

South Carolina Human Affairs Commission Board Meeting

May 20, 2021
10:00 A.M.

Greater Columbia Community Relations Council
930 Richland Street
Columbia, SC

BOARD MEMBERS PRESENT

Chairman, John A. Oakland
Commissioner, Andrew C. Williams
Commissioner, Leon Winn

DELAYED (but in attendance)

Commissioner, Harold Jean Brown-Williams

STAFF PRESENT

Commissioner/CAO Janie A. Davis
Deputy Commissioner Dan Koon
Deputy Commissioner Marvin Caldwell
Alyssa Barker
Alexis Watson – Legal Intern
Deborah Thomas
Caroline Scramton
Lee Ann Watson
Marcus Sumter
Danielle Lindley
Janeen Sanders

I. CALL TO ORDER

The South Carolina Human Affairs Commission (“SCHAC” or the “agency”) held its Board meeting on May 20, 2021 at the office of the Greater Columbia Community Relations Council, located at 930 Richland Street, Columbia, SC. Public notice was posted at SCHAC’s main office entrance and placed on SCHAC’s website. Chairman Oakland called the meeting to order at 9:58 a.m. and called 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 Oakland called for the approval of the minutes from the November 13, 2021 meeting. There being no corrections to the minutes, they were unanimously approved and accepted.

Chairman Oakland called for Old Business.

IV. OLD BUSINESS

There was no old business to be discussed.

V. NEW BUSINESS

There was no new business to be discussed.

Chairman Oakland moved to Board Reports.

VI. BOARD REPORTS

A. Administration

Commissioner Brown-Williams was not yet in attendance due to car trouble, but she had previously spoken to Deputy Commissioner Koon, who she requested to give the update.

Deputy Commissioner Koon began by discussing that last year this time, all employees were working from home due to the pandemic. On March 5, 2021, Governor McMaster issued an Executive Order for everyone to return to the office. There was a quick one-week turnaround requested from the Governor's Office to produce a document stating how the agency would return to full staffing immediately. As of the date of the board meeting, all employees had fully returned, unless there was a stipulation granted to an employee prior to the pandemic to work from home.

Phase II of the Air Handler Project was started in January 2021 and ended the first part of May. The air system is on a timer and has improved the quality of air being distributed through the building.

Money was allocated to the Department of Administration from the Capital Reserve Fund to fix the water leak in the large conference room and break room, believed to be caused by decaying mortar between the bricks on the north side of the building. This project is also known as the North Side Wall Project.

Deputy Commissioner Koon also mentioned for better security purposes, the front door entrance would be upgraded. The door will now have a doorbell and camera, which will require the receptionist to give entry access to outside visitors. The staff will enter using a swipe pass access. This project is set to begin on May 25, 2021.

B. Legal Update

Attorney Lee Ann Watson began her report by discussing the staff changes that occurred since the last Board Meeting. Sarah Gable resigned her position in January 2021 to take a job with a private law firm and Bryan Jeffries resigned his position in March 2021 due to a judgeship appointment. The Board had previously received reports on the November 2020 thru January 2021 legal statistics. The numbers she reported were for February 2021 through April 2021.

Lee Ann introduced a new team member, Attorney Caroline Scrantom who started in March 2021, as well as a summer extern, Alexis Watson from the University of South Carolina.

Intakes Reviewed: Over the past three months, there was an increase in the productivity in the Intake Department. In the previous months of November 2020 thru January 2021, the Legal Department reviewed approximately 180 cases, whereas in the past three months, February thru April 2021, Legal reviewed 247 cases. She noted that this is where the agency needed to be in order to meet the EEOC contract.

Administrative Closures: Only one (1) cause case was noted for the quarter. However, the jump in Administrative Closures depicted more settlements for potential cause cases prior to determination.

Lee Ann was asked by Chairman Oakland to explain Administrative Closures. She stated that Administrative Closures would entail something other than a determination or settlement, such as, 1) lack of jurisdiction, 2) a case gets withdrawn without settlement, or 3) the complainant no longer wants to continue with the investigation.

Subpoenas Issued: The number of subpoenas issued during the quarter increased by five (5) due to some respondents failing to send the requested information.

Subpoena Enforcements Filed: Three (3) matters were taken to the Administrative Law Court to enforce respondents to send the information requested.

Requests for Position Statements: Charging parties may seek to get information submitted by the respondent prior to the full investigation, but a SCHAC attorney must review the information first to be sure confidential information is not being shared. This number increased significantly from the previous quarter; it went from 37 to 63 position statements being reviewed by Legal.

No Cause – Housing: This number is down from the previous quarter because of effective efforts to conciliate cases. No cause cases were noted but 10 conciliations occurred, thus eliminating the need to litigate five (5) cases.

Court Dates: No court dates or on sites were scheduled due to the pandemic.

