

**Fiscal Year 2008-2009 Accountability Report****of the****South Carolina Human Affairs Commission****Section I – Executive Summary**

1. The mission of the South Carolina Human Affairs Commission is to prevent and eliminate discrimination based on race, religion, color, national origin, age, sex, disability, and with respect to equal housing opportunities, the additional basis of familial status. It is also charged to foster mutual understanding and respect among all people of the state. This mission is mandated by the South Carolina Human Affairs Law of 1972, as amended; the South Carolina Fair Housing Law; and the Equal Enjoyment and Privileges to Public Accommodations Law. Accomplishing the agency's mission is supported and driven by a commitment to a set of seven core values – accountability, customer service, fairness, integrity, loyalty, professionalism and teamwork – developed and conceived during a strategic planning process which involved virtually every member of the Commission's staff.

The Commission seeks to prevent discrimination by providing training to both the public and the private sectors, assisting local communities in developing the means to address issues locally, and providing assistance to state agencies on meeting their affirmative action obligations as established by the Legislature. The Commission works to eliminate discrimination through receipt, investigation and resolution of complaints of discrimination in employment, housing and public accommodations.

2. During state fiscal year 2008-2009, the South Carolina Human Affairs Commission successfully completed one contract with the U. S. Equal Employment Opportunity Commission (EEOC) for employment discrimination complaint resolutions, another with the U. S. Department of Housing and Urban Development (HUD) for fair housing complaint resolutions, and subsequently progressed well into new contracts with each of these two federal agencies. The Commission provided training opportunities to public and private sector employers across South Carolina, and worked with county

and local governments, private organizations and interested citizens to address a variety of concerns which did not involve employment or housing issues.

A highlight accomplishment of this fiscal year was the implementation of an operational procedure termed "stand down", which jump-started and relieved a logjam of case investigations and simultaneously provided an opportunity for brainstorming each case to an expedited closure. Prior to implementing this procedure, the Commission also held an in-service training for investigators which created an environment where best practices were discussed, shared and accepted as standard operating procedure. The techniques and production standards established were taken back to the office and became a catalyst for increased productivity.

In spite of operating at less than full staff and reduced work time as a result of furloughs due to budget cuts, the Commission struggled but was able to successfully respond to implementation of the South Carolina Enterprise Information System (SCEIS). Operating at less than full staffing, it also coordinated the upgrading of the Computerized Affirmative Action Management System (CAAMS) software application used to compile and analyze race/sex composition of state agency workforces. This helped to enable the Commission to continue its legislative mandate to monitor state government progress towards assuring equal employment opportunity. The Commission hastens to add that while these were accomplished with fewer resources, it knocks on the door of it being unable to meet the needs of its constituency. As additional budget cuts are absorbed, this eventual reality looms ominously.

3. For the ensuing fiscal year's budget request (FY09-10), the Commission long ago identified six (6) strategic goals and strategies to improve agency effectiveness. These goals are:

Goal 1 -- Internal Communications -- To have open, clear, concise communication as well as constructive feedback throughout the organization. Communication should be consistent and confidential where appropriate as well as conducive to a positive work environment.

Goal 2 -- External Communications -- Improve the public image and understanding of the organization.

Goal 3 -- Policies and Procedures -- To apply policies and procedures that are aligned with the mission, vision and values and are adhered to consistently at all organizational levels.

Goal 4 -- Organizational Direction -- To have an organization with empowered, effective and collaborative leadership at all levels that has an established and consistent direction that drives its decision-making.

Goal 5 – (Compensating for) Lack of Adequate Resources -- To fully utilize current human and physical resources for the agency's core mission with pursuit of alternative funding for special initiatives.

Goal 6 -- Employee Performance and Behavior -- To be an agency where all employees are productive, customer-friendly team players that are faithful to the agency's policies and procedures and to the S.C. Code of Ethics and managers are empowered to perform their assigned duties.

While all of these goals are important, in light of the economic conditions facing the state and the agency in particular, goals 3, 4 and 5 are focused upon for agency short term viability. Current Policies and Procedures are reviewed to determine their utility and effectiveness as tools that permit us to meet the needs of our constituents. A serious look at Organizational Direction is important to ensure that our mission compass is valid and work processes are aimed towards fulfilling our legislative mandate. Lastly, it is a given that resources are lacking, therefore creativity and resourcefulness should be evident in developing alternative means of doing the same or even more with less. Specifically, the number of discrimination complaint resolutions attained should increase while reducing the time frame within which the investigation is concluded, and ensuring that the agency's actions withstand subsequent review. The entire scope of the agency's mission is apparent to the public when it enacts policy and procedures to ensure equal opportunity monitoring and guidance to organizations through affirmative action hiring and conducting fair housing outreach programs. The agency is to work towards conserving present resources, tap new resources and aggressively pursue other financial resources to replace lost funding. The level of support to achieve these goals should provide intervention, prevention and educational assistance to South Carolina communities in developing their own ways and means of addressing local problems. Generally, the agency needs to have the means of ensuring that it can obtain and retain the resources required to serve our customers.

4. The Commission is challenged with fulfilling these key strategic goals in that the prevention and elimination of unlawful discrimination requires an optimum level of resources consistent with the State's legislative commitment to attaining this worthy goal. Progress toward mission accomplishment is ongoing, but is restrained by continued depletion of resources. While the Commission's resource levels remain far below those prior to the series of state government-wide budget reductions, neither the responsibilities required of the agency nor its workload were commensurately reduced. Indeed, all either remained constant or increased. This places the agency in a very precarious position. Further reduction of the agency's state appropriation will cut directly into the resources required for meeting legislative mandates.

The loss of any of the agency's experienced staff members, of which exoduses due to retirements began over the past couple of fiscal years and will continue in the near future, will have an immediate, negative impact on the agency's capacity for sustained operations and service delivery.

The failure of essential equipment due to our inability to replace or upgrade will have its own adverse impact on agency operations.

The Commission's current staffing level is below that required to deliver optimum services. Its current level of 47 full time equivalent positions (FTEs) and although authorized a total of five (5) since FY05-06, funding has remained insufficient to fill the vacancies. The Commission presently operates with 38.0 FTE filled positions and is doing everything within its power to cross-strain, engage in job enrichment or make use of demonstrated in-house talent as a means of accomplishing tasks internal and external to the agency. The agency was granted restored monies during FY07-08 which resulted in its ability to fill six (6) here-to-fore vacant and unfunded positions.

The state's financial situation over several years of revenue shortfalls and the resulting state budget reductions reduced the Commission's state appropriations by a cumulative total of approximately 40% since FY01-02. The impact of these reductions has been particularly evident in terms of human resources, a very key resource essential in carrying out the agency's mandate.

The confluence of many retirements resulting from a very tenured Commission workforce and the onset of state budget woes created a “perfect storm” leading to rapid depletion of agency resources and weaken operations. During October, 2000, the Commission lost key staff that could not be replaced due to financial constraints. Budget reductions also required a reduction-in-force of two filled FTEs, resulting in the loss of two individuals formerly employed in the Community Relations Division, reducing the agency’s ability to continue to assist local communities at established levels and crippling attainment of the goal to enhance those services. The 2003-2004 budget reduction experienced by the agency was addressed by the imposition of an agency-wide five-day furlough. Staff turnover continued unabated during state fiscal year 2005-2006. Nine staff members (out of the agency’s total staff of 43) retired during the year. The agency retained four of these individuals. However, five tenured individuals left the agency. Lost of senior experienced personnel continued through Fiscal Years 07-08 and 08-09.

The loss of so many senior staff members has had a significant adverse impact on agency operations. FY08-09 budget reductions necessitated a mandatory 10 day furlough. Due to the Commission’s historically low rate of turnover and the correspondingly high percentage of tenured staff, the agency continues to lose a substantial number of its workforce through retirement. The agency was able to fill a number of vacancies with competent new staff. Although the productivity lost while those positions remained vacant can not be immediately recovered, the individuals hired have been trained and are beginning to positively impact the Commission’s service capacity. The agency’s FY09-10 budget included a request to fund three vacant FTEs, for which we intended to use to augment our investigations. However, we were unsuccessful in obtaining approval. The prospect of potential budget cuts during the year continues to adversely affect service levels.

Obtaining and maintaining the financial resources required to fully carry out the responsibilities assigned to the agency by the Legislature remains a serious and formidable challenge. Chronic financial under funding results in the inability to fill critical positions, hamper the ability to fulfill

many of the agency's longstanding strategic goals and the ability to compensate employees. Budget reductions imposed during FY08-09 exacerbated these conditions.

Community outreach and education are essential to ensuring that our citizens understand their rights and responsibilities and are aware of the role their state government plays in addressing those issues and providing services to them. Developing and maintaining such understanding and awareness requires maintaining an agency "presence" within the community, which requires ongoing contact and communication through a variety of means. The demands currently placed on the agency's diminished resources present the inability to conduct the requisite outreach and education.

The Commission uses the Accountability Report to step back and reflect upon its current status and consider ways to improve organizational performance. The agency utilizes the report as a vehicle to assess its performance over the preceding state fiscal year, to establish trends, identify critical needs and determine opportunities for enhancement of services we deliver. The agency also uses the report as a basis for organizational planning to help determine how to effectively and efficiently meet its responsibilities with available resources and to set priorities.

## **Section II – Organizational Profile**

1. The agency's main products and services and the primary methods by which they are delivered are:

- Intake and referral services (the products of which are formally filed complaints or referrals to other agencies or organizations), which are delivered via in-person contact, telephone, regular mail, e-mail, and Internet technology.
- Mediation services (the products of which are successful mediations resulting in settlement agreements, or unsuccessful mediations which result in transfer of such cases for investigation), which are delivered via formal mediation conferences conducted either at the Commission's offices or at other sites by the agency's full-time and part-time Mediators.
- Complaint processing and resolution services (other than mediations), the products of which are completed investigations, decisions on the merits, and (when appropriate) various types

of pre and post-investigation settlements, and which are carried out via in-person contact and site visits, telephone, regular mail and e-mail.

- Training services, the products of which are participants with enhanced knowledge and skills in terms of applicable state and federal laws, equal employment opportunity, and affirmative action practices.
- Affirmative action program assistance and monitoring, the product of which are affirmative action plans that are compliant with state regulations, and the enhanced capacity of the recipients to prevent unlawful discrimination and ensure effective equal employment opportunity.
- Assistance to local communities, the product of which is local communities with enhanced capacity to address local issues and better serve their citizens.

2. The agency's key customer groups and their key requirements/expectations are:

- The individuals who file complaints of discrimination (Complainants). Their key expectations are timely assistance in filing their complaints; professional processing of their complaints and the resolution thereof through successful mediations, determinations on the merits, and other forms of final administrative action; and the provision of information which will enable them to better understand the process and make informed decisions.
- The entities against which such complaints are filed (Respondents). Their key expectations are timely notice of complaints filed against them; professional processing of such complaints and the resolution thereof through successful mediations, determinations on the merits, various forms of pre and post-investigation settlements, and other forms of final administrative action; and the provision of information which will enable them to better understand the process and their rights/responsibilities/options and make informed decisions.
- The attorneys representing Complainants or Respondents. Their key requirements/expectations are professional processing of complaints involving their clients as either Complainants or Respondents; the opportunity to properly represent the legitimate

interests of their clients; and the provision of information which will enable them to properly represent and advise their clients.

