

# Legislative Oversight Committee

## Study of the S.C. Human Affairs Commission *December 4, 2017*



FULL COMMITTEE OPTIONS STANDARD PRACTICE 13	FULL COMMITTEE ACTION(S)	DATE(S) OF FULL COMMITTEE ACTION(S)
<p>(1) Refer the study and investigation back to the subcommittee or an ad hoc committee for further evaluation;</p> <p>(2) Approve the subcommittee’s study; or</p> <p>(3) further evaluate the agency as a full committee, utilizing any of the available tools of legislative oversight available</p>	<p>Approved Study</p> <p>Study Available for Consideration Study Presentation and Discussion Subcommittee Study Approved</p>	 <p>November 13, 2017, with opportunity for Members to provide comments until December 1, 2017.</p> <p>November 13, 2017 November 13, 2017 November 13, 2017</p>

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# AGENCY SNAPSHOT

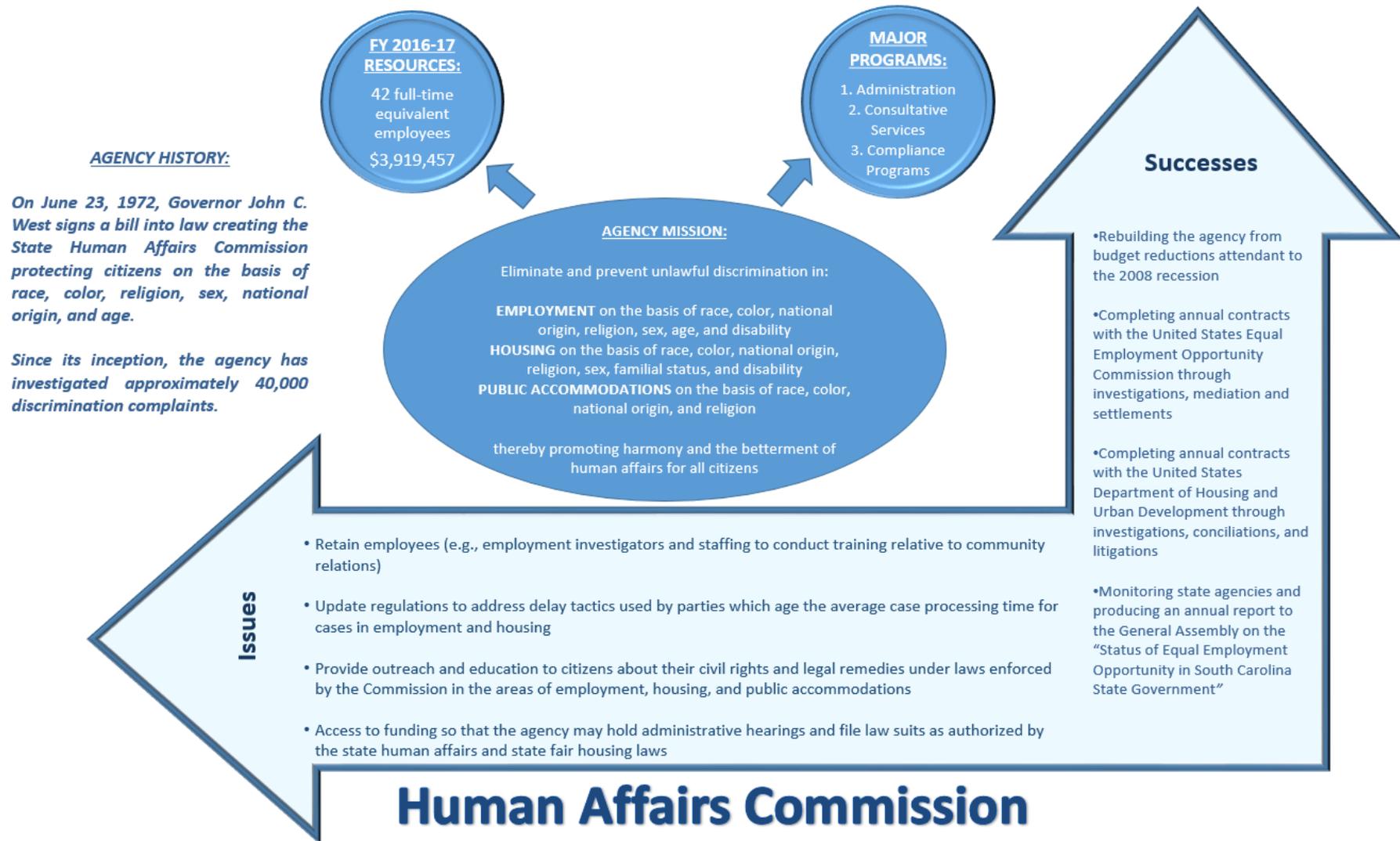


Figure 1. Snapshot of agency's history, major programs, fiscal year 2016-17 resources, mission, successes, and issues.<sup>1</sup>

# EXECUTIVE SUMMARY

## *Purpose of Oversight Study*

As stated in S.C. Code Ann. § 2-2-20(B), “[t]he **purpose of these oversight studies** and investigations is to **determine if agency laws and programs** within the subject matter jurisdiction of a standing committee: (1) **are being implemented** and carried out **in accordance with the intent of the General Assembly; and** (2) **should be continued, curtailed, or eliminated.**” In making these determinations, the Committee evaluates (1) the application, administration, execution, and effectiveness of the agency’s laws and programs, (2) the organization and operation of the agency, and (3) any conditions or circumstances that may indicate the necessity or desirability of enacting new or additional legislation pertaining to the agency.<sup>2</sup>

## *Study Process*

The House Legislative Oversight Committee’s (Committee) process for studying the S.C. Human Affairs Commission (agency, Commission, or SCHAC) includes actions by the full Committee; Economic Development, Transportation, and Natural Resources Subcommittee (Subcommittee); the Commission; and the public. A summary of the key dates and actions are listed below in Figure 2.

### Legislative Oversight Committee Actions

- January 10, 2017 - Prioritizes the agency for study
- January 17, 2017 - Provides the agency with notice about the oversight process
- February 9 - March 13, 2017 - Solicits input from the public about the agency in the form of an online public survey
- March 9, 2017 - Holds **Meeting #1** to obtain public input about the agency
- November 13, 2017 - Receives notice study is available for consideration; holds **Meeting #7** to discuss study; approves study; and provides an opportunity for individual Committee Members to provide written comments for inclusion with the study
- December 4, 2017 - Publishes study of the agency

### Economic Development, Transportation, and Natural Resources Subcommittee Actions

- June 22, 2017 - Holds **Meeting #2** with agency to discuss its **mandate, mission, vision, laws enforced, organizational structure, major program areas, employment discrimination, investigation process, mediation, housing discrimination, training, relationship with others, and community relations**
- July 10, 2017 - Holds **Meeting #3** with agency to discuss its **strategic plan and how its goals align with daily operations**

- September 18, 2017 - Holds **Meeting #4** with agency to further discuss its **strategic plan, resources available (employees and funds), agency personnel responsible for objectives, and performance measures**
- October 17, 2017 - Holds **Meeting #5** with agency to discuss its **responses to Subcommittee follow-up questions and to address the agency’s recommendations for law changes**
- October 24, 2017 - Holds **Meeting #6** with the agency to **discuss study recommendations**

### S.C. Human Affairs Commission Actions

- April 10, 2015 - Submits its **Annual Restructuring and Seven-Year Plan Report**
- January 12, 2016 - Submits its **2016 Annual Restructuring Report**
- April 13, 2017 - Submits its **Program Evaluation Report**
- June 1, 2017 - Amends its Program Evaluation Report to include **additional law recommendations**
- June - November, 2017 - Meets with and **responds to Subcommittee’s and Committee's inquiries**

### Public’s Actions

- February 9 - March 13, 2017 - Provides input about agency via **online public survey**
- March 9, 2017 - Opportunity to provide testimony about the agency to the Committee
- Ongoing - **Submits written comments on the Oversight Committee's webpage** on the General Assembly's website ([www.scstatehouse.gov](http://www.scstatehouse.gov))

Figure 2. Summary of key dates and actions of the study process.

## Findings and Recommendations

The **Committee has 12 recommendations** arising from its study of the agency. These recommendations fall into two categories: (1) recommendations for the S.C. Human Affairs Commission; and (2) recommendations for the General Assembly.

Table 1. Summary of recommendations arising from the study process.

Topic	Recommendations for . . .
	. . . S.C. Human Affairs Commission
Performance Measures	1. Review its performance measures for its strategic plan including, but not limited to, designing and implementing performance measures for the agency’s work with community relations councils.
Employee Retention	2. Develop a written employee retention policy and update its website to include its policies and procedures.
	. . . General Assembly
Public Accommodations Discrimination	3. Authorize the agency to promulgate a regulation outlining relief that may be awarded by an agency panel for public accommodations discrimination.
	4. Protect against public accommodations discrimination on the basis of sex by amending S.C. Code § 45-9-10(A). ( <i>Agency Law Recommendation #8, amended</i> )
	5. Empower SCHAC to investigate charges of public accommodations discrimination by amending S.C. Code § 45-9-40 and §45-9-80. ( <i>Agency Law Recommendations #9 and #11</i> )

<b>Employment Discrimination</b>	<b>6.</b> Outline the full range of damage awards available in cases of employment discrimination in S.C. Code § 1-13-90(c)(16). ( <i>Agency Law Recommendation #2</i> )
<b>Deadline to File Civil Suit</b>	<b>7.</b> Provide a complainant adequate opportunity to file a civil suit following a SCHAC investigation by amending S.C. Code § 1-13-90(d)(6). ( <i>Agency Law Recommendation #3</i> )
<b>Limitation on Relief</b>	<b>8.</b> Establish a limit on the relief that may be awarded under the human affairs law by amending S.C. Code § 1-13-100. ( <i>Agency Law Recommendation #4</i> )
<b>Housing Discrimination</b>	<b>9.</b> Establish that disability discrimination related to modifications, accommodations and construction deficiencies in a housing investigation may involve the terms and conditions of a sale or rental of a dwelling, in addition to the denial of a dwelling, by amending S.C. Code § 31-21-70(G). ( <i>Agency Law Recommendation #6</i> )
<b>Statute Update or Clarification</b>	<b>10.</b> Clarify that the agency has the power to subpoena non-state agency employers, in accordance with S.C. Code § 1-13-90(d), by amending S.C. Code § 1-13-70(i). ( <i>Agency Law Recommendation #1</i> )
	<b>11.</b> Amend S.C. Code § 31-21-120(B) to remove an outdated requirement pertaining to complaint filing procedures. ( <i>Agency Law Recommendation #7</i> )
	<b>12.</b> Remove a requirement for SCHAC to submit an additional annual report covering information already included in the annual accountability report by amending S.C. Code § 1-13-40(j). ( <i>Agency Law Recommendation #21</i> )

*Note: References in italics are to recommendation numbers provided by the agency in its Program Evaluation Report.*

There are **no specific recommendations with regards to continuance or elimination of agency programs.**

### *Internal Changes Implemented by Agency Related to Study Process*

During the study process, the Commission implements seven of its law recommendations by promulgating regulations. These recommendations are summarized in Table 13.

### *Additional Information*

The S.C. Human Affairs Commission makes four additional **recommendations that the Committee receives for information purposes only.** Table 14 summarizes those recommendations. The Committee also notes for information purposes the status of the Commission’s implementation of recommendations made by the Legislative Audit Council in December 2014, included in Table 15.<sup>3</sup>

# AGENCY OVERVIEW

## History

Below is an **overview of the agency's history** in administering and enforcing laws prohibiting discrimination.<sup>4</sup> SCHAC has investigated approximately 40,000 discrimination complaints since its inception almost half a century ago.

- 1971  
Governor John C. West signs an executive order establishing the Governor's Advisory Commission on Human Relations on March 4, 1971. Mr. J.W. (Bill) Travis is appointed as chair, and Mr. George Hamilton is appointed as executive director.
  
- 1972  
Initiated by the Governor's Advisory Commission on Human Relations, on March 29, 1972, Dr. Gerald E. Breger, Director of the Bureau of Urban and Regional Affairs at the University of South Carolina, releases a report entitled, "Black Employment in South Carolina State Government, A Study of State Employment Practices" (Breger Study). The Breger Study finds on September 30, 1971, 19 state agencies have no black employees. Further, the Breger Study finds: "Implicit discrimination in employment does not result from malicious intent, nor does it necessarily reflect racist attitudes. Instead, it is the product of decades, perhaps centuries, of social psychological conditioning to a racial environment that has always set whites before black. Its manifestations in the employment system are many and varied, often subtle and deeply ingrained."<sup>5</sup>  
  
On June 23, 1972, Governor West signs a bill into law creating the South Carolina Commission on Human Affairs, which protects citizens on the basis of race, color, creed, sex, national origin and age. SCHAC consists of a 19-member board appointed by the Governor. The board chair is appointed by the Governor, and the agency head (i.e., Commissioner) is chosen by the board with approval by the Governor. Mr. George D. Hamilton is appointed as the first Commissioner. Commissioner Hamilton serves in this position for two years (1972-1974).
  
- 1973  
State agencies with more than 15 employees are required to submit affirmative action plans on an annual basis to SCHAC.
  
- 1974  
On October 4, 1974, Mr. James E. Clyburn becomes the second Commissioner, a position he serves in for eighteen years (1974-1992).<sup>6</sup> The agency has three program areas: (1) compliance-employment; (2) technical services-monitoring of state agency affirmative action; and (3) community relations.
  
- 1975  
SCHAC enters into its first contract with the United States Equal Employment Opportunity Commission (EEOC) and becomes a Fair Employment Practicing Agency (i.e, an agency that is recognized by the EEOC as responsible for enforcing its own law prohibiting discrimination).<sup>7</sup>

- 1981  
SCHAC publishes “The Blueprint,” which is a technical compliance manual containing information necessary to develop and monitor affirmative action plans.
- 1983  
The South Carolina Bill of Rights for Handicapped Persons, a precursor to the 1990 federal American with Disabilities Act, becomes law.<sup>8</sup>
- 1989  
On May 9, 1989, Governor Carroll A. Campbell signs into law the South Carolina Fair Housing Law, which protects citizens on the basis of race, color, religion, national origin, sex, and familial status. Under this law, SCHAC is authorized to make contractual agreements with the United States Department of Housing and Urban Development (HUD).<sup>9</sup>
- 1990  
On April 25, 1990, the Equal Enjoyment and Privileges to Public Accommodations Law is signed into law by Governor Campbell. The law protects the rights of citizens on the basis of race, color, religion and national origin.<sup>10</sup>  
  
On May 3, 1990, the South Carolina Fair Housing Law is amended to enhance the provision allowing SCHAC to make contractual agreements with HUD.<sup>11</sup>
- 1991  
The first Computerized Affirmative Action Management System (CAAMS) is purchased to enhance state agency reporting and SCHAC’s monitoring of state agency affirmative action plans.
- 1992  
On July 2, 1992, Dr. Willis C. Ham, Ph.D., becomes the third Commissioner, a position he serves in for eight years (1992-2000).
- 1993  
In November 1993, SCHAC’s fair housing department is formed under its compliance-enforcement division.
- 1994  
HUD grants the agency its first contract in November 1994.
- 1995  
HUD recognizes the agency for substantial equivalency status in January 1995 (i.e., HUD determines the agency enforces laws that are substantially equivalent to the federal Fair Housing Act.)<sup>12</sup> This status allows HUD to refer complaints of housing discrimination that it receives to SCHAC for investigation.<sup>13</sup>

- 1996
 

On June 13, 1996, legislation is approved adding disability as a protected class to the human affairs law; also, SCHAC is removed from responsibility for enforcement of the South Carolina Bill of Rights for Handicapped Persons.<sup>14</sup>

The South Carolina Human and Community Relations Association (SCHCRA) is formed under the auspices of SCHAC. Thirteen active community relations councils in the state share a goal of improving human and community relations.

An alternative dispute resolution (i.e., mediation) program is formed to provide resolution to complaints without the necessity of an investigation or determination of a 'notice of right to sue' being issued in a complaint.
- 2000
 

In December 2000, Mr. Jesse Washington, Jr., becomes SCHAC's third Commissioner, a position he serves in for a decade (2000-2010).
- 2000-2004
 

From fiscal year 1999-2000 through fiscal year 2003-2004, SCHAC sustains significant budget reductions. As a result, programs (e.g., community relations) are curtailed and reduction in staff and furloughs are implemented.
- 2005-2006
 

During this period, 21% (i.e., 9 of 43) of the agency's employees retire.
- 2006-2007
 

During this period, the agency notes its staffing levels remain substantially below what is legitimately required to continue to deliver the services required by the legislature at qualitative and quantitative levels expected.
- 2008-2009
 

While SCHAC has 38 filled full-time equivalents (FTEs), ten-day furloughs are implemented. Employment investigation caseloads increase from an average of 45-50 to 70 employment cases per investigator.
- 2010
 

The agency budget is cut in half. The agency notes its state appropriations from 1999 to the end of the 2009 - 2010 fiscal year are cut by 70%. Of the agency's authorized 38 FTEs, there are 17 full-time employees and one temporary employee. There are no FTEs in the community relations department; the technical services department is reduced to one FTE. Ninety-day voluntary furloughs are implemented. Additionally, 90(e) (i.e., disputes involving discrimination in police relations, unit education, business practices, and other non-employment issues) and public accommodation cases are no longer investigated.
- 2011
 

The agency has two interim Commissioners: Mr. Ralph Haile, the agency's general counsel, and subsequently, Mr. John Wilson, the agency's compliance director.

➤ 2012

Pursuant to Act 270 of 2012, the SCHAC Board is reduced from fifteen members to nine.

In July 2012, Mr. Raymond Buxton, II, becomes the sixth Commissioner of the agency, a position in which he continues to serve (2012-Present).

SCHAC reinstates its community relations department to create and sustain community relations councils around the state.

SCHAC resumes investigation of 90(e) and public accommodation complaints.

➤ 2013

Under direction from the Department of Administration, the agency moves from its Forest Drive location to the current 1026 Sumter Street location near the State House.

➤ 2014

An upgrade of CAAMS occurs to include data from the 2010 United States Census.

➤ 2015

SCHAC increases outreach and educational activities (e.g., improving its website, advertising, reinstating the agency newsletter, developing a community relations council newsletter, and distributing agency brochures). The agency increases training for new investigators.

➤ 2016

SCHAC enters into a contract with the College of Charleston to develop a systematic approach to create and sustain community relations councils. SCHCRA is reinstated as a non-profit group.

In the aftermath of the Emanuel 9 tragedy in Charleston, South Carolina, SCHAC begins holding a series of three events each year: (1) recognizing International Day on March 21 of each year to “End Racism;” (2) sponsoring a “Remembering the Emanuel 9 Day” for state agencies; and (3) sponsoring a dialogue on race relations in late summer.

SCHAC increases attorneys on staff to three so that the laws of the agency can be enforced and enhanced (i.e., the Commission resumes holding public hearings).

## Purpose, Mission, and Vision

The purpose of the Commission, as elaborated in S.C. Code Ann. § 1-13-20 and § 1-13-40, is to “seek to eliminate and prevent discrimination because of race, religion, color, sex, age, national origin, or disability” and “to encourage fair treatment for, and to eliminate and prevent discrimination against, any member of a group protected by this chapter, and to foster mutual understanding and respect among all people in this State.”

The Commission’s mission is to eliminate and prevent unlawful discrimination in:

- Employment on the basis of race, color, national origin, religion, sex, age, or disability;
- Housing on the basis of race, color, national origin, religion, sex, familial status, and disability;
- Public accommodations on the basis of race, color, national origin, or religion;

And to seek to promote harmony, understanding, and mutual respect among all the residents of South Carolina.<sup>15</sup>

The Commission’s vision is to be well-known with a positive image that is understood and accepted by the public, and to be a fully-resourced, customer-friendly agency with a diverse, well-trained, and efficient team working together effectively in a safe and supportive environment to prevent unlawful discrimination for the citizens of South Carolina.<sup>16</sup>

## Agency Organization

### Governing Body

As outlined in S.C. Code Ann. § 1-13-40, the governing body of the S.C. Human Affairs Commission is composed of nine members. One member represents each congressional district; these seven members are appointed by the Governor with the advice and consent of the Senate. Additionally, the Governor appoints two at-large members and designates one of them as Commission chairman. Members serve no more than two consecutive three-year terms, but Commissioners may continue in their positions until their successors are appointed and qualify. Notably, according to information from the Secretary of State’s office, **only one member of the Human Affairs Commission is not serving in a hold-over capacity, and six out of nine (i.e., approximately 67%) are serving in a hold-over capacity.** Additionally, there are two vacancies.

Table 2. S.C. Human Affairs Commission members. (Current as of November 1, 2017.)

Position	Name	Appointment Date	Term Expiration Date
1 <sup>st</sup> Congressional District	Cheryl F. C. Ludlam	4/6/2009	6/30/2011
2 <sup>nd</sup> Congressional District	<i>Vacant</i>		
3 <sup>rd</sup> Congressional District	Ashley Phillips Case	5/19/2015	6/30/2018
4 <sup>th</sup> Congressional District	Willie Albert Thompson	4/6/2009	6/30/2012
5 <sup>th</sup> Congressional District	Andrew C. Williams	2/8/2017	6/30/2019
6 <sup>th</sup> Congressional District	<i>Vacant</i>		
7 <sup>th</sup> Congressional District	Harold Jean Brown	3/6/2015	6/30/2018
At-Large	Joseph F. Fragale	10/30/2014	6/30/2017
At-Large	John A. Oakland - Chairman	10/14/2014	6/30/2015

## Agency Organizational Units

Every agency has an organization or hierarchy that is reflected in the agency's organizational chart. Within the organization are separate units. An agency may refer to these units as departments, divisions, functional areas, cost centers, etc. Each unit is responsible for contributing to the agency's ability to provide services and products.

During the study process the agency is asked about its organization and major operating programs.<sup>17</sup> The S.C. Human Affairs Commission has three major organizational units, which are described in Table 3. The organization of the agency is shown in Figure 3.

Table 3. Agency organizational units.

Organizational Unit	Purpose of Unit
<b>Administration</b>	To provide administrative direction, control, and support of the agency
<b>Consultative Services</b>	To provide technical services, training, and equal opportunity, community relations, and consulting services
<b>Compliance Programs</b>	To enforce state laws prohibiting employment, housing, and public accommodation discrimination

Organizational Chart

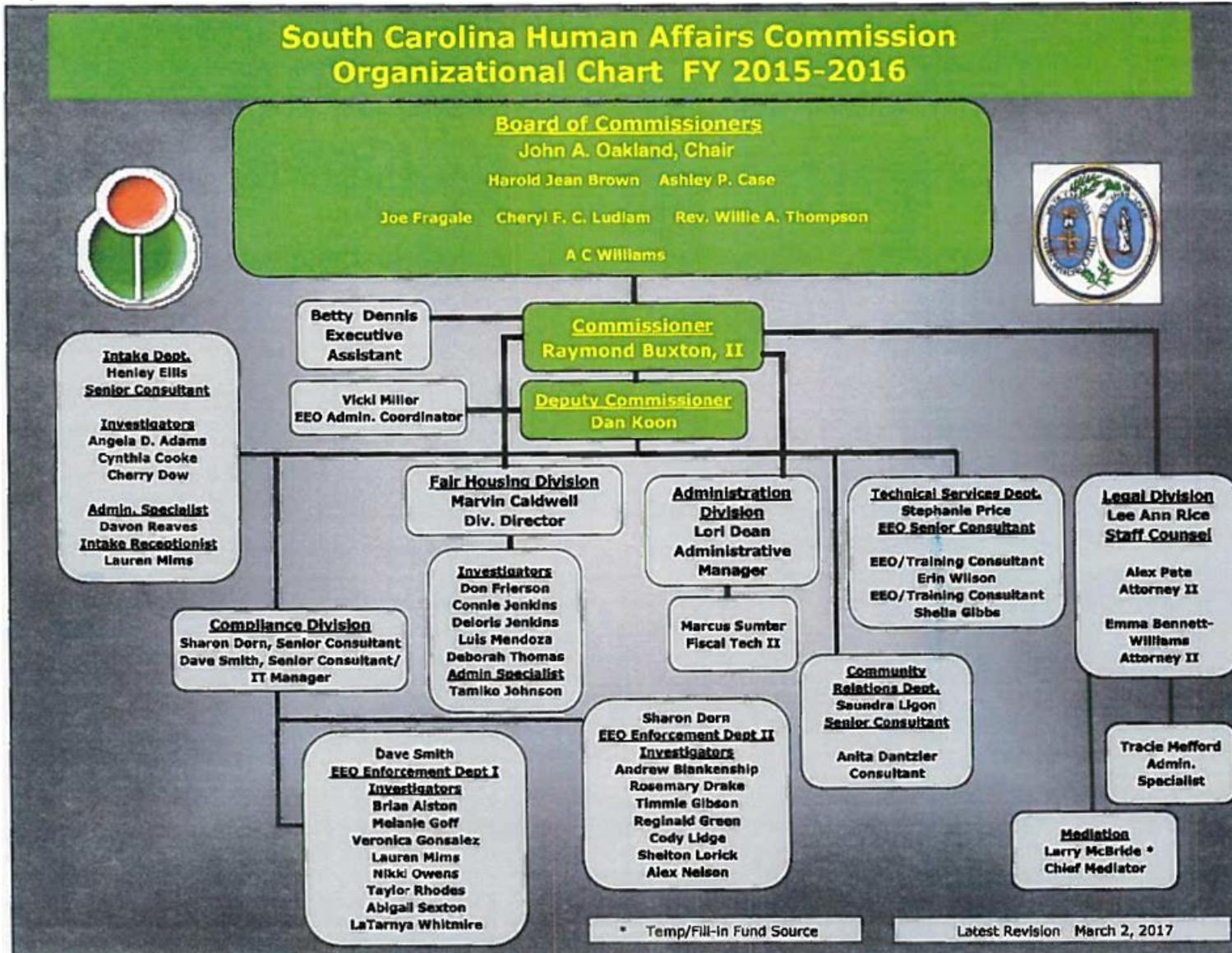


Figure 3. Organizational chart provided by the agency. (Current as of March 2, 2017.)<sup>18</sup>

## Internal Audit

During the study process, the agency is asked about its internal audit function. The S.C. Human Affairs Commission reports that it does not have an internal audit process due to its size.<sup>19</sup>

## Products, Services, and Customers

The S.C. Human Affairs Commission is charged with **working to prevent illegal discrimination in employment, housing, and public accommodations, and enforcing applicable state laws when it occurs.** To fulfill this purpose, the Commission provides a variety of products and services.

In 2015-2016, the General Assembly and Governor’s Office begin requesting an agency provide information on the services and products it provides as part of the combined Accountability Report and Annual Restructuring Report. The Commission lists a variety of services it provides relating to compliance and consultative services in the 2016-2017 Accountability Report. Table 4 includes a sample of these services.

Table 4. Sample of products and services the agency provides.<sup>20</sup>

Program Name	Product or Service	Customer
<b>Compliance - EEO Enforcement and Fair Housing</b>	Provides timely and professional assistance and processes the charge of discrimination to a successful resolution.	(1) Complainant or individual filing a complaint of discrimination (2) Respondent or business to which the complaint is filed against (3) Attorneys representing the complainant or respondent
<b>Compliance - EEO Enforcement</b>	Processes complaints where contractual obligations and responsibilities are successfully fulfilled.	U.S. Equal Employment Opportunity Commission (EEOC)
<b>Compliance - Fair Housing</b>	Processes complaints where contractual obligations and responsibilities are successfully fulfilled.	U.S. Department of Housing and Urban Development (HUD)
<b>Consultative Services - Technical Services</b>	Provides knowledge and assistance which will enhance their capacity to carry out the responsibilities to contribute to the prevention and elimination of unlawful discrimination.	State Agencies, organizations, and individuals receiving training services and/or affirmative action program assistance
<b>Consultative Services - Community Relations</b>	Provides assistance to enable local communities to enhance their capacity to address local issues related to diversity thereby serving their citizens, promoting harmony, and improving the quality of life in local communities.	Local Community Relations Councils which receive assistance in developing local issue resolution capabilities

## Strategic Resource Allocation and Performance

Annually, each agency submits a strategic plan.<sup>21</sup> Of interest to the oversight process is how an agency's human and financial resources are allocated to the goals and objectives in the agency's strategic plan. The S.C. Human Affairs Commission has five goals in its strategic plan. For each of those goals, there are two tables in the sections below. The first table for each goal shows the resources allocated to the related strategies and objectives in fiscal years 2015-16 and 2016-17. The second table for each goal shows the performance measures that the agency uses to measure performance in that area. All of this information was provided by the agency in its Program Evaluation Report.<sup>22</sup>

### Goal 1: Prevent and Eliminate Employment Discrimination

Table 5.1. Agency resource allocations to Goal 1.

Strategies and Objectives:	2015-16			2016-17 (budgeted)*		
	# of Employee Equivalents**	Total Spent	% of All Agency Funds Available	# of Employee Equivalents**	Total Budgeted	% of All Agency Funds Available
Strategy 1.1. - Implement a process of hiring and training employment Investigators	<i>Strategy/objective did not exist in 2015-16</i>			3	\$179,488	5.3%
Objective 1.1.1 - Provide monthly training sessions related to employment law for 15 employment investigators in FY 2016-2017	<i>Strategy/objective did not exist in 2015-16</i>			3	\$195,150	5.8%
Objective 1.1.2 - Institute a workplace mentoring program for Investigator I employees during FY 2016-2017	3	\$183,330	6.6%	3	\$195,150	5.8%
Strategy 1.2 - Implement a reliable and measurable tracking system for the time it takes to process and investigate an employment discrimination complaint	3	\$173,874	6.3%	3	\$175,310	5.2%
Objective 1.2.1 - 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	5	\$342,107	12.4%	6	\$410,930	12.2%
<b>TOTAL FOR GOAL 1</b>	<b>11</b>	<b>\$699,310</b>	<b>25.4%</b>	<b>18</b>	<b>\$1,156,029</b>	<b>34.2%</b>

\* 2016-17 numbers are budget estimates because the information was provided by the agency prior to the end of that fiscal year.

\*\* The number of employee equivalents, or FTEs, reflects a partial number for employees who do not work full-time on this strategy or objective.

Table 5.2. Performance measures associated with Goal 1.

Performance Measure	Type	FY 2011-12	FY 2012-13	FY 2013-14	FY 2014-15	FY 2015-16
Intake Calls/ Initial Inquiries	Output	Actual - 2,000 Target - 19,000	Actual - 1,215 Target - 15,000	Actual - 1,382 Target - 6,290	Actual - 1,126 Target - 6,445	Actual - 1,119 Target - 6,117
Intake Calls Formalized into Charges	Output	Actual - 614 Target - DNE	Actual - 909 Target - DNE	Actual - 741 Target - DNE	Actual - 715 Target - DNE	Actual - 674 Target - DNE
Employment Cases Received	Output	Actual - 1,028 Target - DNE	Actual - 1,078 Target - DNE	Actual - 1,026 Target - DNE	Actual - 977 Target - DNE	Actual - 938 Target - DNE
Employment Cases Closed	Output	Actual - 765 Target - DNE	Actual - 796 Target - DNE	Actual - 914 Target - DNE	Actual - 938 Target - DNE	Actual - 1003 Target - DNE
Employment Cases Successfully Mediated	Output	Actual - 58 Target - DNE	Actual - 57 Target - DNE	Actual - 101 Target - DNE	Actual - 77 Target - DNE	Actual - 63 Target - DNE
Funds Collected at Mediation	Output	Actual - \$585,583 Target - DNE	Actual - \$342,475 Target - DNE	Actual - \$720,046 Target - DNE	Actual - \$828,319 Target - DNE	Actual - \$618,841 Target - DNE
Employment: Monetary Value of Settlements	Output	Actual - \$831,441 Target - DNE	Actual - \$690,866 Target - DNE	Actual - \$1,333,148 Target - DNE	Actual - \$1,304,428 Target - DNE	Actual - \$1,383,461 Target - DNE
Training - Internal Number of Training Sessions	Output	DNE	DNE	Actual - 8 Target - DNE	Actual - 22 Target - DNE	Actual - 18 Target - DNE

Note: DNE = did not exist for the specified year.

## Goal 2: Prevent and Eliminate Housing Discrimination

Table 6.1. Agency resource allocations to Goal 2.

Strategies and Objectives:	2015-16			2016-17 (budgeted)*		
	# of Employee Equivalents**	Total Spent	% of All Agency Funds Available	# of Employee Equivalents**	Total Budgeted	% of All Agency Funds Available
Strategy 2.1 - Enhance the awareness of the Housing Division to include the awareness of the agency in under-served counties	1	\$44,043	1.6%	1	\$59,273	1.8%
Objective 2.1.1 - Finalize a Fair Housing Outreach Plan by December 31, 2016	1	\$44,043	1.6%	1	\$59,273	1.8%
Objective 2.1.2 - Hire a Fair Housing Outreach Liaison by December 16, 2016	1	\$4,519	0.2%	1	\$18,077	0.5%
Strategy 2.2 - Implement an efficient processing system for Housing Discrimination Complaints	1	\$44,043	1.6%	1	\$59,273	1.8%
Objective 2.2.1 - Process 60% of all Housing cases within 100 days during FY 2016-17	<i>Strategy/objective did not exist in 2015-16</i>			7	\$269,515	8.0%
Objective 2.2.2 - Conduct on-site investigations for all cases identified as problematic cases during FY 2016-2017	<i>Strategy/objective did not exist in 2015-16</i>			6	\$243,650	7.2%
<b>TOTAL FOR GOAL 2</b>	<b>4</b>	<b>\$136,648</b>	<b>5.0%</b>	<b>17</b>	<b>\$709,061</b>	<b>21.0%</b>

\* 2016-17 numbers are budget estimates because the information was provided by the agency prior to the end of that fiscal year.

\*\* The number of employee equivalents, or FTEs, reflects a partial number for employees who do not work full-time on this strategy or objective.

Table 6.2. Performance measures associated with Goal 2.

Performance Measure	Type	FY 2011-12	FY 2012-13	FY 2013-14	FY 2014-15	FY 2015-16
Housing Cases Received	Output	Actual - 67 Target - DNE	Actual - 58 Target - DNE	Actual - 74 Target DNE	Actual - 55 Target - DNE	Actual - 75 Target - DNE
Housing Cases Closed	Output	Actual - 64 Target - DNE	Actual - 46 Target - DNE	Actual - 46 Target -DNE	Actual - 78 Target - DNE	Actual - 76 Target -DNE
Housing Cases Conciliated (similar to mediation)	Output	Actual - 16 Target - DNE	Actual - 17 Target - DNE	Actual - 21 Target - DNE	Actual - 15 Target - DNE	Actual - 26 Target - DNE

Note: DNE = did not exist for the specified year.

**Goal 3: Educate Citizens about the Use of Legal Remedies to Achieve Justice and Fairness**

Table 7.1. Agency resource allocations to Goal 3.

Strategies and Objectives:	2015-16			2016-17 (budgeted)*		
	# of Employee Equivalents**	Total Spent	% of All Agency Funds Available	# of Employee Equivalents**	Total Budgeted	% of All Agency Funds Available
Strategy 3.1 - Empower the Legal and Mediation Departments with authority as provided by law	1	\$54,708	2.0%	1	\$59,368	1.8%
Objective 3.1.1 - Litigate probable cause cases that cannot be conciliated in the Fair Housing Division during FY 2016-17	2	\$67,281	2.4%	2	\$111,292	3.3%
Objective 3.1.2 - Hold an administrative hearing for an employment or housing case by June 30, 2017	<i>Strategy/objective did not exist in 2015-16</i>			3	\$161,292	4.8%
Objective 3.1.3 - Increase the number of mediated cases from the current level of 20% to 25% during FY 2016-17	2	\$87,538	3.2%	2	\$88,905	2.6%
Strategy 3.2 - Promote legislation to update and standardize the laws and regulations of the Commission	1	\$104,070	3.8%		\$104,070	3.1%
Objective 3.2.1 - Continue to engage and educate members of the General Assembly for proposed changes to existing statues during FY 2016-17	1	\$104,070	3.8%	1	\$104,070	3.1%
<b>TOTAL FOR GOAL 3</b>	<b>7</b>	<b>\$417,667</b>	<b>15.1%</b>	<b>9</b>	<b>\$628,997</b>	<b>18.6%</b>

\* 2016-17 numbers are budget estimates because the information was provided by the agency prior to the end of that fiscal year.

\*\* The number of employee equivalents, or FTEs, reflects a partial number for employees who do not work full-time on this strategy or objective.

Table 7.2. Performance measures associated with Goal 3.

Performance Measure	Type	FY 2011-12	FY 2012-13	FY 2013-14	FY 2014-15	FY 2015-16
Employment Cases Successfully Mediated	Output	Actual - 58 Target - DNE	Actual - 57 Target - DNE	Actual - 101 Target - DNE	Actual - 77 Target - DNE	Actual - 63 Target - DNE
Funds Collected at Mediation	Output	Actual - \$585,583 Target - DNE	Actual - \$342,475 Target - DNE	Actual - \$720,046 Target - DNE	Actual - \$828,319 Target - DNE	Actual - \$618,841 Target - DNE
Housing Cases Conciliated (similar to mediation)	Output	Actual - 16 Target - DNE	Actual - 17 Target - DNE	Actual - 21 Target - DNE	Actual - 15 Target - DNE	Actual - 26 Target - DNE
Public Accommodation/ 90(e) Cases Investigated	Output	Actual - 0 Target - DNE	Actual - 35 Target -DNE	Actual - 46 Target -DNE	Actual - 16 Target - DNE	Actual - 15 Target -DNE

Note: DNE = did not exist for the specified year.

**Goal 4: Foster Culturally Sensitive and Socially Inclusive Communities State Wide**

Table 8.1. Agency resource allocations to Goal 4.

Strategies and Objectives:	2015-16			2016-17 (budgeted)*		
	# of Employee Equivalents**	Total Spent	% of All Agency Funds Available	# of Employee Equivalents**	Total Budgeted	% of All Agency Funds Available
Strategy 4.1 - Create and sustain existing Community Relations Councils in 46 counties	<i>Strategy/objective did not exist in 2015-16</i>			2	\$88,042	2.6%
Objective 4.1.1 - Increase the number of counties with Community Relations Councils from 17 to 22 during FY 2016-17	<i>Strategy/objective did not exist in 2015-16</i>			2	\$88,042	2.6%
Objective 4.1.2 - Sustain the current leadership in existing Community Relations Councils per minimum requirement during FY 2016-17	2	\$81,174	2.9%	2	\$88,042	2.6%
Strategy 4.2 - Implement technology platform and external communication campaign to expand the network of Community Relations Councils	1	\$30,698	1.1%	1	\$36,137	1.1%
Objective 4.2.1 - Distribute an electronic newsletter devoted to Community Relations Councils on a monthly basis during FY 2016-17	1	\$51,920	1.9%	1	\$55,086	1.6%
Objective 4.2.2 - Develop the agency web page to communicate periodic updated information to all Community Relations Councils during FY 2016-17	1	\$30,698	1.1%	1	\$36,137	1.1%
Strategy 4.3 - Promote the Quality of Life Initiative in all Community Relations Councils	1	\$50,476	1.8%	1	\$51,905	1.5%
Objective 4.3.1 - Conduct Quality of Life Initiative meetings with 5 Community Relations Councils during FY 2016-17	<i>Strategy/objective did not exist in 2015-16</i>			1	\$51,905	1.5%
<b>TOTAL FOR GOAL 4</b>	<b>6</b>	<b>\$244,966</b>	<b>8.9%</b>	<b>11</b>	<b>\$495,296</b>	<b>14.7%</b>

\* 2016-17 numbers are budget estimates because the information was provided by the agency prior to the end of that fiscal year.

\*\* The number of employee equivalents, or FTEs, reflects a partial number for employees who do not work full-time on this strategy or objective.

Table 8.2. Performance measure associated with Goal 4.

Performance Measure	Type	FY 2011-12	FY 2012-13	FY 2013-14	FY 2014-15	FY 2015-16
Community Relations Councils Sustained & Created	Output	Actual - 23 Target - DNE	Actual - 23 Target - DNE	Actual - 10 Target -DNE	Actual - 17 Target - DNE	Actual - 17 Target -DNE

Note: DNE = did not exist for the specified year.

**Goal 5: Advocate the Compliance of Agency Affirmative Action Policies within All State Agencies**

Table 9.1. Agency resource allocations to Goal 5.

Strategies and Objectives:	2015-16			2016-17 (budgeted)*		
	# of Employee Equivalents**	Total Spent	% of All Agency Funds Available	# of Employee Equivalents**	Total Budgeted	% of All Agency Funds Available
Strategy 5.1 - Partner with all state agencies to better monitor agency Affirmative Action policies	<i>Strategy/objective did not exist in 2015-16</i>			1	\$48,851	1.4%
Objective 5.1.1 - Conduct a computer analysis of each agency's hiring and promotion practices during FY 2016-17	<i>Strategy/objective did not exist in 2015-16</i>			3	\$121,492	3.6%
Objective 5.1.2 - Review all state agency affirmative action reports and provide necessary recommendations to state agencies in developing and implementing non-discriminatory employment systems during FY 2016-17	<i>Strategy/objective did not exist in 2015-16</i>			3	\$121,492	3.6%
Strategy 5.2 - Provide affirmative action and employment law training to all state agencies	<i>Strategy/objective did not exist in 2015-16</i>			2	\$131,481	3.9%
Objective 5.2.1 - Conduct one statewide training program for all Affirmative Action (EEO) Officers during FY 2016-17	<i>Strategy/objective did not exist in 2015-16</i>			1	\$48,851	1.4%
Objective 5.2.2 - Provide 12 EEO employment law training sessions for supervisors of state agencies requesting assistance during FY 2016-17	<i>Strategy/objective did not exist in 2015-16</i>			2	\$131,481	3.9%
Objective 5.2.3 - Organize one state-wide affirmative action forum for all state agencies during FY 2016-17.	<i>Strategy/objective did not exist in 2015-16</i>			3	\$121,492	3.6%
<b>TOTAL FOR GOAL 5</b>				<b>15</b>	<b>\$725,140</b>	<b>21.5%</b>

\* 2016-17 numbers are budget estimates because the information was provided by the agency prior to the end of that fiscal year.

\*\* The number of employee equivalents, or FTEs, reflects a partial number for employees who do not work full-time on this strategy or objective.

Table 9.2. Performance measures associated with Goal 5.

Performance Measure	Type	FY 2011-12	FY 2012-13	FY 2013-14	FY 2014-15	FY 2015-16
State agency affirmative action plans monitored (affirmative action plans received and approved)	Output	Actual - 86 Target - DNE	Actual - 85 Target - DNE	Actual - 85 Target - DNE	Actual - 85 Target - DNE	Actual - 90 Target - DNE
Training - External - Number of Employment Training Sessions	Output	Actual - 23 Target - DNE	Actual - 13 Target - DNE	Actual - 21 Target - DNE	Actual - 24 Target - DNE	Actual - 31 Target - DNE

Note: DNE = did not exist for the specified year.

# STUDY PROCESS

## *Agency Selection*

The S.C. Human Affairs Commission is an agency subject to legislative oversight.<sup>23</sup> During the 122<sup>nd</sup> General Assembly, the Committee prioritizes the agency for study by the Economic Development, Transportation, and Natural Resources Subcommittee on January 10, 2017.<sup>24</sup>

As the Committee encourages **collaboration in its legislative oversight process**, the Speaker, standing committee chairs in the House, members of the House, Clerk of the Senate, and Governor are also notified about the agency study.

## *Subcommittee Membership*

The **Economic Development, Transportation, and Natural Resources Subcommittee of the House Legislative Oversight Committee studies the agency.**<sup>25</sup> The study begins during the 122<sup>nd</sup> General Assembly. The Honorable Ralph W. Norman serves as chair until he resigns from the General Assembly on February 16, 2017.<sup>26</sup> The Honorable Laurie Slade Funderburk, Committee First Vice-Chair, presides at the remainder of the Subcommittee meetings with the agency. Members participating in the study of the agency are listed below:

- The Honorable Neal A. Collins;
- The Honorable Laurie Slade Funderburk;
- The Honorable Ralph W. Norman;
- The Honorable Mandy Powers Norrell; and
- The Honorable Robert L. Ridgeway, III.

## *Agency Reports to Legislative Oversight Committee*

During the legislative oversight process, the **Committee asks the agency to conduct self-analysis** by requiring it to complete and submit annual Restructuring Reports, a Seven-Year Plan for cost savings and increased efficiencies, and a Program Evaluation Report. Each report is posted on the agency page of the Committee's website.