Special Note: The Bynum Case settled with the party receiving \$7,000.00 and the agency receiving \$500.00. The respondent in this case will receive training.

Lee Ann noted there were more cases to be discussed but would be carried over for discussion in the Executive Session.

C. **Legislative Updates**

Commissioner/CAO Davis started her report by thanking the staff for a job well done across the board, with special mention of the Legal Department. Due to the resignation of two attorneys within a short time period, the department consisted of Lee Ann, Tracie Medford, and Larry McBride. The Attorney positions were posted more than once to allow more time for suitable candidates to apply.

Commissioner Davis shared with the Board the success had in the General Assembly. There was some concern in the very beginning of the budget process because the Governor started with funding the bare necessities of state government due to the uncertainty of revenue projections due to the pandemic. The House took the same position and did a 'bare bones' approach but was very open to all of our recommendations for funding. The House approved Priority Number One, the money requested for employee retention funding. Both the House and the Senate provided retention funding in their budgets. Commissioner Davis contacted the Governor's office and was extremely confident all would be approved by the Governor. Also approved in the House and the Senate was Priority Number Four, a request to increase the agency's authorization to spend federal funds. Authorizations on the EEOC side were \$750,000.00. Now with the increased authorization, the agency was granted an additional \$250,000.00, which means the total authorized spending for the agency is \$1M in EEOC money. With HUD, the authorized spending amount was \$336,225.00. The additional approved amount for \$263,275.00 takes the agency to \$600,000.00 per year in HUD spending. The agency was also seeking funding for additional positions for

Community Relations. Before the General Assembly went out on summer leave, Commissioner Davis was able to get a commitment from Representative Shannon Erickson that they would come back and discuss additional monies for Community Relations. The House members chose to wait and see what the Board of Economic Advisors would project regarding new revenue that would come in later in the fiscal year. Commissioner Davis also had a commitment from the Senate, that if the House were to put additional monies in, the Senate will do the same in the Conference Committee. Overall, Commissioner Davis felt the agency's work and value were appreciated based upon support given to the budget request.

Commissioner Davis and Lee Ann will have one more project to complete over the summer and that is to strengthen the statutes of the agency as previously presented in both the House and the Senate last year. They will work on getting support for changes so when the Legislators return in January 2022, the changes can move swiftly through the legislative process.

D. Personnel Update

Commissioner Williams gave the personnel update.

Total Full-Time Employees as of 5/17/2021: 41

- State Temp. – 1 - Larry McBride (Program Coordinator I – Mediator)
- Total Vacancies: 9
 - Program Manager I – EEO Director (Internal applications were being reviewed)
 - Program Coordinator II – Community Relations (Interviews had been held)
 - Program Coordinator I – Technical Services (2 positions) (Applicants were being reviewed to fill one position)
 - Program Coordinator I- Fair Housing (applicants were being reviewed)
 - Program Coordinator I – EEO Investigator (2 positions) (Applicants were being reviewed for one position)
 - Attorney II – Legal (new employee set to begin June 22, 2021)
 - Accountant/Fiscal Analyst II
- Total Internal Moves: 2
 - Marvin Caldwell was promoted to Deputy Commissioner for Compliance programs
 - Deborah Thomas was promoted to Fair Housing Director
- Total Resignations: 2
 - Sarah Gable – Attorney – Administration
 - Bryan Jeffries – Attorney – Administration
- Total New Hires: 3
 - Janeen Sanders – Executive Assistant
 - Lawrence Smalls – EEO Investigator
 - Caroline Scramton – Attorney II
- Total Terminations: 0

Commissioner Williams read brief biographies for new employees Lawrence Smalls and Caroline Scramton. All present welcomed them to the agency.

E. Financial Update

As of April 2021, SCHAC had expended \$2,100,473.00 in state funds; \$522,004.00 in EEOC earmarked funds; and \$385,877.00 in federal HUD funds for personnel services, operating

expenses, and fringes. At 83% of the year lapsed, approximately 59% of the budget had been expended.

Because an agency can carry forward no more than 10% of its state budget for the year, Chairman Oakland was concerned about state money in excess of 10%. Commissioner Davis indicated additional expenditures would take up some of the money before the end of the fiscal year. Also, reverse journal entities would be made as necessary after June 30th.