- The individuals who contact the agency for information and/or referral who do not subsequently file complaints of discrimination. Their key expectations are accurate information provided in a timely manner; assistance in identifying and understanding their available options; and assistance in identifying and contacting other potential sources of assistance when the matters of concern to them are not subject to the jurisdiction of the Commission.
- The agencies, organizations and individuals receiving training services and/or affirmative action program assistance. Their key requirements/expectations are the knowledge and assistance which will enhance their capacity to carry out their responsibilities to contribute to the prevention and elimination of unlawful discrimination.
- Local communities which receive assistance in developing local issue resolution capabilities. Their key requirements/expectations are the application of the Commission's professional experience and expertise to enable them to enhance their capacity to address local issues locally and thereby better serve their citizens and improve the quality of life in their communities.
- The EEOC and the HUD. Their key requirements are complaint processing activities which fully meet their standards and are reliable; the maintenance of an effective relationship as partners in carrying out mutual responsibilities; and the timely fulfillment of all contractual obligations and responsibilities

3. The Commission's key stakeholder groups are the general citizens of South Carolina; the Governor and the Legislature, other organizations which share the Commission's interest in the well-being of and the quality of life in the state; and the members of the agency's staff.

4. The agency's key suppliers and partners are the taxpayers of South Carolina; the agencies and organizations which serve as referral sources; the organizations which provide the Commission with

information and other assistance; and the vendors from which the agency purchases goods and services.

5. The Commission has one operating location, which is located at 2611 Forest Drive, Suite 200, Columbia, South Carolina 29204.

6. The Commission has a total of 47 positions (FTEs), eight (8) of which are unfilled either due to attrition or lack of funding; consisting of an unclassified employee (the Commissioner) and 46 classified positions.

7. The regulatory environment under which the Commission operates is the same as that under which other state administrative agencies operate. The Commission enforces state laws affecting particularly sensitive and important issues with direct impact on fundamental fairness and the quality of life in our state. The Commission is subject to these laws in the same manner and to the same extent as any other employer in South Carolina. Because it contracts with federal agencies in the course of carrying out its legislative mandate, the Commission is also subject to certain constraints and conditions, such as those governing the execution of contracts between and the workshare agreements it has with the Equal Employment Opportunity Commission (EEOC) and The Department of Housing and Urban Development (HUD).

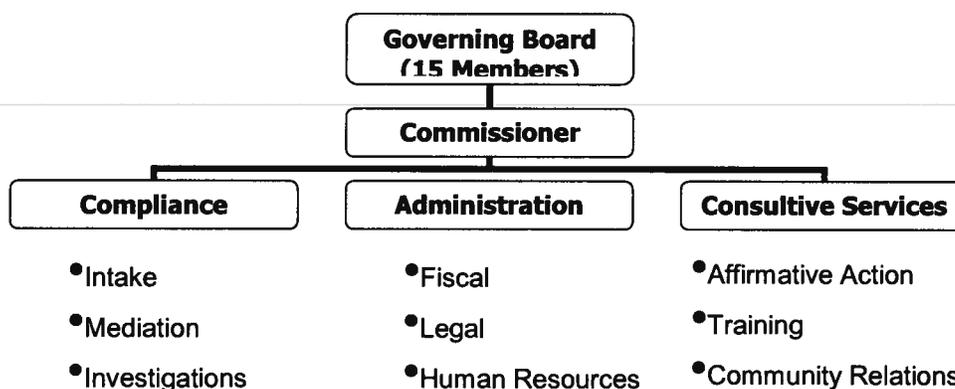
8. The Commission's performance improvement system is primarily geared towards those of human resources. The thought process is that if each and every staff member is performing the duties and responsibilities of his or her position in an excellent way, other resources will be positively impacted, and serve to benefit the entire agency. Application of the Employee Performance Management System (EPMS) creates opportunities to set measurable standards by which other agency resources are utilized effectively to attain agency goals and objectives, even in tough economic times.

9. The agency's employed staff functions under the guidance of a fifteen-member board of citizens (Commission Members) appointed by the Governor. The Commission Members serve as the policy-making body of the agency, serve in an oversight capacity for agency operations, and review and

approve findings and decisions regarding complaints of employment discrimination filed against agencies of state government. The Commission Members recommend and the Governor appoints an agency head, the Commissioner, who is the agency's chief executive officer. The Commissioner is ultimately responsible for daily operations, including hiring, assigning staff members and other resources, managing the agency, and carrying out policy as set by the Commission Members.

The agency's structure is divided into three general areas: Administration, Compliance, and Consultive Services units.

### South Carolina Human Affairs Commission *Organization Structure Overview*



The Administration unit is composed of the Office of the Commissioner and the elements which provide staff support to the agency and to the line elements. The staff elements include Fiscal; Legal Counsel; Human Resources; Purchasing; and the Executive Assistant to the Commissioner.

The Compliance Programs unit, one of the agency's two principle line elements, is composed of the Intake Division, which provides intake, information and referral services; three divisions – Age and Disability; Private Sector; and Public Sector – which provide employment discrimination complaint investigation/resolution services; the Fair Housing Division, which provides fair housing complaint investigation/resolution services; and Mediation, which provides alternative dispute resolution to

Complainants and Respondents seeking to resolve complaints of employment discrimination without a formal investigation of complaint's merits.

The Consultive Services unit, the second of the agency's principle line elements, is composed of two divisions. The Community Relations Division works with local communities as previously described, provides public accommodations complaint investigation/resolution services, and conducts the agency's A-95 circular review process. The Division of Staff Development, Training and Technical Services provides training to state agencies and other entities, assists state agencies with the development of affirmative action plans, prepares the annual report to the Governor and the Legislature on the status of state agencies' affirmative action plans and conducts compliance reviews and impact studies regarding the effect of those plans. Each of the line divisions is composed of a Division Director and the professional staff (Intake Officers, Investigators, Community Relations Consultants, and Technical Services Consultants) necessary to provide the services required of each of the respective divisions.

10. The following chart represents the plight of agency expenditures over the past year and includes that of the current fiscal year. Excluding cuts recently announced, the agency has lost over \$200,000 dollars in funding since last fiscal year, the vast majority of which concerned lost of personal services dollars. For a small agency, these cuts are difficult to absorb and maintain business as usual. As case production and investigation is our main service to the citizens and are performed by individually trained staff, the cut severely hampers the Commission's ability to respond to complaints.

### Appropriations Expenditures Chart

**Accountability Report Appropriations/Expenditures Chart**  
**Base Budget Expenditures and Appropriations**

Major Budget Categories	FY 07-08 Actual Expenditures		FY 08-09 Actual Expenditures		FY 08-10 Appropriations Act	
	Total Funds	General Funds	Total Funds	General Funds	Total Funds	General Funds
Personal Service	\$ 1,787,938	\$ 1,461,464	\$ 1,684,124	\$ 1,164,673	\$ 1,599,720	\$ 1,056,334
Other Operating	\$ 473,672	\$ 363,368	\$ 359,493	\$ 218,662	\$ 403,077	\$ 201,574
Special Items						
Permanent Improvements						
Case Services						
Distributions to Subdivisions						
Fringe Benefits	\$ 486,878	\$ 395,583	\$ 496,443	\$ 349,636	\$ 489,183	\$ 333,044
Non-recurring					\$ 50,000	
<b>Total</b>	<b>\$ 2,748,488</b>	<b>\$ 2,240,433</b>	<b>\$ 2,540,060</b>	<b>\$ 1,733,371</b>	<b>\$ 2,541,980</b>	<b>\$ 1,590,952</b>

**Other Expenditures**

Sources of Funds	FY 07-08 Actual Expenditures	FY 08-09 Actual Expenditures
Supplemental Bills	\$ 2,676	\$ 4,103
Capital Reserve Funds	\$ 10,371	\$ 20,000
Bonds		

11. The chart below represents agency expenditures per program area. While the overall funding decreased with respect to state funds, we were able to shift monies under the category of personal services from one program area to another in order to meet demand for responding to complaints, which is our core responsibility. We also fortunately did not receive a significant decrease in federal funding during the time period concerned. However, all funding sources are at risk of being reduced.

**Major Program Areas**

Program Number and Title	Major Program Area Purpose (Brief)	FY 07-08 Budget Expenditures	FY 08-09 Budget Expenditures	Key Cross References for Financial Results*
I. Administration	To provide administrative direction, control and support for the agency.	State: 700,852.00 Federal: Other: Total: 700,852.00 % of Total Budget: 26%	State: 569,133.00 Federal: Other: Total: 569,133.00 % of Total Budget: 22%	7.2,7.3,7.4,7.5
II. Consultive Services	To provide technical services, training, equal opportunity reporting and community relations consulting services.	State: 260,722.00 Federal: 55,601.00 Other: 346,323.00 Total: 346,323.00 % of Total Budget: 12%	State: 229,081.00 Federal: 78,612.00 Other: 308,673.00 Total: 308,673.00 % of Total Budget: 12%	7.1d,7.1e,7.1f,7.1g
III. Compliance Programs	To provide intake, referral, investigative, mediation and complaint resolution services.	State: 850,601.00 Federal: 133,195.00 Other: 217,572.00 Total: 1,201,368.00 % of Total Budget: 44%	State: 595,341.00 Federal: 138,517.00 Other: 441,752.00 Total: 1,175,610.00 % of Total Budget: 46%	7.1a,7.1b,7.1c
IV. Employer Contributions		State: 395,583.00 Federal: 27,585.00 Other: 63,710.00 Total: 486,878.00 % of Total Budget: 18%	State: 349,636.00 Federal: 31,643.00 Other: 114,964.00 Total: 496,243.00 % of Total Budget: 20%	
Non-Recurring Appropriations		State: 2,675.00 Federal: Other: Total: % of Total Budget: 0%	State: 4,103.00 Federal: Other: Total: % of Total Budget: 0%	

Below: List any programs not included above and show the remainder of expenditures by source of funds.

Remainder of Expenditures:	State:	State:
Capital Reserve Operating Forward	Federal: 10,391.00	Federal: 20,000.00
	Other: 10,391.00	Other:
	Total: 10,391.00	Total: 20,000.00
	% of Total Budget: 0%	% of Total Budget: 0%

\* Key Cross-References are a link to the Category 7 - Business Results. These References provide a Chart number that is included in the 7th section of this document.

### **Section III – Elements of the Malcolm Baldrige Award Criteria**

#### **Category 1 – Senior Leadership, Governance, and Social Responsibility**

1. Short-term direction and organizational priorities are set through consultation with Commission Members (the entire board and/or committees of the board, as appropriate), the agency's management team, and other staff members as appropriate on a case-by-case basis. These consultations incorporate input received from the Governor, the Legislature, the EEOC, the HUD, and constituent groups. Direction and organizational priorities are deployed through the members of the management team; promulgation of necessary policies and procedures; and by goals, objectives and standards required to implement the decisions establishing direction and priorities. Direction and organizational priorities are communicated through a variety of means intended to maintain an ongoing flow of two-way communications, including agency staff meetings, issuance of memoranda and written guidance if necessary; division-level staff meetings; and day-to-day communications by all members of the management team with staff as well as with peers.

