

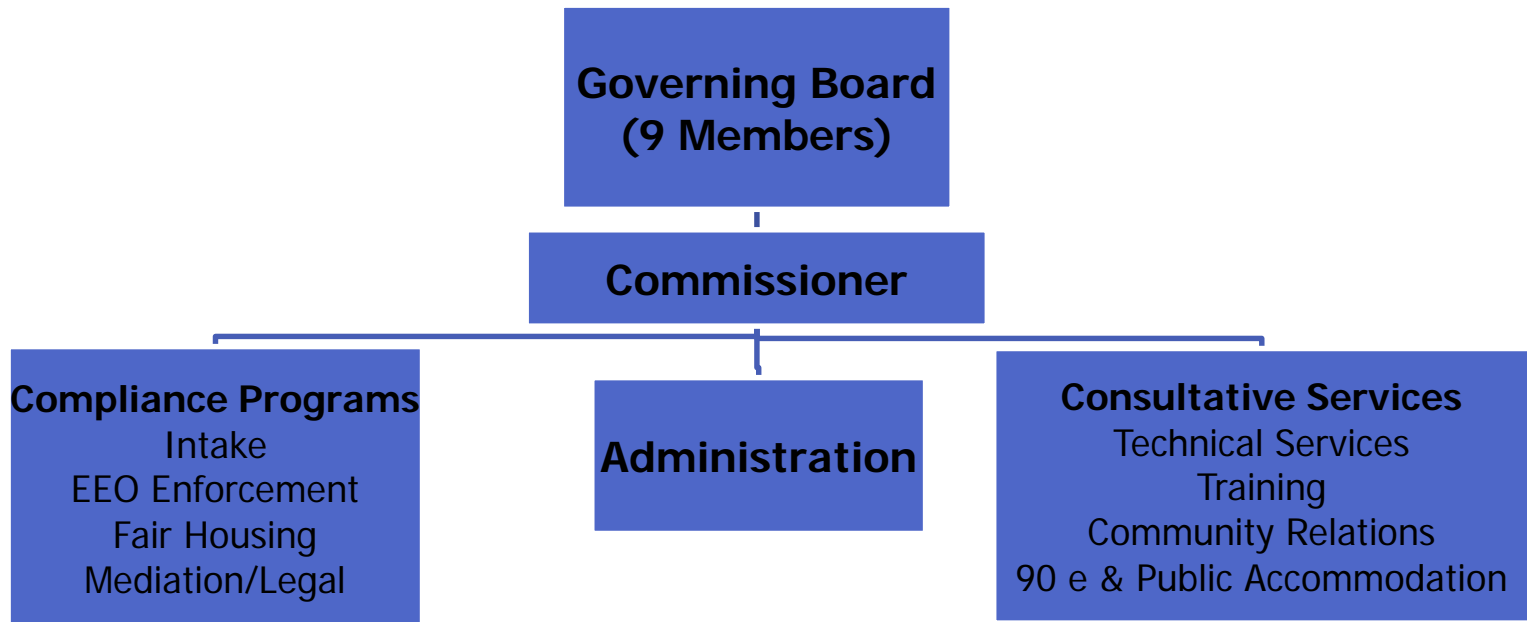
South Carolina Human Affairs Commission


How the Agency Resources its Crucial Mission



Created by
Commissioner
Raymond Buxton, II
with SCHAC
management

South Carolina Human Affairs Commission *Organizational Structure Overview*





Compliance – Employment Discrimination Investigations



Goal 1 – Prevent and Eliminate Employment Discrimination

Strategy 1

- Implement a process of hiring and training employment investigators

Objectives

1. Provide monthly training sessions related to employment law for 15 employment investigators
2. Institute a workplace mentoring program for investigators