VII. COMMISSION REPORTS

- Administration

Commissioner Davis noted the reason she wanted to spend more time on the budget was to make sure it was fully explained in detail, that the agency would incur additional expenses in the coming year. With Marcus' assistance, she explained:

i. New expenditures/SFY21-22

1. **Tort Insurance** - \$11,983.00 vs \$20,473.00 – No prior notice was given. This insurance covers SCHAC property, inventory, and protection against lawsuits. A detail study to ensure the agency was covering everything it should and no more, was conducted to try to offset some of the additional cost.
2. **Service Contracts (TBD)** – This will be reviewed because there may be some additional cost with copiers, computers, printers. etc.
3. **CAAMS (Housing Service) - \$9,000/\$11,500/\$14,000 (Support Fee) + 16,550 each year** – This system is used by Technical Services to prepare the state agencies' affirmative action plans. Significant increases will occur over the next three years. Previously, the CAAMS software was housed in the Division of Administration, but now it will be housed by the company that owns the Affirmity software.
4. **Bandwidth – \$210 x 12 months = \$2,520 (From 10 to 15 megabytes)** – This helps with the speed and response time in the office. The agency has incrementally added bandwidth to reach the point that satisfies productivity needs.
5. **AT&T – TBD/moving from analog to newest technology** – SCHAC has a private analog data line that sends what we save on our computers to the State Department of Technology (DTO) for storage. This AT&T analog data line will no longer be supported and the contract with AT&T expires 2022. The State DTO is currently investigating whether we will need our own server or whether some other option through them may be available to house our data. This may require additional funding by the General Assembly. The cost to implement a replacement process has yet to be determined.
6. **Training (TBD)** – More money may be spent in coming year in training/conferences because employees are back in the office (travel, hotel cost, meals, etc.).

ii. *Agency Relocation Study*

Commissioner Davis approached the Board about looking into new office space or expanding the current space (11,956 sq. ft./9,683 useable – Rent \$105,523.60/\$9.10 per sq. ft.). The Commissioner noted that the agency was at maximum capacity in office space and there was no storage space. Storage was being housed in two offices needed for new staff. On the first floor of the Sumter Street office, some space became available that could possibly be used. Deputy Commissioner Koon and the

Commissioner Davis looked at the space but there were some issues with the flooring in what could be the boardroom so that would require some major repair work. Some of the reasons for relocating are: 1) no office space/storage and room for growth; 2) problems with current space (parking, no windows, leaks, roof, north wall, loitering, etc.); and 3) security. Commissioner Davis expressed her concern for staff safety and the fact that the roof upon further inspection by Admin engineers was determined to require major work. Chairman Oakland and the Board granted Commissioner Davis permission to begin looking for new space.

- iii. *EEOC Reassessment/FFY2000-2021 Contract* (1,100 x 85% = 935 vs EEOC Cases Down (1,100 x 25% = 825)
Because the EEOC case load remained down across the country, state agencies were given the opportunity to reassess their contract numbers. As of the Board meeting, Commissioner Davis and Deputy Commissioner Caldwell were working with staff to hit the mark.
- iv. *Restructuring* – Commissioner Davis indicated the study was going well and that the Office of Human Resources was assisting the agency. She indicated the vacancy list given during the personnel report showed nine (9) vacancies but after the restructuring and positions being filled, there should only be two (2) vacancies left.

Commissioner Davis introduced the two (2) new deputies: Deputy Commissioner Dan Koon - Consultative Services and Deputy Commissioner Marvin Caldwell - Compliance Programs. Reports were given by each.

- **Consultative Services Programs**

- i. **Technical Services** – Deputy Commissioner Koon congratulated the Technical Services Team for the hard work on the Annual Report to the General Assembly. The staff was working remotely, but the team was able to gather the data from 90 state agencies and produce a visually appealing document. The report was given to the General Assembly on February 1st, 2021.

Deputy Commissioner Koon stated that training is a major function of the Technical Services Unit and that the team had developed a new Diversity, Equity, and Inclusion (DEI) Training Module while working remotely. State agencies seek training in this area. Deputy Commissioner Koon indicated that the team had just started conducting limited in- person trainings. During the pandemic, most trainings had been virtual.

Deputy Commissioner Koon discussed the success of the work related to the Pregnancy Accommodation Act and the South Carolina Lactation Act; the latter most recently enacted into law. Staffer Alpha Dunbar was commended for the work related to making the public aware of the two laws through training and a highly publicized monthly newsletter.

- ii. **Community Relations** – Deputy Commissioner Koon mentioned how Commissioner Davis had a vision for this department, and the work to support that vision had actively begun. Commissioner Davis, Deputy Commissioner Koon, and Robert Snipes,

currently the only employee in the department, have been meeting and planning using the Community Relations Guide as the starting point of conversations.

Deputy Commissioner Koon introduced the regional map that would be used in conjunction with the new hires the agency will be looking to employ. The goal is to have an employee in each of the six (6) regions and two (2) staffers in the office. Deputy Commissioner Koon indicated the map was modeled after the Emergency Management Division's Planning areas since it is expected that the agency would be partnering with emergency management personnel across the state.