### *Restructuring Report*

The Annual Restructuring Report fulfills the requirement in S.C. Code Ann. §1-30-10(G)(1) that annually each agency report to the General Assembly "detailed and comprehensive recommendations for the purposes of merging or eliminating duplicative or unnecessary divisions, programs, or personnel within each department to provide a more efficient administration of government services." The report, at a minimum, includes information in the following areas - history, mission and vision, laws, strategic plan, human and financial resources, performance measures, and restructuring recommendations. SCHAC submits its Annual Restructuring Reports on April 10, 2015, and January 12, 2016.<sup>27</sup> The agency's 2015-2016 Annual Accountability Report to the Governor and General Assembly serves as its 2017 Annual Restructuring Report.<sup>28</sup>

## *Seven-Year Plan for Cost Savings and Increased Efficiencies*

S.C. Code Ann. § 1-30-10 requires agencies to submit “a seven year plan that provides initiatives and/or planned actions that implement cost savings and increased efficiencies of services and responsibilities within the projected seven-year period.”<sup>29</sup> SCHAC submits its plan on April 10, 2015.<sup>30</sup>

## *Program Evaluation Report*

When an agency is selected for study, the Committee may acquire evidence or information by any lawful means, including, but not limited to, "requiring the agency to prepare and submit to the investigating committee a program evaluation report by a date specified by the investigating committee." S.C. Code Ann. § 2-2-60 outlines what an investigating committee's request for a program evaluation report must contain. Also it provides a list of information an investigating committee may request. The Committee sends guidelines for the agency's Program Evaluation Report (PER) on February 13, 2017. On March 28, 2017, the agency requests and receives an extension to submit its PER.<sup>31</sup> The agency submits the PER on April 13, 2017.<sup>32</sup> The agency amends its PER by providing additional law change recommendations on June 1, 2017.<sup>33</sup>

The PER includes information in the following areas - agency's legal directives, plan, resources, performance, and agency ideas/recommendations. **The Program Evaluation Report serves as the base document for the Subcommittee's study of the agency.**

## *Information from the Public*

**Public input is a cornerstone of the House Legislative Oversight Committee's process.**<sup>34</sup> There are a variety of opportunities for public input during the legislative oversight process. Members of the public have an opportunity to participate anonymously in a public survey, provide comments anonymously via a link on the Committee's website, and appear in person before the Subcommittee.<sup>35</sup>

## *Public Survey*

From February 9 - March 30, 2017, the Committee posts an **online survey to solicit comments from the public about the S.C. Human Affairs Commission** and three other agencies. Communication about this survey is sent to all House members to forward to their constituents. In an effort to communicate this public input opportunity widely, a statewide media release is issued.<sup>36</sup>

There are 619 responses to the survey, with at least one response coming from 43 of South Carolina's 46 counties.<sup>37</sup> These comments are not considered testimony.<sup>38</sup> As the survey notes, “input and observations from those citizens who [chose] to provide responses are very important . . . because they may help direct the Committee to potential areas for improvement with these agencies.”<sup>39</sup> The survey results are posted on the Committee's website. **The public is informed it may continue to submit written comments about agencies online** after the public survey closes.<sup>40</sup>

The 113 people who respond to survey questions about the S.C. Human Affairs Commission represent at least 26 different counties in South Carolina. Nearly half (45%) are current or former state employees. Of those who respond, 33% report a positive or very positive opinion of the Commission and 47% have a

negative or very negative opinion of it. Over one-third of respondents indicate that their opinion has been most influenced by personal experience with the agency. In the open-ended comments, the most commonly cited issues relate to internal personnel and agency investigations.<sup>41</sup>

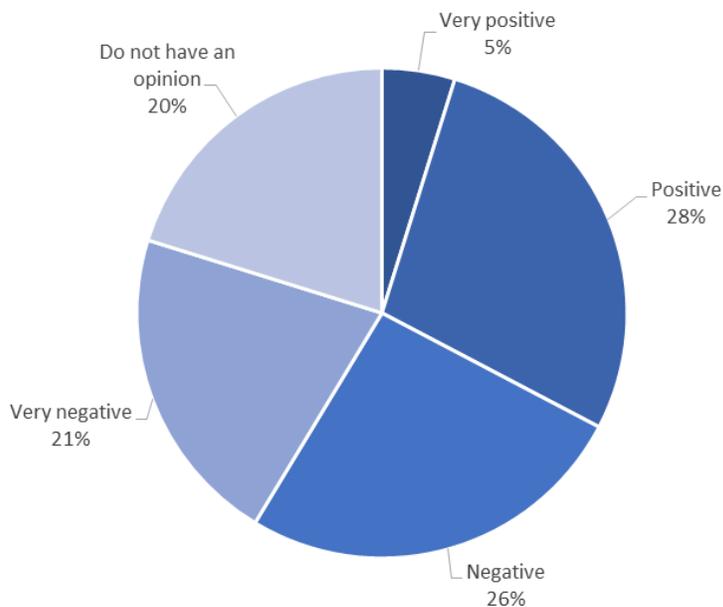


Figure 4. February-March 2017 public survey respondent opinion of the S.C. Human Affairs Commission.

#### *Public Input via Committee Website*

Throughout the course of the study, people are able to submit comments anonymously on the Committee website. Those comments are posted to the website verbatim, but are not the comment or expression of the House Legislative Oversight Committee, any of its Subcommittees, or the House of Representatives.<sup>42</sup>

From March through October 2017, there are six comments received in this way. Internal personnel issues and problems with agency investigations are the most common topics.<sup>43</sup>

#### *Public Input via In-Person Testimony*

The Committee offers the opportunity for the public to appear and provide sworn testimony.<sup>44</sup> A meeting dedicated to public input is held on March 9, 2017.<sup>45</sup> A press release announcing this opportunity is sent to media outlets statewide on February 16, 2017. The Committee receives no testimony about the S.C. Human Affairs Commission at this time.

## *Meetings Regarding the Agency*

The Committee meets with, or about, the agency on three occasions, and the Subcommittee meets with, or about, the agency on five occasions. A representative of the governing board and the agency head attend all Subcommittee meetings. All meetings are open to the public and stream live online; also, the videos are archived and the minutes are available online. A timeline of meetings is set forth in Figure 2.

### *122<sup>nd</sup> General Assembly (2017-2018)*

#### *January 2017*

On **January 10, 2017**, the full Committee selects the agency for study.<sup>46</sup> Appendix A includes the meeting packet.

#### *March 2017*

On March 9, 2017, the Committee holds **Meeting #1** to offer an **opportunity for the public to provide testimony about the agency**.<sup>47</sup> While notification of this opportunity is posted online and a statewide media release is issued, no testimony is received from the public about the agency.<sup>48</sup> Appendix B includes the meeting packet.

#### *June 2017*

On June 22, 2017, the Subcommittee holds **Meeting #2** with the agency. The agency board chair, agency head, and other agency representatives provide a presentation and respond to Subcommittee questions about the **agency's mandate, mission, vision, laws enforced, organizational structure, major program areas, employment discrimination, investigation process, mediation, housing discrimination, training, relationships with others, and community relations**.<sup>49</sup> The Subcommittee sends the agency a follow-up letter requesting additional information on the following topics: discrimination complaints, interaction with the federal government, and finances.<sup>50</sup> The agency responds to this letter prior to the next meeting.<sup>51</sup> Appendix C includes the meeting packet.

#### *July 2017*

On July 10, 2017, the Subcommittee holds **Meeting # 3** to discuss with the agency its **strategic plan and how its goals align with daily operations**.<sup>52</sup> Members ask and agency representatives respond to questions about investigations and how complainants can get questions and concerns about the investigation of their case addressed.<sup>53</sup> On July 12, 2017, the Subcommittee sends the agency a follow-up letter.<sup>54</sup> On July 31, 2017, the agency provides the Subcommittee information on the following topics: (1) discrimination complaints, including Equal Employment Opportunity Commission and Fair Employment Practices Agencies receipts in South Carolina and housing cases by county; (2) average length of tenure for agency staff; (3) mediation - cases referred for mediation; mediations scheduled; and cases resolved by mediation; (4) requirements, if any, to exhaust an administrative remedy; and (5) additional law recommendations.<sup>55</sup> Appendix D includes the meeting packet.

### *September 2017*

On September 18, 2017, the Subcommittee holds **Meeting #4** to further discuss the agency's **strategic plan and resources available (employees and funds); agency personnel responsible for objectives; and performance measures.**<sup>56</sup> Members ask questions and agency representatives respond to questions on these issues. The Subcommittee sends a follow-up letter to the agency seeking additional information on: employees (tenure, separations, and bonuses); investigators (cost and process of training); 90(e) allegations (i.e., disputes involving discrimination in police relations, unit education, business practices, and other non-employment issues); and records management.<sup>57</sup> The agency responds prior to the next Subcommittee meeting.<sup>58</sup> Appendix E includes the meeting packet.

### *October 2017*

On October 17, 2017, the Subcommittee holds **Meeting #5** to discuss the **agency's responses to the Subcommittee's follow-up questions from the September meeting and to address the agency's recommendations for law changes.**<sup>59</sup> The Subcommittee sends a follow-up letter to the agency seeking additional information pertaining to two of the agency's law recommendations.<sup>60</sup> The agency responds prior to the next Subcommittee meeting.<sup>61</sup> Appendix F includes the meeting packet.

On October 24, 2017, the Subcommittee holds **Meeting #6** to discuss study recommendations. Appendix G includes the meeting packet.

### *November 2017*

On November 17, 2017, the Subcommittee provides notice that its study of the agency is available for **consideration by the full Committee.**<sup>62</sup> On the same day, the full Committee holds **Meeting #7** to discuss the Subcommittee's study. As the Honorable Wm. Weston J. Newton has recused himself from the study of this agency,<sup>63</sup> the Honorable Laurie Slade Funderburk, Committee Vice-Chair and acting chair of the Subcommittee, presides over that portion of the meeting, provides an overview of the study and responds to questions about the study. Additionally, agency personnel are present to respond to questions about the agency. **The Subcommittee's study is approved.**<sup>64</sup> Pursuant to Committee standard practice, Committee members have an opportunity for members to provide written comments for inclusion with the study. Appendix H includes the meeting packet.

### *December 2017*

On December 4, 2017, the full Committee publishes the Study of the S.C. Human Affairs Commission.

## ***Next Steps***

To support the Committee's ongoing oversight by maintaining current information about the S.C. Human Affairs Commission, the agency receives an annual Request for Information.

# RECOMMENDATIONS

## *General Information*

The following **recommendations include areas identified for potential improvement** by the Committee. The **Committee recognizes these recommendations will not satisfy everyone nor address every issue or potential area of improvement at the agency.** These recommendations are based on the agency’s self-analysis requested by the full Committee, discussions with the agency during multiple meetings, and analysis of the information obtained by the Committee. This information, including, but not limited to, the Program Evaluation Report, Accountability Report, Restructuring Report and videos of meetings with the agency, is available on the Committee’s website.

## *Continue*

The **Committee does not have any specific recommendations with regards to continuance of agency programs.**

## *Curtail (i.e. Revise)*

The **Committee has 12 recommendations** arising from its study of the agency. These recommendations fall into two categories: (1) recommendations for the S.C. Human Affairs Commission; and (2) recommendations for the General Assembly. An overview of these recommendations is provided in Table 1.

## *Recommendations for the S.C. Human Affairs Commission*

The Committee has **two recommendations for the S.C. Human Affairs Commission.** These recommendations are summarized in Table 10 and discussed below.

*Table 10. Summary of recommendations for SCHAC.*

Topic	Recommendation
Performance Measures	1. Review its performance measures for its strategic plan including, but not limited to, designing and implementing performance measures for the agency’s work with community relations councils.
Employee Retention	2. Develop a written employee retention policy and update its website to include its policies and procedures.

The **Committee recommends the agency review its performance measures for its strategic plan, including, but not limited to, designing and implementing performance measures for the agency’s work with community relations councils.** As the Fiscal Year 2016-17 Accountability Report Technical Assistance information available to state agencies notes: “A sound performance measure should provide information that is meaningful and useful to decision makers to better manage daily operations.”<sup>65</sup> Community relations is part of SCHAC’s consultative services division, and community relations councils are established throughout the state in communities (e.g., cities or counties) to help resolve issues locally.<sup>66</sup> During the study process, agency representatives testify community relations (i.e., “fostering better relationships within a community through organized efforts to bring together cross-sections of people to

resolve mutual issues”) is a core part of the agency’s mission to eliminate and prevent discrimination.<sup>67</sup> Further, agency representatives note a new system to assist community relations councils is in the implementation process and recognize the agency “need[s] to do a better job at the measurement of the success of those councils.”<sup>68</sup>

**The Committee recommends the agency develop a written retention policy and update its website to include its policies and procedures.** Employee retention is a challenge for the agency; between January 2016 and October 2017, 20 employees separate from the agency.<sup>69</sup> On October 13, 2017, the agency informs the Subcommittee the average tenure for an employment investigator is one year, five months, and the agency approximates the cost to onboard and train an employment investigator is \$15,746.47.<sup>70</sup> During the study process, agency representatives testify “they left for better opportunities with state government. We were not able to pay them enough” to retain the employees at the agency.<sup>71</sup>

### Recommendations for the General Assembly

The Committee recommends **ten revisions to state laws** pertaining to the agency. These recommendations are summarized in Table 11 and discussed in further detail in Table 12.

Table 11. Summary of recommendations for the General Assembly.

Topic	Recommendation
Public Accommodations Discrimination	3. Authorize the agency to promulgate a regulation outlining relief that may be awarded by an agency panel for public accommodations discrimination.
	4. Protect against public accommodations discrimination on the basis of sex by amending S.C. Code § 45-9-10(A). ( <i>Agency Law Recommendation #8, amended</i> )
	5. Empower SCHAC to investigate charges of public accommodations discrimination by amending S.C. Code § 45-9-40 and § 45-9-80. ( <i>Agency Law Recommendations #9 and #11</i> )
Employment Discrimination	6. Outline the full range of damage awards available in cases of employment discrimination in S.C. Code § 1-13-90(c)(16). ( <i>Agency Law Recommendation #2</i> )
Deadline to File Civil Suit	7. Provide a complainant adequate opportunity to file a civil suit following a SCHAC investigation by amending S.C. Code § 1-13-90(d)(6). ( <i>Agency Law Recommendation #3</i> )
Limitation on Relief	8. Establish a limit on the relief that may be awarded under the Human Affairs Law by amending S.C. Code § 1-13-100. ( <i>Agency Law Recommendation #4</i> )
Housing Discrimination	9. Establish that disability discrimination related to modifications, accommodations and construction deficiencies in a housing investigation may involve the terms and conditions of a sale or rental of a dwelling, in addition to the denial of a dwelling, by amending S.C. Code § 31-21-70(G). ( <i>Agency Law Recommendation #6</i> )
Statute Update or Clarification	10. Clarify that the agency has the power to subpoena non-state agency employers, in accordance with S.C. Code § 1-13-90(d), by amending S.C. Code § 1-13-70(i). ( <i>Agency Law Recommendation #1</i> )
	11. Amend S.C. Code § 31-21-120(B) to remove an outdated requirement pertaining to complaint filing procedures. ( <i>Agency Law Recommendation #7</i> )
	12. Remove a requirement for SCHAC to submit an additional annual report covering information already included in the annual accountability report by amending S.C. Code § 1-13-40(j). ( <i>Agency Law Recommendation #21</i> )

Note: References in italics are to recommendation numbers provided by the agency in its Program Evaluation Report.

Table 12. Discussion of recommendations for the General Assembly.

Recommendation 3		
Statute	§ 45-9-60	State Human Affairs Commission may establish rules of procedure for hearings; subpoenas; rights of persons charged; rules of evidence; scope of hearing; deliberations of panel; remedies for violation.
Explanation of Revision	As a concept recommendation, the Committee recommends that the General Assembly authorize the agency to promulgate a regulation outlining relief that may be awarded by an agency panel for public accommodations discrimination.	
Recommended Language	Concept Recommendation	
Recommendation 4		
Statute	§ 45-9-10(A)	All persons entitled to equal enjoyment of and privileges to public accommodations; places of public accommodation; "supported by state action" defined.
Agency Explanation of Revision	This addition would protect South Carolinians from being denied access to public accommodations on the basis of sex.	
Recommended Language	(A) All persons shall be entitled to the full and equal enjoyment of the goods, services, facilities, privileges, advantages, and accommodations of any place of public accommodation, as defined in Article 1 of this chapter, without discrimination or segregation on the ground of race, color, religion, or national origin, <u>or sex</u> .	
Recommendation 5		
Statute	§ 45-9-40	Processing of complaints; review by State Human Affairs Commission; complaint by Attorney General.
	§ 45-9-80	Attorney General to notify permitting, regulatory, or licensing authority of violations; immediate revocation of license or permit; enforcement of panel's decision; violators not to obtain license or permit for three years.
Agency Explanation of Revision	In recent years, the Attorney General and SLED have not engaged in any investigations related to public accommodations discrimination and instead all complaints are brought to SCHAC for processing through conciliation (i.e., similar to mediation) efforts only. These changes empower SCHAC to process these complaints.	
Recommended Language	<b>Section 45-9-40.</b> Processing of <del>charges</del> <u>complaints</u> ; review by State Human Affairs Commission; complaint by <del>Commission</del> <u>Attorney General</u> . Whenever the <u>State Human Affairs Commission</u> <del>Attorney General</del> receives a <u>charge</u> <del>complaint</del> and has cause to believe that a person or group of persons is engaged in a pattern or practice of resistance to the full enjoyment of any of the rights secured by the provisions of Article 1, and that the pattern or practice is of a nature so as to deny the full exercise of the rights described in the provisions of Article 1, the <u>Commission</u> <del>Attorney General</del> shall notify the State Law Enforcement Division which	

shall conduct an investigation. The results of this investigation must be reported to a panel of the Board of the Commission ~~the State Human Affairs Commission~~. A panel of not fewer than three commission members, designated by the chairman, shall determine if there is reasonable cause to believe that the facts alleged, based upon the results of this investigation, are sufficient to state a violation of Article 1 by a pattern or practice of discrimination or segregation.

If this panel finds reasonable cause, they shall inform the chairman ~~the chairman shall inform the Attorney General~~, and the Commission Attorney General ~~or his designee~~ shall begin an action by filing a complaint with the commission and serving a complaint and Order for hearing, by certified mail, return receipt requested, on the parties named in the complaint. The commission members which serve on this panel may not serve on the panel conducting a hearing on the allegations contained in the complaint if a license revocation proceeding is initiated. If a person alleged to have violated the provisions of Article 1 by a pattern or practice of discrimination or segregation is an employee or agent of an establishment as defined in Section 45-9-10, the Commission Attorney General shall make a diligent effort to include in the complaint the name of the employer, principal, or a third party who may be the holder of a license or permit under which the establishment or an agent of the establishment operates. The complaint must set forth a description of the charges, including the facts pertaining to the pattern or practice of discrimination or segregation and a listing of those licenses or permits which are sought to be revoked under the provisions of this article and must state clearly the remedy or penalty available pursuant to Sections 45-9-60 and 45-9-80 if the allegations are found to be true.

**Section 45-9-80.** Commission Attorney General ~~to notify permitting, regulatory, or licensing authority of violations; immediate revocation of license or permit; enforcement of panel's decision; violators not to obtain license or permit for three years.~~

Notwithstanding any other provision of law or ordinance to the contrary, if the panel determines that the provisions of Article 1 have been violated by a pattern or practice of discrimination or segregation by the owner of an establishment, an employee of an establishment, or an agent of an establishment of public accommodations as defined in Section 45-9-10, the Commission Attorney General must immediately notify the appropriate state or local permitting, regulatory, or licensing authority that those licenses or permits so designated in the panel's order must be revoked immediately, notwithstanding the provisions of Section 1-23-380(C), upon expiration of the time allowed for an appeal if no appeal has been filed. After appeals, if the panel's order is not reversed, the license or permit must be revoked as provided in this article.

If necessary, a writ of mandamus may be sought by the Commission Attorney General ~~General~~ or any individual to effectuate the provisions of this section. Nothing in this section shall be construed as requiring the issuance of a writ of mandamus, and no

	<p>civil action shall lie against any regulatory or licensing official acting pursuant to an order of the panel.</p> <p>If the Commission notifies the appropriate state or local permitting, regulatory, or licensing authority that those licenses or permits so designated in the panel's order <u>must be revoked immediately</u>, <del>to</del> the owner of an establishment, employee of an establishment, or agent of an establishment who is found to have violated the provisions of Article 1 by a pattern or practice of discrimination or segregation shall <u>not</u> obtain a license or permit from the same regulatory or licensing entity or seek the reissuance of a revoked license or permit within three years from the date of the panel's order or a final determination of a court of competent jurisdiction, whichever is later.</p>
<b>Recommendation 6</b>	
Statute	§ 1-13-90(c)(16) Complaints, investigations, hearings and orders.
Agency Explanation of Revision	State and federal courts, as well as the agency's federal counterpart, award broader damages to aggrieved parties in employment discrimination litigation, and state law should contemplate the full range of damage awards available to a prevailing party.
Recommended Language	<p>(16) If upon all the evidence at the hearing the panel shall find that the respondent has engaged in any unlawful discriminatory practice, it shall state its findings of fact and serve upon the respondent in the name of the Commission an opinion and order requiring <u>the Respondent to cease and desist from the discriminatory practice and to take such affirmative action as in the judgment of the commission will carry out the purposes of this chapter. A copy of the order shall be delivered to the respondent, the complainant, and to such public officers and persons as the commission deems proper. Affirmative action ordered under this section may include, but is not limited to:</u></p> <ul style="list-style-type: none"> <li><u>(a) Hiring, reinstatement or upgrading of employees with or without back pay. Interim earnings or amounts earnable with reasonable diligence by the person or persons discriminated against shall operate to reduce the back pay otherwise allowable;</u></li> <li><u>(b) Admission or restoration of individuals to union membership, admission to, or participation in, a guidance program, apprenticeship, training program, on-the-job training program, or other occupational training or retraining program, and the utilization of objective criteria in the admission of individuals to such programs;</u></li> <li><u>(c) Reporting as to the manner of compliance;</u></li> <li><u>(d) Posting notices in conspicuous places in the respondent's place of business in the form prescribed by the commission and inclusion of such notices in advertising material;</u></li> <li><u>(e) Payment to the complainant of damages for an injury, including humiliation and embarrassment, caused by the discriminatory practice, and cost, including a reasonable attorney's fee; and</u></li> <li><u>(f) Such other remedies as shall be necessary and proper to eliminate all the discrimination identified by the evidence submitted at the hearing or in the record. <del>that such unlawful discriminatory practice be discontinued and requiring such other</del></u></li> </ul>

	action including, but not limited to, hiring, reinstatement or upgrading of employees, with or without back pay to the persons aggrieved by such practice as, in the judgment of the panel, will effectuate the purposes of this chapter. Back pay liability shall not accrue from a date more than two years prior to the filing of a charge with the Commission. The Commission may retain jurisdiction of any such case until it is satisfied of compliance by the respondent with its order.
<b>Recommendation 7</b>	
Statute	§ 1-13-90(d)(6) Complaints, investigations, hearings and orders.
Agency Explanation of Revision	The timeframe currently in statute for a complainant to bring a civil suit following an investigation by the Commission is such that complainants who abide by all prior deadlines may still be unable to meet the required deadline for a civil suit, resulting in their cases being thrown out of court.
Recommended Language	(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 <del>later</del> <u>earlier</u> , except that this period may be extended by written consent of the respondent.
<b>Recommendation 8</b>	
Statute	§ 1-13-100 Construction and application of chapter.
Agency Explanation of Revision	In addition to limiting the types of civil causes of action that can be brought under the Human Affairs Law, a similar limitation to the relief awarded should also be established.
Recommended Language	Nothing in this chapter may be construed to create a cause of action other than those specifically described in Section 1-13-90 of this chapter. Nothing in this chapter may be construed to create a cause of action against a person not covered by Title VII of the Civil Rights Act of 1964, as amended, 42 U. S. C. Section 2000e et seq., if the cause of action arises from discrimination on the basis of race, color, religion, sex, or national origin. Nothing in this chapter may be construed to create a cause of action against a person not covered by the Age Discrimination in Employment Act of 1967, as amended, 29 U. S. C. Section 621 et seq., if the cause of action arises from discrimination on the basis of age. Nothing in this chapter may be construed to create a cause of action against a person not covered by the Americans with Disabilities Act of 1990, as amended, Public Law 101-336. <u>Nothing in this chapter may be construed to award relief greater than Title VII of the Civil Rights Act of 1964, as amended, 42 U. S. C. Section 2000e et seq., the Age Discrimination in Employment Act of 1967, as amended, 29 U. S. C. Section 621 et seq., or the Americans with Disabilities Act of 1990, as amended, Public Law 101-336.</u>

Recommendation 9	
Statute	§ 31-21-70(G) Application and exceptions.
Agency Explanation of Revision	Disability discrimination related to modifications, accommodations and construction deficiencies in a housing investigation may involve the terms and conditions of a sale or rental of a dwelling, in addition to the denial of a dwelling.
Recommended Language	<p>(G) For purposes of Section 31-21-40(6) <u>and 31-21-40(7)</u>, discrimination includes:</p> <ul style="list-style-type: none"> <li>(1) a refusal to permit, at the expense of the handicapped person, reasonable modifications of existing premises occupied or to be occupied by the person if the modifications are necessary to afford that person full enjoyment of the premises, except that in the case of a rental, the landlord, where it is reasonable to do so, may condition permission for a modification on the renter agreeing to restore the interior of the premises to the condition that existed before the modification, reasonable wear and tear excepted;</li> <li>(2) a refusal to make reasonable accommodations in rules, policies, practices, or services when such accommodations may be necessary to afford the person equal opportunity to use and enjoy a dwelling; or</li> <li>(3) in connection with the design and construction of covered multi-family dwellings for first occupancy after the date that is thirty months after the date of enactment of the Fair Housing Amendments Act of 1988, a failure to design and construct those dwellings in such a manner that: <ul style="list-style-type: none"> <li>(a) the public use and common use portions of such dwelling are readily accessible to and usable by handicapped persons;</li> <li>(b) all the doors designed to allow passage into and within all premises within such dwellings are sufficiently wide to allow passage by handicapped persons in wheelchairs; and</li> <li>(c) all premises within these dwellings contain the following features of adaptive design: <ul style="list-style-type: none"> <li>(i) an accessible route into and through the dwelling;</li> <li>(ii) light switches, electrical outlets, thermostats, and other environmental controls in accessible locations;</li> <li>(iii) reinforcements in the bathroom walls to allow later installation of grab bars; and</li> </ul> </li> </ul> </li> <li>(iv) usable kitchens and bathrooms that an individual in a wheelchair can maneuver about the space</li> </ul>
Recommendation 10	
Statute	§ 1-13-70(i) Powers of Commission.
Agency Explanation of Revision	While § 1-13-90(d) clearly articulates that the agency has the power to subpoena non-state agency employers, the language in § 1-13-70(i) has not been updated to reflect the agency's jurisdiction.
Recommended Language	(i) To require from any <u>employer</u> <del>state agency or department or local subdivisions of a state agency or department</del> such reports and information at such times as it may deem reasonably necessary to effectuate the purposes of this chapter.

Recommendation 11	
Statute	§ 31-21-120(B) Complaints; process and handling; conciliation; effect of local laws; civil action.
Agency Explanation of Revision	The agency and its federal counterpart agency, the Department of Housing and Urban Development (HUD), no longer require that a complaint or answer be verified, only that they be under oath.
Recommended Language	(B) A complaint under subsection (A) must be filed within one hundred eighty days after the alleged discriminatory housing practice occurred. The complaint must be in writing and shall state the facts upon which the allegations of a discriminatory housing practice are based. A complaint may be reasonably and fairly amended at any time. A respondent may file an answer to the complaint against him, not later than ten days after receipt of notice, and may be amended reasonably and fairly by the respondent at any time. <del>Both complaint and answer must be verified.</del>
Recommendation 12	
Statute	§ 1-13-40(j) Creation of South Carolina Commission on Human Affairs.
Agency Explanation of Revision	As identified by the Legislative Audit Council in its December 2014 report, “the agency’s last annual report addressing this section of law was in FY 00-01; however, the accountability report encompasses all the information which was previously in the annual report.”
Recommended Language	<del>(j) The Commission shall render each year to the Governor and to the General Assembly a written report of its activities and of its recommendations.</del>

### *Eliminate*

The Committee does not have any specific recommendations with regards to elimination of agency programs.

### *Follow Up*

The Committee recommends follow-up with the agency by the end of 2018 about (1) the status of the Committee’s recommendation regarding an employee retention plan, and (2) any other questions the Committee has for the agency.

# INTERNAL CHANGES IMPLEMENTED BY AGENCY RELATED TO STUDY PROCESS

The S.C. Human Affairs Commission implements seven of the law recommendations submitted to the Oversight Committee as part of its Program Evaluation Report with regulation changes effective May 26, 2017. These recommendations, summarized in Table 13, are included here as information.

*Table 13. Regulation changes recommended by the Commission that have already taken effect.*

Regulation	Summary of Change (provided by S.C. Human Affairs Commission <sup>72</sup> )	Agency Rec. Number*
65-2 Complaint	Replace the unnecessary requirement of notarization on the Complaint Form with the statutory requirement of a statement that is made under oath or affirmation.	12
65-3 Investigation and Production of Evidence	Decrease the timeframe for subpoena enforcement from 30 days to 14 days; remove the timeframe to request a motion to quash and request additional time; provide Complainants and Respondents with equal access to the Agency's investigative files in order to be substantially equivalent to the EEOC; and correct the citation for the Freedom of Information Act.	13
65-9 Procedure for the Institution of Civil Actions as Provided in Section 1-13-90(d) of the Act	Correct to reflect the 120-day statutory deadline for filing a lawsuit.	14
65-22 Employment Records to be Retained for Six Months	Repeal a section that may lead a state agency to believe that records need only be retained for a period of six months, when in fact, federal recordkeeping obligations require longer retention periods for state agencies and other employers, specifically those found in 29 C.F.R. § 1602.	15
65-23 Preservation of Records in Event of Charge of Discrimination	Amend to reflect that record preservation laws apply to all employers, labor organizations, and employment agencies which are in the process of being investigated by the Human Affairs Commission; clarify that charges originating with the Commission's federal counterpart, the Equal Employment Opportunity Commission, have the same requirement; and give the Commission the right to infer that, if an employer, labor organization, or employment agency fails to retain personnel records which are relevant evidence to an investigation, such evidence may have adversely affected the party's position.	16
65-227 Issuance of Complaint	Clarify document terminology.	18
65-233 Pleadings, Motions, and Discoveries	Clarify a confusing citation.	19

\*The agency recommendation number is used in the agency's Program Evaluation Report.

## ADDITIONAL INFORMATION

The Commission provides four recommendations for regulation changes that are in the promulgation process. These recommendations, summarized in Table 14, are provided for information purposes only.

*Table 14. Regulation changes recommended by the Commission that are in process.*

Regulation	Summary of Change (provided by S.C. Human Affairs Commission <sup>73</sup> )	Agency Rec. Number*
65-223 Investigation Procedures	Clarify that certain file contents may be protected from disclosure.	17
65-2(d)(6) Complaint	Establish that complaints may be submitted by fax or email.	22
65-3(B)(10) Investigation and Production of Evidence	Allow the charging party access to the respondent's written 'position statement' which contains its defenses.	23
65-223 Investigation Procedures	Allow for closure of an investigation when a complainant wants to withdraw the matter, or when complainant is offered full relief under the law and fails to accept it.	24

\*The agency recommendation number is used in the agency's Program Evaluation Report.

Additionally, during the study process, the Commission informs the Oversight Committee about the status of its implementation of the nine recommendations made by the S.C. Legislative Audit Council (LAC) in its 2014 review of the agency.<sup>74</sup> This information is provided in Table 15 for information purposes.<sup>75</sup>

*Table 15. SCHAC responses regarding implementation of LAC recommendations.*

<p><b>LAC Recommendation #1:</b></p> <p>The S.C. Human Affairs Commission should establish a formal standard for the time it should take to resolve a case.</p>	<p><b>SCHAC Response:</b></p> <p>The Commission has already established a formal standard for the time that it should take to resolve cases: within 180 days after a case has been assigned to an investigator. As previously discussed with the Honorable Subcommittee Members, the length of an investigation depends on many variables. The Agency has attempted to implement changes that address certain types of delays; however, not all variables are in the Agency's control.</p> <p>For instance, on our EPMS yearly review, investigators are measured on their ability to resolve 85 percent of their cases within 180 days. The 85 percent metric has been applied to experienced investigators since 2012. We use the Equal Employment Opportunity Commission's (EEOC) Integrated Mission System (IMS) reports to measure investigator productivity and the</p>
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	<p>amount of time cases have been in our inventory. The IMS is used nationwide by the EEOC and state-equivalent agencies like SCHAC for monitoring efficiency. If investigators do not comply with the 85 percent standard, this can affect their EPMS score and future employment status at SCHAC. Currently, none of our new investigators have been or can be formally measured by the 85 percent metric due to their new hire status. However, the 85 percent standard will become effective for new employees upon the completion of their first year with the Agency.</p> <p>Additionally, the Agency's regulation related to subpoenas was updated in May 2017. With this update, employers being investigated have a shortened time frame for complying with information requests, which in turn expedites the investigation.</p> <p>Still, certain variables remain outside of the Agency's control, such as how long the EEOC holds a file before waiving it to us, or whether the investigation requires the investigator to travel to the employer's physical location (referred to as an 'on-site' investigation).</p>
<p><b>LAC Recommendation #2:</b></p> <p>The S.C. Human Affairs Commission should maintain data on the variables that may affect the agency's average case resolution time.</p>	<p><b>SCHAC Response:</b></p> <p>See the Response above to Recommendation #1. Additionally, other variables are now being monitored and certain processes have been implemented to curb delay. For example, occasionally, the parties to an investigation may agree to mediate their matter, but the parties will fail to agree on a date for mediation. In that circumstance, a delay of more than three weeks (without a reasonable cause for the delay) will result in the case proceeding to investigation without being mediated.</p>
<p><b>LAC Recommendation #3:</b></p> <p>The S.C. Human Affairs Commission should ensure that all permanent employees have signed position descriptions reflecting their current job duties and job titles.</p>	<p><b>SCHAC Response:</b></p> <p>All employees have signed position descriptions, which contain their job duties and titles.</p>
<p><b>LAC Recommendation #4:</b></p> <p>The S.C. Human Affairs Commission should require documentation, such as official college transcripts, during the hiring process to verify that the new employee meets the minimum educational standard for the position.</p>	<p><b>SCHAC Response:</b></p> <p>The Agency requires documentation, such as official college transcripts, for all new employees.</p>

<p><b>LAC Recommendation #5:</b></p> <p>The S.C. Human Affairs Commission should complete annual evaluations through the Employee Performance Management System.</p>	<p><b>SCHAC Response:</b></p> <p>The Agency now relies on a Universal Review Date for completing the annual EPMS review.</p>
<p><b>LAC Recommendation #6:</b></p> <p>The S.C. Human Affairs Commission board by-laws should be updated every two years and should address the duties of board members, including the review of employment case files.</p>	<p><b>SCHAC Response:</b></p> <p>The Board's By-laws have been updated twice within the past two years, most recently on May 18, 20 17, and the Board's duties are reflected therein.</p>
<p><b>LAC Recommendation #7:</b></p> <p>The S.C. Human Affairs Commission should track files reviewed by board members each year.</p>	<p><b>SCHAC Response:</b></p> <p>The Agency maintains a record of the Board members who have reviewed employment files, and attempts to distribute equally files for review by each Board member.</p>
<p><b>LAC Recommendation #8:</b></p> <p>The Governor should appoint citizens to serve as board members for those current board members serving expired terms and for vacancies on the board.</p>	<p><b>SCHAC Response:</b></p> <p>This Recommendation is not within the Agency's control. The Agency does have Board vacancies and would like to have appointments made for those vacancies.</p>
<p><b>LAC Recommendation #9:</b></p> <p>The General Assembly should amend S.C. Code §1-13-40(j) to delete the requirement of filing this annual report to the Governor and to the General Assembly.</p>	<p><b>SCHAC Response:</b></p> <p>Please see Law Recommendation #21.</p>

## SELECTED AGENCY INFORMATION

**S.C. Human Affairs Commission. “Program Evaluation Report, 2017.”**

<http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/HumanAffairsCommission/Program%20Evaluation%20Report%20with%20attachments%20-%20SC%20Human%20Affairs.pdf> (accessed October 31, 2017).

**S.C. Human Affairs Commission. “Restructuring and Seven-Year Plan Report, 2015.”**

<http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/2015AgencyRestructuringandSevenYearPlanReports/2015%20Human%20Affairs%20Commission.pdf> (accessed October 31, 2017).

**S.C. Human Affairs Commission. “Agency Accountability Report, 2016-17.”**

<http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/HumanAffairsCommission/Reports%20&%20Audits%20-%20Reports%20and%20Reviews/Accountability%20Report%20-%202016-2017.pdf> (accessed October 31, 2017).

**S.C. Human Affairs Commission. “Annual Restructuring Report, 2016.”**

<http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/2016%20ARR/2016%20ARR%20-%20Human%20Affairs.PDF> (accessed October 31, 2017).

**S.C. House of Representatives, Legislative Oversight Committee. “February-March 2017 Survey Results.”**

[http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/SurveysforAllAgencies/Results%20from%202017%20Survey%20of%20DDSN;%20Election%20Commission;%20Human%20Affairs%20Commission;%20and%20John%20de%20la%20Howe%20School%20\(2\\_9%20-3\\_13\).PDF](http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/SurveysforAllAgencies/Results%20from%202017%20Survey%20of%20DDSN;%20Election%20Commission;%20Human%20Affairs%20Commission;%20and%20John%20de%20la%20Howe%20School%20(2_9%20-3_13).PDF) (accessed October 31, 2017).

# APPENDICES

*Appendix A. January 10, 2017, Meeting Information*

**South Carolina  
House of Representatives**



**Legislative Oversight Committee**

***Tuesday, January 10, 2017***

***Room - 516 Blatt Building (full Judiciary Committee Room)***

***10:00 a.m.***

***Pursuant to Committee Rule 4.9, S.C. ETV shall be allowed access for internet streaming whenever technologically feasible.***

**Revised\* AGENDA**

**(\*Order of agenda items has been changed.)**

- I. Approval of minutes from December 7, 2016 meeting**
- II. Discussion of recommendations to the Speaker for agencies to schedule for study in 2017 (publication of an agency review schedule in the House Journal the first day of session)**
- III. Discussion of organizational matters**
- IV. Adjournment**

# LEGISLATIVE OVERSIGHT COMMITTEE

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## SUBCOMMITTEE ASSIGNMENTS

## **Legislative Oversight Subcommittees 2017-2018**

### **Economic Development, Transportation, and Natural Resources**

Rep. Ralph W. Norman - Chair  
Rep. Neal A. Collins  
Rep. Mandy Powers Norrell  
Rep. Robert L. Ridgeway, III

### **Education and Cultural**

Rep. James E. Smith, Jr. - Chair  
Rep. Joseph H. Jefferson, Jr.  
Rep. Tommy M. Stringer  
Rep. Raye Felder

### **Executive**

Rep. Gary E. Clary - Chair  
Rep. Laurie Slade Funderburk  
Rep. Wm. Weston J. Newton  
Rep. Robert Q. Williams

### **Healthcare and Regulatory**

Rep. Phyllis J. Henderson - Chair  
Rep. William K. "Bill" Bowers  
Rep. MaryGail K. Douglas  
Rep. Bill Taylor

### **Law Enforcement and Criminal Justice**

Rep. Edward R. "Eddie" Tallon, Sr. - Chair  
Rep. Katherine E. "Katie" Arrington  
Rep. William M. "Bill" Hixon  
Rep. J. Todd Rutherford

# LEGISLATIVE OVERSIGHT COMMITTEE

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## MINUTES FROM DECEMBER 7, 2016 MEETING

*Chair Wm. Weston J. Newton*

*First Vice-Chair:  
Laurie Slade Funderburk*

## **Legislative Oversight Committee**



*Katherine E. (Katie) Arrington  
Gary E. Clary  
MaryGail K. Douglas  
Phyllis J. Henderson  
Joseph H. Jefferson Jr.  
Mandy Powers Norrell  
J. Todd Rutherford  
Tommy M. Stringer  
Bill Taylor*

*William K. (Bill) Bowers  
Neal Collins  
Raye Felder  
William M. "Bill" Hixon  
Ralph W. Norman  
Robert L. Ridgeway III  
James E. Smith Jr.  
Edward R. Tallon Sr.  
Robert Q. Williams*

**South Carolina House of Representatives**

*Jennifer L. Dobson  
Research Director*

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**Room 228 Blatt Building**

*Charles L. Appleby IV  
Legal Counsel*

*Cathy A. Greer  
Administration Coordinator*

*Carmen J. McCutcheon Simon  
Research Analyst/Auditor*

### **Legislative Oversight Committee Meeting**

**Wednesday, December 7, 2016**

**Blatt Building Room 110**

#### **Archived Video Available**

- I. Pursuant to House Legislative Oversight Committee (Committee) Rule 6.8, South Carolina ETV was allowed access for streaming the meeting. You may access an archived video of this meeting by visiting the South Carolina General Assembly's website (<http://www.scstatehouse.gov>) and clicking on *Committee Postings and Reports*, then under *House Standing Committees* click on *Legislative Oversight*. Finally, click on *Video Archives* for a listing of archived videos for the Committee.

#### **Minutes**

- I. House Rule 4.5 requires standing committees to prepare and make available to the public the minutes of committee meetings, but the minutes do not have to be verbatim accounts of meetings.

#### **Attendance**

- I. Pursuant to Committee Rule 3.1, the organizational meeting of the House Legislative Oversight Committee was called to order by Temporary Chair, Ralph W. Norman, in Room 110 of the Blatt Building. All members of the Committee were present for all or a portion of the meeting, except: Representative Mandy Powers Norrell.

	8. Phyllis Henderson	✓		
	9. Bill Hixon	✓		
	10. Joseph H. Jefferson, Jr.	✓		
	11. Wm. Weston J. Newton	✓		
	12. Ralph W. Norman	✓		
	13. Mandy Powers Norrell			NP
	14. Robert L. Ridgeway, III	✓		
	15. Todd Rutherford	✓		
✓	16. James E. Smith, Jr.	✓		
	17. Tommy M. Stringer	✓		
	18. Edward R. "Eddie" Tallon	✓		
	19. Bill Taylor	✓		
	20. Robert Q. Williams	✓		

III. First Vice-Chair Funderburk made brief remarks.

### Administrative Matters

I. The next order of business was discussion of organizational matters, beginning with a vision and mission statements. Representative Joseph H. Jefferson, Jr., moved that the Committee approve mission and vision statements as adopted and utilized by the Committee in the 121<sup>st</sup> General Assembly. A roll call vote was held, and the motion passed.

Motion made by:	Member	Yea	Nay	Not Voting (NP for Not Present)
	1. Katherine E. "Katie" Arrington	✓		
	2. William K. "Bill" Bowers	✓		
	3. Gary E. Clary	✓		
	4. Neal Collins	✓		
	5. MaryGail Douglas	✓		
	6. Raye Felder			NP
	7. Laurie Slade Funderburk	✓		
	8. Phyllis Henderson	✓		
	9. Bill Hixon	✓		
✓	10. Joseph H. Jefferson, Jr.	✓		
	11. Wm. Weston J. Newton	✓		
	12. Ralph W. Norman	✓		
	13. Mandy Powers Norrell			NP
	14. Robert L. Ridgeway, III	✓		
	15. Todd Rutherford	✓		
	16. James E. Smith, Jr.	✓		
	17. Tommy M. Stringer	✓		
	18. Edward R. "Eddie" Tallon	✓		

**Minutes**

I. Representative Phyllis Henderson moved to approve the minutes from the Committee’s meeting on October 31, 2016, the last meeting during the 121<sup>st</sup> General Assembly. A roll call vote was held, and the motion passed. New members of the Committee abstained from the vote.

<b>Motion made by:</b>	<b>Member</b>	<b>Yea</b>	<b>Nay</b>	<b>Not Voting (NP for Not Present)</b>
	1. Katherine E. “Katie” Arrington			NV
	2. William K. “Bill” Bowers	✓		
	3. Gary E. Clary	✓		
	4. Neal Collins			NV
	5. MaryGail Douglas			NV
	6. Raye Felder	✓		
	7. Laurie Slade Funderburk	✓		
✓	8. Phyllis Henderson	✓		
	9. Bill Hixon			NV
	10. Joseph H. Jefferson, Jr.	✓		
	11. Wm. Weston J. Newton	✓		
	12. Ralph W. Norman	✓		
	13. Mandy Powers Norrell			NP
	14. Robert L. Ridgeway, III	✓		
	15. Todd Rutherford			NV
	16. James E. Smith, Jr.	✓		
	17. Tommy M. Stringer	✓		
	18. Edward R. “Eddie” Tallon	✓		
	19. Bill Taylor	✓		
	20. Robert Q. Williams	✓		

II. The meeting was adjourned.

# LEGISLATIVE OVERSIGHT COMMITTEE

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## CONSTITUENT INPUT ON AGENCIES

**Cathy Greer**

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**From:** DOUGLAS W MCPHERSON <dcmcpherson@bellsouth.net>  
**Sent:** Sunday, December 11, 2016 3:14 PM  
**To:** House Committee on Legislative Oversight  
**Subject:** Greenville News Article

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

**TimeMattersID:** MBFE9A6F580D9329  
**TM Contact:** LOC Healthcare  
**TM Contact No:** 3000  
**TM Matter No:** 15-176  
**TM Matter Reference:** Disabilities and Special Needs, Department of

This article focuses on a death that occurred at a Care Focus home in Fountain Inn, SC in July 2016. A second death occurred at another Care Focus death in September 2016 in Taylors, SC. Care Focus is a private provider, like SC Mentor, that DDSN contracts with to provide residential services.

Deborah McPherson

## Panel finds some vulnerable adult deaths preventable

Tim Smith, tcsmith@greenvillenews.com 9:49 p.m. EST December 10, 2016

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(Photo: Heidi Heilbrunn/Staff )

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**COLUMBIA** — On the night of her death, the 35-year-old resident of a Fountain Inn group home for the intellectually disabled went to bed normally.

According to police records, the woman had lost a "severe" amount of weight in the previous six months and had experienced several falls earlier in the year. But staff noted nothing unusual about her health during the evening of July 29, 2016.

But sometime during the night, the woman swallowed her own fecal matter and choked. She was discovered the next morning unresponsive in her bed, and attempts by staff and EMS workers to revive her failed. Her death would eventually be ruled accidental.

Her suffocation is one of more than 100 deaths that occur each year among vulnerable adults in state care.

"Each death we look at is different," said Anderson County Coroner Greg Shore, chairman of the state Vulnerable Adult Fatality Review Committee, which looks into many of the deaths. "Some deaths are autopsied, some are not. Some were in the care of the hospital. Some were still at the institute they were living in."

The details of such deaths are often cloaked in secrecy, the result of a desire to protect the privacy of families, and state laws that shield from public view inquiries or reviews into their deaths.

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Even commissioners with the state Department of Disabilities and Special Needs, which cares for thousands of people with intellectual disabilities, autism, brain or spinal cord injuries, are not routinely told the details of deaths.

But Shore's committee, which reviews deaths of those in the care of DDSN and the state Department of Mental Health, has compiled statistics on the causes, finding most are natural.

In fact, according to the panel's latest report, issued in 2015 and covering the years from 2007 to 2014, only 103 out of 1,436 vulnerable adult deaths in the state were not classified as natural.

But not all death certificates list causes, according to the committee, and some are undetermined.

"It has been the committee's experience that underlying causes are often not clear on certificates of death," the report stated. "Additional training for those responsible for signing death certificates in South Carolina is recommended."

The committee meets every other month to review deaths, ask questions and issue recommendations. It is made up of representatives from a bevy of state agencies, including the State Law Enforcement Division, as well as from the group Protection and Advocacy for People with Disabilities, a county coroner, a physician, an attorney, a prosecutor, a forensic pathologist, and representatives of community residential care facilities.