Performance expectations are set by management in consultation with affected staff members based on review of the agency's responsibilities, goals and objectives; assessment of anticipated resource levels; review of current performance levels and opportunities for improvement; assessment of external factors which may impact the agency in the reasonably foreseeable future; and prioritization of activities in light of demand for services and the supply of resources available. Performance expectations are deployed through agency policy and, to the individual level, through performance evaluation criteria and standards. Performance expectations are communicated through staff meetings at the agency and division levels, through various forms of written guidance, and through individual meetings (both formal and informal) of management with staff members.

Organizational values were identified during the agency's strategic planning effort, a process which involved virtually every agency staff member. The extensive discussions over a period of many weeks resulted in the identification of seven overarching values, which were then reviewed,

discussed and approved by the agency's board (Commission Members). Deployment occurred through the participation of the staff, and ultimately of the board, in the identification and adoption of these values. These values are communicated and reinforced through publication, through referral to them by the Commissioner and by members of the management team during staff meetings and one-on-one conversations, and by their conspicuous display in the agency's board room which is regularly used by all staff members.

Ethical behavior is set through the identification and reinforcement of the agency's mission, vision and values; through the formal requirements of the state ethics law; through the Commissioner's personal emphasis on ethical standards and conduct; and by the agency's emphasis on accountability and responsibility. Ethical behavior is deployed through the staff's participation in identification of the agency's values; through posting the formal requirements of the state ethics law; and through the agency head's modeling, and that of the other members of the management team, of the expected standards and conduct. Ethical behavior is communicated through publication and display of the agency's mission, vision and values; through staff training on the requirements of the state ethics law; through presentation and discussion of ethical standards and conduct in agency staff meetings and in personal interactions; and by acknowledging and reinforcing behavior which exemplifies such standards and conduct.

2. The Commission's senior leaders establish and promote a focus on customers and other stakeholders through a variety of means. These include customer service training for managers and staff; defining and discussing many relationships in terms of customers (rather than only in more distant, impersonal terms like "Complainant" or "Respondent") and/or stakeholders in order to raise and enhance awareness; raising and discussing customer/stakeholder topics and issues during agency and division staff meetings; reviewing customer input (letters, etc.), stakeholder input, and available satisfaction measures; talking with (face-to-face, telephone) customers and stakeholders; sharing observations, assessments and recommendations with staff members on both a group and an individual basis, and recognizing and expressing appreciation for staff members' efforts to serve

customers and stakeholders (including one another) in a manner at least consistent with the agency's expectations.

3. The Commission addresses the current and potential impact on the public of its products, programs, services, facilities and operations by ensuring all staff members are properly trained to fulfill their duties and responsibilities; by monitoring adherence to standards; by constantly seeking methods to improve performance while at least maintaining current standards; by welcoming input and constructive criticism from both external and internal sources; and by stressing during staff meetings and other interactions the impact that our actions have on concerns, interests and even the lives of our fellow South Carolinians. Regarding the current and potential impact of facilities-related issues, the agency monitors the maintenance of our one facility; any problems and other issues related to its utilization by the agency, by its customers and by its stakeholders who are identified are brought to the attention of our landlord and followed up as necessary to ensure resolution.

4. Senior leaders maintain fiscal, legal and regulatory accountability by maintaining familiarity with the applicable standards; insisting that the spirit as well as the letter of such standards be fulfilled; carefully reviewing – and acting on, if necessary – the results of all fiscal and operational audits, reoccurring and special reports, contract performance reviews, and related documents; and holding the responsible personnel accountable for compliance.

5. Senior leaders regularly review a number of key performance measures, including monthly and annual total final actions attained (by individual Investigators and by overall total), final action totals divided by type, on a monthly and an annual basis, average processing time by individual Investigators, training sessions administered, community relations councils established. These indicators give Commission management enough information with which to assess how effective we are in meeting the needs of our customers given the shrinking budget. Training requests continue to be placed upon staff from the public and private sector on the topic of human relations. The number of attendees, and the training evaluations received from attendees gives the commission a good idea

as to how effective we are in reaching out to the community and spreading the word on our mission and legislative mandate.

We also receive periodic performance reports from state and federal government concerning the agency's fiscal operations and adherence to the agency's budget and expenditure goals. The occurrences of any unusual or unanticipated events which reflect or otherwise impact on agency performance are certainly cited.

6. Organizational performance review findings and employee feedback are reviewed and discussed during regular and special meetings of the management team to assess their content, analyze their meaning and determine how they may best be used to improve leadership and managerial effectiveness. Individuals who receive feedback from staff members are encouraged to take advantage of that feedback as a positive resource, to consider its applicability and potential benefit, and to share the lessons learned with the other members of the agency's leadership. The personal actions of senior leaders reflect a commitment to the organizational values of the Commission through their modeling of those values as reinforcing examples for staff, in their willingness to receive and genuinely consider feedback, and through their commitment to seek and support opportunities for staff development.

7. The agency's senior leaders view succession planning as an agency priority and as a critical responsibility of every leader regardless of organizational level by following up to ensure that subordinate leaders are assisting their subordinates in their succession planning efforts.

Senior agency leaders participate in succession planning and the development of future leaders by:

- determining the knowledge, skills and abilities which are now required by the agency in leadership positions as well as those which will be required in the reasonably foreseeable future;
- assessing current personnel resources to determine the presence or lack of the identified knowledge, skills and abilities within the agency;

- identifying means to remedy the lack of any identified knowledge, skills and abilities (including costs, time requirements, and related issues);
- determining a schedule of prospective vacancies which can reasonably be anticipated in the foreseeable future (for example, retirements), while recognizing that some vacancies will occur which could not be anticipated;
- identifying all potential internal candidates for all leadership positions;
- identifying the readiness of each potential internal candidate in terms of the degree to which he/she possesses the requisite knowledge, skills and abilities;
- consistent with available financial and other resources and prioritization of positions (in terms of likely vacancy, the timeframe in which a vacancy might occur, and the impact on the agency of a vacancy, including one which occurs unexpectedly in the near term), provide learning opportunities which address identified deficiencies in one or more of the identified qualifications;
- on a continuing basis, provide opportunities for potential internal candidates to actually experience the role, responsibilities and tasks of leadership positions one level up from their current positions, under the supervision of the position incumbent; and
- provide support for personal professional development activities initiated by individual staff members.

**8. Senior leaders of the agency create an environment for performance improvement and the accomplishment of strategic objectives by:**

- viewing, and encouraging others to view, every current policy, procedure, practice, approach and past level of performance as temporary and amenable to improvement;
- stressing every staff member's responsibility for helping to identify opportunities for improvement and means to achieve improvement;
- welcoming input and constructive criticism from all sources, external as well as internal;

- reviewing key performance measures seeking indicators of areas for potential improvement;
- reviewing and discussing potential opportunities for improvement during staff as well as management team meetings to ensure maximum input, synergy and buy-in;
- assessing opportunities in terms of identifiable benefits, costs and urgency in view of available resources to provide a basis for prioritization;
- welcoming participation in the decision-making process; and
- utilizing empowered teams to the maximum extent possible to seek and address innovative improvement opportunities which support the attainment of strategic objectives in a manner consistent with the agency's core values.

9. Senior leaders create an environment for organizational and workforce learning through encouraging individual educational and professional development endeavors; implementing cross-training across the organizational structure; encouraging the sharing of "lessons learned" within the staff; and constantly seeking to identify and take advantage of internal and viable external opportunities for learning.

10. Senior leaders communicate with and engage the agency's workforce through daily personal contact, timely feedback, regular staff meetings at both the agency and unit levels, and maintaining a genuine – and well used - "open door" policy. Senior leaders empower and motivate the entire agency workforce through leadership's recognition of the knowledge, skills and abilities of all agency staff members; its emphasis on responsibility and accountability; its appreciation for creativity, enthusiasm and responsibly exercised initiative; its commitment to providing opportunities for professional growth and development; and its acceptance of good-faith mistakes and failures as learning opportunities which are inevitable in a dynamic, participatory environment.

Senior leaders take an active role in reward and recognition processes to reinforce high performance by ensuring performance standards are appropriate and clear, by ensuring that the attainment of performance benchmarks results in timely receipt of the rewards and recognition means provided

through the state system, and by seeking both additional opportunities and means to reward and recognize high performance.

11. Senior leadership and the agency actively support and strengthen the community through various avenues of service. The agency annually participates in the United Way of the Midlands campaign and the Community Health Charities of South Carolina (formerly known as the Good Health Appeal) campaign. The agency has regularly been recognized by both for its pacesetter levels of overall participation and per-capita giving. In 2003, the Commission was selected by the United Way of the Midlands as the “Spirit of the Midlands Award” winner. Based on the results of the United Way of the Midlands’ 2006-2007 campaign, the agency was named the recipient of the “Best in Class- Fewer than 100 employees” award and of the Gold Award for per capita giving, and in May, 2007 the Commission received the Senior Resources Meals-On-Wheels Certificate of Appreciation for volunteer services. Many members of the staff participate as volunteers in the local Meals On Wheels program. Information is regularly shared with staff members regarding upcoming charitable and civic activities; they are encouraged to participate consistent with their interests and responsibilities. The agency head personally and on a regular basis encourages staff members to take active, positive roles in the community through charitable, civic and service organizations, programs and activities. As an organization, the Commission maintained a membership in the Greater Columbia Chamber of Commerce for a number of years; unfortunately, it was necessary to terminate the membership during state fiscal year 2001-2002 due to the budget reductions experienced by the agency.