- iii. **Public Accommodations/90 (e)** – Deputy Commissioner Koon stated that Robert Snipes, with the assistance of Lee Ann Watson and Grisel Jackson, received training recently through the Midlands Mediation Center. Each employee added to the Community Relations Unit will also go through the mediation training. It is a resource they will need in dealing with conflicts in the community. Robert Snipes also monitors events around the state that involve race relations and history.
- iv. **Intake Processing** – Deputy Commissioner Dan presented a chart showing Intake cases processed from April 2020 to April 2021. He thanked Alex Nelson and the Intake Team for a job well done.

- **Compliance Programs**

- i. **HUD Enforcement** – Deputy Commissioner Caldwell discussed the below points that were shown on the screen during his PowerPoint presentation.
 - 3/10/2021- Completed Mediation Training by Midlands Mediation Center
 - 3/16/2021- Attended Region 4 training on Final Investigative Reports
 - 3/25/2021 – Attended Trauma Informed Practices /Sexual Trauma Services of the Midlands
 - 4/20/2021- Intake Audit with HUD went well. Deputy Commissioner Caldwell noted there were no advance warnings regarding this audit. HUD pulled random cases to ensure that policies and procedures were being followed. HUD stated that the Housing Team was doing a great job.
 - Five (5) events (4 virtual, 1 in-person) during Fair Housing Month:
 - Piedmont Regional Association of REALTORS
 - Greenville County Community Relations
 - Coastal Carolinas Association of REALTORS
 - Urban Scene (Radio Show), and
 - Fair Housing Training for Respondents by Investigators.
 - The Housing Team completed 127 cases for the fiscal year, compared to 118 at the same time last year. During the month, the staff processed nine (9) no cause cases, one (1) administrative closure and five (5) conciliations.
 - Conciliation agreements or post cause settlement agreements totaled \$55,244.00 in monetary settlements for this fiscal year.
 - There were 104 active complaints on hand and investigators had approximately 20 cases per person.

- ii. **EEOC Enforcement** – Deputy Commissioner Caldwell discussed the below points regarding the EEOC activities:
- 2/11/2021 – Introduction to EEOC staffer, Sarah Strozeski - State, Local, and Tribal Coordinator. EEOC also introduced Executive Order 13988, giving FEPA’s the authority to investigate Sexual Orientation and Gender Identity discrimination under the basis of sex discrimination. As a result, the SCHAC signed an addendum to the contract stating we would investigate cases based on Sexual Orientation and Gender Identity.
 - 4/23/2021- Met with EEO Atlanta District Director Daryl Graham via WebEx
 - 4/28/2021- Attended the EEOC Commission Hearing on the Civil Rights Impact of the Pandemic
 - 4/29/2021 - Attended the pre-recording TAPS training provided by EEOC
 - 4/30/2021- Reassessment of FY21 Contract Goals with EEO Charlotte District Director Thomas Colclough via WebEx
 - EEO Enforcement Team completed 410 cases for the federal fiscal year; closed 61 employment cases for the month; 43 no cause, nine (9) settlements and nine (9) administrative closures.
 - With mediations and settlements, \$734,497.00 in monetary settlements had occurred this fiscal year.
 - 275 active complaints were on hand
 - Average case load per 10 EEO Investigators was 35. New Investigators Benjamin Ruiz and Lawrence Smalls carried 26 and five (5) respectively.

VIII. PUBLIC COMMENT PERIOD

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

IX. BOARD MEMBER COMMENTS

Chairman Oakland moved to the Board members comments.

Chairman Oakland started off the Board comments advising of a former complainant who wrote to legislators, the EEOC and anyone that would listen alleging the agency was part of a conspiracy to deny him justice. The complainant brought a suit against SCHAC, but his complaint was dismissed. He wrote letters to the agency and has posted numerous blogs stating how the agency has done him a disservice. Chairman Oakland advised that no one should engage with him.

Commissioner Williams was concerned about the economy due to the pandemic. He was glad to be amongst the group given the impact of the pandemic. He also mentioned being happy to get more involved in the work that Commissioner Davis is bringing forth with the Community Relations Program. He attended a meeting in his congressional district with the SCHAC CR’s Team and continues to be actively involved in his community.

Commissioner Brown-Williams mentioned that we will need to get into the community ourselves. Georgetown doesn’t get much of the information that happens in Columbia. With her being the Community Relations person for Georgetown and some of Horry County, she gets the word out about the agency as people in that area are not very familiar with who we are and what we do. She will continue to push the cause.

Chairman Oakland ended the Board meeting and called for a motion to move directly into Executive Session, where lunch would be served during the meeting. Commissioner Brown-Williams made the motion as per the directive of the Chairman and Commissioner Williams seconded.

Lunch was distributed and the Executive Session began at approximately 12:36 P.M.

X. EXECUTIVE SESSION

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

XI. ADJOURNMENT

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

The next Board meeting is scheduled for August 12, 2021 at 10:00 A.M. with location to be determined.

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



Janie A. Davis, Commissioner



John A. Oakland, Chair


Date