

# South Carolina Human Affairs Commission Board Meeting

November 18, 2021

10:00 A.M.

South Carolina Department of Archives and History  
8301 Parklane Road  
Columbia, South Carolina 29223

## **BOARD MEMBERS PRESENT**

Commissioner H. Jean Brown-Williams  
Commissioner Cheryl Ludlam  
Commissioner Andrew C. Williams  
Commissioner Leon Winn

## **VIRTUAL**

Chairman, John A. Oakland

## **GUEST**

Jason Epting – SCHAC Budget Director  
ADMIN Shared Services

## **STAFF PRESENT**

Commissioner/CAO Janie A. Davis  
Deputy Commissioner Marvin Caldwell  
Robert Snipes  
Ayana Crawford  
Eithne McWhorter  
Stephani Frese  
Alphia Dunbar  
Alex Nelson  
Jamie Smith  
Caroline Scrantom  
Lee Ann Watson  
Tarnya Whitmire  
Danielle Lindley  
Lawrence Smalls  
Gregg Hinson  
Deborah Thomas

## **I. CALL TO ORDER**

The South Carolina Human Affairs Commission (“SCHAC” or the “agency”) held its Board meeting on November 18, 2021, at the office of the South Carolina Department of Archives and History, located at 8301 Parklane Road, Columbia, SC. Public notice was posted at SCHAC’s main office entrance and placed on SCHAC’s website. Vice-Chair Commissioner Cheryl Ludlam called the meeting to order at 10 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**

Vice-Chair Commissioner Ludlam called for the approval of the minutes from the August 12<sup>th</sup> meeting. The minutes were unanimously approved.

Vice-Chair Ludlam called for Old Business.

## **IV. OLD BUSINESS**

There was no old business to be discussed.

## V. NEW BUSINESS

Commissioner Davis began her report by acknowledging the upcoming 50<sup>th</sup> Anniversary of the agency on June 23, 2022. She indicated that the leadership team had begun to have meetings to discuss ideas around how to celebrate the agency's 50 years in existence.

She indicated the USC Alumni Center and the City of Columbia Convention Center have tentatively been reserved for the celebration, which she hopes will be held on Thursday, June 23, which is the actual date the General Assembly signed the agency into existence. Until the schedules of some key people associated with the agency can be confirmed, the date for the event cannot be determined. The event will focus on events in the state and country over the past 50 years that helped shape the work of the agency.

Commissioner Davis stated that committees and teams have been created to brainstorm multiple ideas and concepts. An internal commemorative committee had been established with employees who have been with the agency for many years. All information collected will be used in some way for the celebration.

Commissioner Davis also mentioned that with the agency not having a fulltime PR person, a Request for Proposal (RFP) to identify an entity to help coordinate the event and assist the agency with PR functions, had been issued through State MMO. If a contractor is selected to work with the agency, the firm would help with the 50<sup>th</sup> Commemoration and conduct PR functions to get correct information out about the work of the agency.

Conversations had already begun with ETV to discuss how to promote the agency and its work over five decades. The hope is to have something showing every month beginning January 2022 to help promote the agency as well as inform the public of the agency's anniversary. A draft program is in the works but subject to change due to confirmations of those key people being able to attend. Taking those things into consideration, the celebration could be in late June or even July once key people have been confirmed.

Commissioner Davis mentioned the budget for the 50<sup>th</sup> is still being discussed. Some of the funds will come from the carryforward money. This will also be a ticketed event. The nature of the work performed by the Commission does not allow us to seek sponsorship due to our investigative role.

## VI. BOARD REPORTS

### A. Administration

Commissioner Brown-Williams gave the floor to Deputy Commissioner Marvin Caldwell to give the Administration update on her behalf. The following information was shared by Deputy Commissioner Caldwell:

- The SCHAC Accountability Report was signed by Commissioner Oakland and Commissioner Davis on September 8, 2021 and successfully submitted on September 13 to the Department of Administration. We appreciate Stephani Frese leading this team effort.
- The North Side Wall Project was successfully completed in September 2021.
- General Services temporarily repaired the leak to steam pipes that help heat SCHAC offices. The work to complete the repair was completed on Nov 16th.

- Security - In collaboration with the Bureau of Protective Services, the Bureau is now providing a Bureau of Protective Services Officer at each Board meeting.
- Regarding IT, the bandwidth at agency is working well and was temporarily adjusted during the Community Relations Virtual Town Hall meeting to accommodate a higher usage of participants. The next major project for IT will be to have Dell wipe clean the 25 desktops and old laptops, that will then go to State Surplus. Dave Smith, IT Coordinator submitted 25 old computers to State Surplus and the Commission received a small reimbursement for the old computers.
- The Agency hosted an Employee Appreciation Day for all SCHAC employees at Stone Bridge Gardens. The event was well received where employees were thanked for their hard work during the past year and a bonus was announced. Employees also received Security Training regarding processes and procedures, especially related to Bomb Threats. Each employee was given a checklist to fill out should a bomb threat occur and given tips for how to handle a caller. At Employee Appreciation Day, employees were encouraged to be a part of the agency's United Way Campaign that Deputy Commissioner Caldwell heading up this year.
- The In-House Security Team updated security matters and worked with the State Fire Marshall for the first fire drill held since the beginning of COVID. The fire drill was a success.