Goal 1 – Prevent and Eliminate Employment Discrimination

Strategy 1

- Implement a process of hiring and training employment investigators

Objectives

1. Provide monthly training sessions related to employment law for 15 employment investigators

Amount budgeted: \$195,150

2. Institute a workplace mentoring program for investigators

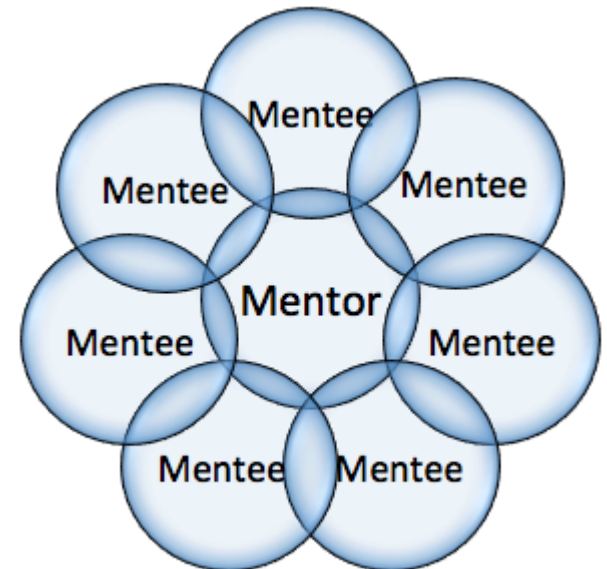
Amount budgeted: \$195,150

Objective 1: Monthly Training

- Most months, the EEOC broadcasts webinars for employment discrimination to investigators nationwide
- Most months, SCHAC attorneys or outside consultants provide internal training (Law School Professors, ABLE SC, PANDA, private sector attorneys)
- Estimated Total Spent: \$140,473.96

Objective 2: Workplace Mentoring

- 15 employment investigators share 2 supervising senior investigators, and Deputy Commissioner Dan Koon is the Department head for these investigators
 - Sharon Dorn mentors and supervises 7 investigators
 - Dave Smith mentors and supervises 8 investigators
 - Estimated Total Spent:
\$183,329.52



Performance Measure **Value 2016-17**

- Intake Calls or Inquiries – 3,666
- Intake Charges Created – 704
- Cases Received (internally or from EEOC) – 1,280
- Cases Closed – 1,012
- Monetary Value of all Settlements (mediation and during investigation) - \$1,402,442
- Internal Trainings - 19

Performance Measure **Target 2017-18**

- Intake Calls or Inquiries – 3,739
- Intake Charges Created – 718
- Cases Received (internally or from EEOC) – 1,305
- Cases Closed – 1,000
- Monetary Value of all Settlements (mediation and during investigation) - \$1,400,00
- Internal Trainings - 12

Current Values and Targets in Employment Discrimination

Goal 1 – Prevent and Eliminate Employment Discrimination

Strategy 2

- Implement a reliable and measureable tracking system for the time it takes to process and investigate an employment discrimination complaint

Objective

1. Decrease the average case processing time of 263 days to investigate a charge of discrimination from the date of filing by 20% or 210 days by June 30, 2017

Goal 1 – Prevent and Eliminate Employment Discrimination

Strategy 2

- Implement a reliable and measureable tracking system for the time it takes to process and investigate an employment discrimination complaint

Objective

1. Decrease the average amount of case processing time of 263 days to investigate a charge of discrimination from the date of filing by 20% or 210 days by June 30, 2017

Amount budgeted:

\$410,930.39

Objective 1: Decrease case time

- We strive to complete investigations in under 180 days, but there are many variables that contribute to delay:
 - Where did the charge originate?
 - Was there a mediation?
 - How cooperative are parties?
Subpoenas?
 - How seasoned are the investigators?
- Estimated Total Spent: \$428,996.39

Timeline for a violation

Rarely will a case be closed less than a year from the date of harm.