The following senior staff avocations reflect their extracurricular activities of which contribute to improving the local and statewide communities in which the Commission operates:

**Jesse Washington, Jr., Commissioner:**

- South Carolina State Credit Union (Member of the Board of Directors and of the Executive Committee, Secretary of the Board of Directors)
- Sisters of Charity Providence Hospitals (Member of the Board of Directors)

- United Way of the Midlands (Member of the Board of Directors)
- Better Business Bureau of Central South Carolina and Charleston (Member of the Board of Directors)
- Agency Directors Organization (Vice Chair)
- Palmetto Pride of South Carolina (Member of the Board of Directors)
- Former volunteer for the HOSTS Tutorial Program at Joseph Keels Elementary School
- Graduate of Leadership Columbia, Leadership South Carolina and the South Carolina Executive Institute

**Daphne H. Battle, Division Director:**

- Volunteer for the Senior Resource, Inc. Meals On Wheels program
- Volunteer for the Irmo/Chapin Recreation Commission (Saluda Shoals Park)
- Former volunteer for the Richland County Guardian Ad Litem program
- Contributor to/supporter of the United Way of the Midlands, Community Health Charities of South Carolina, the Salvation Army, the State Troopers Association, the Muscular Dystrophy Association, the South Carolina Junior Golf Association, the Special Olympics, and the Golfing for God Ministry

**Delaine A. Frierson, Division Director:**

- South Carolina Chapter of the National Association of Human Rights Workers (Secretary)
- Mid-South Carolina Chapter of the National Hampton Alumni Association (Vice President)
- Member of the Administrative Board, Francis Burns United Methodist Church
- Past Lay Delegate to the South Carolina Annual Conference of the United Methodist Church
- Chairperson, Higher Education and Campus Ministry, Francis Burns United Methodist Church
- Secretary of the Ethnic Local Church Concerns Committee of the South Carolina Annual Conference of the United Methodist Church
- Member of the South Carolina State Employees Association
- Member of the South Carolina State Affordable Housing Study Committee
- Member of the SCHousingSearch.com Advisory Board
- Former volunteer for the Senior Resource, Inc. Meals On Wheels program
- Former Chairperson of the Pastor-Parish Relations Committee, Francis Burns United Methodist Church
- Former member of the Mayor's Committee on Employment of People with Disabilities; of the Volunteer Services Committee of the United Way of the Midlands; and of the Board of Directors of the Girl Scout Council of the Congaree Area
- Graduate of Leadership South Carolina

**Ralph H. Haile, Esq, Legal Counsel:**

- Arbitrator, Better Business Bureau of Central South Carolina and Charleston
- Member of the South Carolina Bar Association; the National Association of Human Rights Workers;
- Member of Omega Psi Phi Fraternity; Phi Alpha Delta Fraternity; the South Carolina Sheriffs Association; the American Legion; and the National Notary Association

**Daniel H. Koon, CPM, Division Director:**

- Committee Member; Boy Scouts of America, Troop 95
- Newberry College Board of Alumni Managers (Member of the Board of Directors)
- Lutheran Advocates for Ministry in the Midlands (Member of the Board of Directors)
- Bethlehem Lutheran Church (adult Sunday School teacher and member of the Education Committee)
- Member of the Lutheran Race and Reconciliation Group
- YMCA Adventure Guides (Circle Leader)
- Member of the Irmo Middle School Improvement Council
- South Carolina Society of Certified Public Managers (Former Member of the Board of Directors)
- Lexington County Election Commission Precinct Chairman
- Past National President of the Newberry College Alumni Association
- Former Member of the Board of Trustees of Newberry College
- Former Member of the Board of Directors of the South Carolina Lutheran Retreat Centers
- Former Vice Chairman of the Council of the Bethlehem Lutheran Church
- Past Chairman of the Midlands CROP Walk Against Hunger
- Member of the American Academy of Certified Public Managers and the South Carolina Society of Certified Public Managers
- Graduate of the Certified Public Manager Program

**Mary D. Snead, CPM, Division Director:**

- Member of the South Carolina Advisory Board for the U.S. Commission on Civil Rights
- National Association of Human Rights Workers (Past National President, former Chair of the S.C. Chapter, and currently Vice President of the S.C. Chapter)
- Former National Association of Human Rights Workers Non-Government Organization Delegate to the United Nations Conference
- American Association for Affirmative Action (former Member of the national Board of Directors)

- Former member of the U.S. Department of Housing and Urban Development Community Empowerment Team
- Volunteer for the United Way of the Midlands; the senior Resource, Inc. Meals On Wheels program; the American Red Cross; the American Cancer Society; the Columbia Animal Mission; and Carolina Wildlife Care
- Guardian Ad Litem program (former Member of the Board of Directors)
- Graduate of the South Carolina Executive Institute and the Certified Public Manager program
- Member of the South Carolina Executive Institute Alumni Association; the South Carolina State Employees Association; and the National Association of Human Rights Workers

**John M. Wilson, CPM, Division Director:**

- Volunteer for the Senior Resource, Inc. Meals On Wheels program
- South Carolina Army National Guard (NCOIC of the Officer Candidate School Student Records Section) – recently returned from active duty service in Afghanistan
- Member of the U.S.C. Alumni Association; the American Legion; Veterans of Foreign Wars (life member); the American Correctional Association; and the American Jail Association
- Graduate of the Certified Public Manager program

**Category 2 – Strategic Planning**

**Strategic Planning**

Program Number and Title	Supported Agency Strategic Planning *Goal/Objective	Related FY 08-09 and beyond Key Agency Action Plan/Initiative(s) and Timeline for Accomplishing the Plan(s)	Key Cross References for Performance Measures*
I. Administration	Objectives 3, 4 and 5	Increase the rate of case production by implementing procedures to expedite case production and closure by instituting "stand down" as management tool to facilitate response to citizen complaints of discrimination.	Rate of FY08-09 case closure was 85% of complaints received Chart 7.1a-1
I. Administration	Objective 1	Continue to employ mediation and "stand down" as standard means of facilitating closure to receipt of discrimination complaints due to understaffing and increased filing of complaints.	Increase in closures and majority resolution of cases referred to mediation relative to previous fiscal years Charts 7.1a-1, and 7.1b-1
II. Consultive Services	Objective 2	Continue to provide guidance, and technical assistance to state agencies and monitor their progress towards achieving equal employment opportunity in state government as mandated by state law.	Percent of state agencies achieving 70% of Affirmative Action goals Chart 7.1f-1
III. Compliance Programs	Objectives 1, 3 and 6	Continue to use in-service training and "stand-down" as management tools to ensure consistency in staff use of effective investigative techniques when reviewing, documenting and closing of discrimination complaints.	Employment Discrimination Complaints final actions attained Chart 7.1a-1
II. Consultive Services	Objectives 2 and 4	Continue to provide guidance and technical assistance to community organizations and municipalities in their attempts to address and resolve conflicts at the local level by outreach and maintaining contact with concerned community leaders.	Establishment of Community Relations Councils Chart 7.1e-1
III. Compliance Programs	Objectives 3 and 4	Increase the number of Fair Housing discrimination complaint investigations that are completed within 100 days to obtain maximum reimbursement rate.	Fair Housing final actions attained Chart 7.1c-1

Obtained from FY09-10 Budget Request \* Goal 1 – Internal Communications Goal 2 – External Communications Goal 3 – Policies and Procedures Goal 4 – Organizational Direction Goal 5 – Lack of Adequate Resources Goal 6 – Employee Performance and Behavior

\* Key Cross-References are a link to the Category 7 - Business Results. These References provide a Chart number that is included in the 7th section of this document.

The Commission's strategic planning process began several years ago and was initially conceived and designed to create synergism and encourage staff cooperation and interaction to achieve agency goals. The effort recently has been refocused upon dealing with maintaining efficiency in production and addressing how best to meet the needs of our constituents in an era where resources are in a downward spiral. As with other state agencies, the agency has had to learn how to do more with less.

Agency staff were assisted by the Center for Governance of the University of South Carolina's Institute of Public Affairs in developing the agency's first strategic plan in 1999, thereby ensuring that this first strategic planning effort appropriately identified needs, expectations, goals and plans commensurate with the agency's capacity and resources at that time, and incorporated a thorough "S.W.O.T." (strengths, weaknesses, opportunities, threats) analysis. The agency adapts to the strategic plan as appropriate given recent economic conditions. The entries in the chart are indeed substantive, applicable and attainable goals for the agency that would demonstrate to governmental authorities and our constituency its determination to fulfill its role as a state agency in spite of austere resources.

2. The Commission's strategic objectives are challenged primarily due to reduction in financial resources. However, in pursuit of its commitment to the state and its citizens in fulfilling its legislative mandate, the Commission continues to conceive of creative ways to meet its objectives. For example, investment in technology versus that of human resources provides the opportunity to accomplish tasks in a faster, more efficient manner and minimizes the need for the human factor. However, this is true only to the extent it augments agency operations. Because our core mission requires the ability to legally analyze a set of issues that vary substantially on a case by case basis, there is no substitution for at least the filling of investigator vacancies and it is critical that our investigative staff be at full employment levels at all times.

3. Action plans addressing key strategic objectives are developed by focusing on the particular objective. The plans are then reviewed by management for conformance with the overall strategic plan. Once such plans are deemed acceptable, they are submitted to the Commissioner. If approved, they are incorporated into the overall strategic plan. Action plans are tracked for progress by measurements towards meeting the specific objective. For example, the number of cases closed is assessed monthly to determine the rates of closure, and serves as a point to call out those that would impede progress towards increasing case closure rates.

4. Strategic objectives, action plans and performance measures are communicated and deployed by the virtual agency-wide participation in their development; by publication (including to all members of the staff) of the strategic plan, the subsidiary action plans and the related performance measures; by the participation of many staff members in tracking and reporting on action plans; by participation of staff members in implementation efforts that could be made prior to the loss of the necessary state appropriations; and by frequent informal conversations regarding the strategic plan and its elements.

5. Strategic plan topic teams and the strategic planning committee measure progress on action plans through the written and verbal reports presented by the implementing organizational units and individuals supplemented by observation and assessment of results.

6. The agency's strategic planning process is evaluated and improved by a variety of means including:

- reviewing and evaluating progress and both interim and final results in terms of the goals and objectives set in the strategic plan to identify successes and opportunities for improvement
- constantly monitoring both the external and the internal environments to identify changes, impacts and opportunities
- observing and studying the strategic planning processes of other organizations to learn from their initiatives, successes, and failures and to apply the lessons learned.

1. The Commission identifies external customers based on their receipt of the agency's products and/or services. The key requirements of these customers are determined by the products and/or services they seek from the agency; from their input regarding the products and/or services sought and those received; and from their suggestions regarding other products and/or services which they believe the agency might provide.
2. Listening and learning methods are kept current with changing customer/business needs by observing the methods employed by other agencies and organizations; by being sensitive to indicators that the effectiveness and/or efficiency of present methods may be decreasing; by being receptive to input from customers, suppliers and stakeholders which may help enhance our methods even if indicators have not suggested possible decreasing effectiveness and/or efficiency of present methods; actively seeking the benefit of the observations, experience and expertise of other professionals (trainers, contracted technical service personnel, associates in professional organizations, etc.); participating in related training activities; and reviewing available related literature.
3. The Commission's key customer access mechanisms include face-to-face contact, electronic means (telephone, e-mail, fax), and written communications. These means collectively enable customers to seek information, conduct business, and make complaints on a literal "24/7" basis.
4. Customer/stakeholder satisfaction is measured through the content of letters and telephone calls received and face-to-face conversations; through informal feedback received by the Commissioner and others during and after public meetings and programs; and through news reports regarding the agency.
5. Information and feedback received from customers and stakeholders is reviewed by managers individually, and reviewed and discussed during agency management meetings to ensure it is thoroughly understood and that its ramifications and potential for contributing to the agency's improvement efforts are identified. Means to address the information to attain its potential benefits are identified, along with the resource commitments which will be necessary, the potential impacts

(both positive and negative) on other areas and activities, and the relationship of the information and its potential benefits to the Commission's priorities. Potentially affected staff elements as well as those which may have relevant expertise are brought into the process during the assessment phase to help ensure that neither opportunities nor pitfalls are overlooked. If it is determined that the information has identified an opportunity for improvement, the evaluation has led to selection of a means to achieve that benefit, the cost of that means is justified by the benefit expected to be realized, the necessary resources are available or can be transferred from less productive uses, and the improvement is consistent with the agency's priorities, then with the Commissioner's approval, implementation is planned and carried out.