## B. Legal Update

<b><u>Action Taken</u></b>	<b><u>Aug 2021</u></b>	<b><u>Sep 2021</u></b>	<b><u>Oct 2021</u></b>	<b><u>Total</u></b>
<b>Intakes Reviewed – Charges</b>	<b>61</b>	<b>54</b>	<b>62</b>	<b>177</b>
<b>Intakes Reviewed - Dismissals</b>	<b>27</b>	<b>25</b>	<b>36</b>	<b>88</b>
<b>No Cause – Employment</b>	<b>82</b>	<b>94</b>	<b>11</b>	<b>187</b>
<b>No Cause – Returned for Revision</b>	<b>1</b>	<b>0</b>	<b>2</b>	<b>3</b>
<b>No Cause – Returned for Further Investigation</b>	<b>6</b>	<b>0</b>	<b>4</b>	<b>10</b>
<b>Cause – Employment</b>	<b>0</b>	<b>2</b>	<b>2</b>	<b>4</b>
<b>Administrative Closures (Employment)</b>	<b>14</b>	<b>15</b>	<b>7</b>	<b>36</b>
<b>Subpoenas Issued</b>	<b>4</b>	<b>3</b>	<b>1</b>	<b>8</b>
<b>Subpoena Enforcements Filed</b>	<b>2</b>	<b>0</b>	<b>0</b>	<b>2</b>
<b>Requests for Position Statements</b>	<b>34</b>	<b>38</b>	<b>15</b>	<b>87</b>

General Counsel Lee Ann Watson highlighted the increase in EEO closures at the end of the contract period. She thanked her team, Carolyn Scramton and Jamie Smith for their diligence in

helping to get the cases reviewed by September 30<sup>th</sup>, end of contract period. Marvin Caldwell and Taryna Whitmire and their staff also worked diligently to ensure the cases were investigated, reviewed and processed to Legal for final determination.

She indicated Enforcements and subpoenas continued to be low in number as they have been over the last several years and was still the trend for this past quarter.

Attorney Watson indicated that Housing did a great job in getting cases to the Legal team for review. Lee Ann thanked Deborah Thomas and her team for their hard work. She indicated also that Caroline Scrantom was able to settle a housing case that had been noted for “pending hearing”.

Additionally, Attorney Jamie Smith was able to close two pending disability cases within three months against a state employer. Commissioner Williams was the supervisory Board member who signed off on the cases.

Lee Ann noted there were five cases set for possible litigation.

	<u>Aug</u> <u>2021</u>	<u>Sept</u> <u>2021</u>	<u>Oct</u> <u>2021</u>	<u>Total</u>
<b>No Cause – Housing</b>	7	12	13	32
<b>Cause – Housing</b>	0	0	0	0
<b>Conciliation - Housing</b>	2	0	1	3
<b>Administrative Closures (Housing)</b>	1	3	1	5
<b>Public Accommodations</b>	1	0	0	1
<b>Court Dates</b>	0	0	0	0
<b>On-Sites Performed</b>	1	0	0	1
<b>Meetings With Investigators</b>	15	18	10	43
<b>Meetings with Non-Investigation Staff</b>	7	6	10	23
<b>FOIA Requests Received</b>	9	14	11	34

<b><u>Action Taken</u></b>	<b><u>TSM</u></b>
<b>FOIA Requests Invoiced</b>	<b>7</b>
<b>FOIA Requests Finalized</b>	<b>39</b>
<b>Payments received on FOIAs</b>	<b>\$257.70</b>

<b>Mediation Status</b>	
<b>No. of mediations scheduled</b>	<b>34</b>
<b>No. of mediations successful</b>	<b>10</b>
<b>No. of mediations unsuccessful (Impasse)</b>	<b>13</b>
<b>No. of mediations Returned **</b>	<b>0</b>
<b>Amount of Monetary Settlements</b>	<b>\$125,750</b>

**C. Legislative Updates**

General Counsel Watson reported that there was new legislation being considered in the General Assembly (House) which would change the Human Affairs Law to make vaccination status a protected class. It is important that the State Human Affairs Law remain substantially equivalent to federal statutes to maintain our EEOC contract. Attorney Watson expressed some concern that the EEOC might have an issue with that being a part of the law. Attorney Watson noted the bill

was in its infancy but there had been outreach from the State House to talk to SCHAC about the implication of the legislation if passed. She indicated it would need to be watched in the upcoming months to be sure it will not affect any contracts the agency has and to ensure there is adequate staff capacity to handle investigations that could arise.