≤300 Days

Date of harm (for example Jan 1, 2016)



Date charge is filed (no later than October 27, 2016)



≥180 Days

Earliest date a Charging Party can request their NTRS (no earlier than April 25, 2017)



Earlier of a year from violation or 120 days from NTRS

Deadline to file a charge under language in §1-13-90(d)(6) (January 1, 2017)



shutterstock - 99147038



Last Day To
File with
EEOC –
10/27/16



Last
Day
To
File



**Last Day
Can File In
Court under
HAL – 1/1/17**



180 Days

Law Recommendation #3

- 1-13-90 (d)(6) If a charge filed with the commission by a complainant pursuant to this chapter is dismissed by the commission, or if within one hundred eighty days from the filing of the charge the commission has not filed an action under this chapter or entered into a conciliation agreement to which the complainant is a party, the complainant may bring an action in equity against the respondent in circuit court. The action must be brought within one year from the date of the violation alleged, or within one hundred twenty days from the date the complainant's charge is dismissed, whichever occurs later earlier, except that this period may be extended by written consent of the respondent.

Compliance – Housing Discrimination Investigations



Goal 2 – Prevent and Eliminate Housing Discrimination

Strategy 1

- Enhance the awareness of the Housing Division to include the awareness of the Agency in under-served counties

Objectives

1. Finalize a Fair Housing Outreach Plan by December 31, 2016
2. Hire a Fair Housing Outreach Liaison by December 16, 2016

Goal 2 – Prevent and Eliminate Housing Discrimination

Strategy 1

- Enhance the awareness of the Housing Division to include the awareness of the Agency in under-served counties

Objectives

1. Finalize a Fair Housing Outreach Plan by
December 31, 2016

Amount budgeted: \$59,273

2. Hire a Fair Housing Outreach Liaison by
December 16, 2016

Amount budgeted: \$18,077.40

Objective 1: Outreach Plan

- A review of Fair Housing cases revealed that some counties rarely had charges filed with the Agency, indicating awareness was needed in those counties
- The Agency wanted to ensure those under-served counties were aware of the Agency's services, so the plan incorporated training and low-budget publicizing using federal grant money
- Estimated Total Spent: \$45,042.94

Objective 2: Outreach Liaison

- Investigators in Housing were given additional duties for overseeing the development of the plan, and one employee was required to be bilingual (speaking Spanish and English) in order to reach more South Carolina residents
- Estimated Total Spent: \$10,222.31

Goal 2 – Prevent and Eliminate Housing Discrimination

Strategy 2

- Implement an efficient processing system for Housing Discrimination Complaints

Objectives

1. Process 60% of all Housing cases within 100 days during FY 2016-17
2. Conduct on-site investigations for all cases identified as problematic cases during FY 2016-17

Goal 2 – Prevent and Eliminate Housing Discrimination

Strategy 2

- Implement an efficient processing system for Housing Discrimination Complaints

Objectives

1. Process 60% of all Housing cases within 100 days during FY 2016-17

Amount budgeted: \$269,514.61

2. Conduct on-site investigations for all cases identified as problematic cases during FY 2016-17

Amount budgeted: \$243,649.61

Objective 1: 60% in 100 days or less

- The Agency's federal counterpart (HUD) requires that 50% of cases be closed in under 100 days
- The Fair Housing Law's objective is to have all cases resolved in 100 days or less
- Due to staffing and staff tenure, a 60% goal was deemed a practical goal
- Estimated Total Spent: \$267,194.55

Objective 2: On-sites as needed

- On-sites occur when an investigator goes to a Housing Provider or Development in order to investigate the layout, review files, or interview witnesses
- On-sites encourage conciliation efforts
- The Housing Department believes in the usefulness of on-site visits as one tactic for quick resolution
- Estimated Total Spent: \$243,342.50

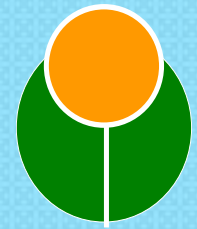
Performance Measure **Value 2016-17**

- Housing Charges Received (internally or from HUD) – 101
- Housing Cases Closed – 73
- Housing Cases Conciliated - 38

Performance Measure **Target 2017-18**

- Housing Charges Received (internally or from HUD) – 85
- Housing Cases Closed – 85
- Housing Cases Conciliated - 30

Current Values and Targets in Housing Discrimination



Legal and Mediation



Goal 3 – Educate Citizens about the use of Legal Remedies to Achieve Justice and Fairness