According to the panel's latest report, since 2007 there have been 47 accidental deaths, four suicides, three homicides and 59 deaths in which a cause was not recorded, not indicated on the death certificate or undetermined.

The panel's report does not mention any individual case and is in fact prevented by law from doing so. But it does discuss trends, issues and suggestions.

While most of the deaths are natural, according to the report, some could have been prevented.

"The patient may have had some swallowing issues but yet they were on solid food," Shore told *The News*. "We usually ask for more information or go back and re-educate the staff. It may have been just a standard protocol that may not have been followed. Or there may be a protocol the committee recommends they develop."

For example, the panel noted in its report that aspirational pneumonia "continues to be among the top contributors of deaths among vulnerable adults in South Carolina,"

It recommended staff pay attention to those who have difficulty swallowing, taking safety precautions during feeding, avoiding medications that make swallowing hard or limit secretions, and that staff ensure proper oral hygiene.

Deaths from bowel obstruction "continue to be a concern," according to the report, concluding that some of those deaths are preventable.

"Large bowel obstruction in the elderly patient is a frequent, serious surgical emergency," the report noted. "If left untreated the outlook is poor."

It recommended training to recognize the signs of such obstructions, especially in non-compliant consumers, as people under DDSN care are called.

Nationally, it appears natural causes are behind the deaths of most intellectually disabled, though causes can vary by state. Studies show that the intellectually disabled have shorter lifespans than the general population.

In one national presentation in 2014, the causes of death for the intellectually disabled were examined in four states. The rank varied but the top causes included heart disease, cancer, aspirational pneumonia, septicemia, congenital diseases and conditions, influenza and respiratory disease. For the general population, the presentation found, the top causes were heart disease, cancer, respiratory disease, stroke and accidental injury.

The reviews of South Carolina vulnerable adult deaths, Shore said, are a check and balance on the system to try and reduce preventable deaths.

*The News* reported earlier this year that between 2011 and May of 2016, 10 deaths had been reported at facilities of South Carolina Mentor, one of the largest private providers of care for DDSN. Only one of those was classified as a substantiated case of abuse or neglect, according to the agency, which has frozen admissions to Mentor three times for issues unrelated to the deaths.

In two cases, *The News* reported, including one in Greenville County, residents of Mentor group homes wandered away and were struck and killed by cars. In another, a resident choked on a cracker after returning from a hospitalization for pneumonia, records show.

SLED's vulnerable adult unit, which investigates all deaths of vulnerable adults in state care, supplies Shore's panel with records and information and gathers more information if the panel requests it.

Among the most common non-natural causes of deaths by vulnerable adults, according to the report, are choking and falling. Others include drug reactions and medication errors.

In 2014, a 55-year-old resident of a group home in Chesterfield County died in part from an overdose of fluvoxamine, one of his medicines, according to his death certificate.

Neither the coroner's report nor police reports disclosed how the drug overdose occurred. But a worker at the home was subsequently charged and indicted for abuse or neglect of a vulnerable adult in connection with his death.

County disability agencies and other DDSN providers are required to report medication errors. DDSN and its providers are allowed by law to use unlicensed workers who have been trained as medication technicians to hand out medications.

John Cocciolone, executive director of Thrive Upstate in Greenville, told *The News* previously that since 2013 no deaths or serious injuries have resulted from any medication errors in Greenville County's agency, though he said the agency did have a death years before he arrived that was due to such an error.

Other vulnerable adult deaths, according to the committee's report, have been caused by motor vehicle accidents, sepsis, heat stroke, hypothermia and cardiac arrest.

Lois Park Mole, a spokeswoman for DDSN, said none of the 26 DDSN deaths reported in the most recent quarter were substantiated cases of abuse or neglect. In fact, she said, 69 percent occurred in hospitals.

DDSN Commissioner Vicki Thompson of Seneca said details of deaths could help commissioners spot trends so officials can improve care.

"We have received, as a commission, more information on deaths from reporting by *The Greenville News* than we have ever received as a commission member from that department," she said. "We should receive information on deaths and we should receive information on all critical incidents with a little bit more detail because we need to be looking for patterns.

"We're not told critical incidents by location, for example. To me that's a very important thing to look at because we need to know who's doing a really good job and who we need to look at closer."

While not all deaths are autopsied, Shore said he does not believe autopsies should be mandatory. He said in cases outside a hospital, the local coroner is notified and can require an autopsy, and the deaths are reviewed by SLED.

"I think it really needs to be on a case by case basis," he said. "Some of these cases we see are patients who had chronic health issues and things like that, and the cause of death looks like it is appropriate to what the symptoms (are) the patient was having. I think you should certainly autopsy these cases where there is not a clear understanding of what is going on."

The state's coroner system is much improved over what it used to be, he said, though part-time coroners in some counties are "problematic."

He said he thinks the state's current system is a good one to provide safeguards in the deaths of vulnerable adults.

"Is it the perfect system? No," he said. "We don't catch 100 percent of an abuse or something like that. But I do think they are vetted pretty well where if there is an organization or a group home having some issues we certainly see those problems through our review."

The woman who died in the Fountain Inn home had been there 10 years, according to police records. Her mother visited her regularly, took her out to eat on weekends, and had been having tests done to determine why she was losing weight.

Staff at the home always got the woman up last, a staff member told police, because she took additional time to get ready. But on this morning, the staff member told police, the woman did not

respond, and after determining something was wrong, the staff member pulled her onto the floor and began giving chest compressions while EMS was summoned.

An autopsy found nothing unusual in her internal organs, according to the police report, but did find a "vast amount" of excrement in her esophagus, some in her stomach, and some pieces of styrofoam in her stomach as well.

Sharon Craver, case manager for the Greenville County Coroner's Office, said this week that the cause of death was asphyxia due to aspiration of foreign material and it was classified as an accidental death.

## Cathy Greer

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**From:** DOUGLAS W MCPHERSON <dcmcpherson@bellsouth.net>  
**Sent:** Monday, December 12, 2016 10:26 AM  
**To:** House Committee on Legislative Oversight  
**Subject:** DDSN Service Coordinator referred the family to this private provider, Palmetto Pee Dee

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

**TimeMattersID:** M6AE3A6F5A13C888  
**TM Contact:** LOC Healthcare  
**TM Contact No:** 3000  
**TM Matter No:** 15-176  
**TM Matter Reference:** Disabilities and Special Needs, Department of

# Mom finds infected bite mark, weight loss in autistic son in facility

Tim Smith, [tcsmith@greenvillenews.com](mailto:tcsmith@greenvillenews.com) 7:30 a.m. EST December 12, 2016



(Photo: Provided)

COLUMBIA — The state Department of Health and Environmental Control is investigating allegations that an autistic patient of a residential treatment facility for children and adolescents in Florence was repeatedly bitten and has lost almost 40 pounds during his stay.

A spokesperson for the agency, which licenses the Palmetto Pee Dee Behavioral Health Center, told *The Greenville News* a complaint was made against the facility last week and is being investigated. The facility, a private provider in the state Department of Disabilities and Special Needs network, also was investigated and cited by DHEC in September after a complaint that a staff member had "popped" the hand of a patient who was acting out, records show.

"DHEC investigated that complaint and found two violations: (1) the facility's failure to submit an incident report to DHEC within 24 hours; and (2) the facility failed to ensure a resident's right to be free from harm," said spokesperson Adrianna Bradley. "The facility submitted an acceptable plan of correction for the cited violations."

A spokeswoman for the facility issued a statement about the most recent allegations saying the company was dedicated to patient care. "The care and safety of our patients, including their privacy, is Palmetto Pee Dee Behavioral Health's top priority," Halle Michling, director of business development for the facility, said in a statement. "Due to the Health Insurance Portability and Accountability Act (HIPAA), the federal law that establishes standards for the privacy of health information, the facility is precluded from discussing any details regarding the care and treatment of any patient." She said additionally that the facility "remains dedicated and committed to its mission of providing the highest quality of care to its patients and to offering services that improve the overall health and well-being of patients and their families."

Liane Hughes Turner, the mother of the autistic patient, also alleges that the facility has refused to provide her with incident reports of the biting, even though she is his legal guardian. The facility, according to its website, handles patients of ages 7-21 with various conditions, including intellectual disabilities and autism.

According to the website, it is part of the national chain Universal Health Services, which was the subject of a critical investigative report last week by BuzzFeed, a report the company has said "we dispute and deny."

UHS patients consistently report high levels of satisfaction with the care they receive, according to the company. In 2015, according to the company, UHS patient satisfaction survey scores averaged 4.5 out of 5. In 2015, UHS Behavioral Health facilities treated almost 450,000 inpatients, amounting to over 5.8 million patient days, the company said.

Turner said her son was placed there in April by a coordinator for the Richland-Lexington Disabilities and Special Needs Board. The executive director of that agency, Mary Leitner, told *The News* she was prohibited from discussing any individual case. She said the agency does look into complaints and can refer them to the appropriate authorities, including the State Law Enforcement Division.

Turner said her 20-year-old son, who has the mind of a 3-4-year-old, has not been unhappy with the facility. But she has been alarmed by his weight loss and the bite injuries, as well as what she sees as inattention to her son's condition.

She said it was she who pointed out that a bite wound on his shoulder was infected, prompting a doctor to prescribe an antibiotic. But she said the prescription could not be found and another was recently written.

"I raised a special needs son for 16 years by myself," she said. "I put him through school. I put him through therapy. He had heart problems when he was born. He survived all of that because of me. If I don't advocate for him, then who will?"

She said her son is a picky eater, but when she eats with him outside the facility he eats an entire meal. She said she had given the facility a list of what he eats and she believes the facility should have had plenty of food on that list.

"It's not that hard to have peanut butter and bread on hand," she said. Turner said she attended a Nov. 22 treatment team meeting at the facility and the doctor prescribed peanut butter sandwiches for snacks and meals for her son.

"They went on Dec. 5, 14 days later, and bought a jar of peanut butter," she said. She said her son now weighs 96 pounds, almost 40 pounds lighter than he did upon admission. She said he is 5 feet tall.

"He is very thin," she said.

Turner said her son has been bitten four to five times by another child or children at the facility during the past several months and had been bitten previously at the facility. Staff there, she said, told her they had separated the child or children responsible. But on Nov. 22 she spotted an infection on a bite wound on her son's shoulder. She took photos of the bite marks as well as of his weight loss and showed them to the newspaper. She also mentioned the biting to staff. At the treatment meeting, she said, she mentioned the infection to the doctor and he looked at the wound and prescribed an antibiotic.

According to DHEC records of the September investigation, a staff member who struck the hand of a resident said he did so because the resident was biting his hands.

Turner said she asked officials at the facility for incident reports of the biting of her son and was told she could not have them. She has since filled out paperwork to get a copy of his medical charts. She

said she wonders what is in the incident reports that the facility does not want her to see. She said she has noticed that her son's face and clothes are often dirty and his teeth "junked up" when she picks him up. Turner said she has mentioned the dirtiness to staff.

She said her son was raised at home until he was 16 and she could no longer handle him. "He's always been extremely well cared for and the center of everyone's attention," she said. "He's very likable. He does have some behavioral issues that we could not handle at home. When he does not have the behavioral issues, he's wonderful to be around." Turner said she is frustrated. "I don't know what I have to do to get help for him or who I need to talk to because I keep getting referred to someone else," she said. "He cannot keep losing weight or he will die."

**From:** DOUGLAS W MCPHERSON <dcmcperson@bellsouth.net>  
**Sent:** Tuesday, December 13, 2016 7:56 PM  
**To:** House Committee on Legislative Oversight  
**Subject:** Greenville News Article

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

## Senator pre-files bill to move DDSN to governor's cabinet

Tim Smith, tcsmith@greenvillenews.com 7:18 p.m. EST December 13, 2016



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(Photo: Tim Smith / Staff)

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**COLUMBIA** — A state senator has prefiled a bill to move the South Carolina Department of Disabilities and Special Needs into the governor's cabinet, saying the move is necessary to improve the care and accountability for the state's vulnerable adults.

The legislation by Sen. John Scott, a Columbia Democrat, is similar to a bill he filed during the past session that failed to pass.

This time, however, Scott has the backing of some other senators, including Sen. Harvey Peeler of Gaffney, a Republican and chairman of the Senate Medical Affairs Committee, which oversees DDSN.

"It's not going to go away," Scott told *The Greenville News* concerning issues with the agency. "We're going to have to fix these problems."

Scott's bill would require that the agency, which is now governed by a seven-member commission appointed by the governor, be overseen instead by a director appointed by the governor, with the advice and consent of the Senate. The director would serve at the pleasure of the governor.

The director could then hire and remove any employee at the agency, under the bill, while the commission would become an advisory board.

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DDSN serves thousands of those with intellectual disabilities, autism, brain and spinal injuries through its system of regional centers, private providers and county disabilities agencies. It employs more than 2,100 workers full time and another almost 9,000 are employed in the agency's provider network. The agency's current budget totals \$729 million, most of which is federal money.

Scott told *The News* in August that he planned to file the bill again, saying he had lost faith in the agency and believes change was needed.

On Tuesday he said there have been more questions raised since then about deaths and injuries as well as spending by the agency. He said he believes the agency has failed to take responsibility for incidents with vulnerable adults.

Scott pointed to articles in *The Greenville News* as evidence of the problems that remain with the agency.

He also cited the recent remarks of the board's chairman, Bill Danielson, who criticized senators for questions posed to the agency's director at a recent hearing.

Last month, Danielson said during a commission meeting that he was speaking for himself, not the agency or commission but was unhappy with the Senate hearing, describing some of the questions to DDSN's director as "intolerable."

"It was an embarrassment to our executive director," he told *The News* last month. "She'll never say that. But I'll say that. To sit there and some of the insinuations and the direct questions, I found appalling, frankly."

The chairman of the panel then, Sen. Thomas Alexander, a Walhalla Republican, said none of his questions were inappropriate or improper and were not intended to be.

"These kinds of things should not be tolerated," Scott said of the criticism. "We are public servants. We work for the people of the state. We don't always like some things that are said or done but we have to remain respectful. It's not about us. It's about making sure the most vulnerable population in this state is well taken care of."

Danielson said in August when asked about Scott's bill that the agency would work with whatever model lawmakers decided best.

"The Commission on Disabilities and Special Needs and the department will abide by the General Assembly and governor," he said. "That goes without saying. There are benefits to both the cabinet model and the commission model. In either model, both the governor and the Legislature are involved in deciding the leadership."

Asked Tuesday about Scott's bill, Chaney Adams, press secretary for Gov. Nikki Haley, said, "the governor believes more accountability would be a good thing for DDSN."

Scott said governors in the past have tried replacing board members in an effort to make the agency better.

"The agency hasn't gotten better, it's gotten worse," he said.

Deborah McPherson, a former DDSN commissioner and advocate for vulnerable adults, said she thinks if the choice is moving DDSN into the state's Medicaid agency or the cabinet, the cabinet would be the better move.

She said if a governor can appoint a director who then has the ability to replace any employee, the agency can be improved.

"I feel like it would improve the service delivery system by the governor being responsible for the selection of the state director," she said.

Last year, Scott filed a bill with Sen. Kevin Bryant of Anderson to place the agency in the state Department of Health and Human Services, which administers Medicaid funding used by many vulnerable adults.

Officials estimated the bill would initially cost the state \$1.1 million in technology and communication costs if enacted. The legislation did not make it out of committee.

McPherson said she fears if the agency was placed in HHS, it might not get the attention it needs compared to making it part of the governor's cabinet.

The Legislature returns to work in January with a new, two-year session.

## House Committee on Legislative Oversight

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**From:** DOUGLAS W MCPHERSON <dcmcperson@bellsouth.net>  
**Sent:** Wednesday, January 04, 2017 5:49 PM  
**To:** House Committee on Legislative Oversight  
**Subject:** Fw: [Post and Courier] Add S.C. Division of Disabilities and Special Needs to governor's Cabinet

[http://www.postandcourier.com/opinion/editorials/add-s-c-division-of-disabilities-and-special-needs-to/article\\_3e76783a-d206-11e6-845b-572aa7b07ddf.html?utm\\_medium=social&utm\\_source=email&utm\\_campaign=user-share](http://www.postandcourier.com/opinion/editorials/add-s-c-division-of-disabilities-and-special-needs-to/article_3e76783a-d206-11e6-845b-572aa7b07ddf.html?utm_medium=social&utm_source=email&utm_campaign=user-share)

[http://www.postandcourier.com/opinion/editorials/add-s-c-division-of-disabilities-and-special-needs-to/article\\_3e76783a-d206-11e6-845b-572aa7b07ddf.html](http://www.postandcourier.com/opinion/editorials/add-s-c-division-of-disabilities-and-special-needs-to/article_3e76783a-d206-11e6-845b-572aa7b07ddf.html)

## Add S.C. Division of Disabilities and Special Needs to governor's Cabinet

Jan 4, 2017

Restructuring state government to shift agencies to the authority of the governor rather than appointed boards and commissions provides for greater accountability in their operation and expenditures.

That's not always evident to the S.C. Legislature, which usually has been reluctant to diminish its considerable authority over state government.

But when the agency becomes an embarrassment to the state, legislators are more willing to act. That happened with the Division of Motor Vehicles (DMV) and with the Employment Security Commission (ESC).

DMV, which had been a perennial problem, vastly improved under executive branch management, beginning with Gov. Mark Sanford.

The Legislature got around to making ESC a Cabinet agency, and changing its name to the Department of Employment and Workforce, after legislators learned it was \$900 million in debt because of excess unemployment payments related to the 2008 recession.

A change in the governance of the state Division of Disabilities and Special Needs could happen this year as a legislative response to complaints about the agency, which is responsible for South Carolinians with intellectual disabilities, autism and brain and spinal injuries.

Internal agency audits reported by The Greenville News last year cited failures in managing agency funds and property of their clients.



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A bipartisan effort is under way to put DDSN in the Cabinet, thereby giving the governor the authority to appoint the agency director. Currently a seven-person commission chooses the director.

Sen. John Scott, D-Richland, has prefiled legislation to advance the restructuring proposal, and has the support of Sen. Harvey Peeler, R-Greenville, who chairs the Senate committee with oversight responsibility for DDSN. Both legislators cite a growing dissatisfaction with the job that DDSN is doing.

The News has cited DDSN shortcomings and allegations of abuse and neglect by a major agency contractor.

Sen. Scott says the agency has failed to take responsibility for incidents with vulnerable adults. "It's not going to go away," he told The News. "We're going to have to fix these problems."

DDSN officials have defended the agency's record and object to the plan to alter its governance. The legislative proposal would retain the commission strictly as an advisory board.

The experience of other agencies that have become part of the Cabinet system says it works better for accountability and transparency. The state's chief executive is a better choice to lead state agency operations than an appointed board or commission.

**Cathy Greer**

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**From:** DOUGLAS W MCPHERSON <dcmcperson@bellsouth.net>  
**Sent:** Sunday, January 08, 2017 12:19 PM  
**To:** House Committee on Legislative Oversight  
**Subject:** Greenville News Article

Tim Smith with The Greenville News did this investigative story about Palmetto Pee Dee Behavioral Health. Mrs. Hughes' son was placed at that facility through Richland/Lexington Disabilities and Special Needs (DSN) Board service coordinator. Why did the service coordinator not assist in advocating for this child and his health and safety?

Workers allege host of problems  
Children's treatment facility in poor condition

**TIM SMITH**

[TCSMITH@GREENVILLENEWS.COM](mailto:TCSMITH@GREENVILLENEWS.COM)

COLUMBIA - Children at a residential treatment facility that is under state investigation have been hurt after altercations with staff, given inadequate food and programming, and the facility often has been short-staffed, current and former workers at the facility have told *The Greenville News*.

Workers also say the aging facility has suffered a host of maintenance problems, including broken laundry equipment, malfunctioning showers and mold.

Training has been inadequate, workers have been forced to work 16-hour shifts, staff infections and scabies have been found at the facility, and children there have been subjected to verbal abuse by staff, the concerned workers say. An official of the facility, Palmetto Pee Dee Behavioral Health in Florence, labeled the allegations as "dubious" and said in a statement to the newspaper that the residents' care is the company's highest priority.

"First and foremost, patient care and patient safety are the primary concerns of the administration and staff of Pee Dee Palmetto Behavioral Health," Halle Mechling, business development director for the facility, said in a statement.

The latest allegations come after the state Department of Health and Environmental Control confirmed it was looking into complaints by a Columbia mother that her autistic child had lost excessive weight at the facility and had been repeatedly been bitten while there, with one of the wounds becoming infected, *The News* reported Dec. 12.

After reading that story, Melissa Boyter, an Easley mother of another autistic child at the facility, told *The News* she has seen a bite mark on her 16-yearold daughter's shoulder and bruising on her lip. She said the facility told her they believe her daughter bruised her lip, but she feels her child is in danger.

The facility is licensed by DHEC and children are referred a variety of sources, including local disabilities boards, although the center is not a qualified provider of the state Department of Disabilities and Special Needs, and it does not oversee its care.

Adrianna Bradley, a DHEC spokesperson, told *The News* that the agency

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has recently received additional allegations and "the investigation into the facility is ongoing." Palmetto Pee Dee is owned by Universal Health Services, the largest facility-based behavioral health provider in the nation, with more than 230 facilities in 37 states, according to its website. UHS facilities, according to its website, outperformed the industry in 2015 in Joint Commission surveys and many were recognized as "Top Performers" in key metrics.

Mechling, the company spokeswoman, said, "It's important to understand that behavioral health care is highly specialized and personalized, and we treat people when they are most vulnerable. Every

day, our facility delivers compassionate, high-quality care to the residents we serve. All treatment is tailored to the individual and the care provided is overseen by licensed, trained professionals including a board certified psychiatrist.”

She said the facility is licensed, fully accredited and “complies with all required state and federal regulations including patient staff ratios, training and credentialing.”

Mechling said federal regulations prohibit facility officials from discussing details of the care and treatment of any individual.

In tape-recorded interviews and written statements, 13 current and former employees, some of whom said they were fired after voicing concerns, said they were speaking out because they are frustrated at the lack of change and because of their love for the children. Each of the employees said they do not believe the children have been properly cared for at the facility.

“The residents would always express their concerns to me and other staff members on how they wish they would close the facility because they felt they were being treated inhumanely,” said Annika Brown, one of several former workers who agreed to go on the record with the newspaper and who said she was discharged from her job after lodging a sexual harassment complaint.

Ethel Dixon, a former manager of the facility who relocated from Baltimore to take the job, said she was “horrified” at what she saw. She said she left the facility in 2015 after she was told she was not performing her duties, a claim she said was untrue.

“I think kids were neglected,” she said. “I wouldn’t put my kid in a place like that.”

According to Palmetto Pee Dee’s website, the facility accepts children ages 7-21 who have autism, intellectual disabilities, psychiatric or various behavioral disorders. Some of them come from the state Department of Juvenile Justice, the workers say, while others are sent from out of state. Some are non-verbal.

While workers said they cared about the children and believe most at the facility do, they said some employees became frustrated at those acting out and sometimes expressed anger at the children, or worse.

Ahmad Belton, a current “as needed” mental health technician at the facility and former supervisor there, said he witnessed another worker choke a resident in October. The staff member was written up and returned to work three days later, he said.

Belton said he also witnessed an employee threaten a child. He reported him, he said, but he saw no indication the employee was disciplined.

Ross Bethea, a former mental health technician there who left about a month ago, said when he first arrived he was told by several other staff members that if residents acted out, he should take them to a room with no cameras and beat them up.

“I said if this is the only way I can get a child to respect me, then this is not the job for me and I’m quitting,” he said.

After word got out about what he was told, a manager told him that was not true, Bethea said.

But he believes assaults happened.

“You see a kid’s face busted up or I do their laundry and I see blood on their clothes, blood on their pillowcases and blood on their sheets, and it’s not being done by other residents,” he said. “It’s done by staff. That’s how they handle kids.”

He said he was called “weak” because he refused to “cuss the kids out or I didn’t want to put my hands on them.”

Lora Cannon, who said she worked there for about 10 years as a mental health tech until she was dismissed in 2014 after rejecting the sexual advances of a superior, said some children who were acting out had their legs and arms broken during attempts to restrain them to calm them down. She said the reason cameras were installed was in response to some of the injuries but she said staff were aware of rooms or areas where the cameras didn’t reach. Those areas, she said, were called “blind spots.”

Dixon, who left in February of last year, said while she was there two staff members were fired after they were accused of physically abusing a non-verbal child who had bruises.

"Sometimes I would be in my office and staff would be screaming and yelling at the kids, talking to them like they were on the street," she said. "I would come out and say, 'Excuse me, don't talk to them like that.'"

Mike Pitts, a former mental health technician who worked at the facility about a year, said he was accused of breaking a child's arm after the child acted out. But he said a subsequent investigation cleared him and he has no idea how the child's arm was broken.

Normally, he said, when a child acts out, he places the child in a bathroom to calm down. But he said when the child whose arm was broken was released from the bathroom, he began acting out again "so we had to put him in a hold."

Two days later, he said, it was discovered the child's arm was broken. Because he was the one placing the child in the bathroom, he said he was blamed. But he said he took a lie-detector test and was cleared by the Florence Police Department.

"I know there was no way I broke his arm," he said.

He said he was fired over the incident for violating policy.

Lt. Mike Brandt with the Florence Police Department said a supplemental report about the case concluded that "there was not sufficient evidence nor testimony to pursue criminal charges against the suspect."

A DHEC investigation earlier this year found a staff member "popped" the hand of a resident who was acting out, *The News* previously reported.

Workers at the facility say the modern lobby and gleaming website belie conditions inside, where workers said they found a different world with floors sometimes cluttered, walls, tables or windows sometimes smeared with blood or feces, mold on walls, laundry machines that didn't always work and supplies that were sometimes hard to find.

Cannon and other workers said they brought laundry detergent and hygiene supplies from home because the facility did not always have them. Some workers said they also brought clothes and shoes.

Karimha Bethea, a mental health technician at the facility, said the building is old.

"The kids do have a tendency to punch holes in the wall," she said. "There's a lot of patch-up work, a lot of painting over things."

Some of the showers, she said, are non-working.

"Often times you cannot even find soap or laundry detergent or body wash for these kids to have proper hygiene," she said.

Ross said he acted as janitor of the facility even though his job was mental health technician because he didn't like to see it so dirty.

Ross said when the facility knows visitors are coming onto the floor of the units, "they will get on the intercom, 'make sure you guys get the blood and the feces off the walls.'"

"That's why I started cleaning the whole facility," he said.

All of the employees or former employees questioned had complaints about the food, with most saying the portions were inadequate for teenagers and some saying special dietary requests were not always accommodated.

Liane Hughes Turner, the Columbia mother of the autistic boy who is the subject of the DHEC complaint, said her son has lost almost 40 pounds since his admission earlier this year.

She said her son is a picky eater, but when she eats with him outside the facility he eats an entire meal. She said she had given the facility a list of what he eats and she believes the facility should have had plenty of food on that list.

"It's not that hard to have peanut butter and bread on hand," she said.

Turner said she attended a Nov. 22 treatment team meeting at the facility and the doctor prescribed peanut butter sandwiches for snacks and meals for her son.

"They went on Dec. 5, 14 days later, and bought a jar of peanut butter," she said.

Ross Bethea said he has seen children who are slow eaters have their food trays removed by impatient staff.

“When I first started I was told, ‘Oh, if you let them eat too much they will get sick and throw up,’” he said. “Over time I was like, these kids aren’t eating the food. You all just want to rush because you all don’t have enough staff so you can get somebody off the clock who has been there 16 hours.” He said even when parents give the facility what their child likes, “they give them what they give them. If they eat it, they eat it, if they don’t they go without food.” He said staff believe one reason behind some children acting out at the facility is they are not getting enough food. He said many lose weight while there.

“It was heartbreaking to be completing rounds, and residents begging the employees to seek additional food for them because at dinner they were being given just a sandwich or just not enough food and often criticized or dismissed when they asked for me,” Brown said. Dixon said when the children said they had certain dietary requirements, the facility would inform the referral agency that they would accommodate them. “But those kids were not accommodated,” she said. Another concern of the workers was the lack of programming, especially for autistic children. “Our program states we provide for autistic youth,” Belton said. “But all the children do is sit in a classroom or group room and do nothing. It’s worse on the weekends.”

Pitts said he saw the same thing. “They would just be there,” he said. “There wasn’t any classes for them. There wasn’t anything for autistic kids to do. They were just there.” Dixon said the facility “was not equipped to deal with the types of kids they were getting,” Boyter, the Easley parent, said she recently learned that her autistic daughter was not getting an education, almost four months after being there. She said the facility recently brought in a teacher for her child who she said will see her three days a week. The workers said the facility was often understaffed and there was constant turnover. Cannon said she once worked 15 girls on her unit by her self. India Waiters, a former admissions coordinator who said she was fired in April 2015 after a little more than a year, said most of the workers she knew while she was there did not stay more than a year. Some workers did not want to work the 16-hour shifts or were dismissed for various infractions, workers said. In fact, most of the former workers who spoke with the newspaper said they were dismissed, though they felt they were treated unfairly. Ross Bethea said he was so tired after one 16-hour shift that he had an accident on the road back to his home after falling asleep while driving. He said he lives about 45 minutes away. He said sometimes he would leave the facility at 8:30 a.m. and have to be back by 4 p.m. He said workers were told their jobs would be in jeopardy if they refused overtime.

“You’re working with children, you’re fatigued, you’re understaffed and then they tell you that you still have to be back or you could be suspended, or it could be your job,” he said. Brown said the residents of the facility were the only ones who seemed to recognize how hard the staff worked. “They became so familiar with seeing the same working faces literally every day or the week sometimes working seven days straight,” she said. “I remember one resident expressing to me that they couldn’t wait to be discharged from the facility so that they could get a job at the facility so that they could relieve some of the strain off the staff.”

Karimha Bethea, who holds a bachelors degree in psychology, said the economics of the facility do not drive quality care. She said those who work directly with the children are the lowest paid and have the least educational requirements. “If they had qualified professionals, they would have to pay them what they are worth,” she said.

She said she hopes the care of the children will improve. “At the end of the day, this is about these kids getting the highest level of care as stated in their mission statement,” she said. Cannon agreed. “These children deserve better than that,” she said.



**An autistic 20-year-old is shown before he lost 40 pounds while in the care of a facility in Florence. The facility is under state investigation.**

Cheaters Address  
Neil Getsinger 576 Oak Park Dr  
Mt. Pleasant SC 29464

Debra Getsinger  
4<sup>th</sup> Grade Teacher  
Angel Oak Elementary  
Johns Island

Why hasn't The South Carolina Vocational Rehabilitation been investigated? Tax payers have no idea!

1. Former Commissioner Barbra Hollis was asked to Resign by Head Board Member Roxanne Breland. Which this Board is Joke! You have board members that are what they Call Clients that Receive services from VR. So anyways....Barbra Hollis Retired ☺ and is still Receiving a check for a little less than \$8,000.00 a month. And she is receiveing it from a non profit Company Called Allied Opportunities. (Little Brick Bldg. across from Airport High School that has no sign or windows.) How Weird! I think this is where VR is laundering Tax Payer Money. She is Living life well at Hilton Head. (Port Royal)
2. Commissioner Neil (crooked) Getsinger. He's all up in the middle, He's already gave his girlfriend Darlene Graham 3 Raises 3 months, That Thang must be good! How unethical...Lindsey Graham's sister the Home wrecker. I wonder what Mr. Getsinger's wife and son would think if they knew this. What a Scum Bag. The whole agency is laughing at him and her. He also fired Mike Pitts Daughter. I understand that they are sueing VR.
3. Preston Coleman - Tax Payers Built his house at Edisto Beach. Yes, He gets A Check from Allied too. They started a new Company called the Foundation. These people need some accountability. I'm sure Preston is the Master Mind behind Allied and The Foundation. Also can you tell me how VR covered up the Sex Scandle with the women Inmates that use to keep the STATE OFFICE grounds up. VR - Maintenance Employees was having sex with these ladies. I Know. You cant Beleive it can you. Did Mark Wade OR VR Attorney JEB Batten cover this up? How many people Have been payed off with the Tax Payers \$. VR Would Pick these women Inmates up every morning from Broad River Rd Facilities and take them back that evening. This was done By Male employees.
4. Deputy Commissiones Anne Iriel's Husband (former Fireman) work for VR. His Check is from Allied. So much for Neputisism. That whole Agency Stinks!
5. You have former Commissioner Larry Bryant's Secretary who also worked for Commissioner Hollis and Now Crooked Neil Getsinger. Do you know this lady Make \$74,000 a year as a secretary. Although she does decorate the Agency office's and pick's paint colors out. Good Job Joanie Hess. How much does she know? Does former Commissioner Bryant still Receive a Check?

There needs to seriously be a full launched investigation on this agency. Who protecting this agency? Employee's are scared of Neil Getsinger. They Fear loosing there Job. You will be shocked what you will find when you start digging. everyone's wach watching.

**Constituent comments, including requests for revisions, and Committee staff notes summarizing those comments are not the comments or expression of the House Legislative Oversight Committee, any of its Subcommittees, the House of Representatives, or any of these entities staff.**

Also Check Joanie Hess's Live in Ronnie Weed. He works at the Training Center where they suppp "Help" People. They paid (VR) for him to have knee surgery as A client. What the crapp?



January 4, 2017

State Inspector General Patrick J. Maley  
111 Executive Center Drive, Suite 204  
Synergy Business Park Enoree Building  
Columbia, South Carolina 29210 - 8416

Dear Inspector General Maley:

The purpose of this letter is to share information provided by the public about the South Carolina Vocational Rehabilitation Department, an agency which is not presently under study by the Committee. The public has the opportunity to provide input about any agency the House Legislative Oversight Committee has identified it will study as a part of its seven-year review cycle. Interactions with constituents that wish to remain anonymous pursuant to Committee Standard Practice 10.4, are not considered testimony or offered for the truth of the matter asserted but may nevertheless serve the purpose of directing the Committee to potential issues with an agency.

Enclosed for your review please find a verbatim copy of information received by the Committee for your consideration as to whether it rises to the level of necessitating an investigation by the State Inspector General's Office. This information may be viewed as potential fraud, waste, abuse, mismanagement, misconduct and wrongdoing at the agency. While unsubstantiated, nevertheless, these are not insignificant allegations.

Thank you for your review of these allegations and for your dedication to the important issues facing the people of this State.

Sincerely,

A handwritten signature in cursive script that reads "Wm. Weston J. Newton".

Wm. Weston J. Newton

Enclosure

# LEGISLATIVE OVERSIGHT COMMITTEE

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## SUBCOMMITTEE ASSIGNMENTS WITH AGENCIES

Executive	Education and Cultural	Healthcare and Regulatory	Economic Development, Transportation, and Natural Resources	Law Enforcement and Criminal Justice
<ol style="list-style-type: none"> <li>1. <del>Comptroller General's Office</del></li> <li>2. <u>Treasurer's Office</u></li> <li>3. <u>Retirement System Investment Commission</u></li> <li>4. <i>Election Commission</i></li> <li>5. <i>Parks, Recreation and Tourism, Dept. of</i></li> <li>6. <i>Secretary of State's Office</i></li> <li>7. <i>Aeronautics Commission</i></li> <li>8. <i>Adjutant General</i></li> <li>9. <i>Ethics Commission</i></li> <li>10. <i>Financial Institutions, Board of</i></li> <li>11. <i>Lt. Governor's Office on Aging</i></li> </ol>	<ol style="list-style-type: none"> <li>1. <del>Deaf and Blind, School for</del></li> <li>2. <del>First Steps</del></li> <li>3. <u>Archives and History, Dept. of</u></li> <li>4. <i>Education, Dept. of</i></li> <li>5. <i>ETV Commission</i></li> <li>6. <i>John de la Howe School</i></li> <li>7. <i>Patriots Point Authority</i></li> <li>8. <i>Arts Commission</i></li> <li>9. <i>Higher Education Commission</i></li> <li>10. <i>Library, State</i></li> <li>11. <i>Museum Commission and Confederate Relic Room</i></li> <li>12. <i>Technical and Comprehensive Education Board</i></li> <li>13. <i>Tuition Grants Commission</i></li> <li>14. <i>Wil Lou Gray Opportunity School</i></li> </ol>	<ol style="list-style-type: none"> <li>1. <del>Social Services, Dept. of</del></li> <li>2. <del>Blind, Commission for the</del></li> <li>3. <u>Health and Environmental Control, Department of</u></li> <li>4. <i>Alcohol and Drug Abuse, Dept. of</i></li> <li>5. <i>Disabilities and Special Needs, Dept. of</i></li> <li>6. <i>Labor, Licensing and Regulation, Dept. of</i></li> <li>7. <i>Mental Health, Dept. of</i></li> <li>8. <i>State Accident Fund</i></li> <li>9. <i>Consumer Affairs, Dept. of</i></li> <li>10. <i>Health and Human Services, Department of</i></li> <li>11. <i>Insurance, Dept. of</i></li> <li>12. <i>Patients' Compensation Fund</i></li> <li>13. <i>Vocational Rehabilitation, Department of</i></li> <li>14. <i>Workers' Compensation Commission</i></li> </ol>	<ol style="list-style-type: none"> <li>1. <del>Transportation, Dept. of</del></li> <li>2. <u>Transportation Infrastructure Bank</u></li> <li>3. <u>Agriculture, Dept. of</u></li> <li>4. <i>Employment and Workforce, Dept. of</i></li> <li>5. <i>Human Affairs Commission</i></li> <li>6. <i>Motor Vehicles, Dept. of</i></li> <li>7. <i>Commerce, Dept. of</i></li> <li>8. <i>Conservation Bank</i></li> <li>9. <i>Forestry Commission</i></li> <li>10. <i>Housing Finance and Development Authority</i></li> <li>11. <i>Jobs Economic Development Authority</i></li> <li>12. <i>Minority Affairs, Commission on</i></li> <li>13. <i>Revenue, Dept. of</i></li> <li>14. <i>Rural Infrastructure Authority</i></li> <li>15. <i>Sea Grants Consortium</i></li> </ol>	<ol style="list-style-type: none"> <li>1. <u>Law Enforcement Training Council</u></li> <li>2. <u>Juvenile Justice, Dept. of</u></li> <li>3. <u>Public Safety, Dept. of</u></li> <li>4. <i>Indigent Defense</i></li> <li>5. <i>Natural Resources, Dept. of</i></li> <li>6. <i>Prosecution Coordination Commission</i></li> <li>7. <i>Administrative Law Court</i></li> <li>8. <i>Attorney General's Office</i></li> <li>9. <i>Corrections, Dept. of</i></li> <li>10. <i>Probation, Parole and Pardon, Dept. of</i></li> <li>11. <i>State Law Enforcement Division</i></li> </ol>
<p>Chair: Rep. Clary Rep. Funderburk Rep. Newton Rep. Williams</p>	<p>Chair: Rep. Smith Rep. Jefferson Rep. Stringer Rep. Felder</p>	<p>Chair: Rep. Henderson Rep. Bowers Rep. Douglas Rep. Taylor</p>	<p>Chair: Rep. Norman Rep. Collins Rep. Norrell Rep. Ridgeway</p>	<p>Chair: Rep. Tallon Rep. Arrington Rep. Hixon Rep. Rutherford</p>

# LEGISLATIVE OVERSIGHT COMMITTEE

## PROPOSED REVISIONS TO STANDARD PRACTICES

THE BELOW CONSTITUTED SUMMARY IS PREPARED BY THE STAFF OF THE SOUTH CAROLINA HOUSE OF REPRESENTATIVES AND IS NOT THE EXPRESSION OF THE COMMITTEE OR THE HOUSE OF REPRESENTATIVES. IT IS STRICTLY FOR THE INTERNAL USE AND BENEFIT OF MEMBERS OF THE HOUSE OF REPRESENTATIVES AND IS NOT TO BE CONSTRUED BY A COURT OF LAW AS AN EXPRESSION OF LEGISLATIVE INTENT.

**SUMMARY OF PROPOSED REVISIONS TO COMMITTEE STANDARD PRACTICES  
FOR THE 122<sup>ND</sup> GENERAL ASSEMBLY**

**The changes listed below were made to the version provided during the December 7, 2016, full Committee meeting. Generally, the changes were made to group together practices which related to similar subject matters and to memorialize the Committee's current general practices.**

- Standard Practices 9.1.5 and 9.1.6 were added to memorialize the Committee's general practice of (1) informing agencies that information provided by the agency was considered sworn testimony and (2) agencies were expected to inform the Committee if any information requested by the Committee or provided by the agency, could not be published online due to provisions in contract or law.
- Standard Practice 9.2 through 9.2.2 were added to memorializes the Committee's current general practice of (1) posting letters between the Committee and Agency online; (2) posting documents received from the agency online; and (3) returning documents to the agency which the agency indicated, due to confidentiality provisions in contract or law, may not be posted online.
- Standard Practices 9.2.3 through 9.2.4.1 were previously Standard Practices 3.9 through 3.10.1. Since these practices address Interaction between Committee Staff and Agency Staff they were moved from Section 3. Constituents to Section 9. Expectations of an Agency Undergoing Investigation in an effort to group together practices which related to similar subject matters.
- Standard Practice 11.10.1 was added to state the Final Staff Study, if there was one, shall be published online. The language mirrors the language stating the full Committee's oversight study shall be published online. This Standard Practice memorializes the Committee's current general practice.
- Standard Practice 12.5.1 was added to state the Subcommittee or Ad Hoc Committee Study shall be published online. The language mirrors the language stating the full Committee's oversight study shall be published online. This Standard Practice memorializes the Committee's current general practice.

THE BELOW CONSTITUTED SUMMARY IS PREPARED BY THE STAFF OF THE SOUTH CAROLINA HOUSE OF REPRESENTATIVES AND IS NOT THE EXPRESSION OF THE COMMITTEE OR THE HOUSE OF REPRESENTATIVES. IT IS STRICTLY FOR THE INTERNAL USE AND BENEFIT OF MEMBERS OF THE HOUSE OF REPRESENTATIVES AND IS NOT TO BE CONSTRUED BY A COURT OF LAW AS AN EXPRESSION OF LEGISLATIVE INTENT.

Topic	Summary of Proposed Revision(s)	Section(s)	Page Number(s) in Draft Standard Practices Document
<b>Committee Staff</b>	Clarifies committee staff work for the South Carolina House of Representatives (the entity), not just the Committee.	2.1	5
<b>Agency Annual Restructuring Report</b>	Reflects committee's efforts to streamline agency reporting requirements by integrating and combining aspects of the Annual Restructuring Report into the Annual Accountability Report.	4.1.1 4.1.2 4.1.3	7
<b>Restructuring Recommendations</b>	Makes a stylistic change.	4.4	9
<b>Priority/Order of Agencies Scheduled for Investigation in a Given Year</b>	Adds the length of time the agency head has been in office as a consideration for priority/order of agencies scheduled for investigation during a given year.  Clarifies the committee may place a current study on hold and move forward with the study of another agency for good cause.	7.2.1  7.3	10
<b>Required Written Notification</b>	Requires agency to forward the committee's written notification about the agency being under study to all agency employees.  Includes the following as a part of the written notification the agency receives from the committee:  the committee encourages employees and other stakeholders to provide testimony and respond to the public survey  methods by which employees and other stakeholders may communicate with the committee, including the option to communicate anonymously.	8.1  8.2.4  8.2.5	11
<b>Introduction of Agency and Public Input Meeting</b>	Provides for one full committee meeting with all agencies scheduled for study to obtain brief information about what agencies do and receive public input.  <i>Currently, each subcommittee may hold a separate meeting with agencies to discuss preliminary matters with an agency.</i>	8.3	12
<b>Expectations of an Agency undergoing Investigation</b>	Clarifies informing agency staff that the agency is undergoing an oversight study includes informing agency staff on how to access the committee's website for information.  Clarifies an agency liaison's activities include sharing any specified committee correspondence with agency staff.  Memorializes the Committee's general practice of informing agencies that information provided by the agency is considered sworn testimony.  Memorializes the Committee's general practice of requesting agencies to inform the Committee if any information requested or provided by the agency cannot be published online.  Removes a reference to confidentiality.  Memorializes the Committee's general practice of posting letters between the Committee and agency online; posting documents received from the agency online; and returning documents to the agency which the agency indicates due to confidentiality provisions in contract or law, may not be posted online.	9.1.1  9.1.2  9.1.5  9.1.6  9.2 9.2.1 9.2.2	13-14

THE BELOW CONSTITUTED SUMMARY IS PREPARED BY THE STAFF OF THE SOUTH CAROLINA HOUSE OF REPRESENTATIVES AND IS NOT THE EXPRESSION OF THE COMMITTEE OR THE HOUSE OF REPRESENTATIVES. IT IS STRICTLY FOR THE INTERNAL USE AND BENEFIT OF MEMBERS OF THE HOUSE OF REPRESENTATIVES AND IS NOT TO BE CONSTRUED BY A COURT OF LAW AS AN EXPRESSION OF LEGISLATIVE INTENT.