6. Positive relationships are built with customers and stakeholders by recognizing that each is a fellow human being with legitimate interests and concerns and by treating each in that manner regardless of the services the agency is able to render; by ensuring that all services are rendered in at least the same genuinely courteous, professional manner that every Commission staff member would expect in a customer/stakeholder role and consistently at no less than in full compliance with the qualitative standards required by the agency; by ensuring that all understand the parameters within which the Commission must work, the standards with which the agency must comply, the scope- and the limits – of the agency's jurisdiction, the processes and procedures used, and the "what" and the "why" of what is done; by genuinely listening to and hearing what the customer/stakeholder has to say; by responding in a timely and substantive manner to contacts and concerns; and by ensuring that each customer/stakeholder knows that his/her honest input, whether positive or negative, is welcome and will receive appropriate consideration.

#### **Category 4 – Measurement, Analysis, and Knowledge Management**

1. Operations, processes and systems are selected for measurement based on generating the information necessary to ensure compliance with the requirements of state and federal laws, regulations, rules and reporting requirements; the information necessary to track performance in terms of the areas of program activity defined pursuant to the laws the agency enforces, the

jurisdiction granted by those laws and the responsibilities assigned to the agency to carry out the legislative intent embodied in those laws; the information necessary to track performance pursuant to the agency's contractual obligations and to meet the reporting requirements of those contracts; the information necessary to respond to ongoing as well as special reports and requests for information; and the information (if any) indicating progress relative to strategic objectives and action plans which is not produced by the foregoing.

2. Data/information analysis is used to provide effective support for decision-making through the accurate, timely generation of routine, recurring reports regarding program areas, units and the performance of individual staff members; of information indicating variances from expected levels of performance and identifying the source(s) of those variances; of the information required to support projects, special reports and responses to non-routine requests for information; and to provide the information for ad hoc reports and to support other agency activities (for example, contract negotiations). The data/information to be included in a particular instance is determined by the need to be addressed and the level of analysis to be conducted. The results of data/information analysis are disseminated within the agency depending on their level and intended purpose.

3. Key measures utilized by the agency include monthly and annual total final actions attained (by individual Investigator and by overall total); final action totals divided by type; on a monthly and an annual basis, average processing time by individual Investigator and overall; customer service input received from Complainants and Respondents; training requests received, the number of attendees, and the training evaluations received from attendees; reports from the agency's Fiscal Officer regarding adherence to the agency's budget and expenditure goals, etc.; and the occurrence of any unusual or unanticipated events which reflect or otherwise impact on performance.

Key measures are reviewed by top management and the affected members of the leadership team as they become available, and in agency management meetings for discussion to gain the maximum insight into what they mean. Based on those assessments, appropriate responses are determined and implemented with the input of other relevant staff members.

Key measures are kept current with organizational needs and direction by ongoing review of what they measure, what information they provide, the utility of the information provided, and whether experience suggests that other potential measures may better serve the agency's needs. If modifications are found necessary, or if other measures are identified, the appropriate modifications and/or measures are developed and tested, with subsequent action (adoption, modification, rejection) then implemented.

4. Comparative data and information are selected and used to provide legitimate, meaningful bases for intra-agency (for example, comparing the agency's current performance trends with those during a comparable previous period) and inter-organizational (comparing the agency's performance with that of other agencies or organizations with comparable jurisdiction/responsibility, areas of activity, staffing/resource levels, etc.) assessment, for planning purposes, to support resource allocation/modification decisions, for reporting and control purposes, and to support other activities such as contract negotiations. The selection decisions are made based on the need to be addressed, the level of analysis required, the criticality of the comparative data and information to the decision to be made or the purpose to be served, the accessibility of the information, and the cost of the information compared to the benefit it will provide.

5. Data integrity, timeliness, accuracy, security and availability for decision-making are ensured by assuring that clear, shared definitions of data types and their elements are maintained and adhered to; by defining the acceptable source(s) for data of each type; by assigning authority and responsibility for data entry, maintenance and modification; by verifying data through comparison with source documents, inventories, reconciliation of variance reports and other means as appropriate; and by maintaining data in secure yet appropriately accessible, mutually supporting systems (computer, hard copy) available for use as needed.

6. Organizational performance review findings are translated into priorities for continuous improvement through a multi-step process which includes:

- review and analysis of the findings by the agency's management team with the input, if necessary, of other staff members, to fully understand the meaning and implications of the findings and to identify root causes to ensure that real issues are addressed rather than mere symptoms;
- identification of options for addressing each root cause;
- assessment of the viability and feasibility of each option, including the potential to fully resolve the respective root cause, resources required (including financial) for implementation, means of implementation, time required for implementation, and mechanisms for evaluation of results;
- selection of an option for addressing and resolving each root cause;
- assessment of the potential combined effect(s) of the selected options to seek to determine their likely cumulative impact and whether the combination can be anticipated to give rise to new issues- if so, and if the new issues are negative, reconsider the selections and take action as appropriate;
- prioritize implementation in terms of the agency's strategic goals and objectives and resource availability; and
- evaluate results and take action as necessary to optimize results.

7. The Commission utilizes various means to collect, transfer and maintain its knowledge assets (organizational and employee knowledge) and for the identification and sharing of best practices. These means include information-sharing in meetings at all organizational levels; creation and maintenance of up-to-date policies, procedures and documents (manuals, assessments of activities and lessons learned, etc.) and backup of organizational knowledge systems to ensure against catastrophic loss.

1. Employees are encouraged and enabled to develop and utilize their full potential in a manner aligned with the Commission's objectives, strategies and action plans by a variety of means which include:

- accurate evaluation of performance based on clear and consistently applied performance standards which reflect and contribute to the fulfillment of objectives, strategies and action plans;
- recognition of and appreciation for each individual's contribution to the agency's success;
- seeking to ensure that each individual receives recognition, benefits and rewards commensurate with the level of performance attained and contribution to fulfilling the agency's objectives, strategies and action plans in a manner which is consistent with and reflects the agency's core values;
- maximizing the use of empowered teams to optimize results while ensuring that the learning opportunity and the benefits thereof provided by each such activity are widely shared and incorporated into the agency's knowledge assets, and recognizing and rewarding successful team work;
- actively seeking and responding to staff input in a manner which encourages creativity and innovation;
- providing opportunities for participation, learning and broadening of staff members' bases of experience;
- encouraging responsibly exercised initiative, and viewing it as an opportunity for individual, team and organizational learning even when the results are less than optimal;
- working to support and provide opportunities for professional growth and development;
- maintaining the agency's well-earned reputation for commitment to and looking out for the legitimate interests and concerns of employees; and
- treating each employee as a fellow professional and stakeholder in the success of the agency.

2. Effective communication and knowledge/skill/best practice sharing across departments and jobs are achieved active information sharing during staff meetings (Time is reserved during each such meeting for sharing.) and cross-training (for example, cross-training between the divisions which compose the Compliance Programs Unit.).

3. New employees are recruited through postings in the State system and on the Internet, by sharing information on available positions with other organizations through formal and informal contact, and by word-of-mouth. Applications are reviewed, and candidates to be interviewed are selected based on the results of such review vis-à-vis the relevant position description. Selection/placement decisions are made based on the results of interviews conducted by the gaining supervisor (often assisted by other supervisors and staff members who will be co-workers of the new hire) and by the Commissioner. Retention is attained through proper selection and placement; genuine welcoming by the Commissioner, the gaining supervisor, immediate co-workers, and indeed the entire staff; thorough training in a supportive environment; keeping each staff member fully informed about “what is happening”, plans, etc.; recognition of accomplishments and contribution to the agency’s mission; and ensuring that each staff member is valued as an individual and for his/her role, input and contributions to the Commission’s success

Barriers include the inability (for some positions and/or desired candidates) to offer salary ranges, benefits and/or opportunities for professional growth and development which are competitive with comparable positions with the private sector and/or the federal government (and on occasion even local government – the agency, and therefore state government, lost a highly skilled and productive professional employee to an opportunity with a unit of local government).

4. Workforce capability and capacity needs are assessed based on workload levels and anticipated trends in the various areas of agency activity/responsibility, prioritization of activity/responsibility areas, goals to be attained in the respective activity/responsibility areas, and the identification of viable sources of funding.

5. The agency's workforce performance management system supports high performance by unambiguously defining standards for levels of performance which are derived from and contribute directly to fulfilling the Commission's goals, objectives and action plans; by accurately measuring actual performance and consistently evaluating actual performance in terms of the applicable standards; by providing performance feedback to employees on annual, monthly and even daily bases; by providing immediately available support to assist in overcoming obstacles to performance improvement; by ensuring that employees are made aware of and reminded of their actual potential for high performance and that such performance is recognized by others; and by recognizing and acknowledging individual and group performance achievement, thereby reinforcing the performance efforts which led to the accomplishment.

6. The development of personal leadership attributes is addressed by the agency's development and learning system for leaders by encouraging individuals to actively assume personal responsibility for his/her role in fulfilling the agency's mission; by inviting input and encouraging initiative; by providing appropriate opportunities to participate in decision-making; by providing, when possible and appropriate, opportunities to gain experience in the activities and responsibilities of the next-higher position level; and by encouraging personal professional development endeavors.

The development of organizational knowledge is addressed through efforts to ensure that policies, procedures and practices are properly documented and kept up-to-date; that best practices are identified, documented and shared; that even day-to-day activities, as well as unique situations, are viewed as learning opportunities; that every member of the staff is encouraged to share his/her insights, experiences and "lessons learned" (what did not work, as well as what did; to what effect; and why); and that organizational knowledge is captured and protected (which has become critically important in light of the loss of very senior employees through retirement).

The development and learning system addresses ethical practices through the identification and reinforcement of the agency's mission, vision and values; through staff education on the formal requirements of the state ethics law; through the Commissioner's active personal emphasis on ethical

standards and conduct; and by the agency's consistent, day-to-day emphasis on accountability and responsibility.

Core competencies, strategic challenges, and accomplishment of action plans are addressed by the development and learning system through identification of necessary core competencies and investment of necessary resources to develop, maintain and enhance them; through ensuring that identified strategic challenges are addressed by planned responses supported by the necessary training/education/resource-commitment; and that the attainment of action plans (which are fully shared with every staff member) is consistently monitored and supported with necessary training/education/resource-commitments which are adjusted as determined necessary and appropriate.

7. Key development and training needs are identified through day-to-day supervisory observation, interaction and work product review; through formal performance assessment; through input received from employees regarding their interests and career goals; and through assessment of the agency's goals, current and anticipated needs, and the potential impact of external factors (new legislative mandates, demographic changes, budget reductions, etc.) on the agency's operations and resources.

Key development and training needs are addressed through on-the-job training in position-specific skills; providing opportunities for employees who are proficient in their current positions to assume additional, higher-level or more demanding responsibilities or to gain experience in the activities of other positions and/or units; through formal training provided in-house or by outside trainers (The agency, for example, provided mediation certification training to selected staff members conducted by a nationally-recognized professional practitioner.); through agency-supported attendance at professional conferences and programs; and through agency-supported participation in formal professional development programs presented by various educational institutions and other organizations.(An example of the last item is the Certified Public Manager program presented by the Human Resources Development Services Unit of the Budget & Control Board's Office of Human

Resources, successful completion of which leads to receipt of the nationally-recognized Certified Public Manager [“CPM”] professional credential. Currently, five agency staff members have earned the CPM credential. Due to budget reductions, the agency has not been able to fund the cost for additional staff members to participate in the CPM program or, for that matter, in other professional development opportunities at a significant level for several years.