Commissioner Winn asked what stance the agency would be taking regarding this new legislation? Commissioner Davis answered there were a couple of ways it could be addressed. She would be meeting with legislators to make them aware of the bills and monitor movement of all bills that could impact the agency as they move through the legislative process.

This was General Counsel Watson’s last board meeting due to her leaving the agency. She thanked everyone for their support over the seven years at SCHAC and indicated she would miss working with everyone and hopes to work with us in the future.

**i. Budget Request**

BUDGET REQUESTS			FUNDING					FTES				
Priority	Request Type	Request Title	State	Federal	Earmarked	Restricted	Total	State	Federal	Earmarked	Restricted	Total
1	B1 - Recurring	Human Resources Manager I	97,816	0	0	0	97,816	1.00	0.00	0.00	0.00	1.00
2	B1 - Recurring	Community Relations Coordinator	83,057	0	0	0	83,057	1.00	0.00	0.00	0.00	1.00
3	B1 - Recurring	IT Consultant I	97,816	0	0	0	97,816	1.00	0.00	0.00	0.00	1.00
4	B1 - Recurring	Security Officer/Law Enforcement	40,000	0	0	0	40,000	0.00	0.00	0.00	0.00	0.00
5	B1 - Recurring	In-Take Officer	83,057	0	0	0	83,057	1.00	0.00	0.00	0.00	1.00
6	B2 - Non - Recurring	Technology - Replacement of (2) Cisco Switches	9,000	0	0	0	9,000	0.00	0.00	0.00	0.00	0.00
TOTALS			410,746	0	0	0	410,746	4.00	0.00	0.00	0.00	4.00

Commissioner Davis reported out on the above document. There were six priorities submitted to the Governor’s Office for consideration for funding in the Governor’s Executive Budget to the General Assembly. The priorities in order:

- Priority #1 – Salary for a full time Human Resource Manager and new FTE.
- Priority #2 – Add an additional person to the Community Relations program. It had been recommended the previous year to add to the program yearly as opposed to adding the staff all at one time. Until the Division has been properly staffed, the request for a new FTE will continue yearly.
- Priority #3 – An IT Consultant was requested. EEO Enforcement Supervisor Dave Smith has been doing double duty over the years, handling the IT functions in addition to his normal EEO Enforcement supervisory responsibilities. With the size of the agency almost back to full staffing from the cuts of the 2008 Recession, it is important to relieve some of those responsibilities from Dave so that he may continue focusing on his main position as EEO Enforcement Supervisor.
- Priority #4 – There was recurring money requested for a security officer for the agency.
- Priority #5 – An additional Intake Officer was requested in the Intake Division.
- Priority #6 – An IT request to replace end of life technology switches.

After leaving the Executive Budget meeting, the Commissioner believed, staffers understood the needs of the agency and would support the request.

A follow-up meeting will be held on Friday, November 19<sup>th</sup> to discuss moving some agency administrative functions to ADMIN Share Services due to the agency not having adequate administrative personnel to serve current staff.

- ii. **House Bill 3344/Senate 532** – These two pieces of legislation are the same and deal with recommendations that came from the House Legislative Oversight Committee review of the agency. The bills were held up due to COVID for the past two legislative sessions. Attention to getting the bills moving in the upcoming session is a priority.

**D. Personnel Update**



SC Human Affairs Commission  
Employee Update  
11/18/2021 Board Meeting

<b>Total Employees:</b>	44 – 01 – 51 –	As of 11/02/2021 Full Time Employees State Temp – Larry McBride (Program Coordinator I – Mediator) Total Employees
<b>Total Vacancies:</b>	07	As of <ul style="list-style-type: none"> <li>• Administrative Assistant – EEO Administration</li> <li>• Program Coordinator I- Technical Services</li> <li>• Program Coordinator I-Fair Housing</li> <li>• Program Coordinator I- EEO Investigator (3 positions)</li> <li>• Accountant/Fiscal Analyst II- Administration</li> </ul>
<b>Total Terminations:</b>	00	
<b>Total Internal Moves:</b>	01	<ul style="list-style-type: none"> <li>• Danielle Lindley – Program Coordinator I – Community Relations</li> </ul>
<b>Total Resignations:</b>	03	<ul style="list-style-type: none"> <li>• Benjamin Ruiz – Program Coordinator I (EEO Investigator)</li> <li>• Grisel Jackson – Program Coordinator II (Housing Investigator)</li> <li>• Lauren Caudle – Program Coordinator II (Technical Service)</li> </ul>
<b>Total Retirements:</b>	00	
<b>Total New Hires:</b>	03	<ul style="list-style-type: none"> <li>• Ayana Crawford – Program Coordinator I (Community Relations)</li> <li>• Eithne McWhorter – Program Coordinator I (Technical Services)</li> <li>• Gregg Hinson – Program Coordinator I (Housing Investigator)</li> </ul>

Commissioner Williams gave the personnel update after which he read brief biographies for new employees Ayana Crawford, Eithne McWhorter, Lawrence Smalls and Gregg Hinson.