Strategy 1

- Empower the Legal and Mediation Departments with authority as provided by law

Objectives

1. Litigate probable cause cases that cannot be conciliated in the Fair Housing Division during FY 2016-2017
2. Hold an administrative hearing for an employment or housing cases by June 30, 2017
3. Increase the number of mediated cases from the current level of 20% to 25% during FY 2016-2017

Goal 3 – Educate Citizens about the use of Legal Remedies to Achieve Justice and Fairness

Strategy 1

- Empower the Legal and Mediation Departments with authority as provided by law

Objectives

1. Litigate probable cause cases that cannot be conciliated in the Fair Housing Division during FY 2016-2017

Amount Budgeted: \$111,292.00

2. Hold an administrative hearing for an employment or housing cases by June 30, 2017

Amount Budgeted: \$ 161,292.00

3. Increase the number of mediated cases from the current level of 20% to 25% during FY 2016-2017

Amount Budgeted: \$ 88,905.00

Objective 1: Litigate “cause” cases in Housing

- Unlike the EEOC, HUD provides SCHAC with additional funding for litigation in ‘probable cause’ cases. The funding offsets the costs of the lawsuit or administrative hearing
- For example, funding provides the Agency with expenses related to depositions, filing fees, mediation costs, expert and witness fees, copies, and other costs
- Estimated Total Spent: \$77,950.48

Objective 2: Hold Admin Hearing

- The Human Affairs Law and Fair Housing Law both have 'paths' to administrative hearings, adjudicated by 3-member panels of our Governing Board
- Before May 2017, the Agency's Board had not been trained, or held a hearing, for decades
- Prior to October 2016, the Legal Division had insufficient staffing to properly carry out this function
- With adequate staffing, and in-depth training, administrative hearings are now being held again
- Estimated Total Spent: \$162,014.40

Objective 3: Increase Mediations

- About half of the Agency's mediations result in a settlement or conciliation
- Mediations are generally held prior to investigation, so successful mediations save SCHAC and the parties' time and money
- More mediations will likely mean more efficiency
- Estimated Total Spent: \$89,810.85

Performance Measure **Value 2016-17**

- Employment Cases Successfully Mediated – 83
- Funds Collected at Mediation – \$586,780
- Employment: Monetary Value of all Settlements (including during investigation) - \$1,402,442

Performance Measure **Target 2017-18**

- Employment Cases Successfully Mediated – 80
- Funds Collected at Mediation – \$755,000
- Employment: Monetary Value of all Settlements (including during investigation) - \$1,400,000

Current Values and Targets in Housing Discrimination

Law Recommendation #5

- Mandatory Mediation for any charge filed against a State Agency
- Would mirror the State Employee Grievance Committee's process for state agencies
- If handled within 60 days, would likely not cause too much delay in the investigative process if mediation is unsuccessful
- May want to have a mechanism for requiring agencies to come to the table

Law Recommendation #1

- About Subpoena powers – over more than just state agencies
- Language dates back to when the Statute covered only investigations regarding State Employees and State Agencies
- Simple expansion to properly address the Agency's powers to subpoena other 'employers' defined by the Human Affairs Law

Law Recommendation #2 & 4

- Refining language related to damages
- Eliminates some ambiguity
- Borrows from other southern states that have a state law like South Carolina (Kentucky and Tennessee)
- Specifies that the definition of damages is not broader than those found in federal law

Goal 3 – Educate Citizens about the use of Legal Remedies to Achieve Justice and Fairness

Strategy 2

- Promote legislation to update and standardize the laws and regulations of the Commission

Objectives

1. Continue to engage and educate members of the General Assembly for proposed changes to existing statutes during FY 2016-2017

Goal 3 – Educate Citizens about the use of Legal Remedies to Achieve Justice and Fairness


Strategy 2

- Promote legislative to update and standardize the laws and regulations of the Commission

Objectives

1. Continue to engage and educate members of the General Assembly for proposed changes to existing statutes during FY 2016-2017

