating Results - FY 2022 Actual Versus FY 2022 Projected As of April 30, 2022									
	FY 2022 Projected			Actual Income & Expense Year-to-Date as of 4/30/22			YTD % Funds Rec'd or Spent	83.3% of Year Budget	Comments
	State	earmarked	Federal	State	earmarked	Federal			
<b>Current Income and Expense</b>									
<b>Income:</b>									
State Appropriation	2,781,677			2,781,677			2,781,677	100%	
Int Allocation	15,282			15,282			15,282	100%	
State Pay Increase	48,815			48,815			48,815	100%	
Bonus Allocation - NPI								0%	
Photocopying Fee		20,608			19,608		19,608	100%	
US EEOC Grants Revenue		668,600			668,600		668,600	100%	
Training Conf Reg Fee								0%	
Federal Revenue			607,628			603,834	603,834	99%	
Other Revenue		2,231	302		2,231	102	2,333	100%	
Decrease/Increase in AF								0%	
<b>Total Income</b>	<b>2,845,854</b>	<b>690,439</b>	<b>607,729</b>	<b>2,845,854</b>	<b>690,439</b>	<b>603,935</b>	<b>4,140,228</b>	<b>100%</b>	
<b>Expense:</b>									
Personnel Services	1,674,504	313,218	219,383	2,227,111	1,473,735	265,221	2,115,522	86%	See Payroll Projections
Fringe	639,000	148,000	90,000	877,000	561,706	124,725	786,431	89%	Current Fringe Rate = 39.2%
Contractual	297,118	30,022	21,036	348,156	84,862	10,022	210,166	55%	
Supplies	94,298	2,924	0	97,222	54,165	2,724	56,889	58%	
Fixed Charges	114,627	25,343	16,000	155,970	72,705	23,340	96,045	71%	
Travel	67,062	2,024	9,964	80,000	32,469	2,074	34,543	56%	
Equipment	0							0%	
Taxes Paid	300			300				0%	
Electricity/Utilities								0%	
<b>Total Expense and Admin Alloc:</b>	<b>2,887,708</b>	<b>499,379</b>	<b>376,376</b>	<b>3,763,463</b>	<b>2,279,642</b>	<b>428,107</b>	<b>3,373,225</b>	<b>81%</b>	
<b>Revenue Over (Under) Expense</b>	<b>(41,854)</b>	<b>191,060</b>	<b>231,353</b>	<b>380,540</b>	<b>566,212</b>	<b>265,312</b>	<b>1,095,151</b>		
<b>Non-Recurring/Special Activity</b>									
Refund Prior Yr Exp								0%	
Special Items SC Prog Alloc								0%	
Transfer Out								0%	
<b>Total NRV / Special Activity</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0%</b>	
<b>Cash Report:</b>									
Beginning Cash	250,538	1,224,559	847,151	2,322,248	250,538	1,224,559	847,151	2,322,248	
Income	2,845,854	690,439	607,729	4,144,022	2,845,854	690,439	603,935	4,140,228	
Expenses	2,887,708	499,379	376,376	3,763,463	2,279,642	428,107	3,373,225	3,045,074	
NRV / Special Activity									
AF Adjust					2,420	105		2,525	
<b>Ending Cash</b>	<b>208,684</b>	<b>1,415,619</b>	<b>1,078,504</b>	<b>2,702,807</b>	<b>819,270</b>	<b>1,466,976</b>	<b>1,413,761</b>	<b>3,419,927</b>	

Jason Epting, Budget Director walked through a report and discussed where the agency sat with two months left in the fiscal year. The first spreadsheet he discussed gave an overview for where the agency was thru April 30<sup>th</sup> compared to how the agency expects to finish the fiscal year. The report was broken down by income and expenses. Each column he discussed represented the source of income - state appropriations, ear-marked funds, and federal funds. EEO contract revenue indicated funds received based on the number of cases completed, and the federal draw down funds represented fair housing funds. When looking at those numbers, with 83% of the state fiscal year completed, the agency had spent 81% of the budget. The agency is looking to finish the year with \$2.7 million dollars, mostly non-state funding. The agency will need to take the next few months to determine how to spend more non-state funds.