	Standard Practices 9.2.3 through 9.2.4 were previously Standard Practices 3.9 through 3.10. These were moved in an effort to group together practices related to similar matters.	9.2.3 9.2.4 9.2.4.1	
<b>Information from Agencies - Program Evaluation Report</b>	Provides an agency 45 days to respond to a request for a Program Evaluation Report (PER), if a PER is requested.  <i>Agencies have 45 days to respond to a Request for Information (RFI) in statute.</i>	10.1	14
<b>Online Publication of PER</b>	Provides that the Committee will send an electronic copy of a PER (Program Evaluation Report) to all House Members	10.2	15
<b>Comments submitted via email or other correspondence (provided to agency upon request)</b>	Provides the remitter's name and contact information is redacted when the agency requests a copy of the information. Makes stylistic changes.  Clarifies comments may be received over the phone from constituents. Provides, unless specifically requested by the person providing information, staff notes will be considered to come from an anonymous constituent.	10.4.8  10.4.10	17
<b>Staff Oversight Studies and Agency Responses</b>	Clarifies reasonable efforts are made for each legislative oversight study to begin the same way.  Authorizes committee staff to periodically share summaries of agency information with the committee; a staff study of the agency is optional.  Provides that a Final Staff Study, if there was one, shall be published online.	11 11.1 11.2 11.3 11.4 11.5 11.6 11.7 11.8 11.9 11.10 11.10.1	17-18
<b>Determine Other Investigative Tools</b>	Makes stylistic changes to change terminology to investigative resources and partners rather than investigative tools.  Includes a reference to the State Inspector General as an investigative partner.  Authorizes subcommittees in a new General Assembly to affirmatively approve recommendations made by the members of the subcommittee or ad hoc committee in a prior General Assembly.	12 12.1 12.2 12.2.3  12.2.7	19
<b>Approve, Add Written Statements &amp; Refer to Full Committee</b>	Clarifies a copy of the subcommittee or ad hoc committee study shall be provided to members of the subcommittee and members of any legislative standing committee in the House sharing subject matter jurisdiction over the agency.  Memorializes the Committee's general practice of posting a Subcommittee or Ad Hoc Committee study online.	12.3.1  12.5.1	19-20
<b>Approve, Add Written Statements &amp; Publish</b>	Provides approval of a committee study does not conclude the study of the agency; the agency remains under study, should additional issues arise, until the end of the seven-year cycle.  Provides a procedure for follow up with an agency after approval of a full committee study.	13.3  13.7	21

# LEGISLATIVE OVERSIGHT COMMITTEE

# Standard Practices



Approved Pursuant to Legislative Oversight Committee Rule 7.1  
Revised **DECEMBER 29, 2016**



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## **PART I - GENERAL PRACTICES**

### ***1. AUTHORITY, MODIFICATION AND GENERAL INFORMATION RELATING TO STANDARD PRACTICES***

- 1.1 Legislative Oversight Committee (Committee) Rule 7.1 authorizes the committee to develop and adhere to standard practices.
- 1.2 Committee standard practices may be modified pursuant to Committee Rule 7.1.
- 1.3 Whenever the pronoun 'he' appears in any rule, it shall be deemed to designate either the masculine or feminine.

### ***2. COMMITTEE STAFF***

- 2.1 Committee staff work for ~~all Members of~~ the South Carolina House of Representatives (House).
- 2.2 Committee staff shall assist any Member of the House with matters relating to legislative oversight, and any Member of the House may request that Committee staff hold these matters in confidence.

### ***3. CONSTITUENTS***

#### ***Constituents***

- 3.1 Constituents may request to be notified as to when a particular agency is scheduled for legislative oversight study and investigation by the Committee.
- 3.2 Constituents may contact the Committee about matters relating to legislative oversight, and Members of the House may forward constituent matters relating to legislative oversight to the Committee.
- 3.3 Committee staff shall make reasonable efforts, as determined by the Committee Chairman, to contact any constituent requesting notification as to when a particular agency is scheduled for legislative oversight study and investigation.
- 3.4 If a constituent has concerns about an agency currently undergoing legislative oversight study and investigation, the constituent shall be informed
  - 3.4.1 about the process,
  - 3.4.2 notified about any opportunities to participate in the process, and
  - 3.4.3 Section 2-2-70 requires all testimony provided to the committee to be under oath, and anyone knowingly furnishing false information will be subject to the penalties provided by law.

3.5 If a constituent has concerns about an agency not currently undergoing legislative oversight study and investigation by the Committee, Committee staff shall refer the constituent to appropriate resources, if available, that may be able to address the constituent's concerns about an agency.

***Chairman and Committee***

3.6 Committee staff shall inform the Committee Chairman, on a schedule as determined by the Chairman, about the concerns received from constituents, House Members and other state entities, which relate to agencies. Dissemination and publication of these concerns is governed by Standard Practice 10.4.

***Interaction between Committee Staff and the Press***

3.7 Committee staff shall direct questions from the press to the Committee Chairman. The Committee Chairman, at his discretion, may authorize Committee staff to answer specific questions from the press.

3.8 If the Committee Chairman is unavailable to answer questions from the press and has not authorized Committee staff to respond to the specific questions, Committee staff shall direct the questions from the press to the First Vice-Chairman or to the appropriate subcommittee or ad hoc committee chairman.

## PART II - PRACTICES RELATING TO REPORTS RECEIVED BY THE LEGISLATIVE OVERSIGHT COMMITTEE

### 4. AGENCY ANNUAL RESTRUCTURING REPORT

Section 1-30-10(G)(1) requires agencies to submit annual reports to the General Assembly giving detailed or comprehensive recommendations for the purposes of merging or eliminating duplicative or unnecessary divisions, programs or personnel within each department for a more efficient administration of government services ("Annual Restructuring Report" or "ARR"). If an agency has no restructuring recommendation, the statute requires the report to contain a statement to that effect.

#### ***ARR Submission***

4.1 The Committee shall provide agencies with a uniform format, as approved by the Committee Chairman, for submitting their Annual Restructuring Reports to the Committee. The Annual Restructuring Report format will include a section which allows an agency to indicate it has no restructuring recommendations.

4.1.1 The Committee shall continue efforts to integrate and combine aspects of the ARR into the Annual Accountability Report submitted pursuant to S.C. Code Section 1-1-810, so that completion of the annual Accountability Report by the stated deadline in the report fulfills the requirements to complete an ARR.

4.1.2 The Committee recognizes that not every agency the Committee has identified it will study files an Annual Accountability Report. For these agencies the Committee shall provide the guidelines for the Accountability Report, which includes the deadline for submission.

4.1.3 Should the Committee require an agency to complete a separate ARR, the Committee shall make efforts to comply with Standard Practices 4.2 through 4.3.3. If the committee is able to incorporate requirements of the ARR into the Annual Accountability Report, Standard Practices 4.2 through 4.3.3 will not apply.

4.2 The Committee shall provide agencies with the Restructuring Report Guidelines by November thirtieth of each year. Agencies must submit the Annual Restructuring Report by the first day of session each year ("Deadline").

#### **Failure to Provide Responses to All Questions in ARR**

4.2.1 The Chairman may require any agency that has submitted its Annual Restructuring Report which does not include responses to all questions to amend its submission so as to provide responses to all questions. The Chairman may provide the agency with a list of questions that do not have responses. The agency will determine the response it would like to make, but the agency will need to provide some type of response to all questions.

#### **Extensions for ARR**

4.2.2 The Chairman may, for reasons he determines as good cause, provide an agency an extension and new deadline to submit its Annual Restructuring Report ("New Deadline"). The Chairman will not provide more than two extensions without unanimous consent from the full committee.

4.2.3 Before the Chairman will consider a request from an agency for an extension, the agency must fully complete a Committee Extension Request form, as approved by the Committee Chairman, and provide it to the Chairman for consideration.

4.2.4 Until the agency receives a response, it should continue to complete the report to the best of its ability as if it is due on the original deadline.

#### **Amended ARR Submitted Prior to Online Publication**

4.2.5 The Chairman may, for reasons he determines as good cause, allow an agency to provide an amended version of its Annual Restructuring Report (“Amended Report”) prior to online publication.

4.2.6 If an agency makes a request to submit an Amended Report, the Chairman may require the agency to provide a written letter, which may be sent via U.S. mail or included as an attachment to an email, explaining the reason the agency wishes to submit the Amended Report, and a bullet point list of the sections revised in the Amended Report.

4.2.7 If the Chairman allows an agency to provide an Amended Report, the agency must provide a completely new Annual Restructuring Report with an updated date of submission and signatures on the report by a date determined by the Chairman. The Committee will not make edits or substitute parts to any versions of an agency’s Annual Restructuring Report. The Committee will only discard an old Annual Restructuring Report, if a complete Amended Report is provided.

#### **Failure to Submit ARR or Respond to All Questions**

4.2.8 If an agency fails to submit responses to all questions in its Annual Restructuring Report by the Deadline, or New Deadline applicable to the agency, the Committee may request the Executive Director of the agency and, if applicable Board/Commission Chair, appear at a full committee meeting to explain, under oath, why the agency has failed to provide the information requested and when it will be provided.

#### ***Online Publication of ARR***

4.3 The Committee will post in a central location online, access to all of the following information: a) Annual Restructuring Reports; b) Extension Request Forms; and c) Letters requesting submission of an Amended Report.

#### **Amended ARR Submitted After Initial Online Publication**

4.3.1 The Chairman may, for reasons he determines as good cause, allow an agency to provide an Amended Report after initial online publication.

4.3.2 If an agency makes a request to submit an Amended Report, the Chairman may require the agency to provide a written letter, which may be sent via U.S. mail or included as an attachment to an email, explaining the reason the agency wishes to submit the Amended Report, and a bullet point list of the sections revised in the Amended Report.

4.3.3 If the Chairman allows an agency to provide an Amended Report, the agency must provide a completely new Annual Restructuring Report with an updated date of submission and signatures on the report by a date determined by the Chairman. The Committee will not make edits or substitute parts to any versions of an agency’s Annual Restructuring Report. The Committee will only discard an old Annual Restructuring Report, if a complete Amended Report is provided.

***Restructuring Recommendations***

4.4 The Committee shall indicate online, via a list or other means, the agencies that did and did not provide a restructuring recommendation ~~in their Annual Restructuring Report.~~

Notification to Members of the House

4.5 Committee staff shall provide notification, in a manner determined by the Committee Chairman, to all Members of the House about the publication of this information online.

**5. GOVERNOR'S RESTRUCTURING REPORT**

Section 1-30-10(G)(1) provides that the Governor periodically must consult with the governing authorities of the various departments and upon such consultation, the Governor must submit a report of any restructuring recommendations to the General Assembly for its review and consideration ("Governor Restructuring Report").

5.1 The Committee will post in a central location online, access to ~~all~~ Governor Restructuring Reports received from the Governor pursuant to Section 1-30-10(G)(1).

**6. AGENCY SEVEN-YEAR PLAN FOR COST SAVINGS & EFFICIENCIES**

Section 1-30-10(G)(2) requires agencies to submit a seven-year plan that provides initiatives or planned actions that implement cost saving and increases efficiencies within the projected seven-year period to the General Assembly ("Seven-Year Plans").

6.1 The Committee shall provide agencies with a uniform format, as approved by the Committee Chairman, for submitting their Seven-Year Plans to the House.

6.1.1 The following subparts of Section 4 of the Standard Practices shall apply to Agency Seven-Year Plans in the same manner they apply to Annual Restructuring Reports: Failure to Provide Responses to All Questions; Extensions; Amended Reports Submitted Prior to Online Publication; Failure to Submit Report or Respond to All Questions; Online Publication; and Amended Reports Submitted After Initial Online Publication.

6.2 The Committee will post in a central location online, access to all Seven-Year Plans.

## PART III - PRACTICES RELATING TO THE COMMITTEE'S STUDY AND INVESTIGATION PROCESS

### 7. AGENCY INVESTIGATION SCHEDULE & TIME FOR COMPLETION

Section 2-2-30(C) requires a seven-year review schedule to be published in the House Journal the first day of session each year. Further, this statute provides that the Speaker of the House, upon consulting with the chairmen of standing committees in the House and the Clerk of the House, determines the agencies for each standing committee to conduct oversight studies and investigations. The Committee recognizes there is no requirement in the statute that an agency oversight study and investigation be completed within a certain timeframe, except the overall seven year cycle.

#### *Recommendations as to the Seven-Year Investigation Schedule*

7.1 The Committee may adopt recommendations for the Speaker of the House relating to the publication of the seven-year review schedule in the House Journal the first day of session each year.

#### *Priority/Order of Agencies Scheduled for Investigation during a Given Year*

7.2 The Committee **may establish** the priority or order of current agencies scheduled for a legislative oversight study and investigation during a given year.

7.2.1 In establishing a priority or order of current agencies scheduled for legislative oversight study and investigation during a given year, the Committee may consider the length of time the agency director has been in office.

7.3 The Committee may, for reasons it determines as good cause, **change the priority** or order of agencies scheduled for a legislative oversight study and investigation during a given year, including placing a current study on hold and moving forward with the study of another agency.

#### *Investigations Outside Schedule*

7.4 In addition to the seven-year oversight studies and investigations,

7.4.1 a standing committee of the House may initiate an oversight study and investigation of an agency within its subject matter jurisdiction pursuant to Section 2-2-40(A)<sup>1</sup>; and

7.4.2 the Speaker of the House or chairmen of standing committees may authorize and conduct legislative investigations into agencies functions, duties and activities pursuant to Section 2-2-40(B)<sup>2</sup>.

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<sup>1</sup> "...The motion calling for the oversight study and investigation must state the subject matter and scope of the oversight study and investigation. The oversight study and investigation must not exceed the scope stated in the motion or the scope of the information uncovered by the investigation."

<sup>2</sup> "Nothing in the provisions of this chapter prohibits or restricts the President Pro Tempore of the Senate, the Speaker of the House of Representatives, or chairmen of standing committees from fulfilling their constitutional obligations by authorizing and conducting legislative investigations into agencies' functions, duties, and activities."

### ***Time Frame for Completion of Agency Investigations***

7.5 The Committee may establish a time frame for the legislative oversight study and investigation of an agency.

7.6 The Committee may, for reasons it determines as good cause, change the time frame for a legislative oversight investigation and review of an agency.

### **8. *ADVANCED NOTIFICATION PROVIDED TO AGENCIES***

Section 2-2-30(C) requires a seven-year review schedule to be published in the House Journal the first day of session each year. In addition to this notice available to agencies, the Committee will also follow the notice procedures below.

#### ***Required Written Notification***

8.1 The Committee shall provide written notification to an agency that it is scheduled for legislative oversight study and investigation prior to the start of the investigation. The agency shall forward this notification to all employees at the agency.

8.2 The written notification to the agency shall include the following:

8.2.1 information about the Committee's expectations of the agency during the investigation, as outlined under Standard Practice ~~40~~ 9,

8.2.2 purpose of the investigation, as outlined in Section 2-2-20(B)<sup>3</sup>, ~~and~~

8.2.3 what must be considered in the investigation, as outlined in Section 2-2-20(C)<sup>4</sup>,

8.2.4 encourage employees and other stakeholders (e.g., partners, customers, and vendors) to provide testimony and respond to the public survey, and

8.2.5 methods by which employees and other stakeholders (e.g., partners, customers, and vendors) may communicate, including the option to communicate anonymously, with the Committee.

#### ***Optional Preliminary Introduction of Agency and Public Input Meeting***

~~8.3 A subcommittee or ad hoc committee chairman that has been assigned a legislative oversight study and investigation of an agency may schedule a subcommittee or ad hoc committee meeting~~

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<sup>3</sup> "The purpose of these oversight studies and investigations is to determine if agency laws and programs within the subject matter jurisdiction of a standing committee: (1) are being implemented and carried out in accordance with the intent of the General Assembly; and (2) should be continued, curtailed, or eliminated."

<sup>4</sup> "The oversight studies and investigations must consider: (1) the application, administration, execution, and effectiveness of laws and programs addressing subjects within the standing committee's subject matter jurisdiction; (2) the organization and operation of state agencies and entities having responsibilities for the administration and execution of laws and programs addressing subjects within the standing committee's subject matter jurisdiction; and (3) any conditions or circumstances that may indicate the necessity or desirability of enacting new or additional legislation addressing subjects within the standing committee's subject matter jurisdiction."

~~with the agency to discuss preliminary matters relating to the legislative oversight study and investigation process.~~

8.3 The Full Committee may schedule an Introduction of Agency and Public Input meeting with the agenc(ies) scheduled for study to (1) obtain a brief (2-3min) explanation of what each agency does; and (2) receive public input about each agency.

~~8.3.1 Matters discussed during a preliminary meeting may include, but are not limited to, the Committee's expectations of the agency as listed in Standard Practice 9 and a brief overview of the agency.~~

~~8.3.1.1 Any brief overview provided by an agency as part of a preliminary meeting of the legislative oversight study and investigation process shall not be considered testimony.~~

## **9. EXPECTATIONS OF AN AGENCY UNDERGOING INVESTIGATION**

Section 2-2-20(B) states the purpose of the legislative oversight study is to determine if agency laws and programs are being implemented and carried out in accordance with the intent of the General Assembly, and should they be continued, curtailed, or eliminated. Further, the Committee recognizes that a legislative oversight study and investigation of agency serves the purpose of informing the public about the agency.

### 9.1 The Committee expects an agency to:

9.1.1 Inform its staff that the agency is undergoing a legislative oversight study and investigation as well as the purpose of the investigation, and how to access the Committee's website for information about the study and investigation.

9.1.2 Appoint a liaison to assist the Committee with all activities, including but not limited to, sharing Committee correspondence with agency staff.

9.1.3 Respond to its requests in a concise, complete and timely manner.

9.1.4 Be candid with the Committee and to promptly discuss with the Committee any concerns or questions the agency may have related to the legislative oversight study and investigation process, including any concerns the agency may have that the Committee has drawn an incorrect conclusion.

9.1.5 Realize written information provided to the Committee is considered sworn testimony.

9.1.6 Inform the Committee if any information requested by the Committee, or provided by the agency, cannot be published online due to provisions in contract or law.

~~9.2 An agency may expect the legislative oversight study to be confidential until such time as the agency receives notification from the Committee that a copy of the Committee staff's final report and the agency's response, if there is one, has been provided to the appropriate subcommittee, ad hoc committee, and any legislative standing committees in the House that may share subject matter jurisdiction over an agency.~~

### 9.2 The Agency may expect the Committee to:

9.2.1 Post on the Committee's webpage: (1) letters between the Committee and Agency sent via U.S. Mail or as attachments to an email; (2) documents received from the agency in person, via U.S. Mail, or as attachments to an email; and (3) any other materials pursuant to Committee Rule 8.1.

9.2.2 Return documents to the agency which the agency has indicated, due to confidentiality provisions in contract or law, may not be posted online.

9.2.3 Instruct Committee staff to interact with agency staff for the purposes of discussing procedural matters, including review of draft submissions of Accountability Reports, Program Evaluation Reports or Requests for Information, and/or answering agency staff questions at any time.

9.2.4 Instruct Committee staff to meet with agency staff for the purposes of asking substantive questions and/or reviewing agency files on behalf of a Subcommittee, upon approval of a motion to do so during a Subcommittee meeting.

9.2.4.1 If such action is taken by Committee staff, the information obtained during the meeting between committee staff and agency staff will be memorialized in a letter from committee staff to agency staff, which may be incorporated into the meeting minutes of the Subcommittee's next meeting.

## **10. INITIAL COLLECTION AND REVIEW OF INFORMATION**

In recognizing the importance of fairness in the legislative oversight process, every legislative oversight study and investigation shall begin the same way. The initial step involves Committee staff obtaining and reviewing information.

### ***Information from Agencies - Program Evaluation Report***

10.1 Committee staff ~~shall~~ may request the agency complete a Program Evaluation Report ("PER") pursuant to Sections 2-2-50(D) and 2-2-60, within forty five days of receiving the guidelines for the PER; and

10.1.1 A state agency that is vested with revenue bonding authority may submit annual reports and annual external audit reports conducted by a third party in lieu of a program evaluation report pursuant to Section 2-2-60(E).

#### **Failure to Provide Responses to All Questions in PER**

10.1.2 The Chairman may require any agency that has submitted a Program Evaluation Report which does not include responses to all questions to amend its submission so as to provide responses to all questions. The Chairman may provide the agency with a list of questions that do not have responses. The agency will determine the response it would like to make, but the agency will need to provide some type of response to all questions.

#### **Extensions for PER**

10.1.3 The Chairman may, for reasons he determines as good cause, provide an agency an extension and new deadline to submit its Program Evaluation Report ("New Deadline"). The Chairman will not provide more than one, thirty day extension without unanimous consent from the full committee.

10.1.4. Before the Chairman will consider granting an extension, the Chairman may require the agency to provide a written letter, which may be sent via U.S. mail or included as an attachment to an email, explaining the reason the agency is requesting the extension and the number of days it is requesting, not to exceed thirty.

10.1.5 Until the agency receives a response, it should continue to complete the report to the best of its ability as if it is due on the original deadline.

**Amended PER Submitted Prior to Online Publication**

10.1.6 The Chairman may, for reasons he determines as good cause, allow an agency to provide an amended version of its Performance Evaluation Report (“Amended Report”) prior to online publication.

10.1.7 If an agency makes a request to submit an Amended Report, the Chairman may require the agency to provide a written letter, which may be sent via U.S. mail or included as an attachment to an email, explaining the reason the agency wishes to submit the Amended Report, and a bullet point list of the sections revised in the Amended Report.

10.1.8 If the Chairman allows an agency to provide an Amended Report, the agency must provide a completely new Program Evaluation Report with an updated date of submission and signatures on the report by a date determined by the Chairman. The Committee will not make edits or substitute parts to any prior versions of an agency’s Program Evaluation Report. The Committee will only discard an old Program Evaluation Report, if a complete Amended Report is provided.

**Failure to Submit PER or Respond to All Questions**

10.1.9 If an agency fails to submit responses to all questions in its Program Evaluation Report by the Deadline, or New Deadline applicable to the agency, the Committee may request the Executive Director of the agency and, if applicable Board/Commission Chair, appear at a full committee meeting to explain, under oath, why the agency has failed to provide the information requested and when it will be provided.

***Online Publication of PER***

10.2 The Committee will post in a central location online, access to all of the following information: a) Program Evaluation Report; b) Correspondence related to a Request for Extension, if any is required; and c) Letters requesting submission of an Amended Report, if any is required. After posting online, the Committee will send an electronic copy of the PER to all House Members.

**Amended PER Submitted After Initial Online Publication**

10.2.1 The Chairman may, for reasons he determines as good cause, allow an agency to provide an Amended Report after initial online publication.

10.2.2 If an agency makes a request to submit an Amended Report, the Chairman may require the agency to provide a written letter, which may be sent via U.S. mail or included as an attachment to an email, explaining the reason the agency wishes to submit the Amended Report, and a bullet point list of the sections revised in the Amended Report.

10.2.3 If the Chairman allows an agency to provide an Amended Report, the agency must provide a completely new Program Evaluation Report with an updated date of submission and signatures on the report by a date determined by the Chairman. The Committee will not make edits or substitute parts to any versions of an agency’s Program Evaluation Report. The Committee will only discard an old Program Evaluation Report, if a complete Amended Report is provided.

10.3 The Committee may approve additional requests for information to be submitted to the agency pursuant to section 2-2-50(A).

***Information from the Public, House or other State Entities***

10.4 Committee members and Committee staff may also collect information from the public, House Members and staff or other state entities. Information from the “public” includes information from individuals, associations, groups, organizations, etc., who are not members of the House of Representatives or submitted on behalf of a state entity.

**Solicitation of Information**

10.4.1 Written comments and other information shall be solicited from the public, House Members and staff, or other state entities concerning the agency in a manner approved by the Chairman. The comments shall not be considered testimony and offered for the truth of the matter asserted but nevertheless may serve the purpose of directing the Committee to potential issues with an agency.

**Types of Information and Method of Publication**

**Comments submitted via the Committee website (publication online)**

10.4.2 Concerns and comments provided by the public, House Members and staff, or other state entities via **online surveys on the Committee website**, will be provided verbatim to the Committee Chair or Vice-Chair, who will identify any profanity and replace all letters, after the first letter, of the profane word with asterisks. Other than replacing all letters, after the first letter, of a profane word with asterisks, no members of the Committee or Committee staff shall alter the comments prior to their publication on the Committee webpage.

10.4.3 When an agency is currently under study, concerns and comments constituents provide via online surveys on the Committee website, will be provided to all House Members and the public, via **publication** on the website, at the time the survey is over or once a month.

10.4.4 When an agency is not currently under study, concerns and comments constituents provide via online surveys on the Committee website, will not be provided to all House Members and the public until such time as the agency is under study. Once the agency is under study, the provisions of 3.6 shall apply.

**Reports created by other Legislative Entities (publication online)**

10.4.5 The Committee recognizes that under diverse existing laws agencies are required to submit reports to various legislative entities. The Committee shall use its best efforts to review these reports as part of its legislative oversight study and investigation of agencies.

10.4.6 The Committee recognizes that under diverse existing laws other legislative entities study and review some agencies, and the Committee may make efforts, at the discretion of the Chairman, to consult these legislative entities during the legislative oversight study and investigation process.

10.4.7 Information provided by other state entities may be **published** on the Committee’s website as an additional location for the Committee, House Members and public to obtain the information.

**Comments submitted via email or other correspondence (provided to agency upon request)**

10.4.8 Concerns and comments may be provided by the public, House Members and staff, or other state entities via email, letter or other written form (“correspondence”). ~~When such comments are provided directly to the Committee or forwarded to the Committee,~~ The Committee will make efforts to communicate to the ~~send to the remitter~~ correspondence which states (1) the agency, about which the comments relate, may request copies of the correspondence; (2) the Committee cannot control how the agency utilizes the information; and (3) the remitter has the option to: submit revised correspondence, request to withdraw the correspondence, or ~~request that the~~ correspondence not reference a source. Unless specifically requested by the remitter, ~~Any~~ correspondence not referencing a source will be considered to come from an anonymous constituent. The Committee will consider any correspondence, for which it does not receive a reply from the remitter within ten business days, to be approved by the remitter, ~~in the form as submitted,~~ for submission to the agency with the remitter’s name and contact information redacted, should the agency request any correspondence the Committee has received relating to it.

10.4.9 The Committee Chairman, at his discretion, may determine the form in which the agency must submit the request for correspondence the Committee has received from the public, House Members and staff, or other state entities. The Committee Chairman, at his discretion, may also determine when and to whom at the agency the correspondence is published.

**Comments obtained in person or over the phone (provided to agency upon request)**

10.4.10 Committee staff may take notes for use in conducting a study of an agency. Prior to taking any notes that reflect the comments of an individual, staff will make efforts to inform that individual notes are being taken and of the individual’s options relating to staff notes. An individual has the option to review staff notes from the individual’s conversation with staff and after review: submit revisions to comments or, request to withdraw comments, ~~or request that the staff notes not reference a~~ source. Unless specifically requested by the person providing the information, ~~Any~~ staff notes not referencing a source will be considered to come from an anonymous constituent.

10.4.11 The Committee Chairman, at his discretion, may determine when and to whom staff notes are disseminated or published.

**11. STAFF SUMMARIES, OVERSIGHT STUDIES, & AGENCY RESPONSES**

In recognizing the importance of fairness in the legislative oversight process, reasonable efforts are made for each legislative oversight study and investigation shall to begin the same way. After the Committee Staff obtains and reviews relevant information the staff will ~~create studies and~~ communicate further with the agency, periodically share summaries of agency information with the Committee and may create a staff study of the agency.

**Agency Information Summaries and/or Agency Oversight Study prepared by Staff**

11.1 Committee staff shall compile and review all relevant information obtained, ~~and periodically prepare an oversight study summarizing summaries of this information, and may draft an oversight study of the agency.~~

11.2 In preparing ~~the~~ a summary or an oversight study, Committee staff may make recommendations based upon its review of the information.

11.3 Committee staff may provide the agency under investigation a draft version of the Committee staff's summary or oversight study.

11.4 Committee staff shall provide the agency under investigation with a copy of ~~the~~ any final oversight study prepared by Committee staff.

**Agency Response to any final Agency Oversight Study prepared by Committee Staff**

11.5 The agency shall have ten business days to respond to ~~the~~ any final oversight study prepared by Committee staff.

11.6 An agency may request an extension to respond to ~~the~~ any final Committee staff report. The request must be in writing and provide good cause as to why the extension is needed. Upon receipt of the written request, the Chairman, at his discretion, may grant an extension. However, the extension may be no longer than five additional business days.

11.7 An agency is not required to provide a response to ~~the~~ any final Committee staff oversight study.

11.8 Any response provided by an agency shall be attached to ~~the~~ any final oversight study prepared by Committee staff.

**Final Agency Oversight Study prepared by Committee Staff & Responses Provided to Subcommittee or Ad Hoc Committee**

11.9 A copy of the Committee staff's final oversight study, if there is one, and an agency response to this study, if there is one, shall be provided to:

11.9.1 the appropriate subcommittee or ad hoc committee and

11.9.2 the Members of any legislative standing committees in the House that may share subject matter jurisdiction over the agency.

11.10 The agency will receive notice that a copy of the Committee staff's final oversight study, if there is one, and the agency's response, if there is one, has been provided to the appropriate subcommittee, ad hoc committee, and any legislative standing committees in the House that may share subject matter jurisdiction over an agency.

11.10.1 The Committee staff's final study, if there is one, and the agency's response, if there is one, shall be published online.

## **12. SUBCOMMITTEE AND AD HOC COMMITTEE REVIEW, ADDITIONAL INVESTIGATION, & APPROVAL**

### **Determine Other Investigative Tools to Utilize Resources and Partners**

The Committee recognizes that Section 2-2-50 allows evidence or information related to a study and investigation to be acquired by any lawful means. Further, the Committee recognizes that Section 2-2-70 requires all testimony given to the Committee to be under oath, and anyone knowingly furnishing false information will be subject to the penalties provided by law.

12.1 After receiving summaries from Committee staff<sup>s</sup> or a staff oversight study, if there is one, and an agency response to the study, if there is one, the subcommittee or ad hoc committee assigned to study and investigate an agency shall review the oversight study and response information and determine what other tools investigative resources or partners, if any, of legislative oversight should be utilized in studying and investigating the agency.

12.2 Other tools investigative resources or partners of legislative oversight include:

12.2.1 Requesting the Legislative Audit Council to study the agency's Program Evaluation Report, after obtaining prior approval from the Committee Chairman, pursuant to 2-2-60(D) and Committee Rule 7.6;

12.2.2 Requesting the Legislative Audit Council perform its own audit of the agency or program, after obtaining prior approval from the Committee Chairman, pursuant to 2-2-60(D) and Committee Rule 7.6;

12.2.3 Referring allegations of fraud, waste, abuse, mismanagement, misconduct, violations of state or federal law, and wrongdoing in an executive branch agency to the State Inspector General and/or appropriate law enforcement agenc(ies);

~~12.2.3~~ 12.2.4 Deposing witnesses pursuant to Section 2-2-50(B) and Committee Rule 7.2;

~~12.2.4~~ 12.2.5 Issuing subpoenas and subpoenas duces tecum (production of documents) pursuant to Section 2-2-50(C) and Committee Rule 7.2; and

~~12.2.5~~ 12.2.6 Having a public hearing pursuant to Committee Rule 7.3 and Committee Rule 7.5; and

12.2.7 Affirmatively approving recommendations that may have been made by the Members of the subcommittee or ad hoc committee in a prior General Assembly.

### ***Approve, Add Written Statements & Refer to Full Committee***

12.3 A subcommittee or ad hoc committee shall approve an oversight study for the full Committee.

12.3.1 A copy of the subcommittee or ad hoc committee study shall be provided to:

(a) the appropriate subcommittee or ad hoc committee and

(b) the Members of any legislative standing committees in the House that may share subject matter jurisdiction over the agency.

12.4 Any member of the subcommittee or ad hoc committee assigned to study and investigate the agency may provide a written statement for inclusion with the oversight study for the full committee.

12.5 The subcommittee or ad hoc committee chairman shall notify the Committee Chairman in writing that an oversight study is available for consideration by the full Committee.

12.5.1 The subcommittee or ad hoc committee study shall be published online.

***Address Any Allegations of Violations of Contempt of the General Assembly (S.C. Code of Laws §2-2-100)***

12.6 Any subcommittee member may make a motion alleging an individual may have violated S.C. Code of Laws §2-2-100 (contempt of the General Assembly) and requesting that the full Committee undertake an inquiry to determine whether to refer the matter to the Attorney General. The current text of this statute is provided below.

Any person who appears before a committee or subcommittee of either house, pursuant to this chapter, and wilfully gives false, materially misleading, or materially incomplete testimony under oath is guilty of contempt of the General Assembly. A person who is convicted of or pleads guilty to contempt of the General Assembly is guilty of a felony and, upon conviction, must be fined within the discretion of the court or imprisoned for not more than five years, or both.

12.7 If this motion passes, the subcommittee chair shall provide written notification of the subcommittee's request to the Chairman.

12.7.1 The study of the agency continues, unless the subcommittee approves a motion to the contrary.

12.8 If a motion fails, the agency study continues.

***Address Any Allegations of Violations of Criminal Contempt of the General Assembly (S.C. Code of Laws §2-2-120)***

12.9 Any subcommittee member may make a motion alleging an individual may have violated S.C. Code of Laws §2-2-120 (criminal contempt of the General Assembly) and requesting that the full Committee undertake an inquiry to determine whether to refer the matter to the Attorney General. The current text of this statute is provided below.

A person is guilty of criminal contempt when, having been duly subpoenaed to attend as a witness before either house of the legislature or before any committee thereof, he:

- (1) fails or refuses to attend without lawful excuse; or
- (2) refuses to be sworn; or
- (3) refuses to answer any material and proper question; or
- (4) refuses, after reasonable notice, to produce books, papers, or documents in his possession or under his

control which constitute material and proper evidence.

A person who is convicted of or pleads guilty to criminal contempt is guilty of a felony and, upon conviction, must be fined within the discretion of the court or imprisoned for not more than five years, or both.

12.10 If a motion passes, the Subcommittee chair shall provide written notification to the Chairman of the Subcommittee's request.

12.10.1 The study of the agency continues, unless the subcommittee approves a motion to the contrary.

12.11 If a motion fails, the agency study continues.

### **13. FULL COMMITTEE REVIEW & REFERRAL, APPROVAL OR FURTHER INVESTIGATION**

#### ***Schedule a Full Committee Meeting***

13.1 The Committee Chairman shall schedule a full Committee meeting for the purpose of receiving an oversight study of an agency from a subcommittee or ad hoc committee.

#### ***Options for Handling the Oversight Study***

13.2 The full Committee may:

13.2.1 Refer a legislative oversight study and investigation back to a subcommittee or an ad hoc committee for further evaluation;

13.2.2 Approve the subcommittee or ad hoc committee's report; or

13.2.3 As the full Committee, choose to further evaluate an agency utilizing any of the available tools of legislative oversight discussed in Standard Practice 12.2, Committee Rule 7.4, Committee Rule 7.5, and Committee Rule 7.6.

#### ***Approve, Add Written Statements & Publish Final-Approved Full Committee Oversight Study***

13.3 The full Committee shall approve a ~~final oversight study~~ full committee study. This full Committee study does not conclude the study of the agency. The agency remains under study, should additional issues arise, until the end of the seven-year cycle.

13.4 Any member of the Committee may provide a written statement for inclusion with the ~~final~~ full committee study.

13.5 The full Committee's ~~final~~ oversight study shall be published online.

13.6 The agency will receive a copy of the full Committee's ~~final~~ oversight study.

#### ***If follow up with an Agency is requested after approval of a Full Committee Study***

13.7 After the approval of a full committee oversight study, a committee member may make a motion, during a full committee meeting, to request agency representatives attend a full or

subcommittee meeting for the purpose of obtaining additional information about the operation of the agency and/or submitting supplemental recommendations.

***Address Any Allegation(s) of Violation(s) of Contempt of the General Assembly (S.C. Code of Laws §2-2-100) or Criminal Contempt of the General Assembly (S.C. Code of Laws §2-2-120)***

13.7 Upon receipt of notification of a subcommittee's request that the full Committee undertake an inquiry as to whether to refer a matter to the Attorney General on the basis that a violation of contempt of the General Assembly (S.C. Code of Law §2-2-100) or criminal contempt of the General Assembly (S.C. Code of Law §2-2-120) may have occurred, the Committee Chairman shall bring the matter before the full Committee.

13.8 When the full Committee takes up the requested inquiry, it may decide whether or not it will refer the matter to the Attorney General to address in an appropriate manner as determined by the Attorney General.

#### **14. POST REVIEW PROCESS**

##### ***Briefings***

14.1 The Committee shall offer at least one briefing to Members of the House about the contents of a final oversight study approved by the Committee.

14.2 The Committee Chairman, at his discretion, may provide briefings to the public about the contents of a final oversight study approved by the Committee.

##### ***Legislation to Implement Recommendations***

14.3 The Committee recognizes that any Member of the House may file legislation to implement any recommendation.

##### ***Post Review Assessments Developed by Committee***

14.4 The Committee shall develop post review assessments in order to receive feedback from various participants on ways to improve the legislative oversight study and investigation process.



January 17, 2017

Raymond Buxton, II, Commissioner  
South Carolina Human Affairs Commission  
2611 Forest Dr. Suite 200  
Columbia, South Carolina 29204

RE: Legislative Oversight Study of the South Carolina Human Affairs Commission

Dear Commissioner Buxton:

On January 10, 2017, the House Legislative Oversight Committee approved the South Carolina Human Affairs Commission for review, investigation and study. In conducting studies, it is the Legislative Oversight Committee's goal to partner with the agency to help it identify areas in which it can continue to improve upon the positive results it has generated for the people of South Carolina.

In the near future, the Committee will schedule a meeting with your agency to discuss preliminary matters relating to the agency. The agency will have an opportunity provide a brief overview of its programs and ask questions. Also, please do not hesitate to contact Committee staff at any time with questions.

The Committee wants to ensure the agency has as much information as possible and ample opportunity to review materials prior to the meeting. Therefore, enclosed is a flow chart with an overview of the process the Committee intends to follow, copy of the Committee's Rules and copy of the Committee's Standard Practices (please note these may be modified). Also, below is a brief summary of the Committee's expectations.

The Committee expects the following of each agency under study:

- Inform its staff that the agency is undergoing the legislative oversight study process as well as the purpose of the study;
- Appoint a liaison to assist the Committee with all activities;
- Respond to its requests in a concise, complete and timely manner;

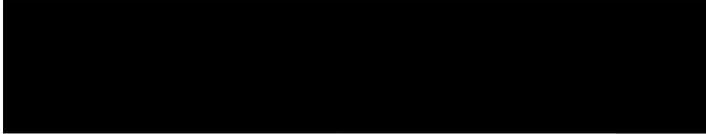
Page Two  
Commissioner Buxton

- Be candid with the Committee and to promptly discuss with the Committee any concerns or questions the agency may have related to the legislative oversight study process, including any concerns the agency may have that the Committee has drawn an incorrect conclusion;
- Realize written information provided to the Committee is considered sworn testimony; and
- Inform the Committee if any information requested by the Committee, or provided by the agency, cannot be published online due to provisions in contract or law.

Enclosed please find information to share with agency employees in the manner in which the agency regularly communicates with its employees.

I hope the information above and enclosed is helpful to you and your agency in understanding the process the Committee intends to following in conducting its study and investigation process.

Sincerely,



Wm. Weston J. Newton  
Chairman, House Legislative Oversight Committee

Enclosures

cc: House Legislative Oversight Committee

OFFICE ADDRESS:  
Post Office Box 11867  
Columbia, South Carolina 29211  
(803) 212-6810 Fax: (803) 212-6811  
E-mail: westonnewton@schouse.gov  
228 Blatt Building



HOME ADDRESS:  
83 Myrtle Island Road  
Bluffton, South Carolina 29910  
Cell: (843) 683-6111

**REPRESENTATIVE WM. WESTON J. NEWTON**  
THE HOUSE OF REPRESENTATIVES  
STATE OF SOUTH CAROLINA  
District No. 120 - Beaufort and Jasper Counties

COMMITTEES:  
Judiciary  
Legislative Oversight, Chairman

LEGISLATIVE DELEGATION OFFICES:  
Beaufort: (843) 255-2260 Fax: (843) 255-9425  
Jasper: (843) 726-6019 Fax: (843) 726-5068

Wednesday, February 15, 2017

The Honorable Laurie Slade Funderburk  
First Vice-Chair, House Legislative Oversight Committee  
Post Office Box 11867  
Columbia, South Carolina 29211

Hand-delivered

Dear Representative Funderburk:

An attorney in my law firm has accepted representation of a client(s) in responding to complaints pending with the Human Affairs Commission. While not required by law, I am today recusing myself from the upcoming LOC study of this agency to honor the trust and confidence of the citizens of South Carolina by avoiding even the appearance of impropriety.

Sincerely,

Signature Redacted

Wm. Weston J. Newton

cc: South Carolina Human Affairs Commission

Received  
2/15/17  
Signature Redacted

*Appendix B. March 9, 2017, Meeting Information*

South Carolina  
House of Representatives



Legislative Oversight Committee

*Thursday, March 9, 2017*

*1:00 p.m.*

*Blatt Building - Room 110*

*Pursuant to Committee Rule 4.9, S.C. ETV shall be allowed access for internet streaming whenever technologically feasible.*

**Revised AGENDA**

- I. Approval of minutes from March 2, 2017 meeting
- II. Opportunity for Public Input about the Election Commission, Human Affairs Commission, and Law Enforcement Training Council and Criminal Justice Academy

Individuals can sign up to testify by calling the House Legislative Oversight Committee at 803-212-6810, emailing the Committee at [hcommlegov@schouse.gov](mailto:hcommlegov@schouse.gov), or signing up in person a few minutes prior to the meeting. S.C. Code of Laws Section 2-2-70 provides that all testimony given to the investigating committee must be under oath.

An ongoing opportunity for public input is available on the Committee's website, which allows individuals to provide comments to the House Legislative Oversight Committee anonymously.

- III. Adjournment

*Chair Wm. Weston J. Newton*

*First Vice-Chair:  
Laurie Slade Funderburk*

## **Legislative Oversight Committee**

*Katherine E. (Katie) Arrington  
Gary E. Clary  
MaryGail K. Douglas  
Phyllis J. Henderson  
Joseph H. Jefferson Jr.  
Mandy Powers Norrell  
J. Todd Rutherford  
Tommy M. Stringer  
Bill Taylor*



*William K. (Bill) Bowers  
Neal Collins  
Raye Felder  
William M. "Bill" Hixon  
Ralph W. Norman  
Robert L. Ridgeway III  
James E. Smith Jr.  
Edward R. Tallon Sr.  
Robert Q. Williams*

**South Carolina House of Representatives**

*Jennifer L. Dobson  
Research Director*

**Post Office Box 11867**

**Columbia, South Carolina 29211**

*Charles L. Appleby IV  
Legal Counsel*

*Cathy A. Greer  
Administration Coordinator*

**Telephone: (803) 212-6810 • Fax: (803) 212-6811**

*Carmen J. McCutcheon Simon  
Research Analyst/Auditor*

**Room 228 Blatt Building**

### **Legislative Oversight Committee Meeting**

**Thursday, March 2, 2017**

**Blatt Building Room 110**

#### **Archived Video Available**

- I. Pursuant to House Legislative Oversight Committee Rule 6.8, South Carolina ETV was allowed access for streaming the meeting. You may access an archived video of this meeting by visiting the South Carolina General Assembly's website (<http://www.scstatehouse.gov>) and clicking on *Committee Postings and Reports*, then under *House Standing Committees* click on *Legislative Oversight*. Then, click on *Video Archives* for a listing of archived videos for the Committee.

#### **Attendance**

- I. The House Legislative Oversight Committee was called to order by Vice Chair Laurie Slade Funderburk on Thursday, March 2, 2017, in Room 110 of the Blatt Building. All members of the Committee were present for all or a portion of the meeting, except: Representative Mandy Powers Norrell; Representative Todd Rutherford; Representative James E. Smith, Jr.; Representative Tommy M. Stringer; and Chair Wm. Weston J. Newton.

#### **Minutes**

- I. House Rule 4.5 requires standing committees to prepare and make available to the public the minutes of committee meetings, but the minutes do not have to be verbatim accounts of meetings. Representative Jefferson moved to approve the minutes from the Committee's meeting on January 10, 2017, with a scrivener's error corrected by staff. A roll call vote was held, and the motion passed.

<b>Representative Jefferson’s motion to approve the minutes from the January 10, 2017, meeting, with a scrivener’s error corrected by staff:</b>	<b>Yea</b>	<b>Nay</b>	<b>Not Voting: Present</b>	<b>Not Voting: Absent</b>
Katherine E. Arrington	✓			
William K. Bowers				✓
Gary E. Clary	✓			
Neal Collins	✓			
MaryGail Douglas				✓
Raye Felder				✓
Laurie Slade Funderburk	✓			
Phyllis Henderson	✓			
Bill Hixon	✓			
Joseph H. Jefferson, Jr.	✓			
Mandy Powers Norrell				✓
Robert L. Ridgeway, III	✓			
Todd Rutherford				✓
James E. Smith, Jr.				✓
Tommy Stringer				✓
Edward R. Tallon	✓			
Bill Taylor	✓			
Robert Q. Williams	✓			
Wm. Weston J. Newton				✓

### **Agency Introductions**

- I. Vice Chair Funderburk administered the oath to the agency heads who were present, who were: Dr. Beverly Buscemi (Director of the Department of Disabilities and Special Needs); Dr. Eric Emerson (Director of the Department of Archives and History); and Dr. Dan Webb (Director of the John de la Howe School).
- II. Director Emerson provided a brief background of the Department of Archives and History. Director Buscemi provided a brief overview of the Department of Disabilities and Special Needs (DDSN). Director Webb provided a brief overview of the John de la Howe School.

### **Public Testimony**

- I. Members of the public provided testimony about the agencies. Before giving any testimony, each person was administered an oath by Vice Chair Funderburk. Given below are the names of each person who testified and the time in the archived video

at which the testimony begins. The testimony is grouped below by the agency about which the testimony relates, instead of the order in which the individuals testified.

#### Department of Archives and History

##### **Rorey Cathcart (21:20)**

Ms. Cathcart is a genealogist from Charleston and the president of a national genealogical nonprofit. She testified the Department's central consolidation of records allows her to effectively research records and draws attention from all of the world due to the Department's comprehensive and unique collection.

##### **Sue Eleazor (2:07:00)**

Ms. Eleazor testified the Department of Archives and History is at the heart of much of what she does. The Department's people, facilities and online resources make it easier to back up and document her work. When resources are cut, it is felt in almost every community, from genealogical chapters to historical societies. There have been fewer staff to help with conservation efforts and machines and equipment are often in need of repair. There needs to be better accountability for burial grounds around the state. A cutback of hours at research facilities has resulted in a tourism loss.

#### Department of Disabilities and Special Needs (DDSN)

##### **Rickey Bryant (24:05)**

Mr. Bryant testified about his experience having a daughter who was in DDSN's care, and that he did not know of his daughter's location for three months. He testified his daughter was over eighteen years of age, so DDSN would not notify him of his daughter's whereabouts or condition unless he first became her legal guardian. He testified to distressing events that occurred while his daughter was in the care of the agency. He testified he had experienced very negative interactions with the agency over the years, and he asked the Subcommittee to investigate DDSN and support legislation to make DDSN a cabinet agency.