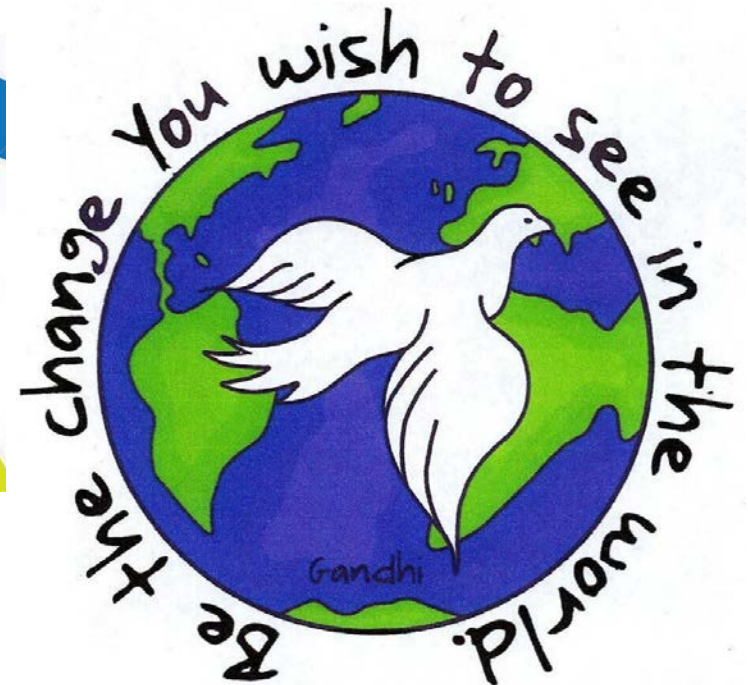
Amount Budgeted: \$104,070.00



Objective 1: Educate lawmakers for proposed changes to our laws

- Important to keep tempo with federal counterparts to remain substantially similar
- Also provides insight, like this process does, into the laws our agency covers
- Estimated Total Spent: \$ 103,076.14

Community Relations Councils



Goal 4 – Foster Culturally Sensitive & Socially Inclusive Communities

Strategy 1

- Create and sustain existing CRCs in 46 counties

Objectives

1. Increase the number of counties with CRCs from 17 to 22 during FY 2016-17
2. Sustain the current leadership in existing CRCs per minimum requirements during FY 2016-17

Goal 4 – Foster Culturally Sensitive & Socially Inclusive Communities

Strategy 1

- Create and sustain existing CRCs in 46 counties

Objectives

1. Increase the number of counties with CRCs from 17 to 22 during FY 2016-17

Amount Budgeted: \$ 88,042.00

2. Sustain the current leadership in existing CRCs per minimum requirements during FY 2016-17

Amount Budgeted: \$ 88,042.00

Objective 1: Increase CRCs

- Community Relations Councils are organized for the purpose of promoting harmony, bettering human affairs, and encouraging fair treatment for, and fostering mutual understanding and respect among, all local citizens
- Each County in the State can benefit from having an active, well-trained CRC to assist when divisive issues, or even crises, arise
- Estimated Total Spent:\$65,153.68

Objective 2: Sustain CRCs

- Community Relations Councils need a minimum number of participants (5) in order to be recognized by SCHAC
- Generally, retaining members and promoting harmony requires the support of local municipal leaders and officials
- SCHAC engages with invested stakeholders so that we can continue to recognize existing CRCs
- Estimated Total Spent: \$ 83,568.03

Goal 4 – Foster Culturally Sensitive & Socially Inclusive Communities

Strategy 2

- Implement a technology platform & external communication campaign to expand the network of CRCs

Objectives

1. Distribute an e-newsletter devoted to CRCs on a monthly basis during FY 2016-17
2. Develop the agency web page to communicate periodic updated information to all CRCs during 2016-17

Goal 4 – Foster Culturally Sensitive & Socially Inclusive Communities

Strategy 2

- Implement a technology platform & external communication campaign to expand the network of CRCs