**FY 2023 House Passed Budget Versus Senate Passed Budget**

	House Passed	Senate Passed	Delta
<b>FY 2022 Recurring Budget</b>	2,845,854	2,845,854	-
<b>Non-Recurring Adjusts</b>			
Technology Replacement of 2 Cisco Switches- Proviso 118.19	9,000	9,000	-
Purchase Security Cameras for inside/outside Bldg- Proviso 118.19	60,000		60,000
Website Enhancements- Proviso 118.19	70,000		70,000
<b>Subtotal Non-Recurring Adjustments</b>	<b>139,000</b>	<b>9,000</b>	<b>130,000</b>
<b>Agency Recurring Adjustments:</b>			
HR Manager I (1 FTE)	97,816		97,816
Community Relations Coordinator (1 FTE)		83,057	(83,057)
IT Consultant (1 FTE)	97,816		97,816
Security Officer / Law Enforcement	80,000		80,000
Intake Officer (1 FTE)	83,057	83,057	-
Affirmity/CAAMS Perpetual Services	10,000	10,000	-
<b>Subtotal Recurring Adjustments</b>	<b>368,689</b>	<b>176,114</b>	<b>192,575</b>
<b>FY 2023 General Fund Budget</b>	<b>3,353,543</b>	<b>3,030,968</b>	<b>322,575</b>

The next slide discussed by Mr. Epting was the comparison of the House and Senate passed budgets. The House passed all requests except the Community Relations Coordinator I and the Senate passed two FTE's and a portion of the non-recurring funds requested. He indicated that the Conference Committee would meet and determine the final allocation to the agency.

**Senate Proviso 117.174**

*117.174. (GP: Human Affairs Commission and Commission for Minority Affairs Merger Study) The Human Affairs Commission and Commission for Minority Affairs shall each work with the Department of Administration, Executive Budget Office, and Division of State Human Resources to study the feasibility of a merger of the two agencies. The Human Affairs Commission and Commission for Minority Affairs shall develop a plan that includes, but is not limited to, proposed organizational structure, proposed program structure, and proposed budgetary and human resources changes to perform the functions of the two existing agencies in the event of a merger of the two agencies. The plan shall be submitted to the Chairman of the Senate Finance Committee, the Chairman of the House Ways and Means Committee, and the Governor by December 1, 2022.*

Mr. Epting also discussed the proviso that was drafted by the Senate, which required the Human Affairs Commission and the Commission of Minority Affairs to prepare a feasibility study for the merger of the two agencies. This study is due to the Chairman of the Senate Finance Committee, the Chairman of the House Ways and Means Committee, and the Governor by December 1<sup>st</sup>.



## VII. COMMISSION REPORTS

- **Administration** - Commissioner Davis mentioned that the agency was looking for new space. If everything goes as planned and new FTEs are received, the agency will need new offices in the current space. That is one of the reasons the Board meetings take place outside of the office. There is not enough room to accommodate the Board, staff and outside public audience members should they exercise their right to attend the meetings during COVID. Commissioner Davis noted the issue is there are no available state office spaces to move into. She has been working with the Division of Administration looking for space and one location was the S.C. Department of Archives and History building, however, with the impending growth of SCHAC, there would be no way to fit comfortably in that space. The State Department of Education is currently in the Archives and History building where SCHAC is interested in moving. The Department of Education is building a new campus but until it is complete, and all their employees are moved from other buildings, there is nothing that can be done related to state office space. It could take two years to build the new education campus and free up state office space. Commissioner noted the reason for holding on to some of the funds Jason mentioned in the budget as being excess, is to use that one-time money for upfitting any state building the agency might ultimately move into. The walls and partitions in the agency space now have been in use for at least 30 years. Former Commissioner Clyburn installed them in a previous space and then they were bought to the present location. Commissioner Davis noted it is time for some new upgrades given the wear and tear, and the staff was well deserving. The cost per square foot in the building where the agency resides now is \$9.10. The new state rate would be approximately \$12 to \$13 per square foot. The private sector is anywhere from \$18 to \$30 per square foot. Unless something opens with another state building, the agency would most likely stay where it is for at least another year.

Commissioner Davis spoke about the mission of the agency. When speaking about Compliance Programs and Consultative Services, those names tie back to the mission. The agency exists to prevent and eliminate unlawful discrimination. The example given was, *would you rather prevent cancer or cure it?* Simplistically, the prevention piece directs itself to Consultative Services, while Compliance is the elimination piece. She further broke down the mission by addressing the protective classes: Employment covers race, color, national origin, religion, sex, age, and disability; Housing covers race, color, national origin, religion, sex, familial status, and disability. Age is not covered under housing, but it gets picked up in the disability category. A lot of the disability claims are filed by people who are aged. Public Accommodations covers race, color, national origin, and religion. All of those, if done correctly, bring the agency to assisting in promoting harmony and the betterment of human affairs for all people. Further information will be given during Board training.

Commissioner Davis indicated that the agency enters yearly contracts with the EEOC and HUD to assist them in investigating cases of unlawful discrimination that originate in the state of South Carolina. Further details on the contracts will be addressed at Board training.