**E. Financial Update**

Jason Epting walked through the financial reports he gave to the Board. FY21, the agency ended with 2.3 million dollars of carryforward money, which will carry over to FY22. For FY22, there was an increase in the General Fund appropriations of \$175K and an additional \$64K in across-the-board General Increase and insurance coverage cost for SCHAC employees.

Commissioner Davis added that the agency is doing well with managing its funds. Commissioner Davis mentioned that HUD changed its way of allocating funds based upon grant awards. As a grant, no money should be carried forward. The money should be spent in the year that the money is received. That had not been the case in previous years. There will need to be some conversations with HUD to figure out how best to work around that issue. HUD money

being spent now is grant money from two years ago. The EEOC money was just requested but was not yet reflected in the actual numbers. There is no shortage of money, but there needs to be a critical review regarding how best to spend the funds in accordance with state and federal law. According to state law, the state cannot collect interest on federal funds, which is why it should zero out every year.

- i. EEOC Contract FFY 2020-2021/Income \$668,600.00
- ii. HUD Contract SFY2020-2021/ Income \$639,227.80

Commissioner Brown-Williams asked why the agency had an expenditure of \$100 listed for laundry charges. It is something that had never occurred before. Jason mentioned that it could have been something that was purchased from a prior year and somehow got listed, but it is nothing current.

## VII. COMMISSION REPORTS

- Administration

- i. New expenditures/SFY21-22

1. *Recurring Funds*

- a) Affirmity/CAAMS Increase/MUSC Acquisitions – This is our affirmative action planning contract for the state of South Carolina. MUSC acquired quite a few hospitals across the state. Once the hospitals have been acquired, the employees now become state employees. When the agency contracted with Affirmity/CAAMS, the contract was for 65K state employees. Over the past several years, the agency had been exceeding the 65K contracted and now with the new employees, this number has increased. Affirmity/CAAMS could come back to us and ask for additional payment due to the increase. More money may be required from the General Assembly to cover this.
    - b) ADMIN Shared Services (\$64,800) – Because of the recent change in not having Marcus Sumter present in the office, the agency had to enlist personnel services from Shared Services. The agency had already contracted ADMIN for budget support, but the above-mentioned dollar amount is for all the other expenses surrounding their help, for example: Personnel Services and Procurement, and the largest portion is personnel. This amount takes us from October to June 30<sup>th</sup>. A decision will need to be made regarding whether to keep shared services or do something different.

2. *Non-Recurring Funds*

- a) 50<sup>th</sup> Anniversary – will use some of the carryforward money
    - b) PR Cost – will most likely use carryforward money
    - c) Moving Cost – the agency will need to relocate due to shortage of office space; it will most likely come from one-time funds.
    - d) EEOC Hearings – General Counsel Lee Ann Watson will discuss in Executive Session future hearings, what they potentially could cost, and how they will need to be paid.
  - ii. Status Agency Relocation (11,596 sq. ft./9,683 useable – Rent \$105,523.60- \$9.10 per square feet) (*\$11.29 – new state space*) (*\$15.00 - \$18.00 per square feet private sector*). The going rate right now in the private sector is \$20.00 to \$24.00 per sq ft. There is a



state agency that would like to move into our space now, but SCHAC is unable to find accommodations for our current staff to occupy comfortably at a reasonable rate.

- **Consultative Services Programs**

- i. **Technical Services** – Stephani Frese, Director of the area provided the following update. She began her report by discussing the staffing changes in her area since the last meeting. Lauren Caudle left the agency in September and shortly thereafter Eithne McWhorter was added to the team. She reported on the work to get prepared for the development of the upcoming report to the General Assembly (GA):
  - a. Correcting data in agency Employee Files
  - b. Updating Department Codes for all State employees to comply with new CAMMS v5 formatting requirements
  - c. Reviewing agencies' AA GA Reports and Applicant Information Reports
  - d. Calculating Adjusted Availability of EEO Progress Report Data
  - e. Creating new AAPs in CAAMS v5
  - f. 2022 – begin using recently released Census Data from 2018
  
- ii. **Community Relations** – Robert Snipes provided the update for Community Relations. He began his report by discussing Community Relations Division (CRD) staffing changes since the last board meeting Danielle Lindley who previously served in the EEO Enforcement Division as an Administrative Assistant moved to the Community Relations Division as a Community Relations Consultant. Joining her, as a new hire to the agency is Ayana Crawford. Robert noted that the team has hit the ground running.