Objectives

1. Distribute an e-newsletter devoted to CRCs on a monthly basis during FY 2016-17

Amount Budgeted: \$ 55,086.00

2. Develop the agency web page to communicate periodic updated information to all CRCs during 2016-17

Amount Budgeted: \$ 36,137.00

Objective 1: Monthly E-Newsletter

- Community Relations Councils are more active and useful when the members' efforts are recognized and good ideas are shared
- A monthly CRC e-newsletter is a friendly and simple tool to connect all CRCs together across the state, promoting their joint contribution to SC's citizens
- Estimated Total Spent: \$55,518.02

Objective 2: Provide Web-page Assistance for communication

- A web page for each CRC provides another platform for the groups to support one another and learn from the good ideas their fellow members have
- Estimated Total Spent: \$34,631.10

Goal 4 – Foster Culturally Sensitive & Socially Inclusive Communities

Strategy 3

- Promote the Quality of Life Initiative in all Community Relations Councils

Objective

1. Conduct Quality of Life Initiative meetings with
five (5) Community Relations Councils
during FY 2016-17

Goal 4 – Foster Culturally Sensitive & Socially Inclusive Communities

Strategy 3

- Promote the Quality of Life Initiative in all Community Relations Councils

Objective

1. Conduct Quality of Life Initiative meetings with five (5) Community Relations Councils during FY 2016-17

Amount Budgeted: \$

51,905.00

Objective 1: Conduct Quality of Life Initiative Meetings

- SCHAC partnered with Dr. Graeme Coetzer of the College of Charleston in order identify key issues and jointly find potential action items based on community needs in the counties of existing CRCs
- Participants are then invited to continue to engage in similarly organized discussions at regularly scheduled CRC meetings
- Estimated Total Spent: \$44,000.00

Performance Measure **Value 2016-17**

- CRCs Sustained and Created – 17
- Public Accommodations/ 90 (e) cases - 24

Performance Measure **Target 2017-18**

- CRCs Sustained and Created - 20
- Public Accommodations/ 90 (e) cases - 20

Current Values and Targets in Community Relations

Law Recommendations #8-11

- Within the Community Relations Department, Employees also are responsible for Investigating 90 (e) Complainants as well as the third law administered by the Commission – The Public Accommodations Law.
- 90 (e) Complaints of discrimination are complaints that The SC Human Affairs Law allows for the agency to investigate that do not involve Housing, Employment or Public Accommodation. These complaints for example might include where a citizen believes that a municipality is showing favoritism to white citizens as opposed to African American citizens in terms of the collection of trash. The African American Citizen could file a 90 (e) complaint of discrimination based on race and the Community Relations Department would investigate that complaint. The protected classes where a citizen could file this complaint would be the same as employment, Race, Color, Sex, Religion, National Origin, Age and Disability.

Law Recommendations #8-11

- In the Third Law created by the General Assembly that the Human Affairs Commission helps to administer, the Commission can investigate Public Accommodation Discrimination. This law has four protected classes that include: Race, Color, Religion and National Origin. It does not include Sex, Age, or Disability. An example of this third law could be where Muslim People are not allowed to use the restroom at service stations, but Non Muslim people can use the facilities. A Muslim person could file a complaint based on religion.

Law Recommendations #8-11

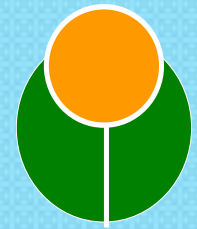
- For Public Accommodation Complaints, a SCHAC Investigator's enforcement measures are limited, and basically the Human Affairs Commission can only work with both parties to resolve the complaint. If the complaint is not resolved between both parties, the Human Affairs Commission's only option is to issue a dismissal and the Charging Party can then pursue the charge in court.
- The Commission, under The Public Accommodation's Act, would like to be granted additional authority in the investigation of the complaint.
- Our Law Recommendations related to this law are fairly extensive. Much of the suggested changes are borrowed from Southeastern states that have similar laws codified and that vest authority in an agency like SCHAC.

Law Recommendations #8-11

- Currently, the Public Accommodations Law divides responsibility under the law among several state agencies. The law would be more successfully administered if one state agency had authority.
- Additionally, the law does not include an explanation of damages that may be awarded to a individual that is harmed according to the language contained in the law.