That concluded Commissioner Davis's report. Deputy Commissioner Dan Koon was up next for the Consultative Services, Community Relations and Intake Division's reports.

### **Consultative Services Programs**

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

Deputy Commissioner Dan Koon started his report by mentioning the Technical Services and Training Department composed of Stephani Frese, Director, and staff members Alpha Dunbar and Eithne McWhorter. There is one vacancy in the department that Stephani was working to fill. He indicated since the last board meeting, the team had worked on some focus groups to conduct and develop new training materials for different types of entities. Deputy Commissioner Koon indicated one of Technical Services main roles is to provide the Annual

Report to the General Assembly comprised of employment and hiring information from 90 states agencies, colleges, and universities. The information is very technical and is based in part on US Census Data. They work with each of the agencies about recruitment measures and census codes. They also do in person visits to different state agencies to help those agency's that fall below the 70% goal to assist in having better reports as it relates to affirmative action. The Technical Services Division also conducts employment law training. Sometimes entities request training such as Pelican's Organization for the Deaf.

Commissioner Davis presented a Midlands weekly newspaper that highlighted the work of the Technical Services Department. The publication can be found in two other regions: Charleston and the Pee Dee.

ii. **Community Relations**

Deputy Commissioner Koon said that in thinking about the history of the agency, Community Relations was why the Human Affairs Commission was created in part due to the disparities that were taking place in employment in state government. Back in 1972, there were some difficult things that had happened (i.e., the Orangeburg Massacre, the Lamar Bus Incident, the MUSC hospital strike etc.) so it was very important that SCHAC addressed social unrest through community relations. Deputy Commissioner Koon went on to introduce the Community Relations team of Robert Snipes, Director, and staffers Ayana Crawford and Danielle Lindley. Ayana and Danielle began working with the team in October 2021 and have accomplished numerous successes. Ayana was able to establish a council in Tega Cay with the assistance of former Commissioner AC Williams and Danielle had established a council in Sumter. As board members, he asked that they work within their communities to assist the team in creating councils. Deputy Commissioner Koon noted there are approximately 13 to 14 councils across the state and there will be a statewide virtual meeting happening on May 27<sup>th</sup> to determine interest in holding a statewide meeting to talk about issues and common concerns. In conjunction with the marketing and PR piece Commissioner Davis spoke about earlier, Deputy Commissioner Koon displayed a poster that Danielle created which will be displayed along the interstate in Orangeburg to give the agency more visibility. They are also working with some specified county Division of Motor Vehicles locations, to advertise about the work of the agency in the areas of housing and employment law, while people wait in the lobby to be served.

**Public Accommodations/90 (e)** – Deputy Commissioner Koon stated that one of the other jobs of the Community Relations Department is to investigate 90E and Public Accommodation allegations. There is no investigative authority over these cases but what can be done is to mediate and try to resolve the complaints in an agreeable manner.

- iii. **Intake Processing** – Deputy Commissioner Koon explained that this division provides the public with the first interaction with the agency. Total contacts for the month of March were 533 and in April it was 484. The initial contact numbers make up the Public Accommodation/90E and Employment complaints, which were 237 for March and 203 in April. Of those charges that were formalized, 53 were for March and 43 for April. Commissioner Koon was hopeful that with more outreach, people would learn about the work of the agency and contact the agency for services.

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

- **Compliance Programs** – Deputy Commissioner Marvin Caldwell began by breaking down the divisions he oversees. He explained that the EEOC program is comprised of Director Tarnya Whitmire, three Supervisors, 11 Investigators, one Enforcement Coordinator and one Administrative Assistant. The Fair Housing Division is comprised of Director Deborah Thomas, one Senior Consultant, three Investigators, one Intake Officer and one Program Assistant.

He went on to explain that the Compliance Programs consist of EEO Enforcement Investigations and Fair Housing Investigations. The contract for EEOC Enforcement is from October 1<sup>st</sup> – September 30<sup>th</sup> and the contract period for HUD Fair Housing is July 1<sup>st</sup> – June 30<sup>th</sup>. With the Fair Housing side Deputy Caldwell advised there is no specific number attached to the contract like it is for EEO. Based on the population, the agency is placed at a Tier 6 category requiring the processing of 60 complaints per fiscal contracted year.

Commissioner Hall asked what happens if the 60 complaints are not met for the year? Deputy Caldwell advised that if that does happen for two consecutive years, then the agency is placed on a performance improvement plan. If the number is not raised by the third year, the agency does not meet the requirements and the Memorandum of Understanding (MOU ) would be removed. Commissioner Hall's follow up question was, what if there just aren't enough cases to investigate? What happens? Deputy Caldwell explained that is where the outreach to the Community comes in. There are also grants to which the agency can apply that allows the agency to be a part of events that will put the name of the agency out to the public. He also let Commissioner Hall know that reaching the 60 cases had not been an issue for the agency since 2015.