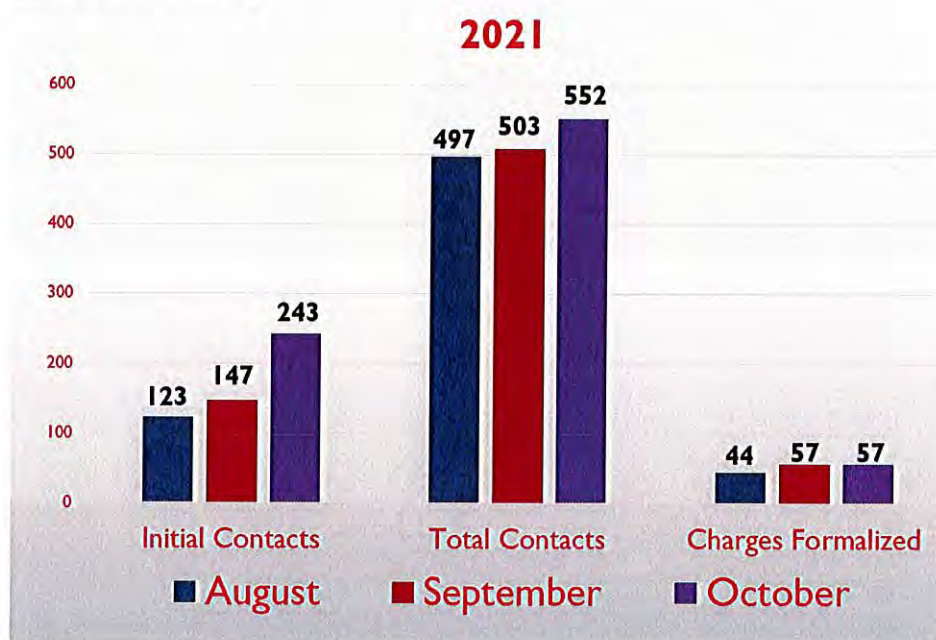
Prior to their arrival, however, Robert and Dan developed a curriculum for training the new CRD employees and they also hosted a training with the Greenville County CRC on September 11<sup>th</sup>. Afterwards, beginning October 4, the new consultants went through an intensive two-week training period to acclimate them with the goals and expectations of the SCHAC CRD. During this training, they were able to hear and learn from a host of CRD partners/organizations who they will encounter while in the field working in communities across South Carolina.

On October 28<sup>th</sup>, the SCHAC CRD conducted a virtual town hall meeting to discuss a new community-based program and how our State and communities can enhance business growth through honest dialogue. The program discussed the history of Community Relations, successful CR councils, and focused on how communities in Charleston and Greenville have worked to improve race relations since 2020. The virtual meeting also highlighted the Community relations role out program where members of the Community Relations and Intake Divisions will go into communities across the State to share the agency mission, services, and resources that SCHAC provides. Over 150 people from across the state attended the virtual town hall.

Robert also shared with the board that the first community meeting sponsored by SCHAC was held on November 16<sup>th</sup> 6:30-8:00 PM in Rock Hill, with the Rock Hill CRC hosting the meeting. The purpose of the meeting was for the CRD and Intake Division to provide the community an understanding of SHAC's mission, organizational structure and services available, to encourage community dialogue and to answer any questions on site about how to file a complaint, if needed.

iii. Public Accommodations/90 (e) – Cases continue to be reviewed.

iv. Intake Processing –



This section was covered by Alex Nelson, Intake Supervisor. Alex started his report by thanking his team for all the hard work they do.

The numbers produced for the last three months have been consistent. Most of the complaints received have been from the online submissions. About two-thirds of the questionnaires that come in are incomplete and require follow up phone calls to flush out the concerns to determine if it is something the agency can investigate.

Supervisor Nelson indicated Intake was excited to join the Community Relations Town Hall in Rock Hill. In keeping with the vision Commissioner Davis has for the agency, not only will the Intake team talk to people specifically about the filing process, but the end goal is to be able to take the complaint on-site, and file online all in one stop.

He also mentioned that there had been a lot of complaints received related to COVID requirements by employers. Many were filing complaints regarding denial for religious accommodations. That began he said around mid-October. The first three or four of these cases simultaneously submitted their complaints with the EEOC. After conferring with Leadership, it was determined that the EEOC should handle these specific complaints.

Commissioner Davis mentioned part of the reason for the collaboration of Community Relations and Intake is to bring the work of the Commission to the community. This collaboration between Intake and Community Relations is a way to bring the work of the Commission to the community without incurring additional budget cost. If we do need new funds in the future, we would have information readily available to show how it was piloted and the results.

- **Compliance Programs**

- i. **HUD Enforcement** – Deputy Commissioner Marvin Caldwell discussed the HUD audit and the outcomes.