Law Recommendations #8-11

- Law Recommendation #8 asks that the bases in the law be expanded, to at least include sex as a basis
- Law Recommendations #9 & #11 asks that the authority under the law be fully vested with SCHAC, rather than split among several agencies, so that it can be more effectively enforced
- Law Recommendation #10 seeks to provide clarity for the Commission in terms of appropriate relief for an aggrieved party



Technical Services/Affirmative Action Planning



Goal 5 – Advocate the compliance of Agency Affirmative Action Policies within all State Strategies

- Partner with all Agencies to better monitor Affirmative Action policies

Objectives

1. Conduct a computer analysis of each agency's hiring and promotion practices during FY 2016-17
2. Review all Agency Affirmative Action Reports and provide necessary recommendations to them in developing and implementing non-discriminatory employment systems during FY 2016-17

Goal 5 – Advocate the compliance of Agency Affirmative Action Policies within all State Strategies

- Partner with all Agencies to better monitor Affirmative Action policies

Objectives

1. Conduct a computer analysis of each agency's hiring and promotion practices during FY 2016-17


Amount Budgeted: \$121,492.00

2. Review all Agency Affirmative Action Reports and provide necessary recommendations to them in developing and implementing non-discriminatory employment systems during FY 2016-17

Amount Budgeted: \$121,492.00

Objective 1: Conduct computer analyses of each State Agency's hires and promotions

- SCHAC has a computerized system (CAAMS) that shows SCHAC how each agency is handling the recruitment and promotion of women and minorities
- SCHAC utilizes CAAMS when creating its Annual Affirmative Action Report for the General Assembly (S.C. Code §1-13-110)
- Estimated Total Spent: \$134,334.45



Objective 2. Review all State Agency reports and make recommendations to each Agency for non-discriminatory employment systems

- SCHAC's annual report and recommendations contained therein will help state agencies prevent and eliminate discrimination, or the perception of discrimination when seeking employees, and promoting employees
- Estimated Total Spent: \$118,584.45

Goal 5 – Advocate the compliance of Agency Affirmative Action Policies within all State Agencies

Strategy 2

- Provide affirmative action and employment law training to all State Agencies

Objectives

1. Conduct one statewide training program for all EEO Officers during FY 2016-17
2. Provide 12 EEO Employment Law training sessions for supervisors of state agencies requesting assistance during FY 2016-17
3. Organize one state-wide Affirmative Action Forum for all State agencies during FY 2016-17.

Goal 5 – Advocate the compliance of Agency Affirmative Action Policies within all State Agencies

Strategy 2

- Provide affirmative action and employment law training to all State Agencies

Objectives

1. Conduct one statewide training program for all EEO Officers during FY 2016-17

Amount Budgeted: \$48,851.00

2. Provide 12 EEO Employment Law training sessions for supervisors of state agencies requesting assistance during FY 2016-17

Amount Budgeted: \$131,481.00


3. Organize one state-wide Affirmative Action Forum for all State agencies during FY 2016-17.

Amount Budgeted: \$121,492.00



Objective 1: Conduct one statewide training program for all EEO Officers

- In preventing discrimination, SCHAC seeks to educate stakeholders at other state agencies on the appropriate actions to take in filing their annual report
- Estimated Total Spent: \$46,815.35



Objective 2: Provide 12 EEOC Employment Law training for supervisors of state agencies who ask for them

- Also to prevent discrimination, SCHAC offers free or reduced-priced trainings for any state agency looking to educate their supervisors and managers on appropriate steps to take to address discrimination
- Estimated Total Spent: \$126,002.28



Objective 3: Organize one state-wide Affirmative Action Forum for all State Agencies

- In preventing discrimination, SCHAC seeks to educate Agency Heads at other state agencies on the appropriate actions to take in filing an annual report
- Estimated Total Spent:\$129,902.28

Performance Measure **Value 2016-17**

- State Agency AA plans Monitored - 90
- Training (External) - 34

Performance Measure **Target 2017-18**

- State Agency AA plans Monitored - 90
- Training (External) - 24

Current Values and Targets in Technical Services

Questions? Concerns? Comments?