- i. **HUD Enforcement** – Deputy Commissioner Caldwell advised that April was Fair Housing Month and as in years past, except for 2020, the staff is busy participating in webinars and seminars intended to bring awareness to the public regarding unlawful housing discrimination. They participated in four trainings as either a presenter or just in attendance.

By way of PR and marketing, as had been previously discussed, there are TV Ads running in Aiken County, Saluda County, Orangeburg County, Edgefield County, and Barnwell County, York County, Lancaster County, and Cherokee County, Beaufort County, and Jasper County, as well as Radio Ads running in Beaufort County and North Charleston, and digital campaigns in numerous zip codes across the state.

Going back to the issue of 60 cases being closed, Deputy Caldwell noted that at the end of April, the Division had closed 126 cases.

In the past couple of months, the Fair Housing Division participated in Education and Outreach across communities. Individuals from the Fair Housing Section presented on various Fair Housing topics for different events as listed above.

- ii. **EEO Enforcement** – Deputy Commissioner Caldwell noted as previously stated, the contract for EEOC Enforcement is from October 1<sup>st</sup> – September 30<sup>th</sup>. Unlike Housing, the SCHAC estimates/determines the number they believed can be closed and that is the number of cases allocated by the EEOC. The number the agency gave this contract period for closure was 800. The EEOC allows all contracting agencies to review and adjust their numbers upward or downward about half-way through the contract year. A notice had been sent to the SCHAC to see if the number needed to be reevaluated and he advised that most likely it would. Eight hundred cases did not seem attainable at the time. Commissioner Hall asked if it was due to a lack of people coming forward? Commissioner Davis explained that in her belief, there were a few things that could be impacting this, but there would be a discussion in Executive Session to address his question.

Deputy Caldwell went on in his report to explain that at the end of April, there 312 cases were closed, whereas at the end the same timeframe the preceding year, they had closed 413 cases.

Deputy Commissioner Caldwell concluded his report.

**VIII. PUBLIC COMMENT PERIOD**

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

**IX. BOARD MEMBER COMMENTS**

Commissioner Amonitti expressed that she was grateful and thankful to be apart of the board and was beginning to see what the Commission is doing. She acknowledged having been on the board for Minority Affairs when Commissioner Davis was there, and she was and is a wonderful person to work with. There was a lot accomplished while she was there, and she knows that the same will apply at the SCHAC. She went on to thank the staff for their hard work and commitment as well.

Commissioner Winn thanked everyone for being there and bringing such a richness and a quality to the agency. A huge thank you to the staff for their diligence and hard work.

Commissioner Sellers acknowledged she had worked with the EEOC and SCHAC over 30 plus years in human resources and is very honored to be a part of this group. She is sure that she will learn a lot more about the agency in the days ahead.

Commissioner Hall expressed he was looking forward to getting to know everyone. There is a lot that he doesn't know but is looking forward to learning more about what the agency does and how it can be done better. He also acknowledged what is being done well at SCHAC.

Commissioner Snipes is happy to be a part of the Board and was looking forward to learning more about the work of the agency.

Chairman McLawhorn welcomed the new Commissioners. His belief was that the work of the agency is a calling. It isn't just a job. He commended the staff for longevity and keeping the fire going with this type of work. He expressed that although the financial aspect may not be very rewarding, the spiritual aspect held no comparison. He thanked the staff for all they do for others. They are empowering people every day and changing lives.

**X. ADJOURNMENT**

Chairman McLawhorn called for a motion to go into Executive Session. Commissioner Sellers made the motion and Commissioner Hall seconded. After unanimous consent, the meeting moved into Executive Session.

**XI. EXECUTIVE SESSION**

A motion was made by Commissioner Winn to return from Executive Session. Commissioner Amonitti seconded. After unanimous consent, the Executive Session ended at 2:40pm

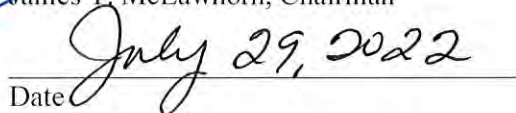
A motion was then made by Commissioner Amonitti to adjourn. Commissioner Winn seconded and after unanimous consent, the board meeting was officially closed at 2:45pm.

The next Board meeting is scheduled for July 29, 2022, at 10:00 A.M. with location to be determined.

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

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

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

  
\_\_\_\_\_  
Date