##### **Deborah McPherson (36:12)**

Ms. Bryant testified about her adult daughter with special needs and her experiences working at and around DDSN over the years. She is a former member of DDSN's board. She talked about the audit of DDSN by the Legislative Audit Council and the dysfunction of the Commission. She testified the agency suffers from lack of oversight and accountability; the Commission has become a rubber stamp for the agency; and the Commission is being operated in violation of the Freedom of Information Act. She also testified employees and commissioners who speak out about the situation are subjected to reprisals by DDSN.

**Carolyn O'Connell (46:58)**

Ms. O'Connell has been involved in DDSN in Greenville County. She recommended the management of DDSN be subject to oversight. She believes there is corruption and retaliation at DDSN. She had a brother who was served by DDSN in the past. She testified that parents of children currently in DDSN custody will not speak out about issues because they fear retaliation. She thinks there is a lot of cronyism surrounding the agency from people who used to be employed at DDSN.

**Linda Lee (1:02:00)**

Ms. Lee is the mother of a disabled daughter who has been served at a DDSN regional center for almost 31 years. She provided a positive perspective of the agency. She testified her daughter has thrived from the care she has received from DDSN. She is worried that DDSN would become unstable if it becomes a cabinet agency and gets a new director after each gubernatorial election.

**Kathleen Roberts (1:06:50)**

Ms. Roberts had two sons with an undiagnosed brain disease who were served by DDSN for over 36 years. Her sons were a few years apart in age, and eventually became roommates at DDSN. She was very happy with DDSN's care for her sons. She continues to advocate for DDSN because of the services she received for her sons.

**Patricia Harrison (1:37:15)**

Ms. Harrison testified about the band funding system at DDSN. She also testified, as a former member of a governing board at DDSN, about the inability of boards to govern because the boards are kept in the dark. She testified that she resigned from her role after a rape was not reported. She testified family members of DDSN patients will not speak out about the problems at the agency because they fear being targets of retaliation. She asked the Committee to take a look at the band system at DDSN, which she believes is illegal. She requested the Committee look at the audits.

**Charles Hall (2:12:09)**

He is a consumer of DDSN under the head and spinal cord waiver through Medicaid. He has never had a problem with the state office. He would like to see oversight of the local boards. DDSN is a large, complicated spiderweb. There are private providers and public providers and they all have to intermingle.

**Jerry Bernard (2:23:44)**

He is employed by the Charles Lea Center in Spartanburg. He represents the Human Services Providers Association. He appreciates DDSN supporting them in trying to raise their salaries. He feels the funding rates are inadequate as there are unfunded and underfunded mandates. Mr. Bernard believes communication from the agency to

providers needs to improve. He also has concerns about the Commission structure. He feels there are some Commission members who are there for their own purposes and the Commission has lost its focus. He commends the director and her senior staff for having an open door policy; however, this does not always filter down through the department. He feels the relationship between DDSN and DHHS should be further defined. The billing structure should be reviewed. He thinks the recent publicity of DDSN has been over inflated.

#### John de la Howe School (School)

##### **Sierra Goodwin (58:55)**

Ms. Goodwin is a former student of the John de la Howe School, and she testified on behalf of the School. She testified she had opportunities at the School that she would not have had at home. She learned many things at John de la Howe that her parents could not have taught her. She asked that the state keep the School operating.

##### **Kentrell Goodwin (1:12:34)**

Mr. Goodwin testified that John de la Howe changed him for the better. He testified that he was a troubled child and the employees at the School taught him all the things he needed to change his life and make something of himself. He testified that the School is an amazing place.

##### **Zebulon Young (1:20:20)**

Dr. Young is the Human Resources Director for the School, and has been there for about three or four years. He has worked in human resources for almost fifteen years. He testified that the turnover rate was 67% when he started at the School. He testified that the majority of the School's staff have over forty hours of training every year. He testified about his experience in human resources at the School.

##### **Renzie Coleman (1:44:00)**

Mr. Coleman is the Director of Finance and Business at the School. He started working for the School in late February 2017. He previously worked at Ft. Gordon in Augusta, Georgia. He is working on cost savings measures for the School.

##### **Jonathan Rose (1:50:02)**

Mr. Rose was the Principal at the School in 2014. He is no longer an employee of the School. He provided brochures regarding the School. He acknowledged that it has been a bumpy road and testified a big problem at the School is the over age, under credited students. He wants the kids to have a positive impact on their community.

**Gene Swygert (1:57:40)**

Mr. Swygert is an alumni of the School. The School has had a positive impact on his life. According to Mr. Swygert, lack of funding has been a problem and buildings are in need of repair.

**Barbara Devinney (2:02:06)**

Ms. Devinney serves on the Board of Trustees for the School and has done so since June of 2013. She supports the agricultural expansion on the campus, in collaboration with Clemson University. She is concerned that if the current proviso passes to put the property under Clemson, the School will close and never reopen, which would be a tremendous tragedy to the children of this state. She expressed numerous concerns about legislative interaction with the School.

**Anthony Debenedetto (2:18:05)**

Mr. Debenedetto is a former student at the School and now an employee of the School. At the School, he learned how to be trustworthy, honest, respectful, and he gained leadership skills. He testified that if he had not gone to the School, he would not be successful because the School taught him independent living and how to do things the right way. He currently works in the wilderness program at the School.

**Agency Closing Statements and Adjournment**

- I. Each agency director provided a closing statement.
- II. Vice-Chair Funderburk stated the Committee will next meet on Thursday, March 9, 2017 at 1:00 p.m., in Room 110 Blatt. The meeting was then adjourned.

## Law Enforcement Training Council and Criminal Justice Academy

**Mission:**

It is the mission of the South Carolina Criminal Just Academy to foster and uphold prescribed laws and regulations by providing mandated basic and advanced training to criminal justice personnel and maintain a continuous certification process to ensure that only the most qualified persons are sanctioned by the State to serve.

**FTE Overview (as of July 1, 2016):**

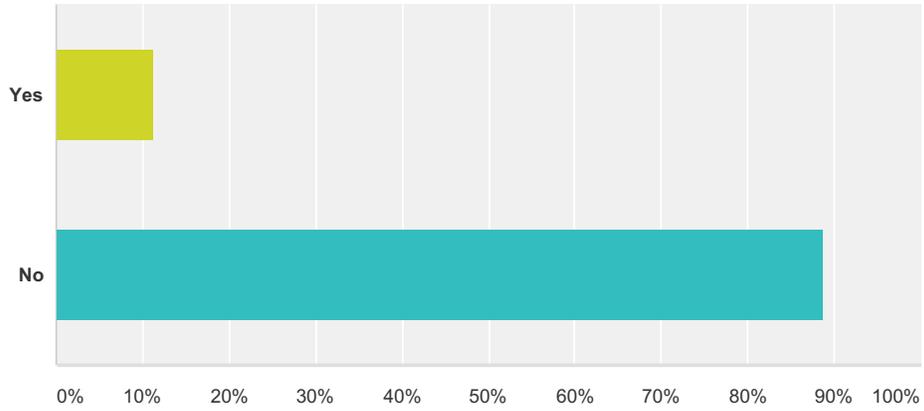
Authorized: 124.250  
 Positions Filled: 124.250  
 Vacancies: 11.250

**2016 General Appropriations Act:**

	TOTAL FUNDS	GENERAL FUNDS
<b>LAW ENFORCEMENT TRAINING COUNCIL</b>		
<b>I. ADMINISTRATION</b>		
EXECUTIVE DIRECTOR	102,155	
	(1.00)	
CLASSIFIED POSITIONS	2,375,776	
	(59.00)	
OTHER PERSONAL SERVICES	47,000	
OTHER OPERATING EXPENSES	1,917,646	327,336
ETV - STATE & LOCAL TRAINING OF LAW ENFORCE	140,000	140,000
<b>TOTAL I. ADMINISTRATION</b>	<b>4,582,577</b>	<b>467,336</b>
	<b>(60.00)</b>	
<b>II. TRAINING</b>		
CLASSIFIED POSITIONS	2,734,522	850,000
	(64.25)	(17.00)
OTHER PERSONAL SERVICES	212,988	
OTHER OPERATING EXPENSES	3,842,505	2,500,000
<b>TOTAL II. TRAINING</b>	<b>6,790,015</b>	<b>3,350,000</b>
	<b>(64.25)</b>	<b>(17.00)</b>
<b>III. EMPLOYEE BENEFITS</b>		
EMPLOYER CONTRIBUTIONS	1,946,200	351,456
<b>TOTAL III. EMPLOYEE BENEFITS</b>	<b>1,946,200</b>	<b>351,456</b>
<b>TOTAL LAW ENFORCEMENT TRAINING COUNCIL</b>	<b>13,318,792</b>	<b>4,168,792</b>
	<b>(124.25)</b>	<b>(17.00)</b>

### Q11 Would you like to provide input about the Law Enforcement Training Council and Criminal Justice Academy?

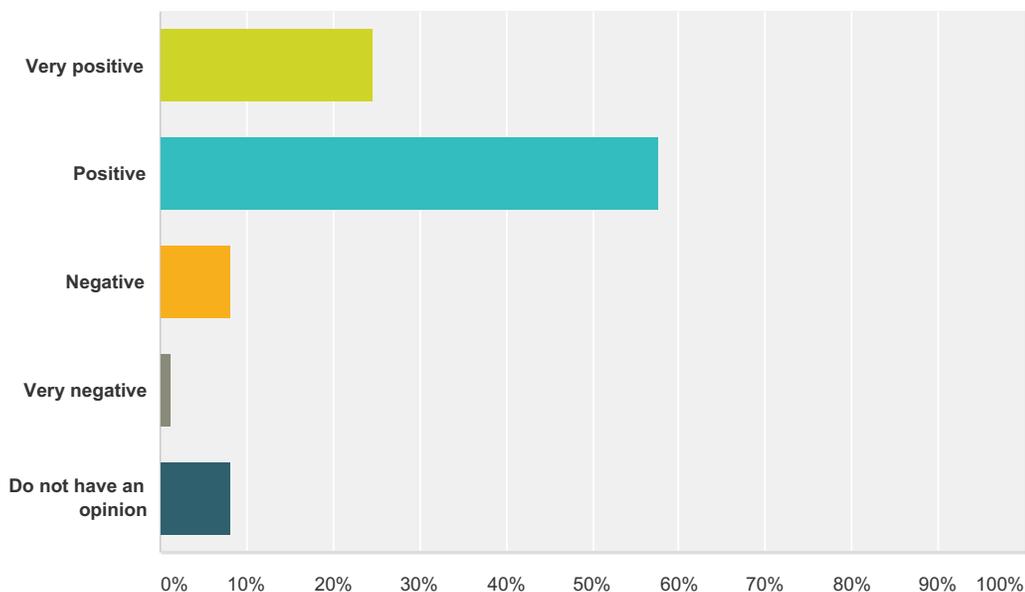
Answered: 811 Skipped: 214



Answer Choices	Responses
Yes	11.34% 92
No	88.66% 719
<b>Total</b>	<b>811</b>

### Q12 Overall, what is your opinion of the Law Enforcement Training Council and Criminal Justice Academy?

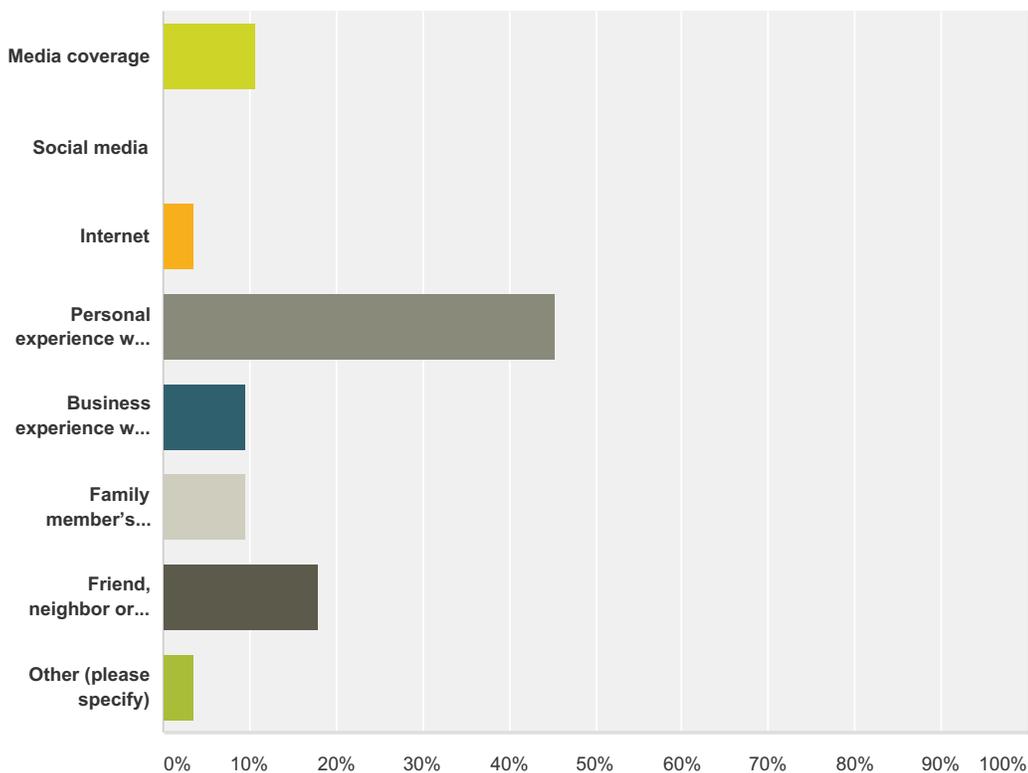
Answered: 85 Skipped: 940



Answer Choices	Responses	
Very positive	24.71%	21
Positive	57.65%	49
Negative	8.24%	7
Very negative	1.18%	1
Do not have an opinion	8.24%	7
<b>Total</b>		<b>85</b>

### Q13 Which of the following has most influenced your opinion of the Law Enforcement Training Council and Criminal Justice Academy?

Answered: 84 Skipped: 941



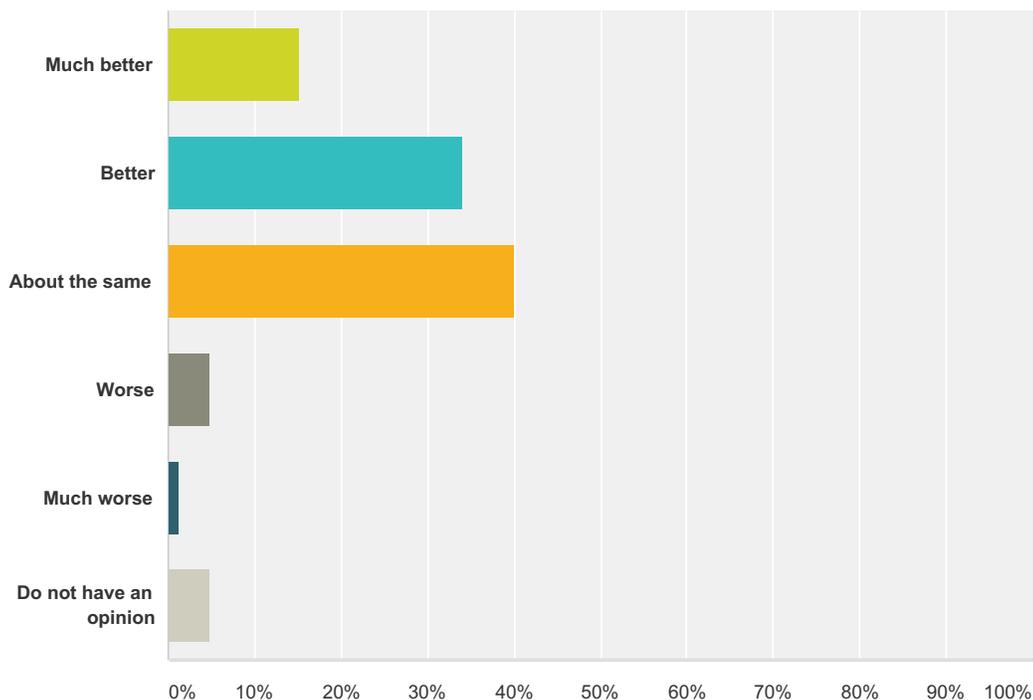
Answer Choices	Responses
Media coverage	10.71% 9
Social media	0.00% 0
Internet	3.57% 3
Personal experience with the agency	45.24% 38
Business experience with the agency	9.52% 8
Family member's experience with the agency	9.52% 8
Friend, neighbor or colleague's experience with the agency	17.86% 15
Other (please specify)	3.57% 3
<b>Total</b>	<b>84</b>

#	Other (please specify)	Date
1	family member with no experience	5/19/2016 10:43 AM
2	<b>employee</b> Employed at the agency	5/18/2016 10:47 AM
3	No opinion.	5/16/2016 9:42 AM



### Q14 How do you think the Law Enforcement Training Council and Criminal Justice Academy functions on an overall basis in comparison to state agencies in South Carolina?

Answered: 85 Skipped: 940



Answer Choices	Responses
Much better	15.29% 13
Better	34.12% 29
About the same	40.00% 34
Worse	4.71% 4
Much worse	1.18% 1
Do not have an opinion	4.71% 4
<b>Total</b>	<b>85</b>

**Q15 Please list any comments, concerns, or suggestions you may have about the Law Enforcement Training Council and Criminal Justice Academy. Your response will be quoted verbatim and published online.**

Answered: 21 Skipped: 1,004

#	Responses	Date
1	Agency should establish a pay step increase program based on years of service.	5/31/2016 2:40 PM
2	<b>Salaries</b> The Criminal Justice Academy needs to be able to fund more competitive salaries for instructors. Currently, starting pay for an instructor is equal to or slightly better than entry level pay for police officers at local agencies. The Academy should be recruiting the best officers from around the state to instruct our state's officers, but the average instructor-candidate with 6-10 years experience would probably not be able to afford the reduction in pay that comes with working at the Academy.	5/23/2016 4:37 PM
3	<b>Postive</b> Very important agency concerning the past, present and future of our State.	5/18/2016 10:47 AM
4	<b>Funding Salaries</b> The agency is underfunded. It cannot compete for qualified instructors or administrative staff. It is difficult to qualify for grants because the State has not declared it a State Law Enforcement Agency. Personnel are in fact over worked and underpaid. Given the circumstances the agency enjoys a much improved relationship with the Law Enforcement Community as well as the media and the legislature. The staff is hardworking and dedicated but woefully underpaid.	5/18/2016 9:01 AM
5	<b>General</b> The more training we can have for law enforcement officers the better for everyone involved: officers and community.	5/16/2016 8:35 AM
6	<b>Certification</b> If someone doesn't pass a portion of the academy, the turnaround time is not standard for them to go back to pass the course. Some people from some agencies are quickly enrolled back in to pass portion of class failed while others may have to wait months. I believe the process should be standardized for all agencies.	5/16/2016 7:43 AM
7	<b>General</b> It's a bad sign when law enforcement shot unarm citizens who are running away from them and claim they fear for their life.	5/13/2016 5:26 PM
8	<b>Postive</b> They do a very good job.	5/13/2016 4:43 PM
9	<b>Funding Management Postive</b> For the last eight years, the SCCJA has excelled in all areas, making great strides in law enforcement training. When you consider the minuscule budget afforded the Academy, the results achieved are truly amazing. The present Director is the best that the Academy has ever had....a man of vision and leadership.	5/12/2016 6:46 AM
10	<b>Postive</b> SC police are the best. As a civilian, I can tell they have received top training.	5/8/2016 10:59 PM
11	<b>Certification</b> The Training Council does not fully consider all aspects of an officer's career or the circumstances involved for a certification hearing. They did use proxy hearing officers to hear cases by non-council members and pretty much rubber stamped their recommendations. This proxy hearing officer procedure was found to be unlawful.	5/7/2016 12:16 PM
12	<b>Management</b> Employees, especially instructors, consistently leave work early on Fridays and do not take annual leave. This is costing the state thousands of dollars.	5/5/2016 7:36 PM
13	<b>Funding Postive</b> I am proud to be part of The Academy staff and make a difference towards our goal of training the law enforcement officers of the state and making sure they are equipped to protect the citizens. The staff here take their job serious and do their best to train the officers to be prepared. One of the main problems I see is that we do not have the funding to be able to pay highly qualified staff for specialized instructional programs and even to hire a highly experience IT Consultant. We are working within our budget to find the best employees we can to perform the job, but feel like we are not competitive with other Agencies and Law Enforcement Agencies in attracting highly trained staff.	5/5/2016 4:27 PM
14	<b>Funding Postive</b> They do a great job, When i was a student and heard that several of the staff and Teacher had two jobs. This told me the state doesnt pay them enough. They train us cops and the state should pay them more.	5/5/2016 9:18 AM
15	<b>Funding Postive</b> The academy does a great job, though they have to function with an unreasonable budget, and their employess are way under paid for what they do.	5/5/2016 9:14 AM

May 2016 - Provide Input to the South Carolina House of Representatives' Legislative Oversight Committee

16	<p><b>Management</b> The Academy is governed by the LETC, governed by SC Agency Heads, and SC Chiefs and Sheriffs. It has been felt by many that this group is biased when it comes to the Academy's primary responsibility of certification and decertification. These LEO's know each other and are often intimidated by a council member. There must be a change in the structure of the LETC to allow laymen to participate, not solely law enforcement. The LETC also has say who should take over when a Director resigns office. This can be heavily swayed by internal friendships on staff and not necessarily the best of the best. A more stringent and filtering process needs to be implements in the selection of an Interim Director, appointed Director, and Deputy Director. History shows that LEO's don't make good managers, nor do attorneys. The SCCJA needs to have a manager with a past of fixing agencies and weeding out the problems.</p>	5/3/2016 10:44 AM
17	<p><b>Funding</b> The decrease in funding must be addressed in order to keep providing excellent training to the law enforcement community.</p>	5/3/2016 9:11 AM
18	<p><b>Management</b> I suggest that the Law Enforcement Training Council be comprised of law persons. Having the Council comprised of Directors, Sheriffs, Chiefs result in an entity that is too political, and not a Council answerable to the concerns of the citizens of S.C. Police training and certification is a concern of all citizens.</p>	5/2/2016 9:39 PM
19	<p><b>Funding Management</b> Pay increases are used to pad the upper echelons retirement accounts at the expense of people who go 15 to 20 years without a pay raise. Law Enforcement personnel are favored over non-law enforcement personnel. Cronyism is rampant. Ethical behavior is a rarity not a norm. The entire executive staff needs to be replaced. There is a complete lack of understanding that the Academy is a school/training facility not a police department. Frequently, when employees are called in for counseling they are treated like criminals with law enforcement interrogation tactics. Many employees have been driven to nervous breakdowns. When employees are not being paid fairly it creates a climate of distrust and hostility that tears the place apart. The Academy needs to be funded to support the classes it teaches. Demanding instructors put together programs and not funding the staff and supplies needed to do the job is an everyday occurrence.</p>	5/2/2016 5:59 PM
20	<p><b>Management</b> CJA operates about the same as other state agencies in that with government no one can use common sense. When suggestions are made, they are not considered. An open mind would be better in all state agencies.</p>	5/2/2016 1:14 PM
21	<p><b>Positive</b> The Criminal Justice Academy has some of the most dedicated employees that have a true passion for the work they do. Training law enforcement throughout the state to serve and protect the citizens of this state as well as keeping themselves safe. It doesnt matter if it is the cafeteria staff, facility management, admin staff, instructors, or command staff, everyone has a stake in the students that come through.</p>	5/2/2016 10:06 AM

## Human Affairs Commission

### Mission:

The mission of the South Carolina Human Affairs Commission is to eliminate and prevent unlawful discrimination in:

- Employment on the basis of race, color, national origin, religion, sex, age and disability;
- Housing on the basis of race, color, national origin, religion, sex, familial status and disability;
- Public accommodations on the basis of race, color, national origin and religion; thereby promoting harmony and the betterment of human affairs for all citizens.

### FTE Overview (as of February 2017):

Authorized: 48

Positions Filled: 43

Vacancies: 6

### 2016 General Appropriations Act:

Sec. 70

#### HUMAN AFFAIRS COMMISSION

	TOTAL FUNDS	GENERAL FUNDS
<b>I. ADMINISTRATION</b>		
COMMISSIONER/S	104,070	104,070
	(1.00)	(1.00)
CLASSIFIED POSITIONS	302,394	302,394
	(7.00)	(7.00)
NEW POSITION ATTORNEY II	50,000	50,000
	(1.00)	(1.00)
OTHER PERSONAL SERVICES	3,500	3,500
OTHER OPERATING EXPENSES	143,502	140,002
<b>TOTAL I. ADMINISTRATION</b>	<b>603,466</b>	<b>599,966</b>
	<b>(9.00)</b>	<b>(9.00)</b>
<b>II. CONSULTIVE SERVICES</b>		
CLASSIFIED POSITIONS	130,888	130,888
	(6.00)	(5.00)
OTHER OPERATING EXPENSES	69,051	51,051
<b>TOTAL II. CONSULTIVE SERVICES</b>	<b>199,939</b>	<b>181,939</b>
	<b>(6.00)</b>	<b>(5.00)</b>
<b>III. COMPLIANCE PROGRAMS</b>		
CLASSIFIED POSITIONS	1,054,166	596,471
	(31.00)	(18.50)
NEW POSITION ADMINISTRATIVE SPECIALIST II	30,619	30,619
	(1.00)	(1.00)
NEW POSITION PROGRAM COORDINATOR II	40,000	
	(1.00)	
OTHER OPERATING EXPENSES	426,016	154,008
<b>TOTAL III. COMPLIANCE PROGRAMS</b>	<b>1,550,801</b>	<b>781,098</b>
	<b>(33.00)</b>	<b>(19.50)</b>

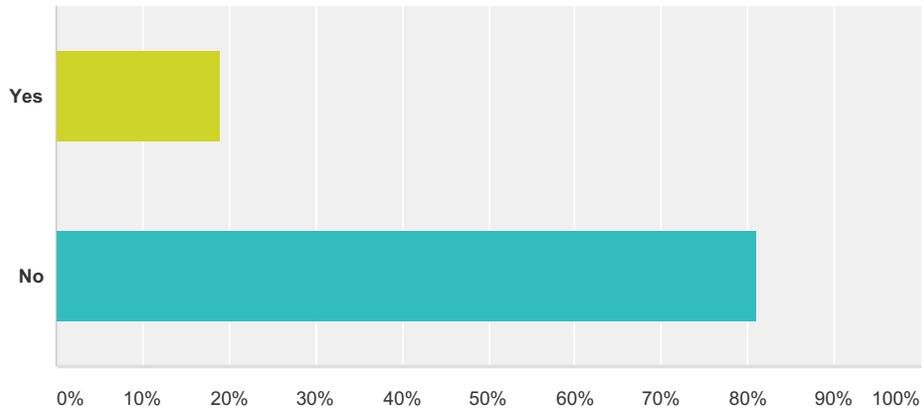
<b>IV. EMPLOYEE BENEFITS</b>		
EMPLOYER CONTRIBUTIONS	755,159	569,537
<b>TOTAL IV. EMPLOYEE BENEFITS</b>	<b>755,159</b>	<b>569,537</b>

	TOTAL FUNDS	GENERAL FUNDS
<b>TOTAL HUMAN AFFAIRS</b>	<b>3,109,365</b>	<b>2,132,540</b>
<b>COMMISSION</b>	<b>(48.00)</b>	<b>(33.50)</b>

Public input received as of Friday, March 2, 2017. The survey remains open until March 13.

### Q11 Would you like to provide input about the Human Affairs Commission?

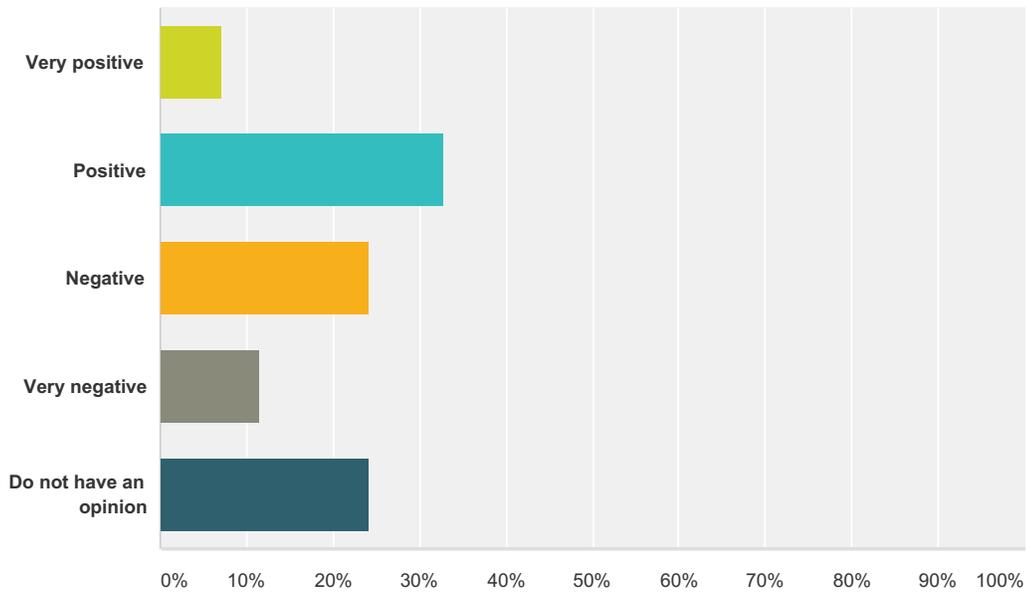
Answered: 385 Skipped: 97



Answer Choices	Responses
Yes	18.96% 73
No	81.04% 312
<b>Total</b>	<b>385</b>

### Q12 Overall, what is your opinion of the Human Affairs Commission?

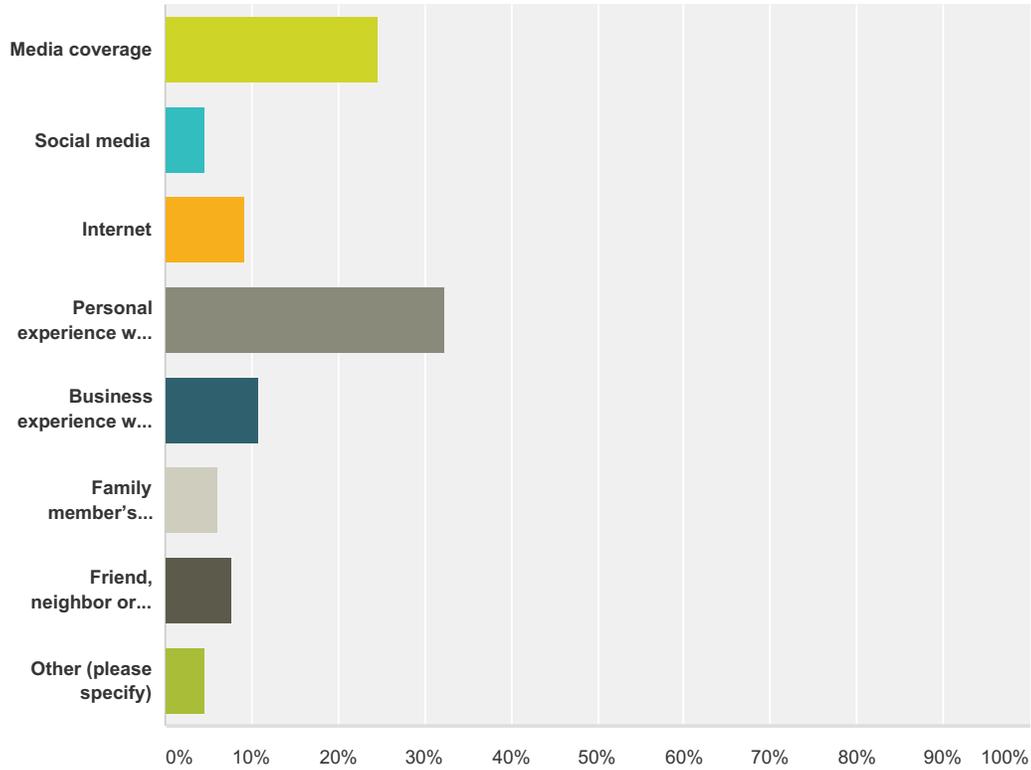
Answered: 70 Skipped: 412



Answer Choices	Responses	Count
Very positive	7.14%	5
Positive	32.86%	23
Negative	24.29%	17
Very negative	11.43%	8
Do not have an opinion	24.29%	17
<b>Total</b>		<b>70</b>

### Q13 Which of the following has most influenced your opinion of the Human Affairs Commission?

Answered: 65 Skipped: 417

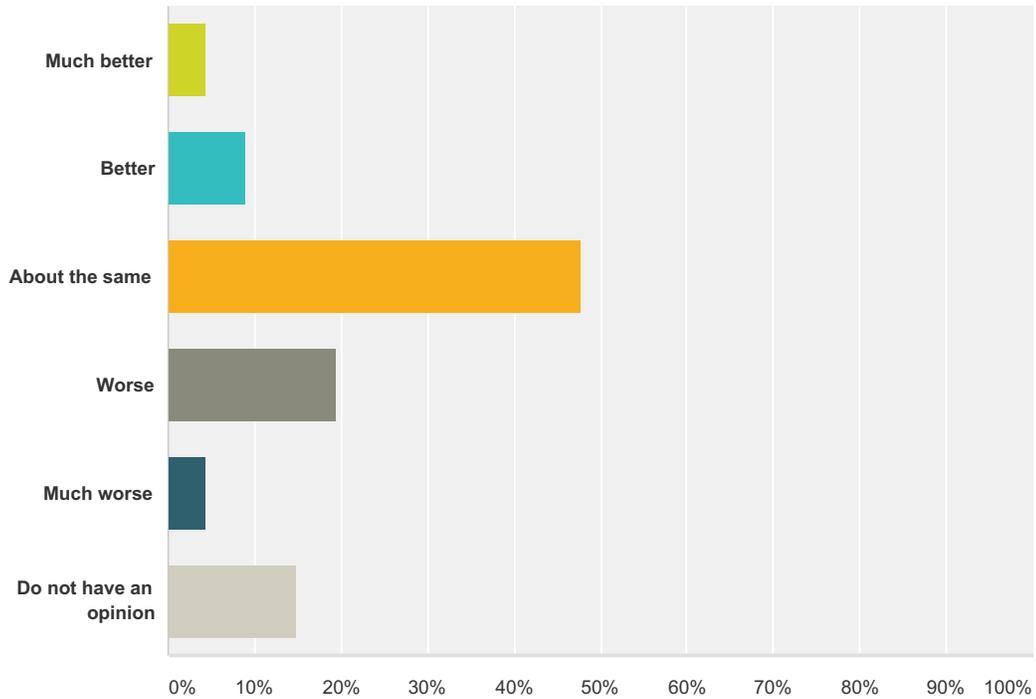


Answer Choices	Responses
Media coverage	24.62% 16
Social media	4.62% 3
Internet	9.23% 6
Personal experience with the agency	32.31% 21
Business experience with the agency	10.77% 7
Family member's experience with the agency	6.15% 4
Friend, neighbor or colleague's experience with the agency	7.69% 5
Other (please specify)	4.62% 3
<b>Total</b>	<b>65</b>

#	Other (please specify)	Date
1	Don't know much about it	2/17/2017 1:10 PM
2	None	2/14/2017 12:04 PM
3	Have not heard anything about this agency	2/10/2017 3:58 PM

### Q14 How do you think the Human Affairs Commission functions on an overall basis in comparison to state agencies in South Carolina?

Answered: 67 Skipped: 415



Answer Choices	Responses
Much better	4.48% 3
Better	8.96% 6
About the same	47.76% 32
Worse	19.40% 13
Much worse	4.48% 3
Do not have an opinion	14.93% 10
<b>Total</b>	<b>67</b>

**Q15 Please list any comments, concerns, or suggestions you may have about the Human Affairs Commission. Your response may be quoted verbatim in a Committee report.**

Answered: 18 Skipped: 464

#	Responses	Date
1	I know so little about this commission that I don't know what it does! What is it's purpose?	3/2/2017 1:45 PM
2	Policies should be in place to ensure that employees are being paid fairly.	3/1/2017 4:08 PM
3	There seems to be a lack of management structure that supports whatever their mission is at this time. Basically I see not purpose for the agency.	3/1/2017 11:54 AM
4	I've seen them personally in court fighting for human rights protection. This is a must in a society so easily preyed on by big business.	2/25/2017 12:05 PM
5	Not an effective agency	2/24/2017 9:17 AM
6	They should be protecting ADA rights but do not investigate complaints	2/23/2017 9:18 AM
7	Oversight of salaries; how money distributed once budget approved	2/20/2017 9:15 AM
8	4. A review of the pay increases for the past 5 years will show the partiality and the discriminatory treatment with reference to unequal pay/unfair wages; this crucial evidence (contact Human Affairs HR). African American, essential employees with tenure of 16+ years, (i.e., females age 40+), were given lesser percentage than Caucasian and male employees (who were more nonessential than essential) will be obvious in these reports. Collusion among the Commissioner, Board Chair, and management team to discriminate against certain groups of people is contradictory to Section 1-13-20, Declaration of Policy of the South Carolina Human Affairs Law. To correct the injustice done to these violated employees, make them whole by giving them equal pay in accordance with the services they have rendered to the Commission that they were not compensated for the past 5 years.	2/17/2017 5:55 PM
9	Reach out to the community more	2/17/2017 1:10 PM
10	I am concerned about the ill treatment of select female employees; compensation afforded upper level administrators, seemingly at the expense of neglecting lower level staff members; and closed communications to staff below the leadership level	2/15/2017 2:39 PM
11	NA	2/15/2017 1:04 PM
12	a. Commissioner Buxton asked for input from the employees for a SWOT analysis and then after they gave him their feedback, he proceeded to badger certain employees simply because he disagreed that the input included concerns about the existing discriminatory treatment of certain employees who currently work at the Agency. Were these actions intended to intimidate the employee(s)? Are these the actions of an unstable person? Is this a perfect example of an Abuse of Power?	2/13/2017 6:15 PM
13	Agency Audit and Restructuring	2/13/2017 12:17 PM
14	they need to be more helpful to employees who have been discriminated against	2/13/2017 10:27 AM
15	It is largely invisible. By virtue of its name, many of the wrongs and atrocities are left unpunished; often time even allowing the victim(s) to be blamed or mistreated. Where is the accountability. Where exactly is this department helping?	2/13/2017 9:32 AM
16	HAC needs to have a bigger role in performing the mission. Not many people have heard of the HAC.	2/13/2017 8:20 AM
17	Extremely positive experience each time that our agency works with the Human Affairs Commission. The employees have a solid response time to my questions, concerns, and complete the course of their work with an open mind and open door philosophy.	2/13/2017 8:03 AM

## Public Survey About Agencies Under Study February 2017

18	<p>Management has allowed Customer Service to deteriorate at Human Affairs. Constituents who come to the Agency as customers/complainants for assistance are being denied the use of the restrooms. Just recently, the children of an African American Complainant who was there for Mediation were denied the use of the restroom by a Caucasian female manager. Management needs to be reminded that the Agency is there to serve the constituents and without the constituents, the Human Affairs Commission is not needed. Further, the Caucasian female manager needs to be properly trained in customer service and reminded that she is employed to serve the customers and not to offend them.</p>	2/12/2017 11:08 PM
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## State Election Commission

**Mission:**

The mission of the State Election Commission is to ensure every eligible citizen in South Carolina has the opportunity to register to vote, participate in fair and impartial elections, and have the assurance that their vote will count.

**FTE Overview (as of February 2017):**

Authorized: 26.50

Positions Filled:

Vacancies:

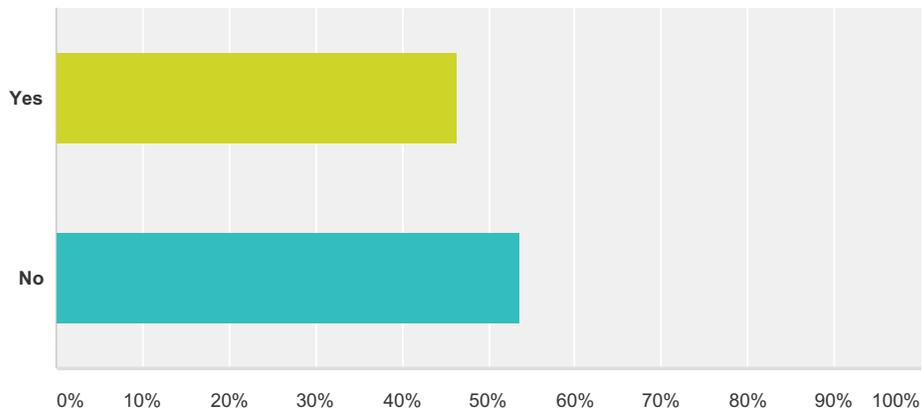
**2016 General Appropriations Act:**

	ELECTION COMMISSION	
	TOTAL FUNDS	GENERAL FUNDS
<b>TOTAL V. STATEWIDE/SPECIAL PRIMARIES</b>	<b>4,300,000</b>	<b>3,000,000</b>
<b>VI. EMPLOYEE BENEFITS</b>		
EMPLOYER CONTRIBUTIONS	359,371	333,371
<b>TOTAL VI. EMPLOYEE BENEFITS</b>	<b>359,371</b>	<b>333,371</b>
<b>TOTAL ELECTION COMMISSION</b>	<b>7,382,778</b>	<b>5,742,078</b>
	<b>(26.50)</b>	<b>(24.00)</b>

Public Input Received as of Friday, March 2. The survey remains open until March 13.

### Q6 Would you like to provide input about the Election Commission?

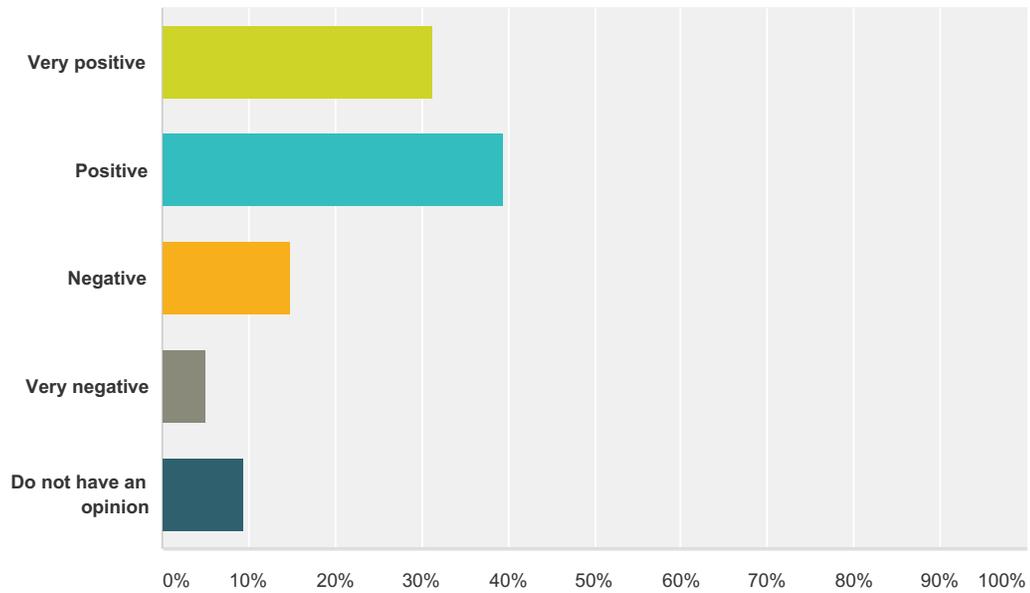
Answered: 413 Skipped: 69



Answer Choices	Responses	
Yes	46.25%	191
No	53.75%	222
<b>Total</b>		<b>413</b>

### Q7 Overall, what is your opinion of the Election Commission?

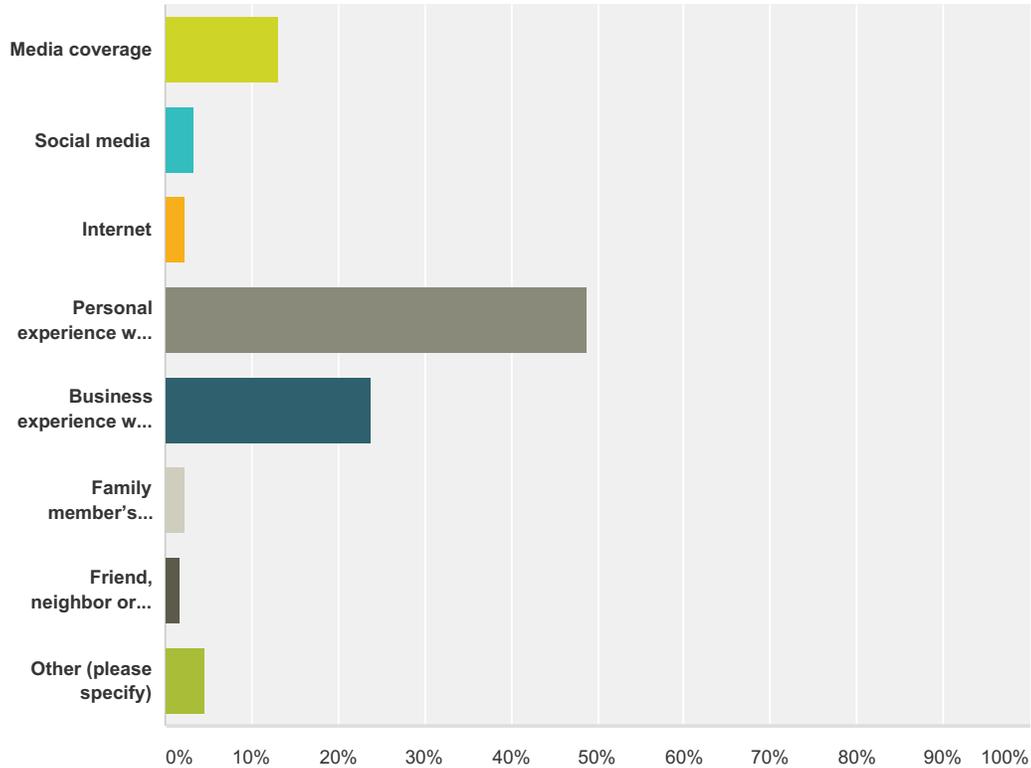
Answered: 182 Skipped: 300



Answer Choices	Responses	
Very positive	31.32%	57
Positive	39.56%	72
Negative	14.84%	27
Very negative	4.95%	9
Do not have an opinion	9.34%	17
<b>Total</b>		<b>182</b>

### Q8 Which of the following has most influenced your opinion of the Election Commission?

Answered: 176 Skipped: 306



Answer Choices	Responses
Media coverage	13.07% 23
Social media	3.41% 6
Internet	2.27% 4
Personal experience with the agency	48.86% 86
Business experience with the agency	23.86% 42
Family member's experience with the agency	2.27% 4
Friend, neighbor or colleague's experience with the agency	1.70% 3
Other (please specify)	4.55% 8
<b>Total</b>	<b>176</b>

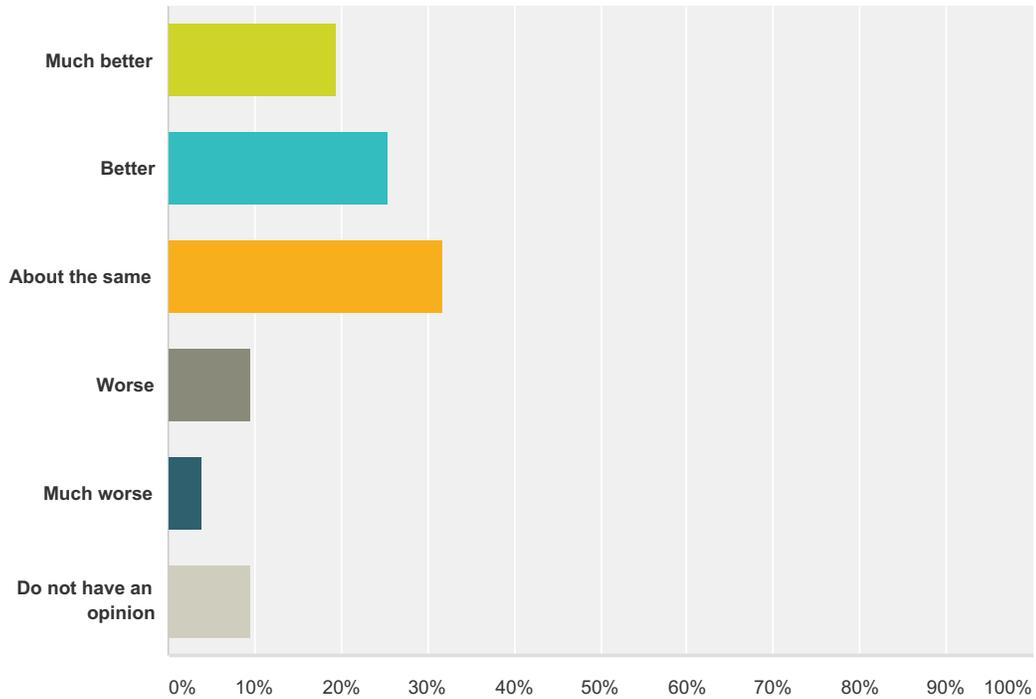
#	Other (please specify)	Date
1	Need to be more visible as they are out of touch with centers	2/22/2017 3:57 PM
2	Don't know much about this committee	2/17/2017 1:08 PM
3	na	2/15/2017 10:03 AM

## Public Survey About Agencies Under Study February 2017

4	Employee	2/15/2017 9:04 AM
5	employee	2/14/2017 11:43 AM
6	Who are they?	2/11/2017 4:37 AM
7	my role as VP of the League of Women Voters of SC has led to interaction over a period of 5 years	2/10/2017 7:22 PM
8	I was appointed to county board and saw first hand the corruption and favortism.	2/10/2017 11:03 AM

### Q9 How do you think the Election Commission functions on an overall basis in comparison to other state agencies in South Carolina?