- **Performance Period Assessed: 7/1/2019 — 6/30/2020**

- ▶ To determine whether South Carolina Human Affairs Commission (SCHAC) engages in timely, comprehensive, and thorough fair housing complaint investigation, conciliation, and enforcement activities, and therefore warrants continued certification as a participant in the Fair Housing Assistance Program (FHAP).

- **Commence complaint proceedings, carry forward such proceedings, complete investigations, issue determinations, and make final administrative dispositions in a timely manner.**

- ▶ To meet this standard, the agency must show that they commenced investigative activities within 30 days of receipt of a complaint and issued a determination of reasonable cause or no cause within 100 days. In addition, if a determination was not made within 100 days, the parties were notified in writing of the reason(s) for the delay.

- ▶ A review of the agency's closed cases shows determinations of cause, or no cause were based on investigations that included sufficient collection, review, and analysis of evidence. However, improvement is required in case processing times as 58.22% of the cases processed were aged over 100 days.

- **Administrative closures are utilized only in limited and appropriate circumstances.**

- ▶ During this performance period, SCHAC administratively closed 4 cases, which represented 2.74% of all cases closed.

- **During the period beginning with the filing of a complaint and ending with filing a charge or dismissal, the agency, to the extent feasible, attempts to conciliate the complaint. After the charge has been issued, the agency, to the extent feasible, continues to attempt settlement until a hearing or a judicial proceeding has begun.**

- ▶ The SCHAC investigators confirm conciliation attempts were made in every case completed. While investigators have the option of forwarding a file for mediation with the agency's contracted mediator, the review showed all conciliation efforts made during the assessment period were made by the investigators.

- ▶ HEMS also shows that after a charge has been issued, the SCHAC's legal department continues settlement discussions with parties. All ten (10) of the cases caused during the performance period were successfully settled.

- **The agency conducts compliance reviews for settlements, conciliation agreements, and orders resolving discriminatory housing practices.**

- ▶ During the performance assessment period, the SCHAC conciliated twenty-four (24) cases; twenty (21) during the investigatory process and three (3) post-cause determination. The agency stated that there were no violations of conciliation agreements.

- ▶ The Fair Housing Director works with the Legal Department and, like the investigators, maintains a Microsoft Outlook calendar which provides reminders for conducting the compliance reviews.
- **The agency must consistently and affirmatively seek to eliminate all prohibited practices under its fair housing law**
  - ▶ The SCHAC engaged in training, education, and outreach activities throughout the performance assessment period.
- **The agency must demonstrate that it receives and processes a reasonable number of complaints cognizable under both the Fair Housing Act and the agency's fair housing statute or ordinance.**
  - ▶ Tier 6: 4,500,001 to 9,000,000 - 60 complaints
    - Based on the 2010 U.S. Census data, the population of the jurisdiction served by the agency is 4,625,364; placing it in the Tier 6 category requiring the processing of 60 complaints. SCHAC processed 146 complaints, which is more than double its minimum requirement. The agency is commended for its performance
- **The agency must report to HUD on the final status of all dual-filed complaints where a determination of reasonable cause was made.**
  - ▶ During the performance period reviewed, SCHAC made a determination of reasonable cause in ten (10) complaints. SCHAC proceeded with post-cause activity in all and reported final dispositions on all cases.
- **The agency must conform its performance to the provisions of any written agreements executed by the agency and HUD related to substantial equivalence certification, including but not limited to the interim agreement or MOU. September 7, 2017, through September 7, 2022**
  - ▶ FHAP agencies will close or charge 50% of fair housing complaints during the case processing period within 100 days.
    - SCHAC closed or charged 41.78% of cases processed, during the performance period, within 100 days, which is under the required 50%.
  - ▶ FHAP agencies will close or charge 95% of aged fair housing complaints carried over from the prior case processing year.
    - SCHAC closed or charged 97.6% (29 of 30) of its aged cases carried over from the previous case processing year.
- **Budget and Finance Requirements**
  - ▶ SCHAC failed to provide documentation that it spent at least 20% of its total operating budget (not including FHAP funds) on fair housing activities, in accordance with 24 CFR § 115.307(5). A review of the agency's operating budget and non-FHAP expenditures shows that the agency only spent 18% of its own funds on its fair housing program.
  - ▶ The agency is to monitor its expenditures and make appropriate changes throughout the year to ensure its expenditures are at minimum 20% towards its fair housing activities. Within 30 days, the agency must provide HUD with its FY21 operating and housing