8. Employees are encouraged to use new knowledge and skills on the job by clearly establishing positive expectations prior to the developmental/training experience for application, the assignment of activities and responsibilities which will provide opportunities for their application, by recognizing the new knowledge and skills and commending their successful application, and by encouraging the staff members to provide input for agency improvement based on their new knowledge and skills.

9. Employee training contributes to the achievement of the agency’s action plans by developing and enhancing both skills and potential. Training provided either in-house or through external sources, is selected based on criteria which include consideration of the elements of the strategic plan. The result is to broaden the agency’s internal resource base and further increase its capacity to attain its strategic goals and objectives.

10. The effectiveness of workforce and leader training and development systems is evaluated by (a) assessing on a “before-and-after” basis observable positive changes in performance (productivity, the ability to share knowledge with others, etc.), professionalism, and capacity for service in broader or more demanding situations, at higher levels, etc. and (b) on a longer term basis, the degree of benefit retention.

The Commission’s strategic plan includes a comprehensive approach to addressing the agency’s short and long-term development needs. However, financial constraints continue to force the agency to adjust its short term visions to adapt to the mercurial economic conditions that beset state government. Application of management plans are relegated to be more tactical than they are strategic, attesting to the ability of the agency to absorb cuts in funding yet continue to fulfill its

mission. The agency therefore focuses its energy on delivering services to our constituents and making the most of eroding financial resources. This of course manifests itself in reduction of human resource services, reliance upon outmoded equipment, restrictions on consumable materials and under graded technology used in the course of productivity.

11. The Commission motivates its workforce to develop and utilize their full potential by various mutually reinforcing means which include:

- seeking to provide development opportunities paralleled by opportunities to apply new and/or enhanced knowledge and skills;
- encouraging employees to recognize their ultimate personal responsibility for their development as professionals and celebrating the efforts of those who take the initiative to do so;
- supporting by all feasible means personal initiatives in professional development and providing opportunities to apply new and/or enhanced knowledge and skills;
- accurately evaluating performance based on clear, consistently applied performance standards;
- seeking to ensure that each individual receives recognition, benefits and rewards commensurate with the level of performance attained and contribution to fulfilling the agency's objectives, strategies and action plans in a manner which is consistent with and reflects the agency's core values; and
- encouraging responsibly exercised initiative, and acknowledging it as a positive effort to contribute to the Commission's success even when the results are less than optimal while ensuring that resulting "lessons learned" are in fact learned, retained and shared.

12. Workforce well-being, satisfaction and motivation are assessed and measured through direct contact (conversations, verbal input received from employees, etc.), written input received from employees, and day-to-day observation of performance, attendance, demeanor and related indicators. Other measures such as retention are used in conjunction with those noted above as indicators of

satisfaction levels; as “warning lights” to help identify areas of potential concern before a challenge becomes an unnecessary and avoidable problem; and as constant reminders to all members of management that the members of the agency’s staff are the Commission’s most important asset.

**13.** Effective career progression and effective succession planning are managed for the entire agency workforce by identifying staff that have the potential, talent and demonstrated desire to promote the welfare of the agency and its mission. Such staff are assigned increasing levels of responsibilities and given more latitude as proven competency dictates, and are positioned for opportunities for advancement should they occur. All staff is encouraged to assume personal responsibility for his or her career, actively advocate and support management in the advancement of the agency, properly align their personal ambitions with those of the agency and keep sight of the “big picture”.

**14.** The Commission maintains a safe, secure and healthy work environment by monitoring the environmental conditions of our facility, identifying areas of need, bringing these matters to the attention of our landlord. As an agency whose mission it is to resolve personal complaints controlled access to our main offices has been a standard security practice, as well as the fact that the agency maintains a great deal of personal information on individuals that cannot be compromised or accessed by unauthorized individuals. The agency also requires that all visitors sign in, wear a visitor identification tag, and be escorted while in the office by the individual he/she came to see; For the enhancement of personal health, agency employees have access to and participates in the state’s Prevention Partners health and wellness program.

### **Category 6 – Process Management**

**1.** The Commission’s core competencies are timely, effective and efficient discrimination complaint intake, investigation and resolution services; the provision of affirmative action consulting services (including preparation of the annual report on the affirmative action status of state agencies as required by the Legislature); the provision of professional and widely recognized training services; and community relations consulting services. These core competencies are drawn directly from the mandate set for the agency by the Legislature in the state laws for which the agency has been given

enforcement responsibility and the agency's mission derived from that mandate. The agency's action plans were developed with close attention and adherence to the agency's mandate and mission, and are therefore linked directly to the core competencies required to meet the agency's responsibilities.

2. The agency's key work processes that produce, create or add value for its customers and the organization are intake and referral services; complaint investigation and resolution; and training and consulting services. These processes are identified by determining the activities/actions necessary to carry out the agency's mandate and mission in a manner consistent with applicable qualitative standards. They relate to the agency's core competencies directly, since the latter have been and continue to be developed and enhanced specifically to carry out the former.

The agency ensures these processes are used properly internally by maintaining comprehensive, up-to-date operational policies and procedures; appropriate staff training; monitoring operations to ensure compliance. The agency ensures these processes are used externally by public affairs contacts to ensure members of the public are aware of the processes; by sharing information with parties (Complainants and Respondents) and others who contact the agency to ensure they are aware of the processes and their operation; and by monitoring the utilization of the processes to identify opportunities for improvement.

3. Organizational knowledge is incorporated into the agency's process design and delivery systems through the participation and communication. Frequent interaction with staff discussing cases or current events related to our mission is the norm and serves to enhance the body of knowledge among staff.

New technology is incorporated into the agency's process design and delivery systems through identification of opportunities. Changing customer and mission-related requirements are incorporated into the agency's process design and delivery systems through assessment of the present and anticipated future impacts of those changes on the agency's systems, capacities and resources; assessment of how the changes may be incorporated in a manner which, at worst, does not

reduce current levels of effectiveness and efficiency. One of the key processes incorporated during the fiscal year was the implementation of case “stand downs”. This process was instituted in the short run to expedite closure of a minimum number of cases to meet contractual obligations with the Equal Employment Opportunity Commission given a depleted investigative staff, but was quickly recognized as a useful management standard. As a result, productivity increased some 30% and the forum itself, comprised of the investigator, supervisor and legal staff provided an opportunity to share knowledge and learn new methods and techniques to expedite case closures in the future.

Cost controls and other efficiency and effectiveness factors are incorporated through identification of applicable costs and assessment of those costs in light of agency priorities; detailed budgeting and regular review of budget and variance reports; ongoing monitoring of actual vis-à-vis expected results, with corrective action taken in a timely manner; comparison of activities and performance with those of comparable agencies; and an agency-wide emphasis on identifying opportunities for continuous improvement in every activity and area.

4. The Commission’s key processes include built-in “checks and balances” (approval, monitoring, review, and reporting processes) which ensure that day-to-day operation meets key performance requirements, and that problems which may detract from meeting those requirements are identified and can be addressed before becoming serious enough to endanger compliance.

5. Key product and service related processes are systematically evaluated and improved by monitoring and assessing results and input from external as well as internal sources against both qualitative and quantitative standards; identifying variances, the sources of positive variances and means to maintain the gain, and the core cause(s) producing any negative variances and the means to effectively and efficiently resolve them; taking timely action to sustain positive variances and to remedy negative variances; reviewing and assessing the best practices and “lessons learned” of other agencies and organizations with comparable processes to identify improvements which can be incorporated into the Commission’s processes; and continuously soliciting the input and suggestions

of staff members based on their actual “hands-on” day-to-day experience with the processes and seeking to apply that input and those suggestions to the identification and implementation of opportunities for improvement.

6. The Commission’s key support processes are administration, fiscal, information resources, legal counsel, personnel, and procurement. The performance of these processes is reviewed on ongoing formal and informal bases by the Commissioner as well as the staff members who fulfill the respective roles. The processes are improved and updated based on the resultant opportunities for improvement identified, as well as based on both input received from and requirements established by the State Budget and Control Board.

7. The Commission determines the resources needed to meet current and projected budget and financial obligations by:

- determining the activities required to attain goals and objectives for the period at the qualitative and quantitative levels of performance to be sought during the period
- determining the non-financial resources (staff, training, equipment, supplies, travel, etc.) which will be necessary to carry out those activities at the desired performance levels
- Determining the projected costs (financial resources) of each non-financial resource required to carry out activities at the desired levels of performance and in total.

### **Category 7 –Results**

7.1 Performance levels and trends for the key measures of mission accomplishment/product and service performance:

The Commission’s complaint processing begins with the intake process. The Intake Division is the first point of contact with the agency for individuals seeking to file complaints of unlawful discrimination or otherwise seeking information regarding the potential to do so. The intake process includes initial contact (in person, by telephone, mail or by e-mail); obtaining relevant information from the potential Complainant; review and assessment of that information; referral of individuals to

other appropriate agencies or resources if the information provided does not indicate a matter subject to the Commission's jurisdiction and such alternatives are available to address the issues presented; preparation of a formal complaint of discrimination in those instances in which a cause of action subject to the agency's jurisdiction is indicated; entering the new complaint into the agency's caseload; and transfer of the newly filed complaint for processing.

During state fiscal year 2008-2009, the agency's Intake Division received approximately 30,000 contacts, representing an increase of 10% over this past fiscal year. 28,000 intake questionnaires, 3,000 more than last year, were sent out by the Division in response to these contacts were sent out by the Division in response. Approximately 3,200 questionnaires were completed and returned to the Division, of which a total of 1,797 resulted in formal complaints of discrimination; 1,701 of which were based on employment discrimination and 96 filed upon non-employment or housing). 1,603 inquiries were referred to other agencies or other resources due to the complaints being not of the nature violating laws the Commission is empowered to enforce.

During state fiscal year 2008-2009, a total of 1,701 new complaints of employment discrimination (including complaints initially filed with the EEOC and transferred to the Commission for processing) were received for processing by the agency, representing an increase of 374 complaints over last fiscal year. Final actions increased by 171 during the fiscal year, representing a marginal increase in the total number of final actions attained. The Commission believes that these increases reflect the current economic climate where lost of jobs and resulting unemployment oftentimes generates perceived unlawful acts of discrimination in employment. Individuals affected by involuntary job lost seek tend to seek validation of that presumption by contacting us.