Answered: 176 Skipped: 306



Answer Choices	Responses	
Much better	19.32%	34
Better	25.57%	45
About the same	31.82%	56
Worse	9.66%	17
Much worse	3.98%	7
Do not have an opinion	9.66%	17
<b>Total</b>		<b>176</b>

**Q10 Please list any comments, concerns, or suggestions you may have about the Election Commission. Your response may be quoted verbatim in a Committee report.**

Answered: 55 Skipped: 427

#	Responses	Date
1	I want to see the voting process to be more streamlined. We need more voting booths onsite, people should not have to stand in line for so long. Perhaps a live feed on election days showing the people traffic would allow people the option to decide the least busy time to come vote.	3/2/2017 3:35 PM
2	Well run, non partisan agency. A model for other states.	2/28/2017 10:09 PM
3	My biggest concern is that the public's faith in the Election Commission's mission as a necessary function, is being shaken and undermined by unethical persons.	2/28/2017 3:48 PM
4	SC needs open early voting to accommodate working voters. Voter ID laws are discriminatory and unnecessary.	2/28/2017 1:24 PM
5	How about we have some working f..... voting machines?	2/25/2017 12:04 PM
6	We saw a dramatic improvement in our last election cycle!	2/25/2017 12:04 PM
7	None	2/24/2017 11:49 AM
8	All voting precincts be equipped with electronic voters lists	2/23/2017 4:16 PM
9	there needs to be an easier way for people to get registered to vote...ID Pics on SS Cards to prevent fraud..etc.; state need to be connected in a network to prevent fraud too.	2/23/2017 9:17 AM
10	This agency has a big responsibility without adequate staff and pays low wages compared to other agencies.	2/22/2017 10:15 PM
11	They have established a core team and consistency in their election processes that I do not see much in other states	2/22/2017 7:06 PM
12	Would love to have them more visible to the centers	2/22/2017 3:57 PM
13	excellent in response to questions and/or concerns	2/22/2017 12:23 PM
14	I feel that my tax money is well spent for the Election Commission	2/20/2017 4:27 PM
15	The Election Commission always appears to be fully dedicated to secure and accurate elections.	2/20/2017 10:51 AM
16	It seems the voice of those they represent is not included or valued.	2/20/2017 10:45 AM
17	Need to reach out to the community so people can be more aware of its purpose and mission	2/17/2017 1:08 PM
18	The State Election Commission (SEC) has done an excellent job working in a non-partisan manner on behalf of the voters of South Carolina. In addition, the SEC continues to advocate on behalf of county election officials, poll workers, and the election's process as a whole. As the lead agency overseeing elections in this state, I would like our legislators to be more supportive of agency initiatives such as early voting and the planning of the replacement of the statewide voting system. The State Election Commission has been repeating the need for both of these year after year to no avail. I believe our legislators hold a great deal of respect for the State Election Commission as a state agency, but I do not feel our legislators (as a whole) value the SEC with equal importance and significance compared to other state agencies. The State Election Commission deserves better.	2/16/2017 4:36 PM
19	There is no reason or justification as to why individuals should not be issued a proper form of identification during the electoral process	2/16/2017 1:21 PM
20	I think SEC is doing a great job with the counties to enhance the election process. Their motto has always been to ensure every vote matters and every vote counts by providing quality training and support to all counties in the state of South Carolina.	2/16/2017 9:03 AM
21	More attention needs to be placed on accommodations for people with disabilities at polling locations.	2/15/2017 7:48 PM
22	Efficient and well managed organization. Good stewards of the State's resources.	2/15/2017 3:57 PM

## Public Survey About Agencies Under Study February 2017

23	Funding is key to survival of any organization. The Election Commission is a vital part of democracy and without adequate funding the integrity of the elections in SC runs a risk of becoming tarnished in the eyes of voters, the nation and the world. We not only stand the chance of losing confidence in our voters but in the entire electoral process nationwide.	2/15/2017 1:19 PM
24	They implement changes to the voter registration system on very short timelines and often very close to large elections which don't give the counties much time to implement changes without often requiring overtime.	2/15/2017 10:29 AM
25	Very helpful, in assisting the Counties with elections	2/15/2017 9:54 AM
26	Liz Simmons with SCEC is a valuable asset and has always been very helpful.	2/15/2017 9:47 AM
27	Our ability to remain politically neutral in all ways is very important to our successful elections.	2/15/2017 8:41 AM
28	They simply do NOT offer enough of the required Core Training classes each year. AND they allow only 30 adults in each classes they offer. Now if there are 46 counties in SC and folks all over the state need these classes, how many are left out annually. The staff was quite rude, unbending (stating they were following state law!). In the year that I was not in good standing, i continued to do everything required of me. The entire situation was embarrassing and should have been avoidable if they would only offer more of the required training!!	2/14/2017 7:07 PM
29	I interface with election commissions of almost all of the states in the US. The SC Election Commission has always been very responsive with accurate information.	2/14/2017 3:28 PM
30	There are many including the Executive Director, that advise the counties on issues that deal with day to day operations of county offices. Many staff members of the EC do not have the knowledge of elections laws needed to run the office or give "advise" to those that work in the county offices. It is mandated by state law that all election workers be certified with 18 months of employment but the classes do not meet the needs of the county agencies which they serve. Most of the certification classes are taught by the EC staff who again do not have the knowledge needed to teach the classes.	2/14/2017 2:50 PM
31	Very frugal within the confines of its allocated budget	2/14/2017 2:17 PM
32	They continue to not be influenced by any particular elected official and/or political party . Would like them to make recommendations to strengthen our citizens' confidence in our voting system- especially purchasing voting machines that can be audited with a paper backup .	2/14/2017 1:04 PM
33	Hard working commisson and very professional staff	2/14/2017 12:04 PM
34	Lack of opportunity for growth within the agency. Atmosphere becomes stagnant.	2/14/2017 12:03 PM
35	Keep up the great work.	2/14/2017 11:51 AM
36	The filing process between candidate's, the state election commission and the state political parties needs to be reviewed. The candidate qualifications and actual filing process should be better streamlined.	2/14/2017 11:21 AM
37	What are the security of the polling machines? Who does the programming? Overall, is all the polls performing to regulations?	2/14/2017 9:30 AM
38	Our precinct is not able to offer Disability curbside service...They are to small and old...Sure, The sign is out on the side walk behind all the crowd but no one is there...I am not able to vote curbside myself...So I must go past the crowd...Of which they DO NOT LIKE...To ask for help with Handicapped curbside...Then go get in line and we both wait and wait...So we vote absentee ballot now...	2/14/2017 8:32 AM
39	I worry about corruption and innaccuracy in our electoral process (whether intentional or not)	2/13/2017 6:38 PM
40	Would it save money if various elections were held at the same time vs. different elections during different "months"?	2/13/2017 2:38 PM
41	After 20 years +/- working in this enviroment, I have to say it is nothing like turning hamburgers. Once you see what these workers do to care for someone elses relatives.In no way does the type of work come close to the pay they receive. I know the caregivers/ Staff do it because of love. At any given time it could be one of us needing care.	2/13/2017 2:03 PM
42	The election commision is important to maintaining the integrity of elections.	2/13/2017 12:55 PM
43	This is a comission that is responsible for ensuring "every citizen" is provided an opportunity vote because that is their right. As well having procedures and rules in place for all county officials to abide by. If anything needs to be changed, it is to stop voter supression via our "DC" legislators and pay more money for working on election day(s);although that is not their responsibility. The second thing would be to start exposing and training people to run this commision and to work at the polls. Finally, people need to become mor einformed, but f they are not reading an dimparting knowledge upon themselves, then that is their fault.	2/13/2017 10:02 AM
44	Voters should be assisted to get IDs and transportation should be made available to those without it.	2/13/2017 9:31 AM
45	What's an election commission?	2/11/2017 4:37 AM

## Public Survey About Agencies Under Study February 2017

46	SC is very fortunate to have an independent, very professional and responsible state elections commission. Their work in overseeing elections, training election personnel throughout the state, and overseeing voting technology is exceptionally important and they do it very well indeed.	2/10/2017 7:22 PM
47	Regarding the Election Commission, I would say that proper training and education of poll workers is critical, particularly when it comes to precincts with two different ballots in an election.	2/10/2017 2:39 PM
48	The Elections Commission does an excellent job of providing guidance for the 46 county election commissions. They have also been very responsible in the way in which they purge citizens who have moved our of state or died from the voter registration rolls.	2/10/2017 1:13 PM
49	It's a small agency with a critical mission. Living in Richland County, I know from personal experience what happens when local elections are botched and how hard the State Election Commission staff worked to mitigate a situation they were not responsible for but determined to address in a professional manner. Leadership worked to address issues not persons or personalities. I was impressed and reassured. I also appreciated how they handled the silliness over dead voters. Took the issue seriously and addressed it directly and again professionally.	2/10/2017 12:44 PM
50	The SC Election Commission has taken advantage of the available media, including online voter registration and mobile device applications in order to make voter registration and other functions easier and more accessible to the public.	2/10/2017 12:07 PM
51	The State Election Commission presented itself in a positive and informed manner internally and publically during the General and Primary Elections in 2016.	2/10/2017 11:54 AM
52	The SC Election Commission does an outstanding job informing the public on election activities - including registration, voting requirements, locations to vote, etc...	2/10/2017 11:31 AM
53	I am very impressed with the South Carolina election commission and their important work to assist the voters of South Carolina. I have worked extensively with executive director Marci Andino over the last 3 years as she has participated on a national working group to assist military and overseas voters. Ms. Andino and her staff do an excellent job in assisting all voters and ensuring the Integrity of her state's election process.	2/10/2017 10:45 AM
54	The Election Commission has a national reputation for outstanding leadership and commitment to the voters of South Carolina.	2/10/2017 10:40 AM
55	My overall impression of the local voting agency is positive. The workers are helpful, knowledgeable and courteous. I am a bit disappointed that the state level did not follow through with my new photo Id voter card, but my local representatives have consistently been high quality.	2/10/2017 5:17 AM

*Chairman Wm. Weston J. Newton*

*First Vice-Chair:  
Laurie Slade Funderburk*

## **Legislative Oversight Committee**

*Katherine E. "Katie" Arrington  
Gary E. Clary  
MaryGail K. Douglas  
Phyllis J. Henderson  
Joseph H. Jefferson Jr.  
Mandy Powers Norrell  
J. Todd Rutherford  
Tommy M. Stringer  
Bill Taylor*



**South Carolina House of Representatives**

*William K. (Bill) Bowers  
Neal Collins  
Raye Felder  
William M. "Bill" Hixon  
Ralph W. Norman  
Robert L. Ridgeway III  
James E. Smith Jr.  
Edward R. Tallon Sr.  
Robert Q. Williams*

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**Post Office Box 11867  
Columbia, South Carolina 29211**

*Charles L. Appleby IV  
Legal Counsel*

*Cathy A. Greer  
Administration Coordinator*

**Telephone: (803) 212-6810 • Fax: (803) 212-6811**

*Carmen J. McCutcheon Simon  
Research Analyst/Auditor*

**Room 228 Blatt Building**

### **MEDIA RELEASE**

February 16, 2017  
For Immediate Release

Contact: Chairman Weston Newton  
Email: WestonNewton@schouse.gov

INVITATION FOR PUBLIC TESTIMONY ABOUT THE DEPARTMENT OF ARCHIVES AND HISTORY, DEPARTMENT OF DISABILITIES AND SPECIAL NEEDS, STATE ELECTION COMMISSION, HUMAN AFFAIRS COMMISSION, JOHN DE LA HOWE SCHOOL, AND LAW ENFORCEMENT TRAINING COUNCIL AND CRIMINAL JUSTICE ACADEMY AT A HOUSE LEGISLATIVE OVERSIGHT COMMITTEE MEETING

Columbia, SC - The House Legislative Oversight Committee is currently conducting oversight studies on twelve (12) state agencies. The Committee has meetings on the dates below for the purpose of receiving comments from the public about six of these agencies.

- Thursday, March 2, 2017 at 1:00 p.m. - Room 110, Blatt Building (Department of Archives and History, Department of Disabilities and Special Needs, and John de la Howe School)
- Thursday, March 9, 2017 at 1:00 p.m. - Room 110, Blatt Building (State Election Commission, Human Affairs Commission, and Law Enforcement Training Council and Criminal Justice Academy)

During this time, Speaker Jay Lucas and the South Carolina House of Representatives' Legislative Oversight Committee are pleased to invite the public to provide comments and recommendations about the agency. Individuals can sign up to speak by calling the House Legislative Oversight Committee at 803-212-6810, emailing the Committee at [hcommlegov@schouse.gov](mailto:hcommlegov@schouse.gov) or signing up in person a few minutes prior to the meeting.

These meetings provide the opportunity to have an individual member of the public's face and voice connected with the comments while speaking directly to the Subcommittee members. An ongoing opportunity, to provide input, is a public feedback link available on the Committee's website, which allows individuals to provide comments anonymously. A time-limited opportunity is an online public survey to provide comments anonymously, which is open for a month. It is the Committee's practice to publish responses to online surveys verbatim as received by the Committee. To view responses, go to [www.scstatehouse.gov](http://www.scstatehouse.gov), click on the "Citizens' Interest" tab on the top row, then on the "Agency Oversight by House Legislative Oversight Committee" link and finally click on the agency for which you would like to view responses from the public.

The Committee's vision is for South Carolina agencies to become, and continuously remain, the most effective state agencies in the country through processes which eliminate waste and efficiently deploy resources thereby creating greater confidence in state government. Comments from those citizens who choose to provide input are important to the Members of the House Legislative Oversight Committee because they may help direct the Committee to additional potential areas for improvement with these agencies.

The specific task of the House Legislative Oversight Committee is to conduct legislative oversight studies on state agencies over the course of seven years. The purpose of a legislative oversight study is to determine if agency laws and programs are being implemented and carried out in accordance with the intent of the General Assembly and whether or not they should be continued, curtailed or even eliminated. Also, the Committee recognizes that an oversight study serves the purpose of informing the public about an agency. Any legislator may file legislation, which will go through the normal legislative process, to implement recommendations this Committee may have relating to the agencies.

Suggestions for additional ways to inform the public about this meeting and the House Legislative Oversight Committee's process are welcomed.

###

*Appendix C. June 22, 2017, Meeting Information*

South Carolina  
House of Representatives



Legislative Oversight Committee

*ECONOMIC DEVELOPMENT, TRANSPORTATION,  
AND NATURAL RESOURCES SUBCOMMITTEE*

*The Honorable Neal A. Collins  
The Honorable Mandy Powers Norrell  
The Honorable Robert L. Ridgeway III*

*Thursday, June 22, 2017*

*10:00 a.m.*

*108-Blatt Building*

*Pursuant to Committee Rule 6.8, S.C. ETV shall be allowed access for internet streaming  
whenever technologically feasible.*

**AGENDA**

- I. Approval of Minutes
- II. Discussion of the study of the Department of Agriculture
- III. Discussion of the study of the Human Affairs Commission
- IV. Adjournment



## **Economic Development, Transportation and Natural Resources Subcommittee**

Thursday, June 15, 2017 at 10:00 am in Room 427

### **Archived Video Available**

- I. Pursuant to House Legislative Oversight Committee Rule 6.8, South Carolina ETV was allowed access for streaming the meeting. You may access archived video of this meeting by visiting the South Carolina General Assembly's website (<http://www.scstatehouse.gov>) and clicking on *Committee Postings and Reports*, then under *House Standing Committees* click on *Legislative Oversight*. Then, click on *Video Archives* for a listing of archived videos for the Committee.

### **Attendance**

- I. The Economic Development, Transportation, and Natural Resources Subcommittee meeting was called to order by Vice-Chair Laurie Slade Funderburk on Thursday, June 15, 2017, in Room 427 of the Blatt Building. The following members of the Subcommittee were present for all or a portion of the meeting: Representative Mandy Powers Norrell, and Representative Neal A. Collins.

### **Minutes**

- I. House Rule 4.5 requires standing committees to prepare and make available to the public the minutes of committee meetings; the minutes do not have to be verbatim accounts of meetings. It is the practice of the Legislative Oversight Committee to provide minutes for its subcommittee meetings.

- II. Representative Norrell moved to approve the minutes from the Subcommittee’s meeting on May 2, 2017, and to approve the minutes as corrected (scrivener’s error) from the February 28, 2017, meeting. A roll call vote was held, and the motion passed.

<b>Rep. Norrell motions to approve the minutes from the May 2, 2017 meeting, and to approve minutes as corrected (scrivener’s error) for the February 28, 2017 meeting minutes:</b>	Yea	Nay	Not Voting (Absent)	Not Voting (Present)
Rep. Collins	✓			
Rep. Norrell	✓			
Rep. Ridgeway			✓	
Rep. Funderburk	✓			

**Discussion of the Department of Agriculture**

- I. Vice-Chair Funderburk provides an update of the Subcommittee’s work related to the Department of Agriculture. She stated the purpose of this meeting is to discuss any agency recommendations the agency may have for the Subcommittee’s consideration.
- II. Vice-Chair Funderburk reminds everyone that has previously been sworn in that they remain under oath for any testimony before this Subcommittee or the full Committee. Vice-Chair Funderburk swears in Derrick Michael Underwood, Assistant Commissioner for the Department of Agriculture.
- III. Commissioner of Agriculture, Hugh E. Weathers, presents the agency’s thoughts on recommendations for law changes for the Subcommittee to consider. The agency’s presentation to the Subcommittee is available online for the public to view.
- IV. Members ask questions, which different representatives of the agency answer: Commissioner Weathers; Assistant Commissioner Underwood (Consumer Protection); and Assistant Commissioner Aaron Wood (Agency Operations).
- V. There being no further business, the meeting was adjourned.

*Chair Wm. Weston J. Newton*

*First Vice-Chair:  
Laurie Slade Funderburk*

## **Legislative Oversight Committee**

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Gary E. Clary  
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## **South Carolina House of Representatives**

*Jennifer L. Dobson  
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Room 228 Blatt Building**

*Charles L. Appleby IV  
Legal Counsel*

*Carmen J. McCutcheon Simon  
Research Analyst/Auditor*

June 16, 2017

The Honorable Hugh E. Weathers  
Commissioner, Department of Agriculture  
Post Office Box 11280  
Columbia, South Carolina 29211-1280

Dear Commissioner Weathers:

On behalf of the Economic Development, Transportation, and Natural Resources Subcommittee, we thank you and your staff for your recent presentation to the Subcommittee on June 15, 2017.

During this meeting, we discussed the agency's recommendations for law changes. It was helpful to view the draft language you kindly provided for three of the agency's recommendations: (1) model feed law proposed by the American Association of Feed Control Officials; (2) proposed revisions to Title 39, Chapter 39 (Provisions for the Labeling and Marketing of Eggs); and (3) proposed revisions to Regulation 5-360 (Salvage Operations Dealing in Foods and Cosmetics). To assist discussion of the other agency recommendations, please provide the Subcommittee with similar draft language (i.e., strike through and underline format).

Thank you for your service to the citizens of South Carolina and for your cooperation with the legislative oversight process.

Sincerely,

A handwritten signature in black ink that reads "Laurie Slade Funderburk". The signature is written in a cursive style.

Laurie Slade Funderburk  
First Vice-Chair, House Legislative Oversight Committee

cc: Economic Development, Transportation and Natural Resources Subcommittee Members

## Key Dates and Actions of the Study Process for the **Department of Agriculture**

### House Legislative Oversight Committee's Actions

- January 28, 2016 - Approves the study of the agency
- February 2016, 2015 - Provides the agency with notification about the start of its oversight study as well as the Speaker of the House, committee chairs in the House, members of the House, Clerk of the Senate, and Governor
- June 28, 2016 - Issues press release announcing public survey opportunity for the agency

### Economic Development, Transportation, and Natural Resources Subcommittee's Actions

- April 28, 2016 - **(Meeting 1)** Holds introductory meeting with the agency to discuss the legislative oversight process
- July 6, 2016 - **(Meeting 2)** Holds public input meeting and receives information on agency's history, mission, and vision
- October 31, 2016 - **(Meeting 3)** Discusses South Carolina Commodity Boards structure and function
- January 26, 2017 - **(Meeting 4)** Hold work session to update members on status of study and obtain any questions Members may have for the agency at the next meeting
- February 16, 2017 - **(Meeting 5)** Discusses the agency's program structure in the General Appropriations Act; agency's goals and strategic plan; agency's operations; and agency's partners
- May 2, 2017 - **(Meeting 6)** Discusses the agency's successes; challenges; emerging issues and objectives
- June 15, 2017 - **(Meeting 7)** Discusses the agency's recommendations for law changes

### Department of Agriculture's Actions

- March 21, 2015 - Submits its Restructuring and Seven-Year Plan Report to the Committee
- January 12, 2016 - Submits its Annual Restructuring Report to the Committee
- August 25, 2016 - - Submits agency's Program Evaluation Report
- December 30, 2016 - - Submits updated information relating to the agency's Program Evaluation Report to ensure the website information remains current

### Public's Actions

- May 1, 2016 - May 31, 2016 - Survey about the agency is available online for the public to provide input (complete responses are available for review on the Oversight Committee's webpage on the General Assembly's website - [www.scstatehouse.gov](http://www.scstatehouse.gov))
- July 6, 2016 - Opportunity for public input at subcommittee meeting
- Ongoing - Public may submit written comments on the Oversight Committee's webpage



### SCDA Recommended Statutory Changes

- Delete the Agriculture Commission's powers to establish policies for South Carolina Department of Agriculture (SCDA), and annually approve the agency's budget request; found in 46-5-20(1) and (2)
- Establish an appointment procedure of Agriculture Commission members after a seat has either been vacant the term expired for more than two years; 46-5-10
- Remove the bonding requirements of the Commissioner of Agriculture; 46-3-50
- Adopt the model feed law proposed by the American Association of Feed Control Officials (AAFCO)
- Authorize SCDA to fine businesses that habitually and willfully violate existing consumer protection labeling / quality laws
- Require businesses that dispense petroleum products to notify SCDA within 30 days of operating dispensers
- Allow a \$5 per dispenser registration fee for businesses that dispense petroleum products
- Enforce a scalable monetary penalty for habitual and willful offenders of petroleum law, when taking advantage of the consumer
- Authorize an application fee for a food business when registering for a Registration Verification Certificate (RVC)
- Authorize a tiered annual fee for RVCs
- Modernize salvage food regulations by eliminating salvage permit and covering under the RVC
- Modernize the cotton warehouse receipt law (accept Permanent Bale Identification (PBI) from a cotton gin as the universal warehouse receipt number)
- Remove the exemption registration burden, found in 44-1-143 (H) from small home-based food producers
- Revise the state egg law to exempt USDA graded facilities from state licensing, add quail eggs, and remove the licensing requirement for small producers

# South Carolina Department of Agriculture

Hugh E. Weathers, Commissioner



House Legislative Oversight Committee  
Economic Development, Transportation, and Natural Resources Subcommittee  
June 15, 2017

# SC Agriculture Commission

***Delete the Agriculture Commission's powers to establish SCDA policies and annually approve SCDA's budget request***

- 46-5-20 (1) and (2)
- Agriculture Commission is currently not governing SCDA or approving any budget requests
- SC Attorney General's Opinion (May 3, 1999)



# SC Agriculture Commission

***Make a statutory change to the election procedure, or who has appointment responsibility, of Agriculture Commission members***

- 46-5-10
- Currently, vacancies take a significant amount of time to be filled
- After 1) an established period of time of a seat being vacant or term expired; 2) candidate recommendations have been provided to the legislative delegation; and 2) specified notification attempts to the legislative delegation have been made; the Commissioner of Agriculture would have authority to appoint Commission members



# SC Commissioner of Agriculture

## ***Remove the bonding requirements of the Commissioner of Agriculture***

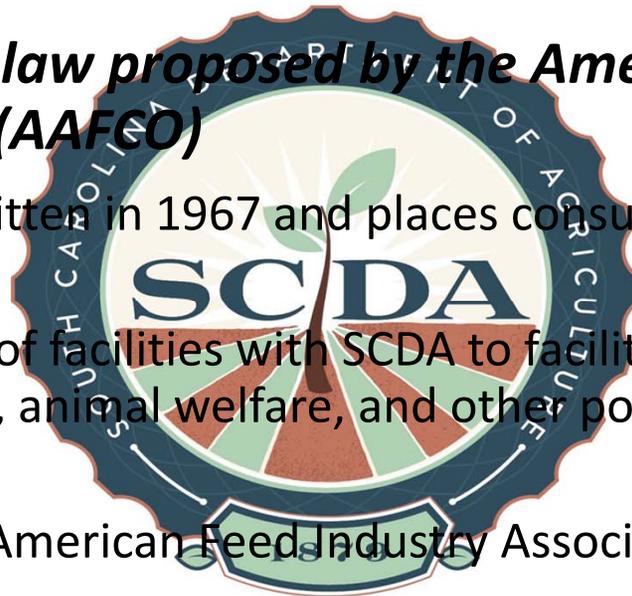
- 46-3-50
- The Insurance Reserve Fund, a Division of the State Fiscal Accountability Authority (SFAA), provides all state agencies, departments, institutions, commissions, boards, personnel, etc. with both liability and property insurance
- Grain producers, dealers, and warehouses are covered under 46-40-10, et seq. and 46-41-10, et seq.



# Feed Law

## ***Adopt the model feed law proposed by the American Association of Feed Control Officials (AAFCO)***

- Current feed law was written in 1967 and places consumers and feed mills at a disadvantage
- Will require registration of facilities with SCDA to facilitate recalls and stay on top of food borne outbreaks, animal welfare, and other potential issues prior to an event
- Supported by the AFIA (American Feed Industry Association)
- Draft language provided



# Labeling & Quality violations

## ***Authorize SCDA to fine businesses that habitually violate existing consumer protection labeling / quality laws***

- Fine would escalate with number of offenses and risk to public safety/health
- Willful and habitual violators should pay the costs for duplicative laboratory analyses, additional sampling, and re-inspection
- Petroleum – octane, ethanol, distillation profile, sulfur, water/sediment
- Feed – *current law allows*
- Ground meat products – fat, extenders, preservatives, color
- Frozen Desserts – butterfat content, total solids per gallon, weight per gallon



# Petroleum Law

***Require businesses that dispense petroleum products to notify SCDA within 30 days of operating dispensers***

- LP, natural gas, gasoline, diesel, kerosene, jet A, avgas, home heating oil

***Allow a \$5 per dispenser registration fee for businesses that dispense petroleum products***

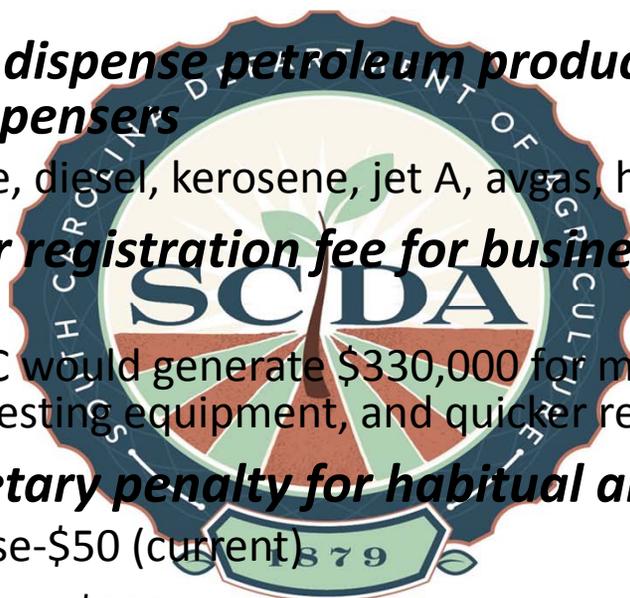
- 66,000 dispensers in SC would generate \$330,000 for more inspectors, software enhancements, more testing equipment, and quicker response time

***Enforce a scalable monetary penalty for habitual and willful offenders***

- Recommend: 1<sup>st</sup> Offense-\$50 (current)

2<sup>nd</sup> Offense-\$200

3<sup>rd</sup> Offense-\$500



# Food Manufacturers, Wholesalers, Distributors

## ***Authorize an application fee for a food business Registration Verification Certificate (RVC).***

- With an application, SCDA reviews business plan, product analysis, certifications and training requirements, and labels.
- Recommend: \$25
- Existing businesses who hold a current RVC would be exempt.

## ***Authorize a tiered annual fee for RVCs.***

- Based on risk/length of inspection and size of firm to prevent small prospective manufacturers from being burdened.
- Will allow for more inspectors, better equipment, and faster response time.
- This is similar to the current DHEC model for retail inspections.



# Salvage Permit

***Modernize salvage food regulations by eliminating salvage permit and covering under the RVC***

- Regulation verbiage needs updating to reflect modern language and terminology consistent with current food safety laws and regulations
- Will eliminate duplication of inspection and licensing/permitting
- Draft language provided



# Electronic Warehouse Receipts

***Modernize the cotton warehouse receipt law--accept Permanent Bale Identification (PBI) from a cotton gin as the universal warehouse receipt number***

- **SECTION 39-22-110.** Currently requires identification tags on bales
- Allow the PBI tag to be accompanied by a sticker to assist warehouse personnel receiving cotton
- Sticker will include
  - the Brand “South Carolina”
  - palmetto tree with a bale of cotton lying at the roots
  - shield of state of SC
- Sticker must be placed in close proximity to PBI tag



# “Cottage Food” Exemption

***Remove the exemption registration burden, found in 44-1-143 (H), from small home-based food producers***

- The new food code adopted by DHEC eliminates the need for this exemption by allowing nonhazardous home based foods to be sold retail to the end consumer and is less restrictive
- SCDA does not regulate retail food sales directly to the end consumer
- ~~(H) A home-based food production operation may apply for an exemption from inspection and label review by the South Carolina Department of Agriculture under Section 39-25-10, et seq., if its annual sales are less than fifteen thousand dollars. Exemption forms must be provided by the South Carolina Department of Agriculture.~~

# Egg Law

***Revise the state egg law to exempt USDA graded facilities from state licensing, and allow small producers to sell off-farm.***

- This would create more marketing opportunities for small producers
- Producers could sell up to 30 dozen per week to the end consumer away from farm without license
- Adds “quail eggs”, currently not allowed to sell in SC
- USDA-graded facilities must still comply with state law, but would not be required to get a state license
- Annual license fee would be \$10





Thank You!

## Key Dates and Actions of the Study Process for the **Human Affairs Commission**

*Figure. Key Dates and Actions of the Study Process for the Human Affairs Commission*

### House Legislative Oversight Committee's Actions

- January 10, 2017 - Approves the study of the agency
- January 17, 2017 - Provides the agency with notification about the start of its oversight study as well as the Speaker of the House, committee chairs in the House, members of the House, Clerk of the Senate, and Governor
- March 9, 2017 - Meeting is to hear public testimony regarding the State Election Commission, **Human Affairs Commission**, and Law Enforcement Training Council and Criminal Justice Academy

### Economic Development, Transportation, and Natural Resources Subcommittee's Actions

### Human Affairs Commission Actions

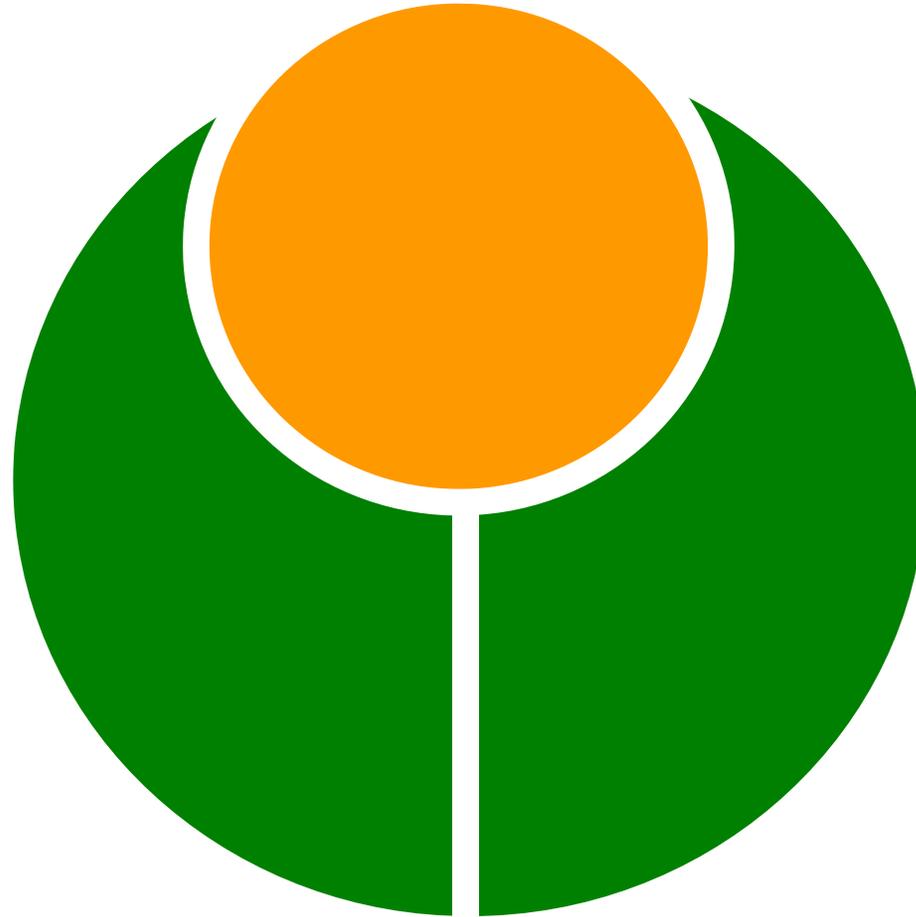
- April 14, 2015 - Submits its Restructuring and Seven-Year Plan Report to the Committee
- January 12, 2016 - Submits its Annual Restructuring Report to the Committee
- April 13, 2017 - Submits its Agency Program Evaluation Report

### Public's Actions

- February 9, 2017 - March 13, 2017 - Survey about the agency is available online for the public to provide input (complete responses are available for review on the Oversight Committee's webpage on the General Assembly's website - [www.scstatehouse.gov](http://www.scstatehouse.gov))
- March 9, 2017 - Opportunity for public testimony at Legislative Oversight Committee
- Ongoing - Public may submit written comments on the Oversight Committee's webpage



# South Carolina Human Affairs Commission



## Presentation to the House Legislative Oversight Committee

# Declaration of Independence

- “We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the Pursuit of Happiness...”



# 1972 SC HUMAN AFFAIRS COMMISSION





# Legislative Mandate and Mission



## SECTION 1-13-40

***“There is hereby created in the executive department the South Carolina Human Affairs Commission, to encourage fair treatment for, and to eliminate and prevent discrimination against, any member of a group protected by this chapter, and to foster mutual understanding and respect among all people in this State.”***



## ***SCHAC's Mission***



To eliminate and prevent unlawful discrimination in:

***Employment*** -- on the basis of race, color, national origin, religion, sex, age and disability;

***Housing***-- on the basis of race, color, national origin, religion, sex, familial status and disability;

***Public Accommodations***-- on the basis of race, color, national origin and religion.

***and... Other Allegations*** of individual or institutional discrimination not considered unlawful (90(e) )



## *SCHAC's Vision*



*To be well known with a positive image and a mission that is understood and accepted by the public. SCHAC is a fully resourced, customer-friendly agency with a diverse, well-trained and efficient team working together effectively in a safe and supportive work environment in fulfillment of the agency's mission.*



# *SCHAC Values*

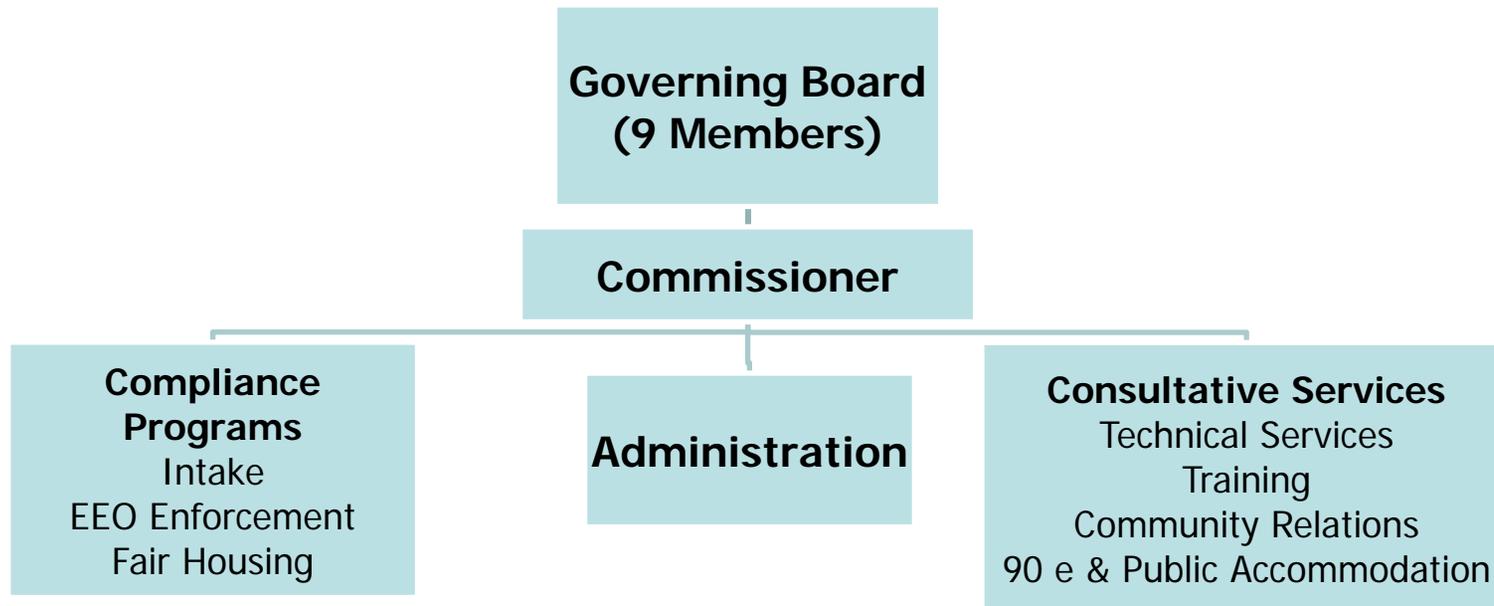


- *Accountability*
- *Customer Service*
- *Integrity*
- *Loyalty*
- *Fairness*
- *Professionalism*
- *Teamwork*



# South Carolina Human Affairs Commission

## *Organization Structure Overview*





# Laws Enforced by the Human Affairs Commission



- South Carolina Human Affairs Law
- South Carolina Fair Housing Law
- South Carolina Equal Enjoyment and Privileges to Public Accommodations
- Federal Laws Prohibiting Discrimination



# Federal Laws Enforced by The Human Affairs Commission

- Equal Employment Opportunity  
Commission (EEOC)

*Employment Discrimination*

- US Department of Housing and  
Urban Development (HUD)

*Housing Discrimination*



# EEOC LAWS ENFORCED



## **Title VII of the 1964 Civil Rights Act**

Bans discrimination in employment because of race, color, religion, sex, or national origin.

## **Age Discrimination in Employment Act (ADEA)**

Makes unlawful employment discrimination because of age against anyone 40 years of age and older.

## **Pregnancy Discrimination Act**

Amends Title VII and states that employment discrimination is prohibited when based on pregnancy, childbirth, and related medical conditions.

## **The Americans with Disabilities Act (ADA)**

Prohibits employment discrimination against qualified individuals with disabilities in the private sector, and in state and local governments.



# HUD LAWS ENFORCED



- **Title VIII of the Civil Rights Act**

Prohibits discrimination in the sale, rental, and financing of dwellings, and in other housing-related transactions, based on race, color, national origin, religion, sex, familial status (including children under the age of 18 living with parents or legal custodians, pregnant women, and people securing custody of children under the age of 18), and disability.

- **The American with Disability Act (ADA)**

Prohibits discrimination against persons with disabilities including private housing, housing that receives federal financial assistance, and state and local government housing.

- **Section 504 of the Rehabilitation Act of 1973**

Prohibits discrimination based on disability in any program or activity receiving federal financial assistance.