budgets for review. Within 45 days, the agency is to meet with its HUD monitor

- **Reporting and Record Keeping Requirements**
  - ▶ SCHAC demonstrated that it maintains records that show its financial administration of FHAP funds, through its SCEIS SAP accounting system.
  - ▶ SCHAC maintains records of its performance as a FHAP agency, including all past performance assessment reports.
  - ▶ SCHAC permits reasonable public access to its records. The agency's policy on public access to records and procedure known as the Freedom of Information Act ("FOIA").
- **Testing Requirements**
  - ▶ The SCHAC did not conduct any testing activities during the performance period. Therefore, no evaluation is being made as to this performance requirement.
- **Data Support Systems Requirement**
  - ▶ The SCHAC utilizes HEMS to input all relevant data and information pertaining to investigation activities into HEMS in a timely manner. This includes, but is not limited to, dates of reasonable cause determinations. However, there were three instances where the HUD reviewer found HEMS had not been updated with any post cause activity.
- **Changes Limiting Effectiveness of Agency's Law:**
  - ▶ There were no changes to the local fair housing ordinance such as amendments, adoptions, or interpretations of the law.
- **Civil Rights Requirement**
  - ▶ The agency reported that a formal complaint was filed in federal court alleging violations of civil rights laws. The matter is still pending. Additional information and further review are required.
- **Subcontracting Requirement**
  - ▶ The SCHAC subcontracted with other agencies that received FHAP funds during the performance period for telephonic, video, and document translation services. The vendors were Global Interpreting Network, Masterword Services, Voiance Language Services, and Linguistica International, Inc.
  - ▶ The agency did not ensure in writing that the organizations complied with relevant civil rights laws and/or that the organizations were not debarred, suspended, or in any way excluded from covered transactions.
  - ▶ **It is recommended that the agency draft a certification form** and require completion by its prospective subcontractors and vendors as a prerequisite to entering a contractual relationship.
  - ▶ SCHAC submitted a draft certification form for approval.
- **FHAP and the First Amendment**
  - ▶ During the performance period, the SCHAC did not use FHAP funds to investigate or prosecute any activity that may be protected by the First Amendment of the United States Constitution as prohibited at 24 CFR § 115.310.
- **Additional Issue**

- ▶ Within 30 days after receipt of this review, the agency needs to submit a list of trainings completed between October 1, 2019 – September 30, 2020, along with proof of completion, and cost, per employee. Any remaining funds will expire in 2025. The agency will need to submit to HUD within 30 days a proposed plan to utilize the funds in the upcoming performance period.

Overall, Deputy Commissioner Caldwell reported that it was a successful audit. When Commissioner Davis spoke to the auditor’s, which were a brand-new team who had not worked with the SCHAC before, they advised that the agency was recognized as being ‘the cream of the crop’. However, Commissioner Davis indicated that the agency would work hard to make sure the areas noted as requiring better results would be targeted for improvement going forward.

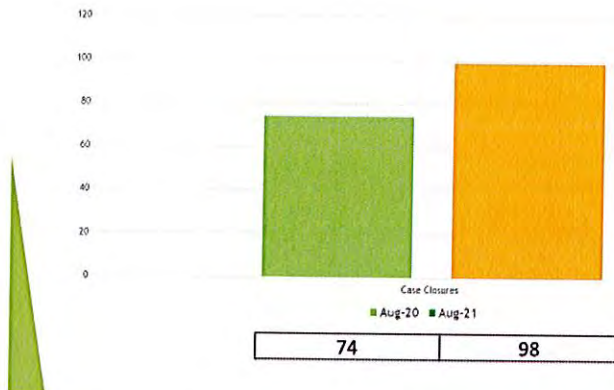
ii. **EEOC Enforcement** –



With the July 2021 numbers lower than they were the previous year at the beginning of the last quarter of the EEOC contract, Deputy Commissioner Caldwell noted to the Board that he and Tarnya Whitmire met with each of the investigators to assist in the reviewing of cases. In partnership with the Legal Division, the EEO Supervisors and Investigators worked in collaboration to complete the EEOC contract by September 30, 2021.