The increase in complaints received along with the lost of seasoned investigators has placed an additional strain on agency human resources. The average case load per investigator increased from around 45-50 cases to 70 cases. The agency's average processing time for complaints of employment discrimination decreased to 192 days during the fiscal year from 207 days during the preceding year. While the average case processing time continued to decrease somewhat, it has been

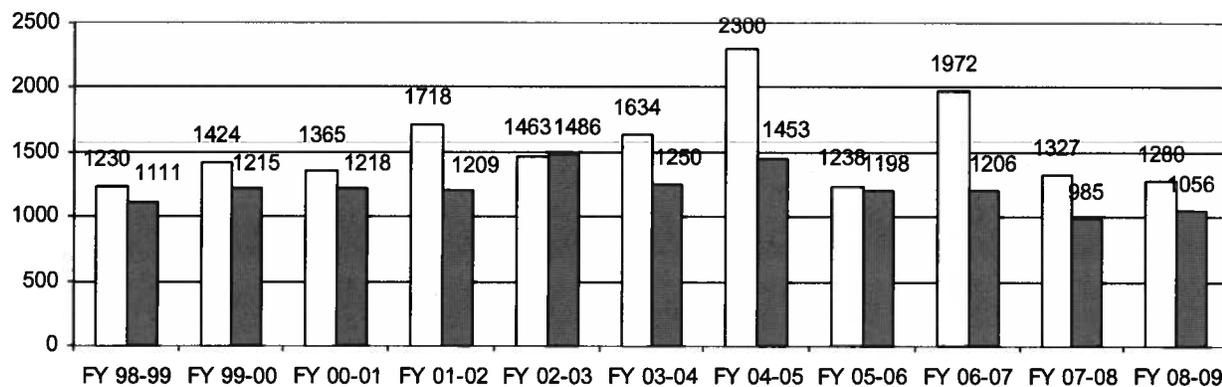
at the expense of supervisors devoting less time to supervision and planning activity, due to the need to get into the trenches themselves and assuming a relatively small case load.

The agency has resorted to various means to address the influx of complaints. For example, to ensure continuity and maintenance or reasonable response time to complaints, supervisors are assigned a case load in addition to their normal oversight of case production activity by subordinate investigators. In February, it institutionalized a system review of severely aged cases either due to “case overload” or lack of sufficient information with which to draw conclusions as to whether or not there was reasonable cause to believe discrimination took place as the Complainant alleged. The process, called “stand-down”, resulted in a 30% increase in case closures, with almost all cases being closed within a few weeks that had previously taken many months before a determination was made and the Complainant was advised of the investigation’s outcome. The process entails the investigator compiling his or her most aged cases assigned and bringing them to a meeting attended by at minimum legal counsel and the employee’s supervisor. The case is presented by the investigator and the participants determine what information is minimally necessary to draw a sound, defensible determination and quickly conclude the investigation. So as not to create an abusive situation, management withheld distribution and assignment of cases from its inventory until such time as individual investigator caseloads were reduced to a manageable level. It then rationed cases as closures were attained at a faster rate because this procedure was implemented. The 1,056 final actions attained during 2008-2009 generated a total of \$570,240 in EEOC contract funds which, along with state assisted funding, is the lifeblood of the agency.

Graph 7.1a-1 which follows presents the number of complaints of employment discrimination filed and the number of final actions attained during each of the last nine state fiscal years. The graph reveals that the number of complaints filed has varied from a low of 1,230 in state fiscal year 1998-1999 to the unusual high of 2,300 during state fiscal year 2004-2005, and that the number of final actions remained relatively constant throughout the period until 2007-2008.

The Commission addressed a total of 16,951 final actions during the past ten (10) state fiscal years as represented by the preceding graph. Since the creation of the Commission in 1972, the agency has attained final actions in almost 30,000 complaints of employment discrimination. It should be noted that during the entire period of the agency’s existence, only one final action attained by the South Carolina Human Affairs Commission has been overturned by the EEOC or by any court, whether state or federal. This point is particularly significant, since it reflects the quality, thoroughness and professionalism embodied in the agency’s complaint processing and the resultant final work product.

**Employment Discrimination Complaints Filed and Final Actions Attained**



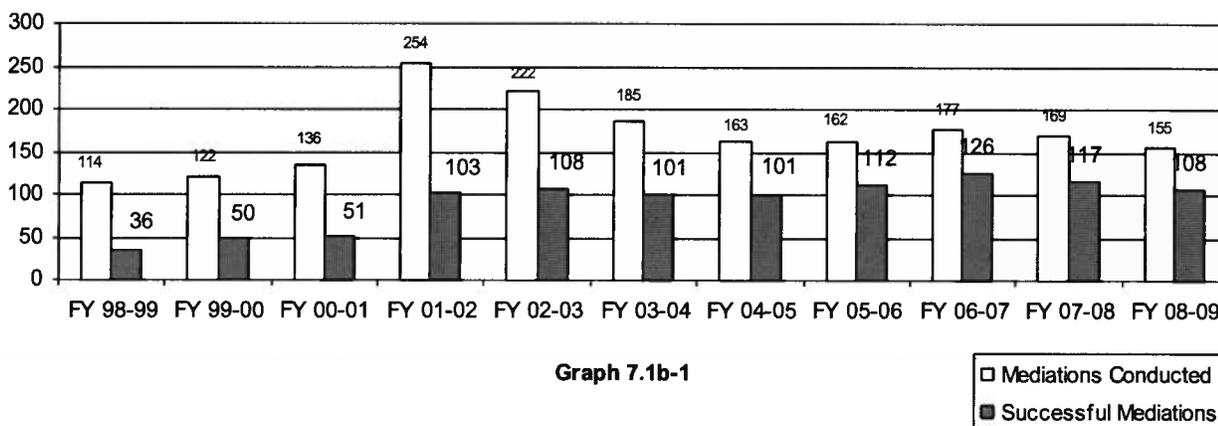
**Graph 7.1a-1**



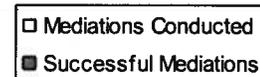
Monetary settlements on behalf of Complainants attained in employment discrimination complaints during state fiscal year 2007-2008 totaled \$1,366,668, an increase of \$163,173 dollars over the previous fiscal year. Since the creation of the agency in 1992, over \$26 million dollars in settlements have been obtained.

During state fiscal year 2008-2009, a total of 155 mediations were conducted, of which 108 of these mediations were successful in attaining resolutions of the subject complaints and therefore no investigation of the complaint was necessary. Graph 7.1b-1 which follows presents data on the number of mediations conducted and the number of successful resolutions attained during the last ten state fiscal years.

**Employment Discrimination Complaint Mediation Activity**

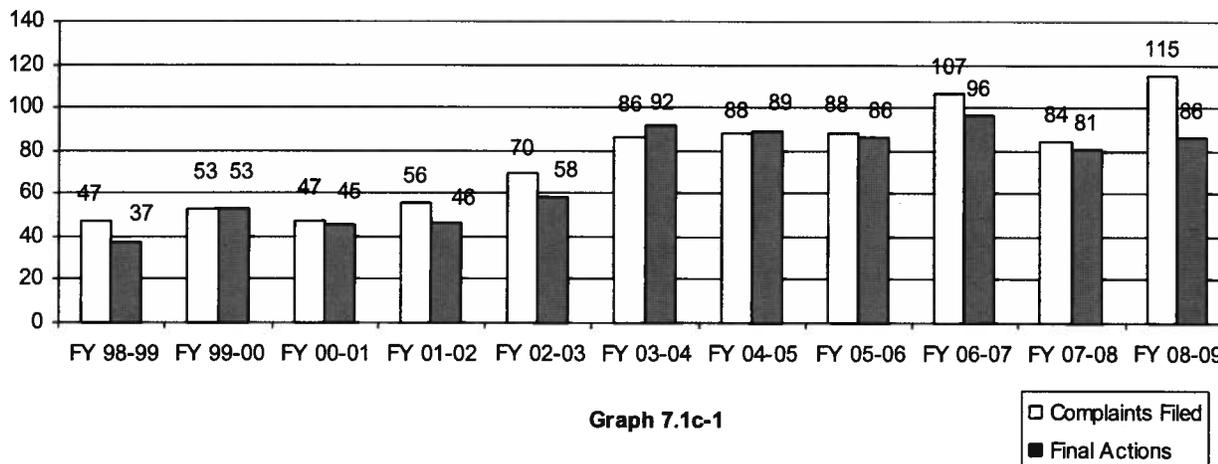


**Graph 7.1b-1**

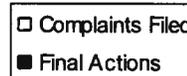


The average processing time from date of filing through resolution for those complaints which are successfully mediated is approximately one-third of the average processing time for those complaints which require formal investigation. This represents an obvious cost savings to both parties and is one of the many benefits which accrue to Complainants and Respondents alike who

**Fair Housing Complaints Filed and Final Actions Attained**



**Graph 7.1c-1**



agree to attempt mediation and are successful in that effort. The Commission has strived to market mediation as a means of complaint resolution, particularly to state agencies, holding a meeting with agency heads to promote the economic advantages of mediation this past fiscal year. There are 26 state agencies who have participated in the mediation process with positive (case resolved) results. Two new state agencies participated this fiscal year for the first time and the discrimination complaints filed against them were resolved. The record of successful mediation resolutions, in both absolute and relative terms, over the most recent seven state fiscal years is attributable to the increased knowledge of, interest in and comfort with the mediation process on the part of Complainants and Respondents, as well as the professionalism and skills of the Commission's mediation staff who are able to persuade each of the parties to enter voluntarily into an agreement to end the complaint on certain terms and conditions with their assistance. Over the past 5 fiscal years, the Commission's mediation program has been successful in this regard over 70% of the time.

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Graph 7.1c-1 shows that during state fiscal year 2008-2009, a total of 115 complaints of fair housing discrimination were filed with the Commission, the highest number of complaints received in the past 10 fiscal years, and final action was attained on a total of 86 of those complaints. An important measure of fair housing investigation performance is the time frame in which investigations are conducted and concluded. A premium is paid to the agency for case production from the Department of Housing and Urban Development if cases are closed within 100 days after filing. In the previous year, the rate was 38 %. This fiscal year, the Commission was successful in closing 46% of assigned cases within 100 days, or 39 of the 86 cases closed.

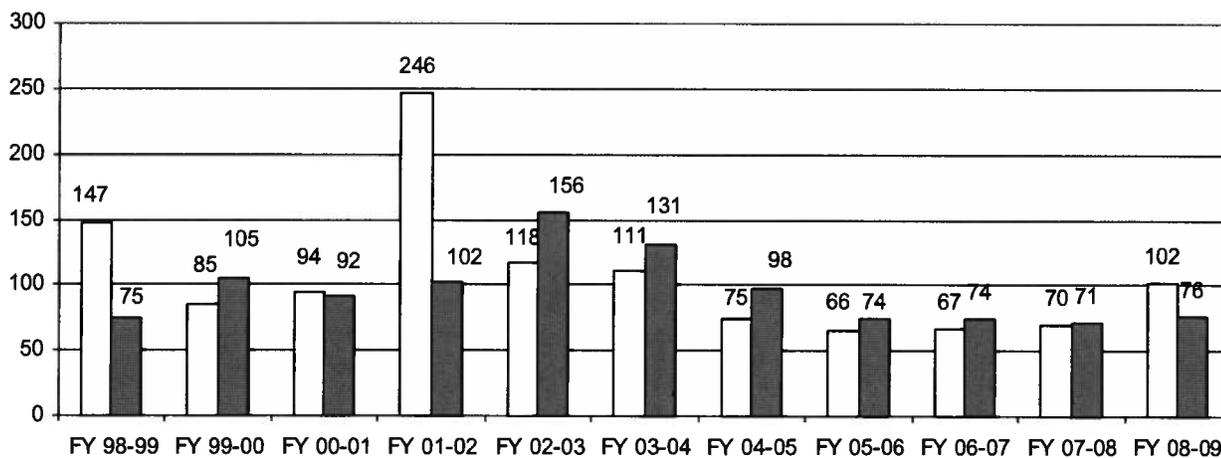
During 2008-2009, the members of the Fair Housing Division participated in fourteen education and outreach activities. These activities were attended by a total of approximately 250 persons. Approximately 500 agency brochures were disseminated at these events.

d) In addition to fielding complaints on the basis of employment and housing, a total of 102 new complaints alleging discrimination in matters other than employment or housing were filed with the

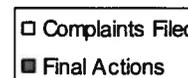
Commission during state fiscal year 2008-2009. These complaints, commonly falling under the nature of public accommodations or 90(e), a designation for complaints that have no lawful basis, do not represent the bulk of all complaints, but nevertheless is the legislative mandate of the agency to address.