# Authority of the Commission



- Contract with EEOC & HUD to investigate complaints
- Seek injunctive relief for a pending complaint
- Issue subpoenas to parties in an investigation
- Hold administrative hearings to adjudicate 'cause' cases, awarding damages and assessing penalties
- Litigate cases in court following completion of a 'cause' investigation
- Conciliate or mediate complaints
- Promulgate Regulations

# South Carolina Human Affairs Commission Organizational Chart FY 2015-2016



**Board of Commissioners**  
 John A. Oakland, Chair  
 Harold Jean Brown    Ashley P. Case  
 Joe Fragale    Cheryl F. C. Ludlam    Rev. Willie A. Thompson  
 A C Williams

**Betty Dennis**  
Executive Assistant

Vicki Miller  
EEO Admin. Coordinator

**Commissioner**  
**Raymond Buxton, II**  
**Deputy Commissioner**  
**Dan Koon**

Intake Dept.  
Henley Ellis  
Senior Consultant

Investigators  
Angela D. Adams  
Cynthia Cooke  
Cherry Dow

Admin. Specialist  
Davon Reaves

Intake Receptionist  
Venisha Webber

**Compliance Division**  
Sharon Dorn, Senior Consultant  
Dave Smith, Senior Consultant/  
IT Manager

**Fair Housing Division**  
Marvin Caldwell  
Div. Director

Investigators  
Don Frierson  
Deloris Jenkins  
Luis Mendoza  
Deborah Thomas  
Admin Specialist  
Tamiko Johnson

Dave Smith  
EEO Enforcement Dept I  
Investigators  
Brian Alston  
Melanie Goff  
Veronica Gonsalez  
Lauren Mims  
Nikki Owens  
Taylor Rhodes  
Abigail Sexton  
LaTanya Whitmire

**Administration Division**  
Administrative Manager  
(Vacate)

Marcus Sumter  
Fiscal Tech II

Sharon Dorn  
EEO Enforcement Dept II  
Investigators  
Andrew Blankenship  
Rosemary Drake  
Timmie Gibson  
Reginald Green  
Shelton Lorick  
Alex Nelson  
Sherrial Styles

Technical Services Dept.  
Stephanie Price  
EEO Senior Consultant  
  
EEO/Training Consultant  
Erin Wilson  
EEO/Training Consultant  
Sheila Gibbs

Community Relations Dept.  
Saundra Ligon  
Senior Consultant  
  
Anita Dantzler  
Consultant

**Legal Division**  
Lee Ann Rice  
Staff Counsel

Alex Pate  
Attorney II

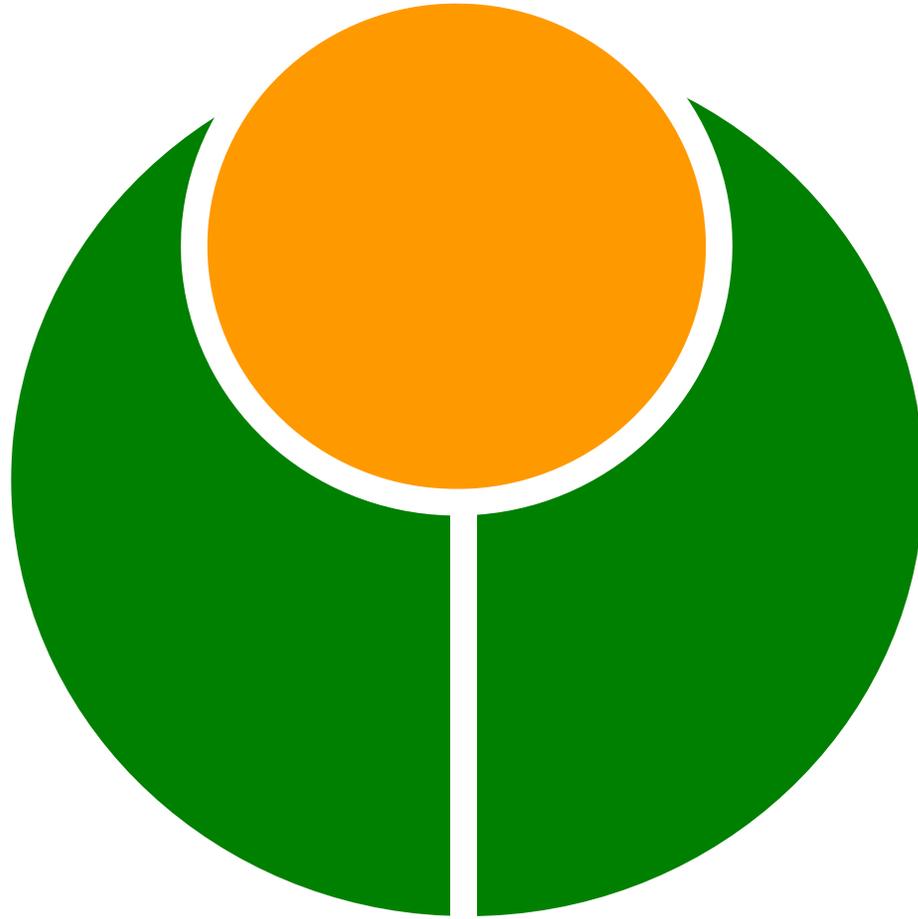
Emma Bennett-Williams  
Attorney II

Tracie Mefford  
Admin. Specialist

Mediation  
Larry McBride \*  
Chief Mediator

\* Temp/Fill-in Fund Source

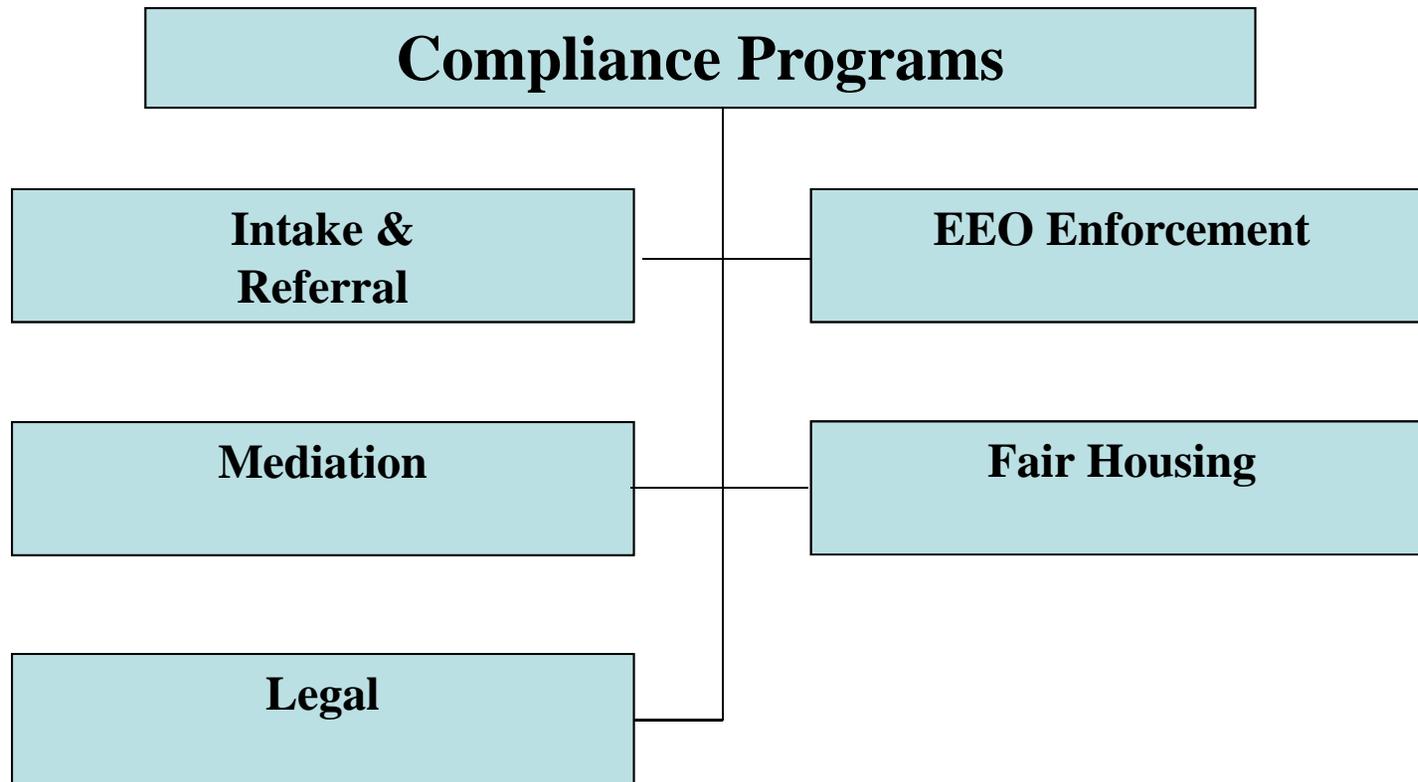
Latest Revision June 7, 2017

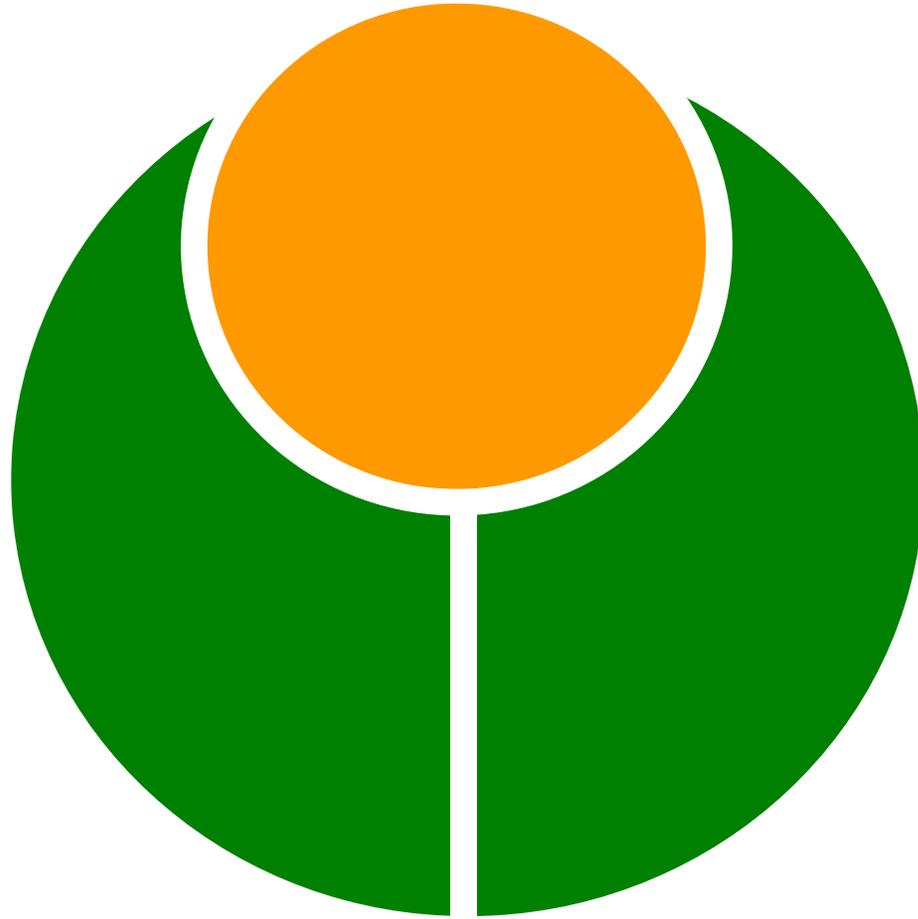


# COMPLIANCE PROGRAMS



## Organizational Overview: Compliance Programs





**INTAKE**



# Receiving Citizen Complaints of Discrimination (Intake)



Complaints received regarding...

- Employment
- Housing
- Public Accommodations, and,
- Other individual and institutional allegations of discrimination (90(e))

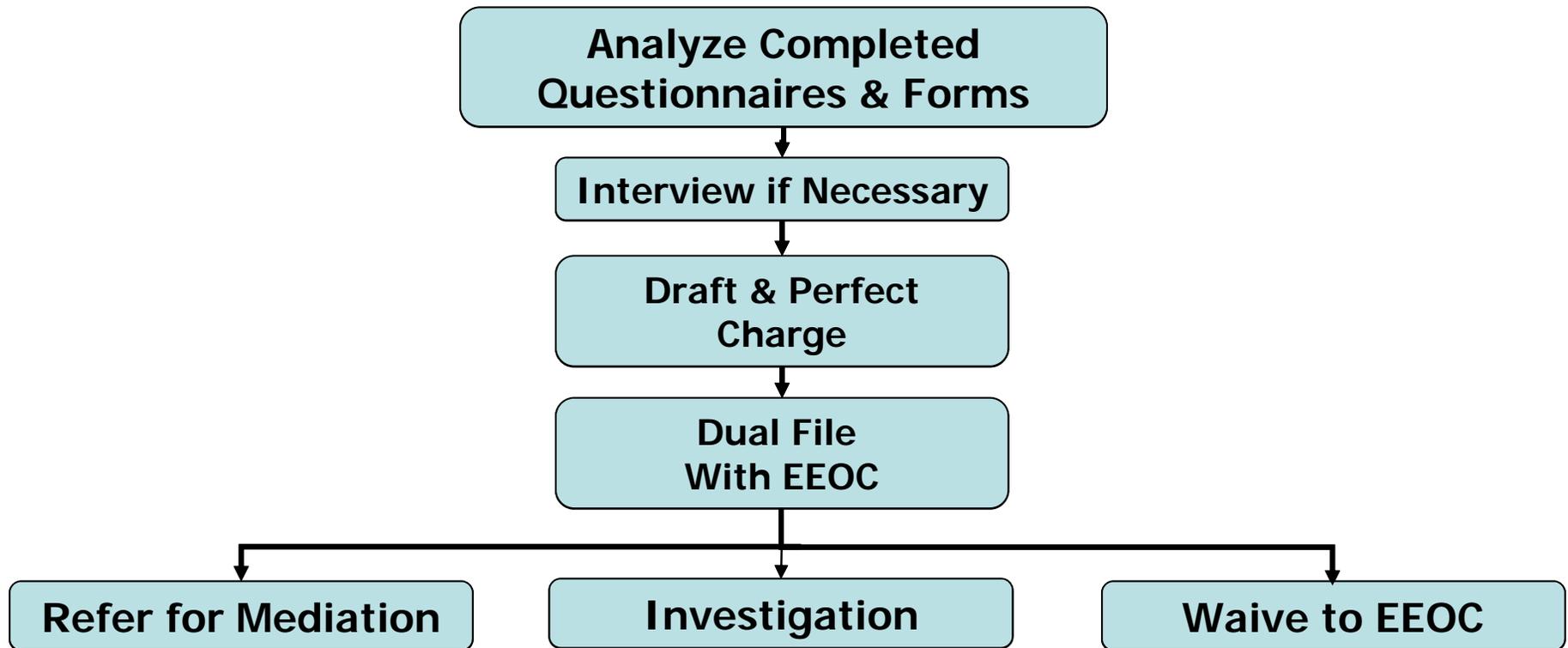


# South Carolina Human Affairs Commission



## Discrimination Complaint Intake Process

(Analysis of Accepted Complaint)

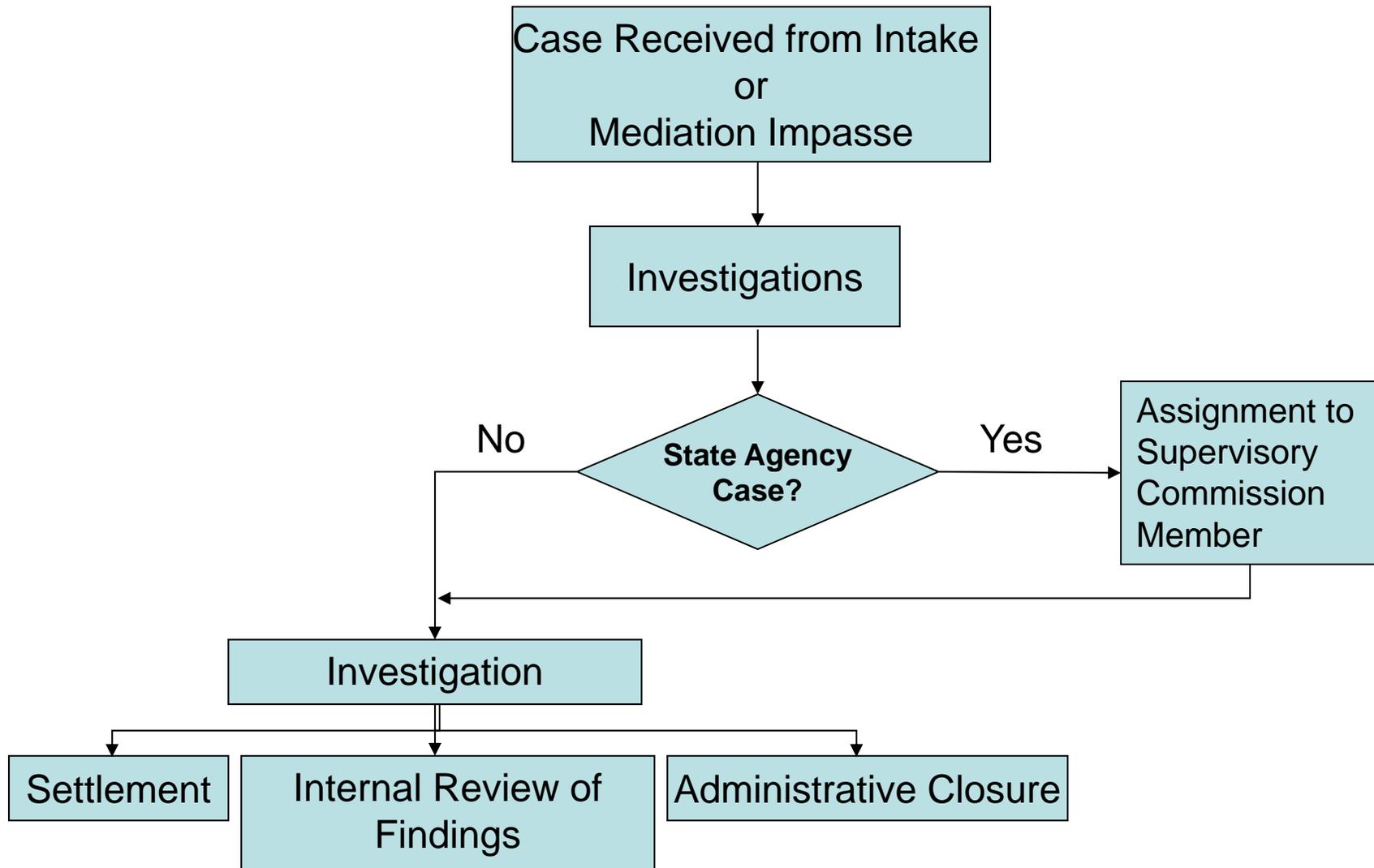






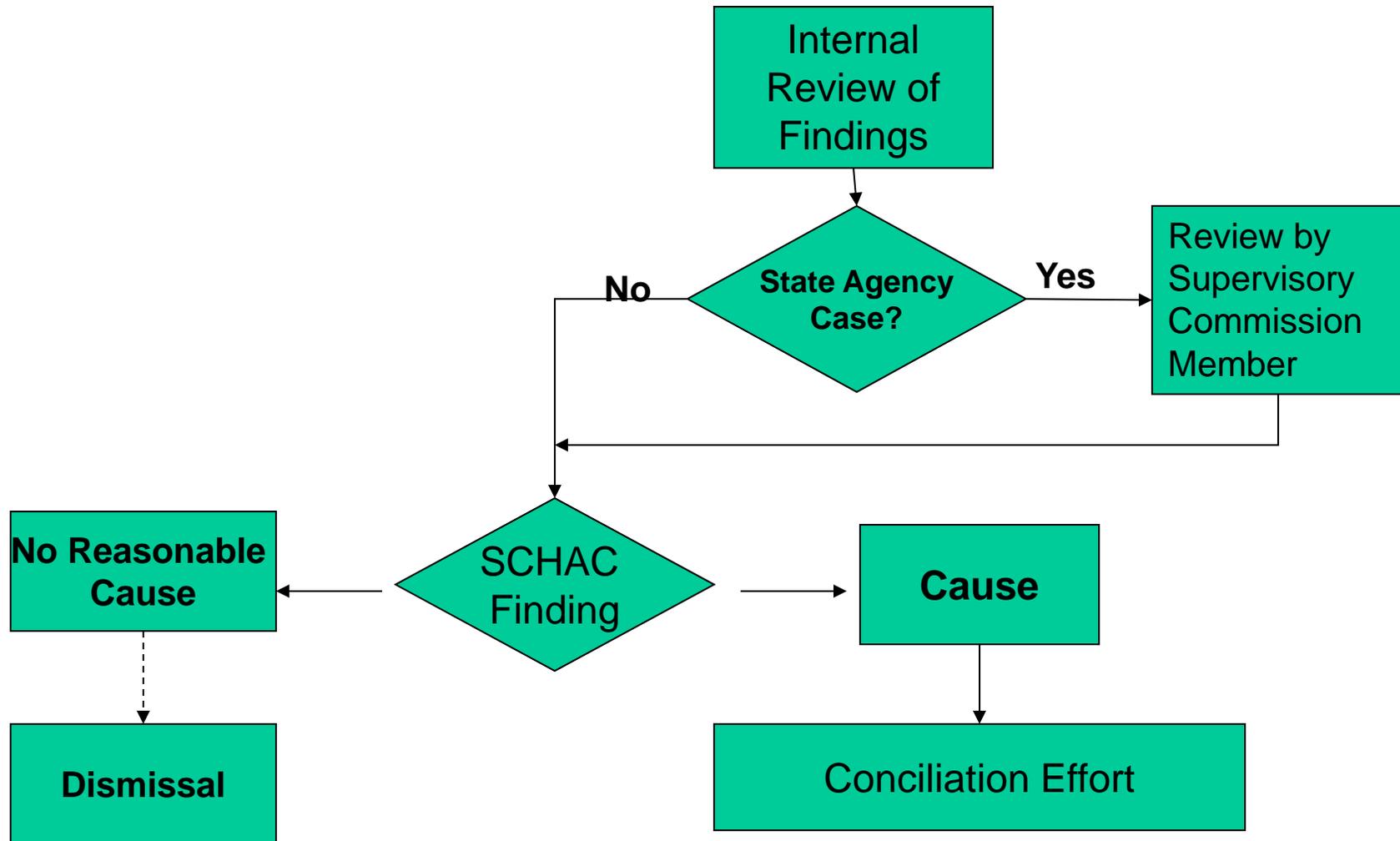
# The Investigative Process

*Tracking a case from filing to final agency action*





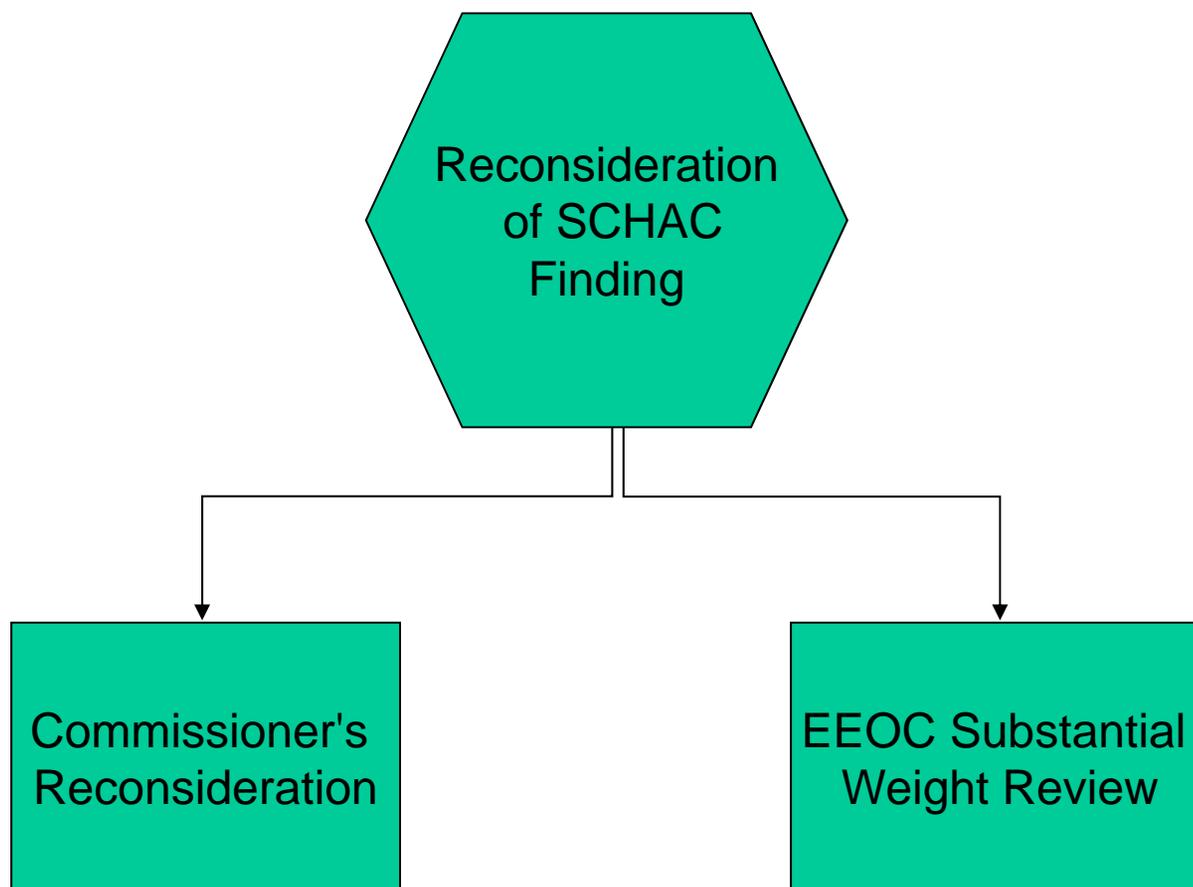
# Investigation Is Concluded





# No Reasonable Cause Finding

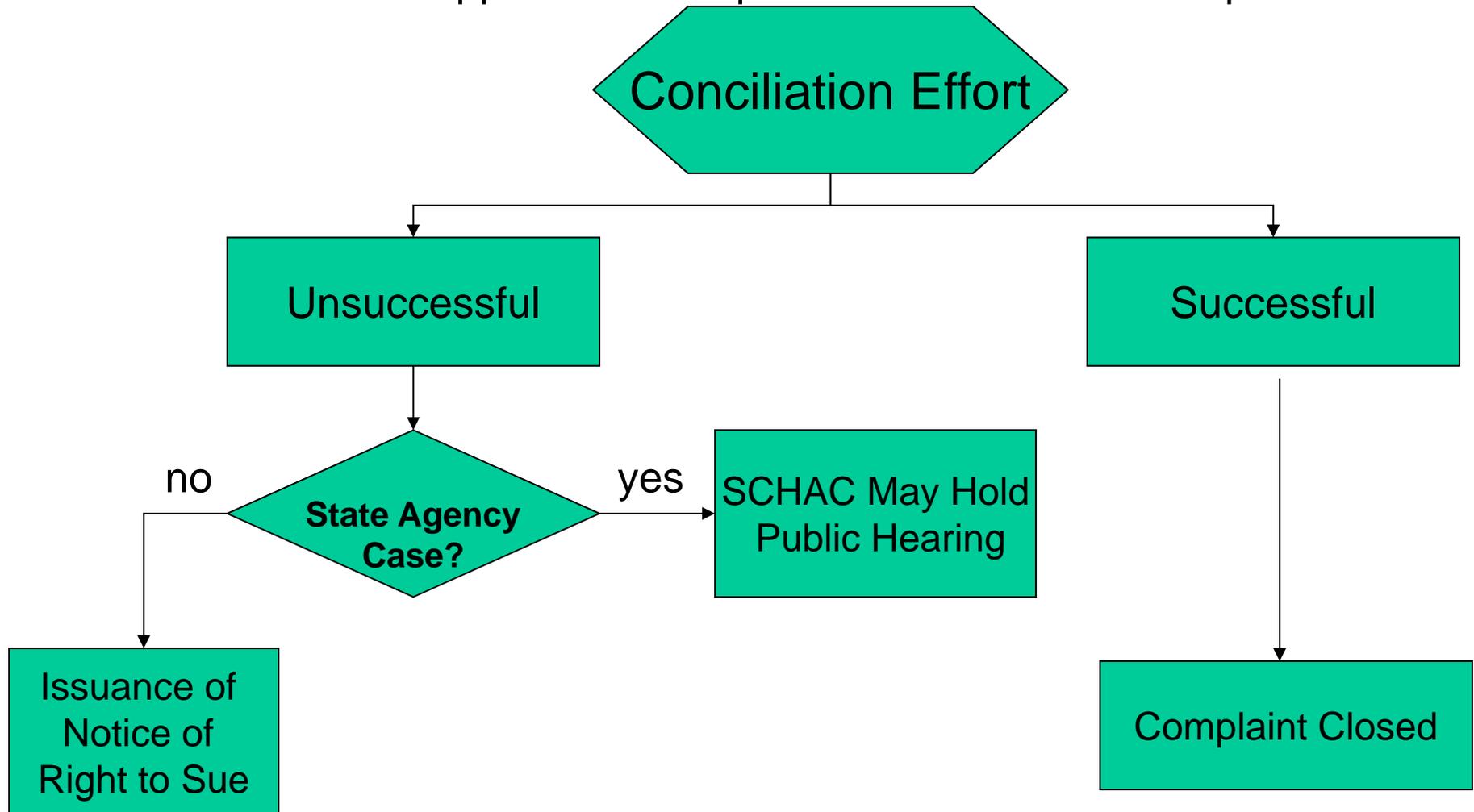
## Reconsideration Rights of Parties





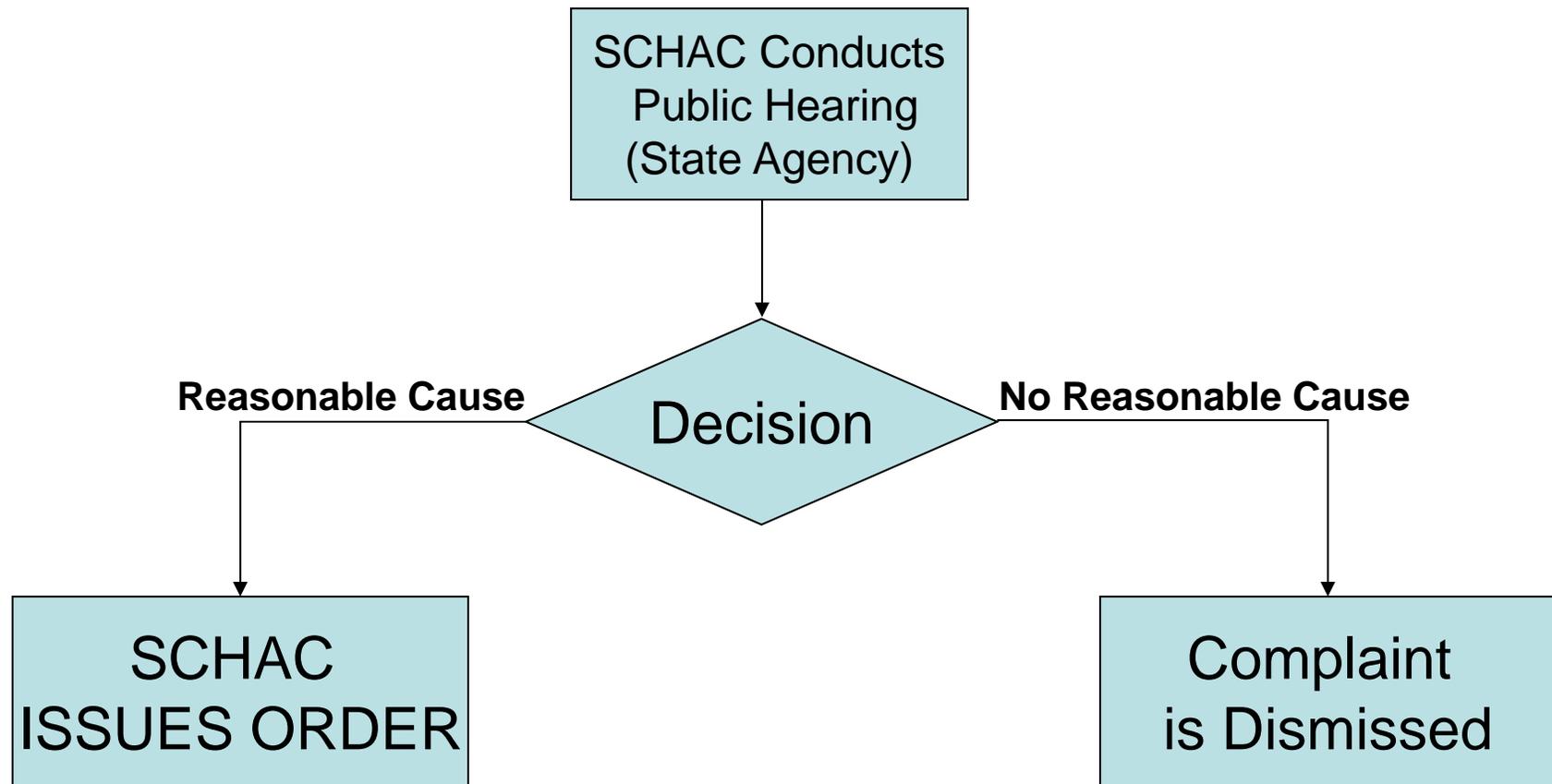
# Reasonable Cause Finding

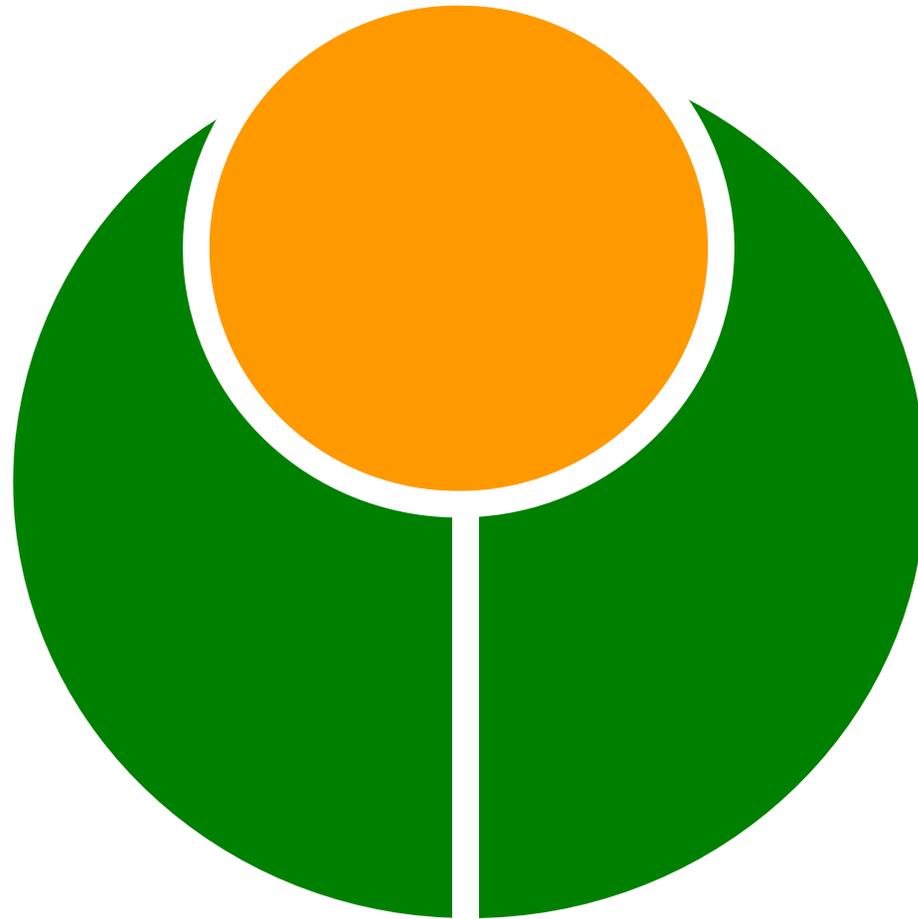
Discrimination apparent: Attempts made to reconcile the parties





# SCHAC Public Hearing





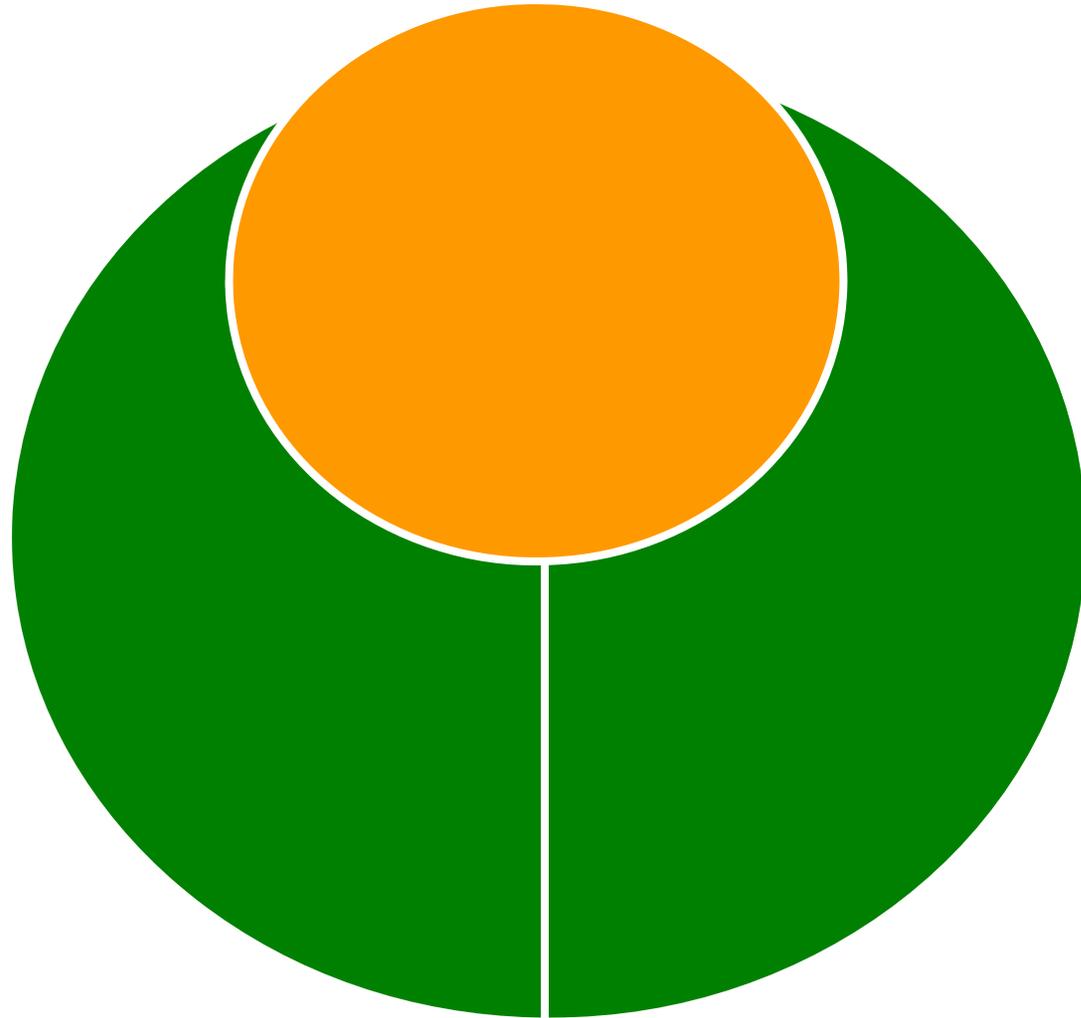
# MEDIATION



# Benefits to Mediation



- A notice of Right to Sue is not issued
- The case does not go to court
- Saves time
- Saves money
- Resolves a complaint so that all parties are content
- Discussion can result in solving other problems and issues



# EEO Enforcement



# State Human Affairs Law



## Prohibits Employment

## Discrimination Based On:

**RACE**

**COLOR**

**RELIGION**

**NATIONAL ORIGIN**

**SEX**

**AGE**

**DISABILITY**

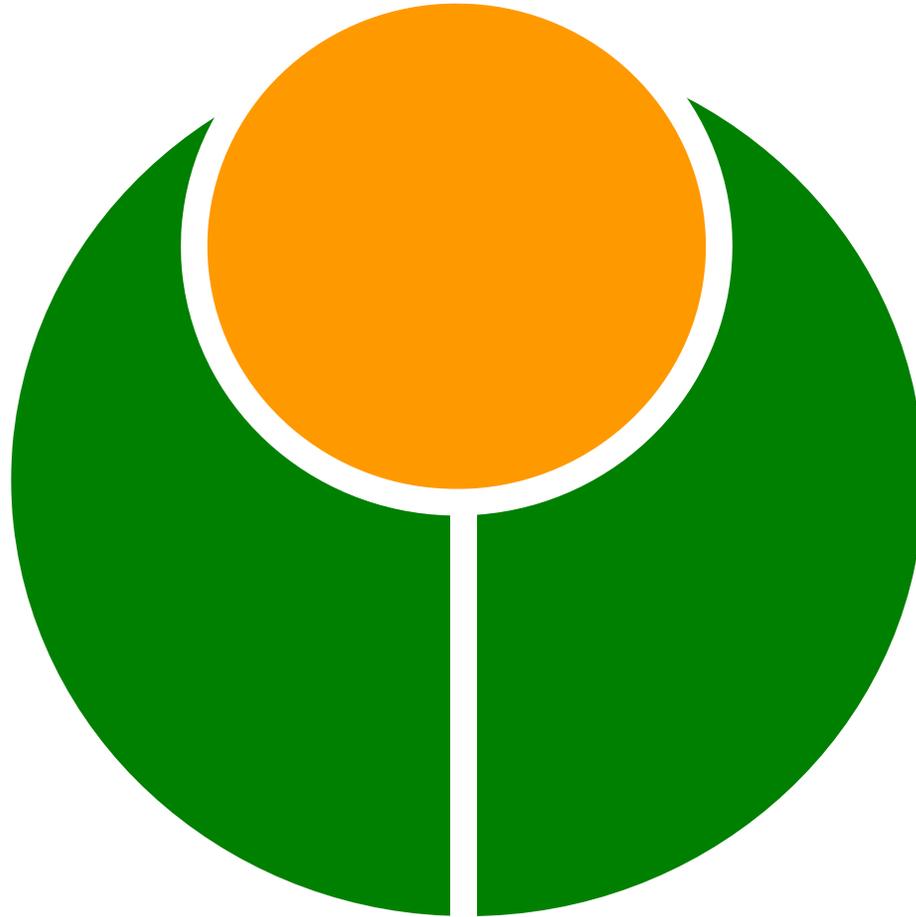


# SCHAC AND EEOC TIPS TO KEEP IN MIND



- South Carolina is divided between EEOC Districts:
- Atlanta District Office – Allendale, Bamberg, Barnwell, Beaufort, Berkeley, Charleston, Colleton, Dorchester, Georgetown, Hampton, Jasper, Williamsburg
- Charlotte District Office – the other 34 counties





# HOUSING



# SCHAC is a FHAP Agency



- FHAP is a Fair Housing Assistance Program.
- The South Carolina Fair Housing Law was enacted in 1989 and gave the Commission jurisdiction to investigate all fair housing complaints in the State. HUD recognized SHAC as substantially equivalent state agency in 1995.
- HUD provides FHAP funding annually on a noncompetitive basis to State and local agencies that enforce fair housing laws that are substantially equivalent to the Fair Housing Act.



# SCHAC and FHIP Agencies



- FHIP is a Fair Housing Initiatives Program.
- FHIP organizations assist people who believe they have been victims of housing discrimination.
- FHIP organizations partner with HUD to help people identify government agencies that handle complaints of housing discrimination.
- There are a number of FHIP agencies throughout SC that forward complaints to SCHAC for investigations.