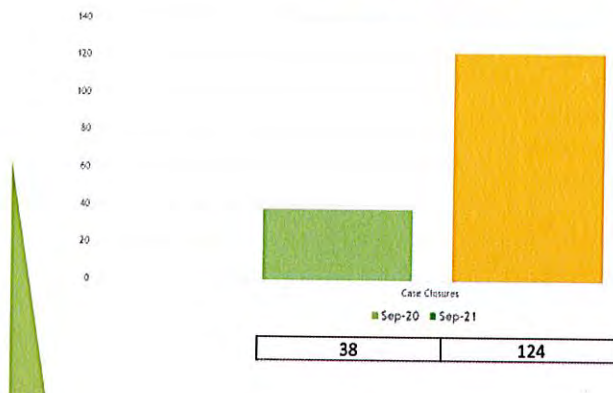
## EEO Last Quarter Push August



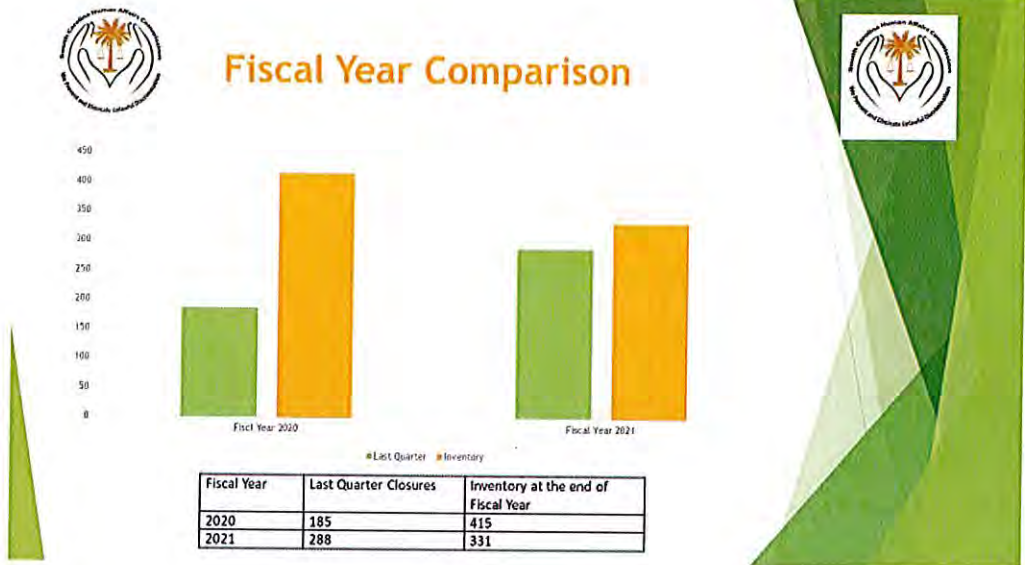
The August case completion numbers were up from the previous year's August push with the help of the Legal team. For August 2021, 98 cases were closed. This was a major increase from August of 2020.



## EEO Last Quarter Push September



The month of September was an all-hands-on deck month. The EEO Enforcement staff investigated and closed 124 cases.



The last quarter of July, August, and September, the EEO Enforcement staff closed 288 cases. With such a large number of cases investigated and closed for the quarter, the inventory of cases for investigation was greatly depleted. Additional cases were received from the Charlotte EEOC as of October 1, 2021, to help increase inventory.

**VIII. PUBLIC COMMENT PERIOD**

Vice-Chair Ludlam acknowledged that the agency did not receive any request for public comments prior to the meeting.

**IX. BOARD MEMBER COMMENTS**

Chairman Oakland mentioned it was a very active time for the agency which is a good thing.

Commissioner Brown-Williams welcomed the new employees, and she was looking for a long-standing relationship working with them. Commissioner Brown-Williams thanked General Counsel Watson for her long years of service and wished her the best in her future endeavors. She also wished Happy Thanksgiving and a Merry Christmas to everyone.

Commissioner Winn also thanked Lee Ann for her time and help with training him when he first arrived. He wished everyone a Happy Thanksgiving and encouraged everyone to take care and be kind to everyone.

Commissioner A.C. Williams wished the new employees' good luck in their positions at the agency. He extended luck and best wishes to Lee Ann. Commissioner Williams also thanked Robert, Alex & Ayana for their visit to Rock Hill and indicated he enjoyed the meeting he attended with them in Rock Hill. He recommended to the rest of the Board members to attend a meeting if the staff comes to visit their area. He wished everyone a blessed Thanksgiving and Christmas.

Vice-Chair Ludlam mentioned she was excited that the agency would be celebrating 50 years and she was feeling a bit nostalgic. She also thanked Lee Ann for her professionalism and grace over the years and indicated she will be missed. She indicated it is great to be a part of the agency's Board and commented that the organization is very hard working and such a family. She indicated it will be an honor to celebrate the milestones and the challenges together. She welcomed the new staff members and thanked the Board for all their hard work.



Vice-Chair Ludlam called for a motion to recess for lunch, at which time Commissioner Brown-Williams moved for recess and Commissioner Williams seconded. The meeting recessed for lunch at 11:45pm and reconvene at 12:45pm for Executive Session.

At 12:45 p.m., Vice-Chair Ludlam called for a motion to go into Executive Session. Commissioner Williams made the motion and Commissioner Winn seconded. The motion was unanimously approved.

**X. EXECUTIVE SESSION**

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

**XI. ADJOURNMENT**

There being no further discussion, Vice-Chair Ludlam called for a motion to adjourn; this motion was made by Commissioner Brown-Williams and seconded by Commissioner Williams. The motion was unanimously approved.

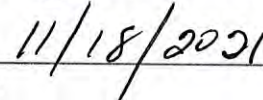
The Board Meeting was adjourned at 1:55P.M.

The next Board meeting is scheduled for February 17, 2022, at 10:00 A.M. with location to be determined.

Respectfully submitted by Janeen D. Sanders, SCHAC Executive Assistant

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

  
\_\_\_\_\_  
Cheryl Ludlam, Vice-Chair

  
\_\_\_\_\_  
Date