During the year, a total of 76 final actions on such complaints were attained by the Community Relations Division. Graph 7.1d-1 presented below reveals that the number of complaints filed this fiscal year increased by 25% since FY04-05, where complaint remained relatively constant over the previous four fiscal years. There is no socioeconomic indicator that would explain this spike because the complaints are based on patronage by choice of services available to the public that are supposed to be provided in a non-discriminatory manner. These complaints are generated by perception of ill-treatment when individuals choose to access services. Therefore, the number of

**90(e) Complaints Filed and Final Actions Attained**



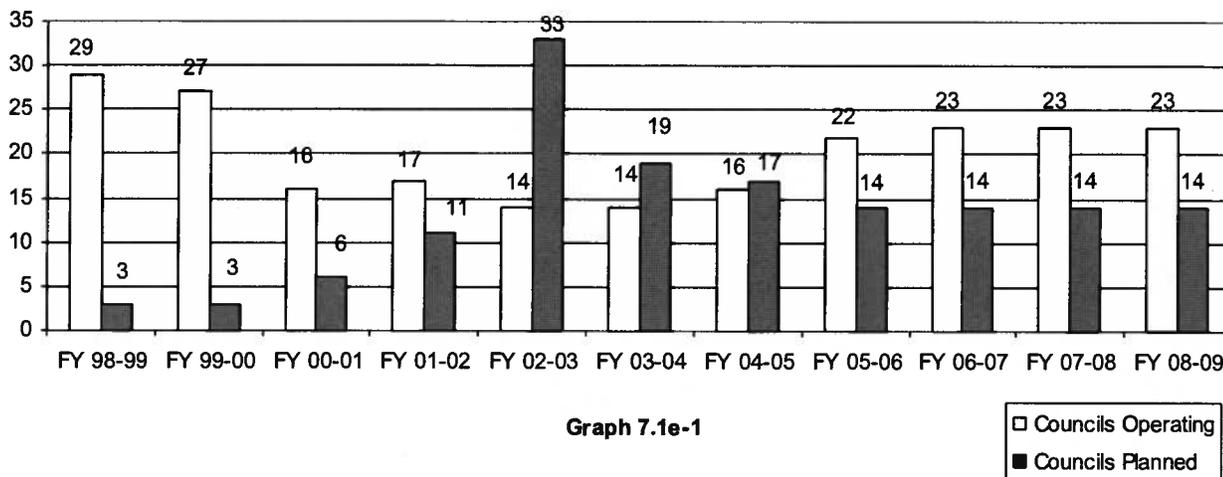
**Graph 7.1d-1**



complaints has inexplicably varied substantially over the ten reported state fiscal years.

During state fiscal year 2008-2009, a total of 23 local community relations councils chartered by the

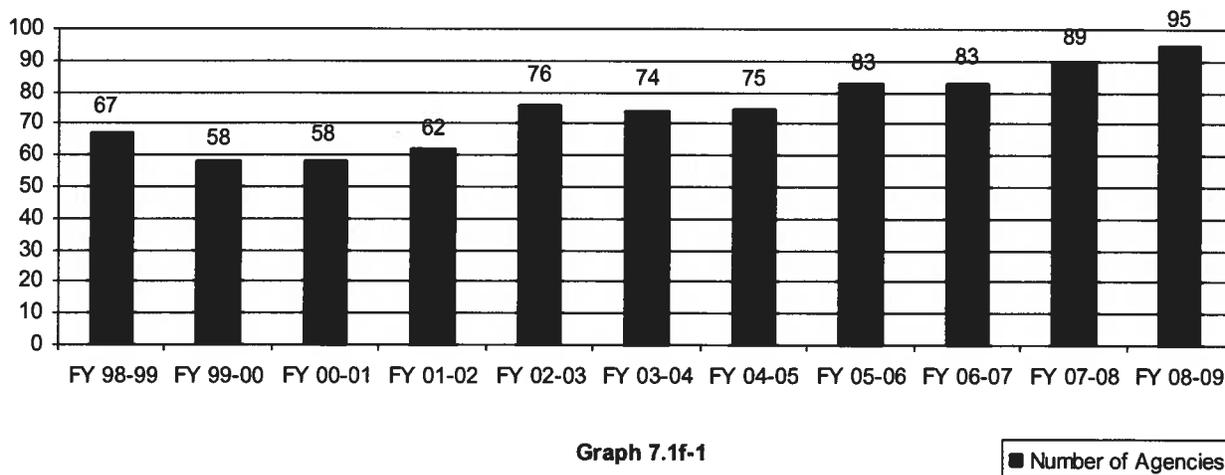
**Operating and Planned Community Relations Councils**



Commission remained operational within the state and 14 more councils still in the planning and development stage. Graph 7.1e-1 shows that the number of operational councils declined from a high of 29 in state fiscal year 1998-1999 to a low of 14 during both 2002-2003 and 2003-2004 due to the need to reorganize a number of councils, then increased to 16 in 2004-2005, to 22 in 2005-2006, and to 23 in 2006-2007 where it is holding today. Efforts are still underway to establish community relations councils around the state to enable local resolution of local problems.

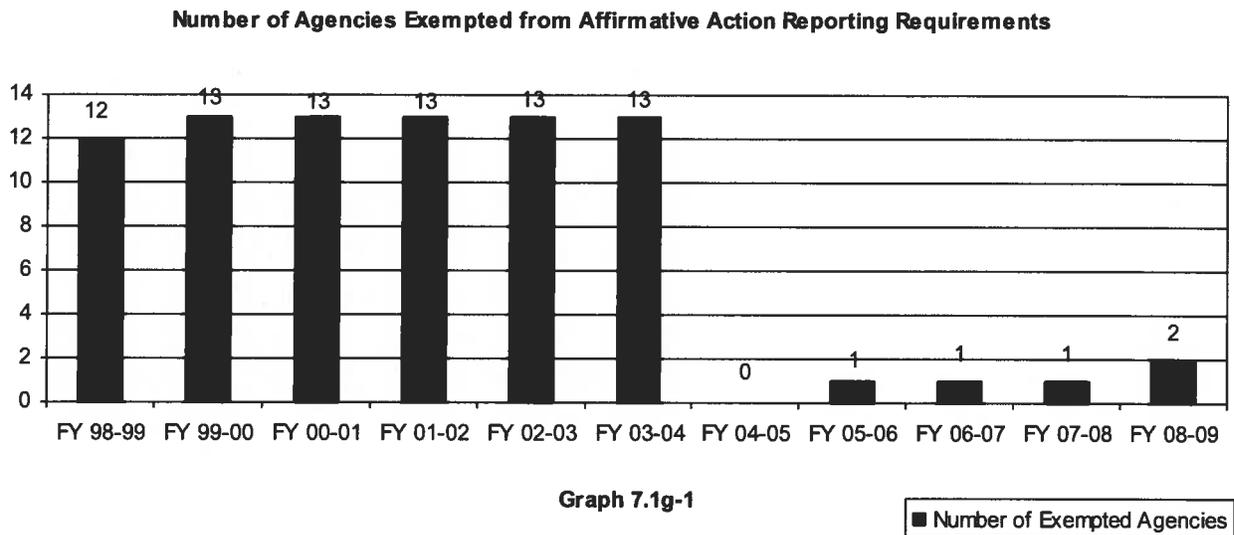
f) Eighty-six (86) state agencies and separately reporting subdivisions (95.3% of reporting agencies

**State Agencies Attaining 70% of Their Affirmative Action Goals**



and subdivisions) attained at least 70% of their affirmative action goals during state fiscal year 2008-2009. Graph 7.1f-1 below reflects that the number of state agencies attaining this standard has risen but remained constant over the most recent six fiscal years following a three-year period of comparable stability at a numerically lower level. Despite continued underrepresentation of minorities and women noted in key upper levels of the South Carolina state government workforce, a record number of state agencies achieved at least 70% of their goal towards fair representation in employment.

Graph 7.1g-1 which follows depicts the number of state agencies which earned exemption from the Commission's affirmative action reporting requirements during each of the past ten state fiscal years due to having attained their affirmative action goals. The number of such agencies holding exemptions remained unchanged at 13 during the five state fiscal years of 1999-2000, 2000-2001, 2001-2002, 2002-2003 and 2003-2004. During state fiscal year 2004-2005, all agencies – including those which had previously been exempted – were required to prepare and file new affirmative action plans using the 2000 Census data; it is for this reason that the graph reflects a “0” for 2004-2005. During 2005-2006, 2006-2007, and again in 2007-2008 only one agency was granted an exemption based on the new Census data and its updated affirmative action plan. This fiscal year, one additional agency has become exempt based on the new census data.



During state fiscal year 2008-2009, the agency’s Division of Staff Development, Training and Technical Services conducted 46 workshops, seminars and forums during which training was provided to a total of 3,224 participants representing state government, local government and the private sector.

**7.2 Performance levels and trends for key measures of customer satisfaction:**

- a) Input from Complainants is disproportionately received from those individuals whose complaints result in findings, based on the evidence gathered during the investigation of their complaints of discrimination, which are not in their favor. These individuals consistently state their dissatisfaction with the decision, and often comment that the process was not “fair” (although they were informed when filing that the role of the Commission is to conduct impartial, objective investigations and to issue decisions based solely on the evidence).

However, a more objective, business-like responsibility which the Commission shoulders is to minimize Complainant expressions of dissatisfaction with time spent investigating the complaint from filing to closure, and notice to Complainants of case status and investigative

findings, regardless of outcome. The agency has moved positively in this direction since the by-product of stand-downs is expedited case determinations and significant reductions in case processing time.

Inputs from Respondents appear to be more objective. Respondents frequently note that the Commission's processing of cases is more timely than their experience with similar agencies and, regardless of the nature of the decision issued, often cite in positive terms the agency's objectivity, professionalism and courtesy.

c) Training participants provide input using a evaluation questionnaire which, in addition to seeking narrative comments regarding the training received, provides ranking scales (1 = below average, 3 = average, 5 = exceptional) for five key measures. The pattern of responses based on these numerical rankings has consistently been an average of "4" or above on both the individual elements and overall evaluation. Responses received from training participants are on the whole complimentary.

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