# Housing Discrimination Basis



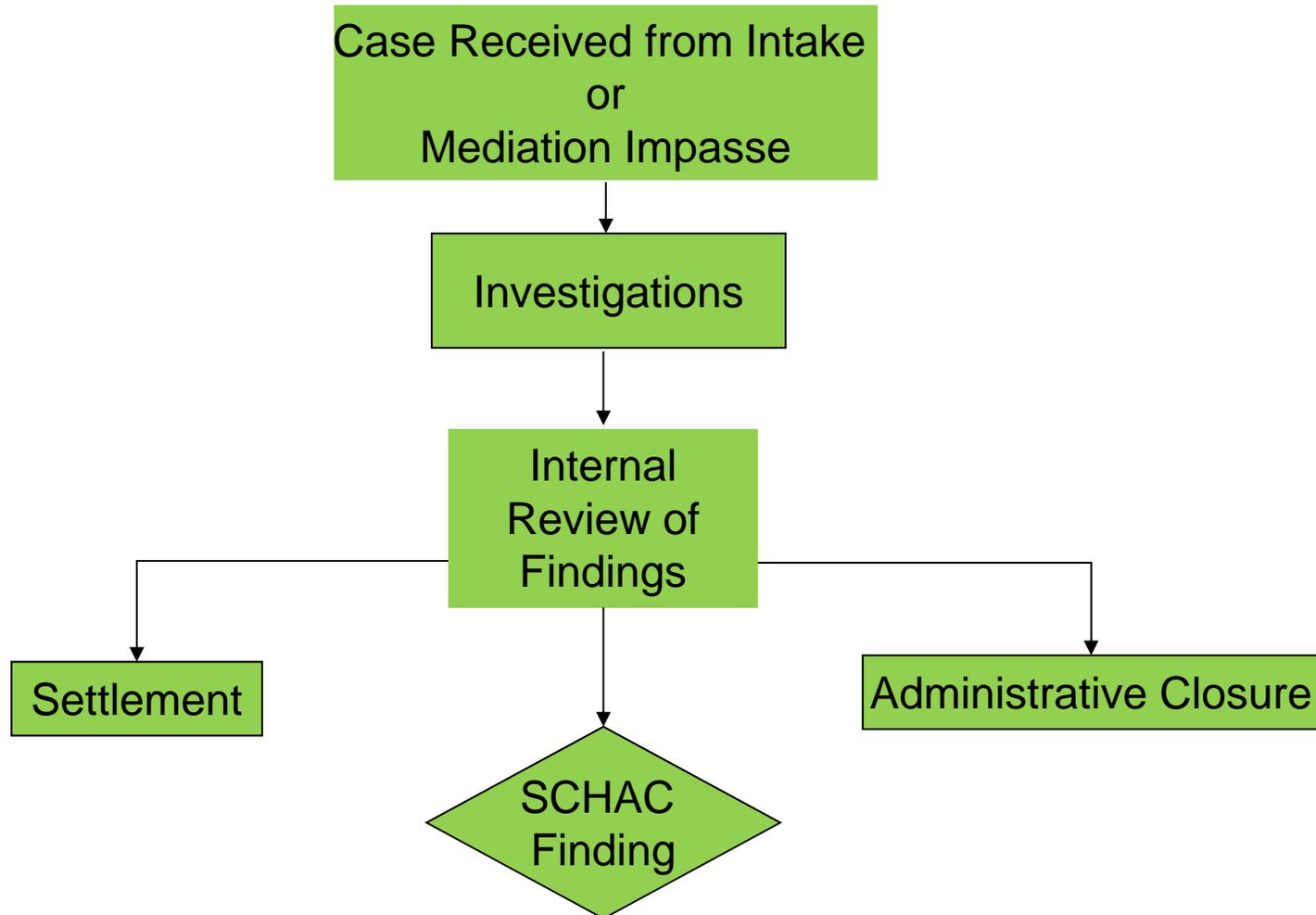
- Race
- Color
- Religion
- Sex
- National Origin
- Mental or Physical Handicap (Disability)
- Familial Status (families with children)



# The Investigative Process



*Tracking a case from filing to final agency action*

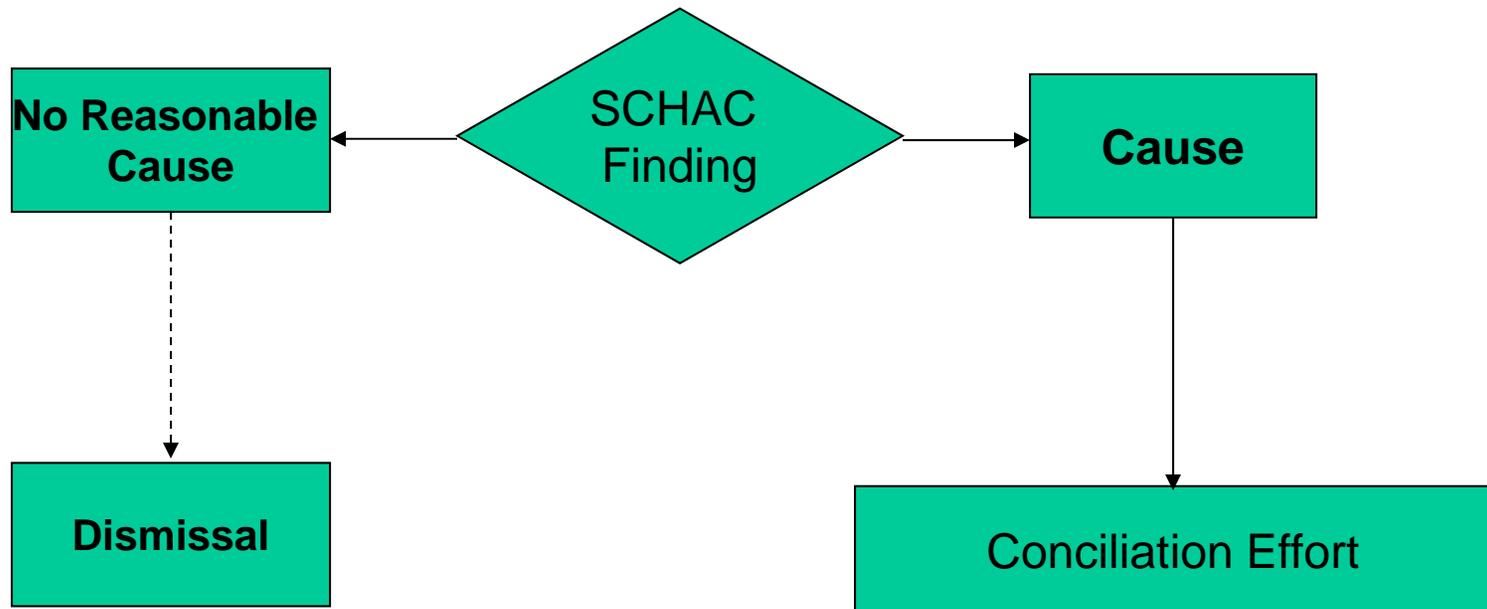




## The Investigative Process (Con't)



# Agency Finding

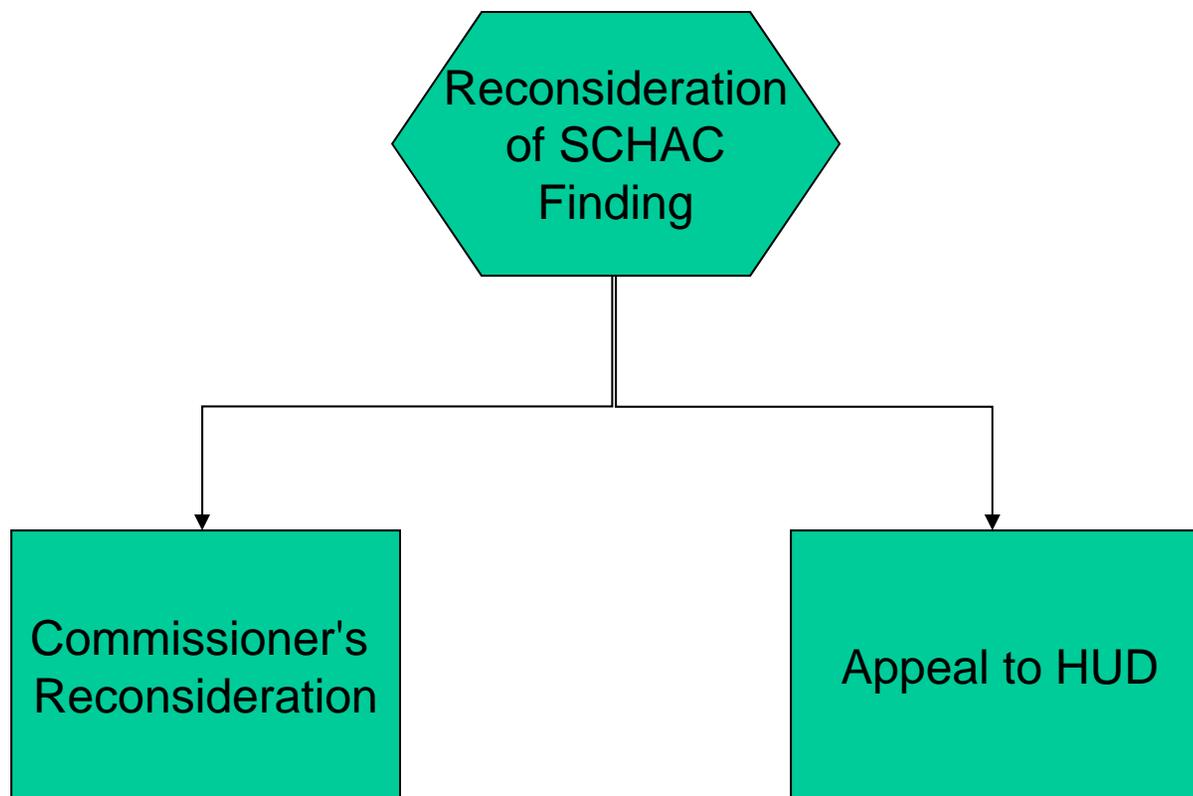




# No Reasonable Cause Finding



## Reconsideration Rights of Parties

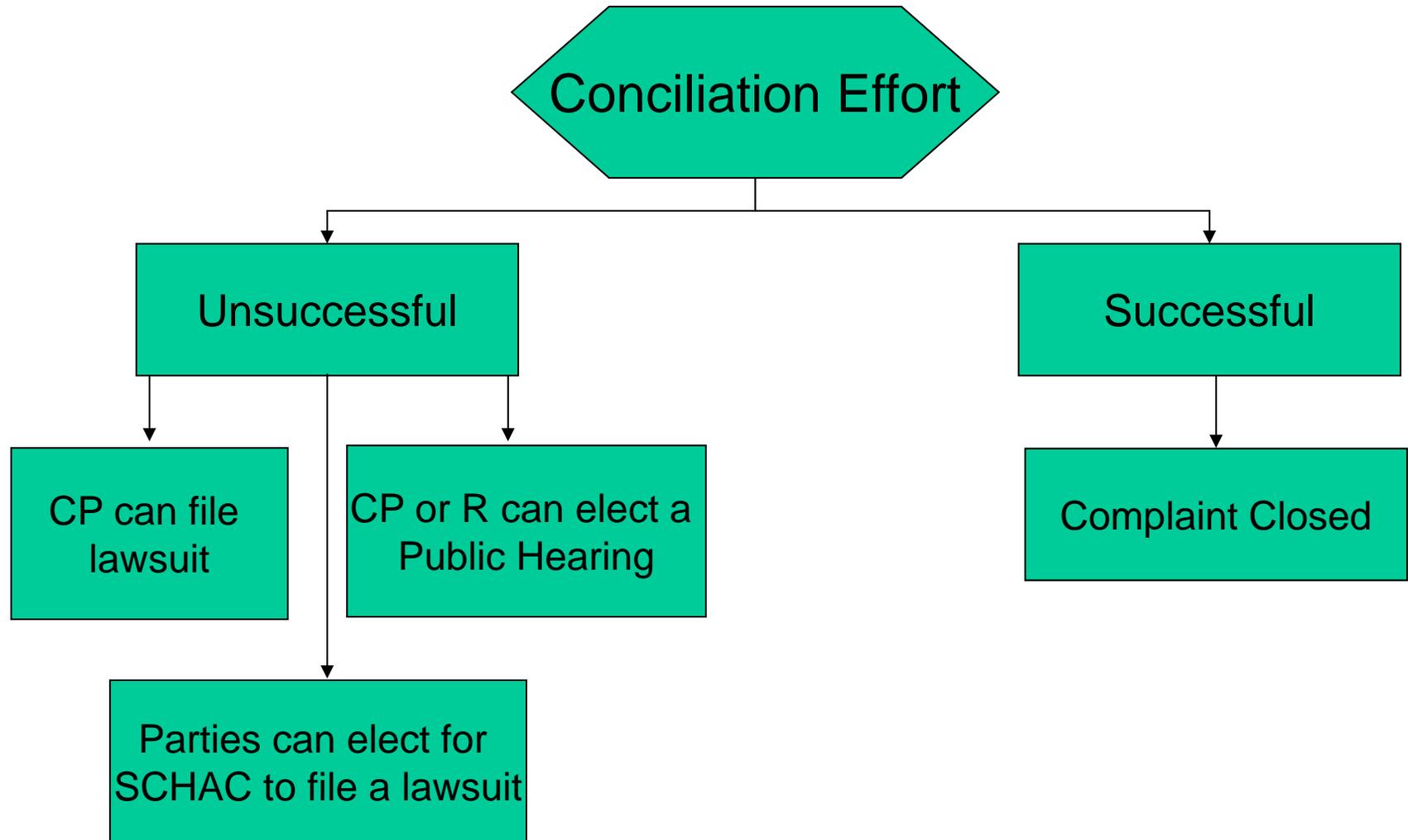




## The Investigative Process (Con't)

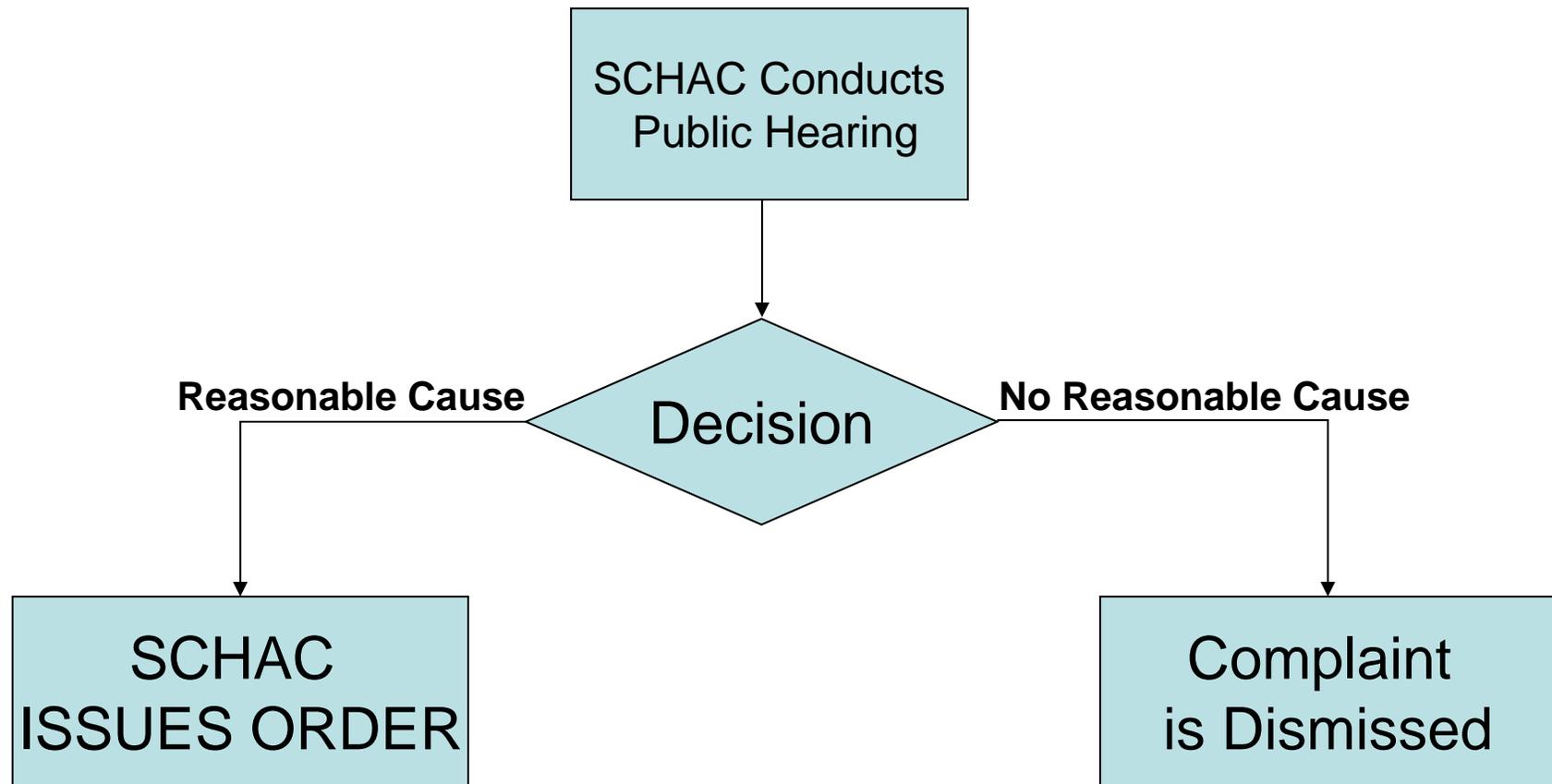
# Reasonable Cause Finding

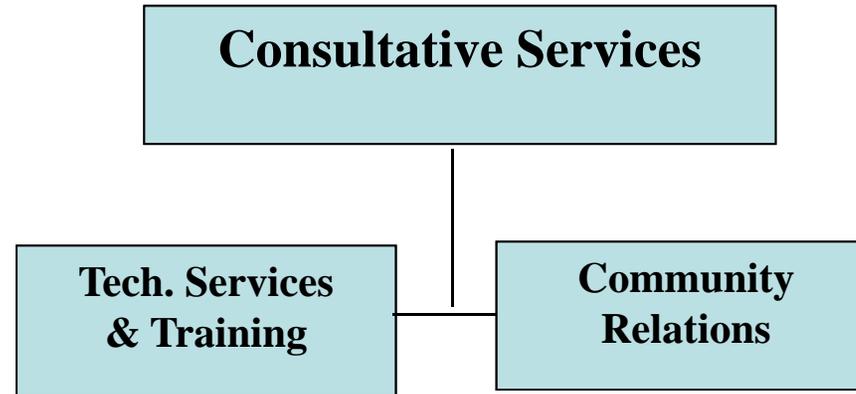
Discrimination apparent: Attempts made to reconcile the parties





# SCHAC Public Hearing





**Consultative Services** provides technical assistance to state agencies and organizations in developing programs to promote the agency's legislative mandate as well as monitoring and diffusing ethnic / race relationship strife wherever it may occur in the state of South Carolina.



**TECHNICAL SERVICES  
AND TRAINING**

*(Prevention and Intervention)*



# Development of State Agency Affirmative Action Plans



- Review the Workforce Composition of State Agencies based on data describing employment trends by race and sex during the year
- Assist State Agencies in identifying areas in their workforce where race and sex groups are disproportionate (**Underutilization**)
- Assist State Agencies (*and other organizations who request services*) to identify action steps to reach goals designed to eliminate underutilization (**Affirmative Action Plan**)



# Annual Report to the South Carolina General Assembly



## “The Status of Equal Employment Opportunity in South Carolina State Government”

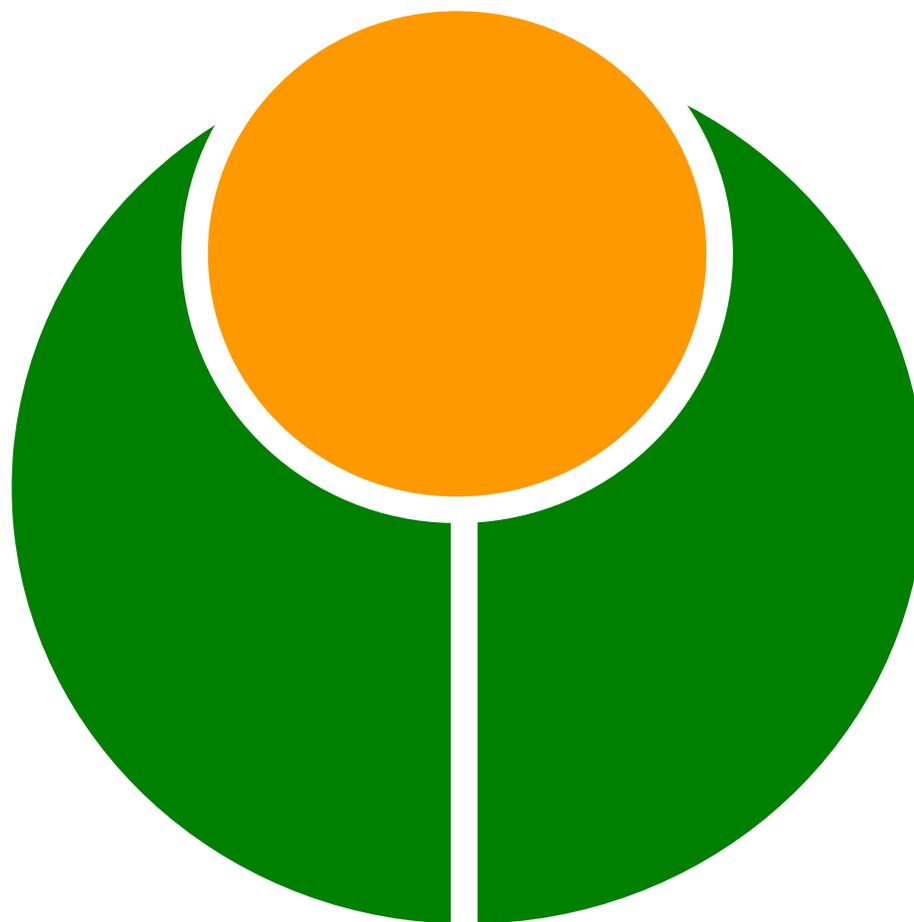
### ***South Carolina Code of Laws SECTION 1-13-110.***

“Each State agency shall develop an Affirmative Action Plan to assure equitable employment for members of minorities (race and sex) and shall present such Plans to the Human Affairs Commission. On or before February 1 of each year, the Human Affairs Commission shall submit a report to the General Assembly concerning the status of the Affirmative Action Plans of all State agencies. If any Affirmative Action Plans have been disapproved, the report shall contain the reasons for such disapproval. If the General Assembly takes no action within sixty (60) days on those Plans which have been disapproved, the action of the Human Affairs Commission shall be final.”



# SCHAC Training

- Equal Employment Opportunity
- Sexual Harassment
- Diversity
- Fair Housing
- Affirmative Action



# Community Relations



# *What is Community Relations?*

*“Community Relations” is the fostering of better relationships within a community through organized efforts to bring together cross-sections of people to resolve mutual issues which include, but are not limited to, law enforcement, education, business practices, government, and public accommodations.*



# Community Relations Councils

- Established throughout the state at local community levels to resolve problems locally
- Mission of Human Affairs Commission is to work through these councils to carry out its mandate to improve relationships among the citizens of South Carolina
- Counties considered geographical boundaries for operation of local councils





There still remains the unfinished goals of the civil rights movement and the civil rights movement is a critical part of the American movement and the American story. It's a movement in which every person, regardless of their skin color is treated equally under the law.

*-Former SC Governor Nikki Haley  
speech at the National Press Club*

### How to Contact the Commission

Monday—Friday  
8:30 am—5:00 pm  
Call: (803) 737-7800 or  
(800) 521-0725

Web Address: [www.schac.sc.gov](http://www.schac.sc.gov) 1026 Sumter Street, Suite 101 (29201)  
Email: [Information@schac.sc.gov](mailto:Information@schac.sc.gov) Post Office Box 4490  
Fax: (803) 737-7835 Columbia, SC 29240  
Raymond Buxton, II, **Commissioner**

### Human Affairs Fact Sheet

#### *History:*

The South Carolina Human Affairs Law, **enacted in 1972**, created the South Carolina Human Affairs Commission.

- Its primary activities include investigating and attempting to resolve charges alleging unlawful discrimination; monitoring the employment practices and affirmative action efforts of state government agencies; providing training and technical assistance to employers and others who seek to comply with the Human Affairs Law; and conducting a study of problems which threaten the objectives of the Law, in order to promote better community relations and interracial harmony.

The South Carolina Fair Housing Law was **enacted in 1989** and gave the Commission jurisdiction to investigate all fair housing complaints in the State.

- Under the Fair Housing Law, it is unlawful to refuse to sell or rent a dwelling on the basis of

race, color, religion, sex, familial status, national origin, or handicapping condition.

The Equal Enjoyment and Privileges to Public Accommodations Act was **enacted by the State General Assembly in 1990**.

- This historic legislation provides that all persons shall be entitled to the full and equal enjoyment of the goods, services, facilities, privileges, advantages and accommodations of any place of public accommodations without discrimination or segregation on the basis of race, color, religion or national origin.

**In 2013**, the agency moved locations from Forest Drive to 1026 Sumter Street.

**In 2012**, Raymond Buxton, II, becomes the **Sixth and current Commissioner** of the agency.

**As of 2016**, the Agency has investigated approximately 40,000 Discrimination complaints since inception.

#### *Mission:*

The Mission of the South Carolina Human Affairs Commission is to eliminate and prevent unlawful discrimination in: employment on the basis of race, color, national origin, religion, sex, age, and disability; housing on the basis of race, color, national origin, religion, sex, familial status, and disability; and public accommodations on the basis of race, color, national origin, and religion.

#### *Information:*

**Employees:** 42 FTEs

**S.C. Human Affairs Laws and Regs:** Title 1, Chapter 13 / Chapter 65, Subchapter 1

**S.C. Fair Housing Law:** Title 31, Chapter 21

**Services:** Public Accommodations, Non-Employment Complaints, Employment Discrimination, Housing Discrimination, Mediation, Community Relations, Technical Services, and Training

**Filing a Complaint:** Telephone, Mail, Walk-In, Fax, Internet

**Timeliness:** Employment Discrimination: 180-300 days; Housing Discrimination: 180 days; and Public Accommodation: 3 years

**Training Programs:** Affirmative Action, Equal Employment, Sexual Harassment, and Americans with Disabilities Act

**Governing Board:** John A. Oakland, **Chair**, Aiken County; Reverend Willie Albert Thompson, **Vice-Chair**, Greenville County; Harold Jean Brown, Georgetown County; Ashley Case, Laurens County; Joe F. Fragale, Beaufort County; Cheryl F. C. Ludlam, Charleston County; and Andrew Williams, York County

**Commissioner:** Raymond Buxton, II

**Divisions:** Administrative Division, Compliance Division, Fair Housing Division, Technical Services and Community Relations, and Legal Division

**\*\*\*all information received from SCHAC website or Program Evaluation Report**

## History

- 1968
  - Social Unrest erupts in the state with 1)1968-Orangeburg Massacre, three young African American Male students killed, 2) 1969-MUSC- Charleston Area Hospital Strike, places city of Charleston on curfew for a long period of time where unrest begins in March and issue not settled until June, 3) March, 1970- Lamar, SC- White parents turn over school buses in protest of desegregation of public schools.
- March 4, 1971
  - John C. West signs Executive Order establishing the Governor's Advisory Commission on Human Relations on March 4, 1971. JW. (Bill) Travis, CEO of Southern Bell is appointed as Chairman.
  - State Director: George Hamilton appointed as Executive Director on April 2, 1971.
- March 29, 1972
  - Through the work of the Commission, The Breger Study released a report entitled: "Black Employment in South Carolina State Government, A Study of State Employment Practices". The Study showed that there were many state agencies where Blacks were not fairly represented and notes: "Implicit discrimination in employment does not result from malicious intent, nor does it necessarily reflect racist attitudes. Instead, it is the product of decades, perhaps centuries, of social psychological conditioning to a racial environment that has always set whites before black. Its manifestations in the employment system are many and varied, often subtle and deeply ingrained."
- June 23, 1972
  - Governor West signed the bill into law creating the State Human Affairs Commission protecting citizens on the basis of race, color, religion, sex, national origin and age. The legislation gives the Commission the authority to enforce employment law and the responsibility of assisting various state agencies in setting up for affirmative action programs and equal hiring policies.
  - State Director George D. Hamilton is appointed the first Commissioner (1972-1974)
  - The SHAC Law creates a Commission made up of a 15 member board appointed by the Governor with consent and approval by the SC Senate. The Board Chair is appointed by the Governor and the Agency's Executive Director is chosen by the Board in conjunction with the approval by the Governor.
- January, 1973
  - All State Agencies with more than 15 employees are required to submit Affirmative Action Plans on an annual basis.
- October 4, 1974
  - State Director: James E. Clyburn becomes the new Commissioner (1974-1990)
  - Agency is structured in three program areas: 1)Compliance-Employment, 2) Technical Services-monitoring of State Agency Affirmative Action, 3) Community Relations
- 1975
  - Agency enters into first Contract with the US Equal Employment Opportunity Commission and becomes a Fair Employment Practicing Agency (FEPA).
- 1981
  - The Commission publishes "The Blueprint" which is a technical compliance manual that contains all the information necessary to develop and monitor Affirmative Action Plans and becomes one of the most widely used affirmative action planning manuals in the nation.

- 1983
  - The SC Bill of Rights for Handicapped Persons though weak in enforcement becomes law and is a precursor to the American with Disabilities Act.
- May 9, 1989
  - Governor Carroll A. Campbell signed into law the South Carolina Fair Housing Law that allows Human Affairs Commission for deferral status with the US Department of Housing and Urban Development. The law was amended on May 3, 1990 to enhance the deferral status with HUD and HUD Grants the agency its first contract in November 1994 and recognizes the agency for substantial equivalency status in January, 1995. The law protects citizens on the basis of race, color, religion, national origin, sex, familial status, and disability.
- April 25, 1990
  - The Equal Enjoyment of and Privileges to Public Accommodations Law is passed and signed into law by Governor Carroll Campbell as a result of an Attorney General investigation into a restaurant in September of 1989 that refused to serve black men. The law protects the rights of citizens on the basis of Race, Color, Religion and National Origin.
- 1991
  - The first Computerized Affirmative Action Management System is purchased to enhance State Agency reporting and the Commission's monitoring of all state agency plans.
- July 2, 1992
  - State Director: Willis C. Ham, PhD, becomes the new Commissioner (1992-2000)
- November, 1993
  - The Fair Housing Department is formed under Compliance-Enforcement Division
- June 13, 1996
  - Legislation is passed that allows Disability as a protected class to the Human Affairs Law, and the Human Affairs Commission is removed from any responsibility for enforcement of the SC Bill of Rights for Handicapped persons.
  - 1996- South Carolina Human and Community Relations Association (SCHACRA) was formed under the auspices of the Commission where thirteen active Community Relations Councils in the state have the goal of improving human and community relations in the state.
  - 1996- Alternative Dispute Resolution (Mediation) program is formed to provide rapid resolution to complaints without the necessity of an investigation, determination or Notice of Right to Sue being issued in a complaint.
- December, 2000
  - State Director Jesse Washington, Jr. becomes the Commissioner (2000-2010)
- 2000-2004
  - SC Human Affairs Commission from FY 1999-2000 until fiscal year 2003-2004 sustains budget cuts culminating to over 43% of the agencies state appropriations.
  - As a result, programs such as Community Relations were cut to the bare bone, reduction in staff and furloughs occurred.
- 2005-2006
  - The agency lost 9 of 43 employees to retirement. SHAC had a historically low rate of turnover of employees, now began a natural attrition of employees seeking to retire.
  - The loss of senior staff has an impact on the agency, but dedicated employees continue to keep up the pace of work to accomplish agency goals.

- 2006-2007
  - The Commission's staffing levels remain substantially below what is legitimately required to continue to deliver the services required by the legislature at qualitative and quantitative levels expected.
- 2008-2009
  - 38 FTEs are filled but in order to stay within budget, the agency endures a 10 day furlough for each employee. Employment Investigation case-loads jump from an average of 45-50 to 70 employment cases per investigator.
- 2010
  - The agency budget is cut in half. State Appropriations from 1999 to the end of the 2009- 2010 fiscal year are cut by 70%. Agencies 38 FTEs falls to 17 full time employees and one temp employee. Remaining employees all go on a 90 day voluntary furlough in order to keep the agency operating.
  - No FTEs in Community Relations Department. 90 (e) and Public Accommodation cases are no longer investigated. Technical Services Department is reduced to one FTE
- 2011
  - State Director Ralph Haile, Agency General Council, is named the fifth Commissioner, (Interim Commissioner) (2011-2012)
  - Dedicated employees at times, work without being paid and keep the agency afloat.
  - The legislature believing that State Government and not the Federal Government should be handling the problems and issues involving discrimination in South Carolina, and \$600,000 is restored to the budget to the agency budget for FY 2011-2012.
  - After Interim Commissioner Haile resigns, John Wilson, Compliance Director, takes over the leadership of the agency until a new Commissioner is hired.
- June- 2012
  - SHAC Board changes from a 15 Member Board to a 9 Member Board
- July-2012
  - State Director Raymond Buxton, II, becomes the sixth Commissioner of the agency. (2012-Present)
  - From 2012 until 2016, Funding for filled FTE positions increases from 17 to 43.
  - Community Relations Department is reinstated to create and sustain Community Relations Councils around the State.
  - 90 (E) and Public Accommodation complaints are once again investigated.
- 2013
  - Under direction from the Department of Administration, oversaw the physical move of the agency from location of agency since 1978 on Forest Drive to 1026 Sumter Street.
- 2014
  - Major upgrade for CAAMS occurs to include data from the 2010 US Census
- 2015
  - Agency increased outreach and educational activities through improvements to WEB Site, advertising, reinstating Agency Newsletter, developing a CRC Newsletter and distribution of agency brochures.
  - Increased training for the newly hired investigators to ensure better customer service for citizens and businesses in SC.
- 2016
  - SHAC entered into a contract with the College of Charleston to develop a systematic approach to create and sustain Community Relations Councils.

- SHACRA is reinstated as a no-profit group.
- As a result of the Emanuel 9 tragedy in Charleston, SC, the Commission began a three event series per year to include recognizing: a) International Day on March 21 of each year to “End Racism”, b) Began to sponsor a “Remembering the Emanuel 9 Day” for all State Agencies in SC, C) sponsoring a dialogue on race relations in late summer.
- Increased attorneys on staff to three so that the laws of the agency can be enforced and enhanced in a manner that the Commission can hold public hearings as the legislation intended.
- Agency has investigated approximately 40,000 Discrimination complaints since its inception.

**Deliverables**  
(Study Step 1: Agency Legal Directives, Plan and Resources)

Agency Responding		Human Affairs Commission										
Date of Submission		4/17/2017										
		<p><b>When adding laws under, Applicable Laws, please cite them as follows:</b></p> <p><u>State Constitution:</u> Article # . Title of Article . Section # . Title of Section (Example - Article IV. Executive Department. Section 12. Disability of Governor)</p> <p><u>State Statute:</u> ## - ## - ## . Name of Provision . (Example - 1-1-110. What officers constitute executive department.)</p> <p><u>Federal Statute:</u> Title # . U.S.C. Section # (Any common name for the statute)</p> <p><u>State Regulation:</u> Chapter # - Section # (Any common name for the regulation)</p> <p><u>Federal Regulation:</u> Title # C.F.R. Section # (Any common name for the regulation)</p> <p><u>State Proviso:</u> Proviso ## .# (Proviso Description) , 2015-16 (or whichever year is applicable) Appropriations Act Part 1B (Example - 117.9 (GP: Transfers of Appropriations), 2014-15 Appropriations Act, Part 1B.)</p>										
		Does the agency know...										
Item #	Deliverable	Applicable Laws	Does the law(s)... A) Specifically REQUIRE the agency provide it (must or shall)? B) Specifically ALLOW the agency to provide it (may)? C) Not specifically address it?	Optional - Service/Product (If deliverable is too broad to complete the remaining columns, list each product/service associated with the deliverable, and complete the remaining columns)	Does the agency evaluate customer satisfaction? (Y/N)	Greatest potential negative impact on the public if not provided	1-3 recommendations to the General Assembly, other than \$ and providing the deliverable, for how the General Assembly can help avoid the greatest potential negative impact	Other state agencies whose mission the deliverable may fit within	Is the agency permitted by statute, regulation, or proviso to charge for it? (Y/N)	cost per unit? (Y/N)	annual # of potential customers? (Y/N)	annual # of customers served? (Y/N)
1	The Commission shall encourage fair treatment and eliminate and prevent discrimination.	1-13-40. Creation of South Carolina Commission on Human Affairs	Not Address	See all deliverables below								
2	The Commission shall have a full and functioning board.	1-13-40. Creation of South Carolina Commission on Human Affairs; 1-13-60. Duties of chairman and vice-chairman.	Require		No	A full and functioning board is necessary for the administration of the Agency's laws, particularly the adjudication of matters in an administrative hearing.	More individuals need to be identified for serving on the Board at the pleasure of the Governor and the Senate.	None	No	No	No	No
3	The Commission shall have a paid Agency head, recommended by the Commission board, and approved by the Governor, and shall also hire other staff members for furthering the mission of the agency.	1-13-50. Commissioner and personnel.	Require		No	The mission would not be carried out because no staff would work to enforce the laws of the agency.	The Statute specifically requires this, so there is no other possibility than funding.	None	No	No	No	No
4	The Commission may adopt bylaws, publish reports and policies, and promulgate regulations to further the mission of the Agency, and deter discrimination in housing and employment across the state.	1-13-70. Powers of the Commission; 31-21-100. Powers of the Commission	Allow		No	Consumers would not have sufficient guidance on the Agency's process or legal interpretations if the Commission did not issue additional reports, policies, or regulations.	Allow the Commission to promulgate and amend its regulations, as needed.	None	No	No	No	No
5	The Commission may recognize and cooperate with Community Relations Councils across the state, provided the Council meets certain requirements.	1-13-70. Powers of the Commission; 65-40 Minimum Requirements	Allow		No	Not having a mechanism within a community to address sensitive issues or possible social unrest as it relates to matters of race, national origin, color or religion and that if not handled appropriately lead to a negative economic impact	Support the creation of local Community Relation Councils in the counties you represent to resolve problems locally at the grass roots level and not at the state level.	None	No	No	No	No
6	The Commission may contract and cooperate with Federal Equivalent Agencies (like the EEOC and HUD) in furthering the joint missions of the Agencies.	1-13-70. Powers of the Commission; 31-21-100. Powers of the Commission.	Allow		No	The Commission would lose significant funding from the Federal Agencies which rely on the Human Affairs Commission to share caseloads.	Study differences in the federal and state laws regarding employment, housing, and public accommodation discrimination so that our laws are substantially similar to our Federal Counterpart Agencies.	None	Yes	No	No	No
7	The Agency shall accept and investigate formal complaints against employers that state the employer has engaged in unlawful employment discrimination, based on race, religion, color, sex, age, national origin, or disability.	1-13-70. Powers of the Commission; 1-13-90. Complaints, investigations, hearings, and orders; 65-2 Complaint	Require		No	Complaints of unlawful discrimination would either be investigated by the EEOC, or would not be investigated.	Maintain the compliance and legal departments at current levels. Communicate with the Department of Administration regarding building and parking facilities in order to allocate adequate office and parking spaces for the agency, maximize security, and minimize health hazards.	None	No	No	No	Yes
8	The Agency shall attempt to conciliate or mediate complaints against employers alleged to have engaged in unlawful employment discrimination.	1-13-70. Powers of the Commission; 1-13-90. Complaints, investigations, hearings, and orders.; 65-5 Conference Conciliation and Persuasion	Require		No	More complaints would likely result in a lawsuit in federal or state court.	Pass legislation requiring mediation for complaints lodged against State Agencies.	None	No	No	No	Yes
9	The Commission may petition a court of competent jurisdiction seeking injunctive relief regarding an employment discrimination complaint pending with the agency.	1-13-70. Powers of the Commission; 65-4. Preliminary or Temporary Relief	Allow		No	An Aggrieved Party that is not represented by a private attorney and who does not know they can file for an injunction, could potentially suffer irreparable harm.	Consider statutory revisions in order to streamline the process and minimize costs to the Agency when court action is required.	None	No	No	No	Yes
10	The Agency shall issue subpoenas or subpoenas duces tecum to compel the attendance of witnesses or the production of evidence in employment investigations, and the Commission shall enforce subpoenas through a court of competent jurisdiction.	1-13-70. Powers of the Commission; 1-13-90. Complaints, investigations, hearings, and orders; 65-3 Investigation and Production of Evidence	Require		No	Complaints of unlawful discrimination would not be investigated, and the federal government would likely intervene.	Permit the Agency to update its regulations with the regulation changes currently proposed; consider statutory revisions in order to streamline the process and minimize costs to the Agency when subpoena enforcements are required.	None	No	No	No	No
11	The Commission shall issue an order at the completion of an employment investigation regarding a state agency employer, either that the matter be dismissed or that a panel of commission members be designated to hear the matter.	1-13-70. Powers of the Commission; 1-13-90. Complaints, investigations, hearings, and orders; 65-2 Complaint; 65-3 Investigation and Production of Evidence; 65-6 Reasonable Cause Determination	Require		No	Complainants would not have the opportunity to be heard in court or in a hearing proceeding and would not be awarded relief if their claims hold up in either of those processes.	More individuals need to be identified for serving on the Board at the pleasure of the Governor and the Senate.	None	No	No	No	Yes

**Deliverables**  
(Study Step 1: Agency Legal Directives, Plan and Resources)

Item #	Deliverable	Applicable Laws	Does the law(s)... A) Specifically REQUIRE the agency provide it (must or shall)? B) Specifically ALLOW the agency to provide it (may)? C) Not specifically address it?	Optional - Service/Product (if deliverable is too broad to complete the remaining columns, list each product/service associated with the deliverable, and complete the remaining columns)	Does the agency evaluate customer satisfaction? (Y/N)	Greatest potential negative impact on the public if not provided	1-3 recommendations to the General Assembly, other than \$ and providing the deliverable, for how the General Assembly can help avoid the greatest potential negative impact	Other state agencies whose mission the deliverable may fit within	Is the agency permitted by statute, regulation, or proviso to charge for it? (Y/N)	Does the agency know...		
										cost per unit? (Y/N)	annual # of potential customers? (Y/N)	annual # of customers served? (Y/N)
12	The Commission shall hold an administrative hearing before a panel of three commission members, and shall render a decision related to the claims, when an employment investigation against a state agency has resulted in a reasonable cause determination.	1-13-70. Powers of the Commission; 1-13-90. Complaints, investigations, hearings, and orders; 65-8 Procedure for Hearing as Provided by Section 1-13-90 (c)	Require		No	Viable claims of employment discrimination against state agencies would not be adjudicated in a cost-effective, timely way, and would instead result in lawsuits being filed in circuit of federal court, adding cost to the state.	More individuals need to be identified for serving on the Board at the pleasure of the Governor and the Senate.	None	No	No	No	Yes
13	The Commission shall, at the completion of an employment investigation regarding a non-state agency employer, either order that the matter be dismissed despite evidence that reasonable cause exists to believe discrimination occurred; order that the complaint be dismissed for no reasonable cause; or recommend that a lawsuit be filed in equity in circuit court against the respondent due to a cause determination.	1-13-70. Powers of the Commission; 1-13-90. Complaints, investigations, hearings, and orders; 65-2 Complaints; 65-6 Reasonable Cause Determination: Procedure and Authority; 65-9 Procedure for the Institution of Civil Actions as Provided in Section 1-13-90(d) of the Act	Require		No	Complaints of unlawful discrimination would be incomplete, and the federal government would likely intervene.	Consider statutory revisions in order to streamline the process and minimize costs to the Agency when court action is required.	None	No	No	No	Yes
14	The Agency and Commission may initiate a lawsuit on behalf of an aggrieved party when an employment investigation against a non-state agency has resulted in a reasonable cause determination.	1-13-70. Powers of the Commission; 1-13-90. Complaints, investigations, hearings, and orders; 65-9 Procedures for the Institution of Civil Actions as Provided in Section 1-13-90(d) of the Act	Allow		No	Viable claims of discrimination against non-state agencies in the employment context would not be adjudicated in a cost-effective, timely way and would instead result in personal lawsuits being filed in circuit of federal court.	Consider statutory revisions in order to streamline the process and minimize costs to the Agency when court action is required.	None	No	No	No	Yes
15	The Agency shall attempt to conciliate allegations of discrimination outside of the employment context.	1-13-90. Complaints, investigations, hearings, and orders	Require		No	Public would not have a neutral state entity to resolve discrimination matters and without an outlet of expression and means to resolve a complaint, this could lead to social unrest and harm economic progress.	Maintain compliance and legal departments at current levels. Communicate with the Department of Administration regarding building and parking facilities in order to allocate adequate office and parking spaces for the agency, maximize security, and minimize health hazards.	None	No	No	No	Yes
16	The Commission shall submit a report to the General Assembly each year concerning the status of the Affirmative Action Plans of all state agencies, and will work with all Agency Equal Employment Officers for preparing reports, to include each Agency's Equal Employment Opportunity Report.	1-13-110. Affirmative action plans by State agencies; approval by Commission; action by General Assembly; 65-20 Submission of Equal Employment Opportunity Reports; 65-21 Equal Employment Officer to be Designated; Proviso 117.13 (GP: Discrimination Policy)	Require		No	Not monitoring State Agency AAPs would lead to more complaints of employment discrimination being filed against State Agencies and would erode the tremendous progress that State Government has made in terms of hiring and promoting qualified individuals to State employment positions where the agency employment staff looks similar to the makeup of qualified citizens in the general population.	Continue to support the proviso that if agencies are not in compliance with the law that funding can be withheld from their agency.	None	No	No	No	No
17	The Agency shall not make public information contained within an employment investigation file unless it is being entered as evidence at a Commission hearing or court proceeding.	65-3 Complaint	Require		No	File contents would be readily available to anyone, which would include matters regarding conciliation, trade secrets, personnel data, anonymous witnesses, attorney-client privileged data, and work product, among other types of confidential information.	Assist the agency with establishing a better physical location for our office that already has sufficient privacy protections in place.	None	No	No	No	No
18	The Agency shall make certain portions of employment investigation files available to the parties involved in the investigation.	65-3 Complaint	Require		No	Parties to investigations would not be able to obtain data provided to the agency following their assistance with those investigations.	Allow the Commission to promulgate and amend its regulations, as needed.	None	Yes	Yes	No	Yes
19	In employment investigations, the Commissioner shall provide the parties the opportunity to seek reconsideration of a final determination regarding the investigation.	65-7 Reconsideration of Order of Dismissal or Order to Initiate Suit;			No	The parties would not be afforded a fresh, objective opinion following the dismissal or closure of a matter.	Maintain the legal department within the agency at its current level of staffing.	None	No	No	No	Yes
20	The Chairman or the Commissioner (Agency Head) may authorize or certify all documents or records which are a part of the files and records of the Commission.	65-10 Certification; 65- 236 Certification	Allow		No	Commission documents would not be certified.	More individuals need to be identified for serving on the Board at the pleasure of the Governor and the Senate.	None	No	No	No	No
21	The Agency shall make rules and regulations of the Commission available to the public at its office and per the APA.	65-11 Availability of Rules; 65-237 Availability and Construction of Rules	Require		No	The public may not have access to Agency rules and regulations.	Allow the Commission to promulgate and amend its regulations, as needed.	None	No	No	No	No
22	The Agency may conduct general investigations into the problems of discrimination not related to housing, employment, or public accommodations, and may study and report upon the problems of the effect of discrimination on any field of human relationships.	65-13 General Investigations	Allow		No	Public would not have a neutral state entity to resolve discrimination matters, and without an outlet of expression and ability to resolve sensitive matters regarding discrimination, this could lead to social unrest and harm economic progress.	Maintain the compliance and legal departments at current levels. Communicate with the Department of Administration regarding building and parking facilities in order to allocate adequate office and parking spaces for the agency, maximize security, and minimize health hazards.	None	No	No	No	No

**Deliverables**  
(Study Step 1: Agency Legal Directives, Plan and Resources)

Item #	Deliverable	Applicable Laws	Does the law(s)... A) Specifically REQUIRE the agency provide it (must or shall)? B) Specifically ALLOW the agency to provide it (may)? C) Not specifically address it?	Optional - Service/Product (if deliverable is too broad to complete the remaining columns, list each product/service associated with the deliverable, and complete the remaining columns)	Does the agency evaluate customer satisfaction? (Y/N)	Greatest potential negative impact on the public if not provided	1-3 recommendations to the General Assembly, other than \$ and providing the deliverable, for how the General Assembly can help avoid the greatest potential negative impact	Other state agencies whose mission the deliverable may fit within	Is the agency permitted by statute, regulation, or provision to charge for it? (Y/N)	Does the agency know...		
										cost per unit? (Y/N)	annual # of potential customers? (Y/N)	annual # of customers served? (Y/N)
23	The Agency shall prepare and distribute notices for other State Agencies to post in conspicuous locations for employees, which set forth excerpts from pertinent provisions of the Human Affairs Law, to include information regarding filing a complaint.	65-24 Notices to be Posted	Require		No	State employees will not be aware of their rights under the Human Affairs Law.	Provide the agency with a punishment mechanism if other State Agencies fail to comply with the requirement.	SC Dept. of Employment and Workforce, South Carolina Dept. of Consumer Affairs, SC Division of Human Resources	No	No	Yes	No
24	The Commission shall administer the provisions of the Fair Housing Law of South Carolina, but may delegate responsibilities to its paid staff.	31-21-90. Administration of Chapter.	Require		No	Fair Housing would not be enforced statewide.	The Statute specifically requires this, so there is no other possibility than funding.	None	No	No	No	No
25	The Agency shall accept and investigate (within 100 days) formal complaints against housing providers contending the a provider has engaged in unlawful discrimination based on race, color, religion, sex, disability, familial status, or national origin.	31-21-90. Administration of Chapter; 31-21-100. Powers of the Commission; 31-21-110. Investigations by the commission; subpoenas; 31-21-120. Complaints; process and handling; conciliation; effect of local laws; civil action.; 65-220 Complaints; 65-223 Investigation Procedures	Require		No	Complaints of unlawful discrimination would either be investigated by the HUD, would be filed immediately in a lawsuit, or would not be investigated.	Maintain the fair housing and legal departments within the agency at current level of staffing. Communicate with the Department of Administration regarding building and parking facilities in order to allocate adequate office and parking spaces for the agency, maximize security, and minimize health hazards.	None	No	No	No	Yes
26	The Agency shall attempt to conciliate or mediate complaints against housing providers alleged to have engaged in unlawful housing discrimination.	31-21-120. Complaints; process and handling; conciliation; effect of local laws; civil action.; 65-225 Conciliation Procedures	Require		No	More complaints would likely result in a lawsuit in federal or state court.	Maintain the fair housing and legal departments within the agency at current level of staffing. Communicate with the Department of Administration regarding building and parking facilities in order to allocate adequate office and parking spaces for the agency, maximize security, and minimize health hazards	None	No	No	Yes	Yes
27	The Commission may petition a court of competent jurisdiction seeking injunctive relief regarding an employment discrimination complaint pending with the agency.	31-21-90. Administration of Chapter; 31-21-100. Powers of the Commission	Allow		No	An Aggrieved Party that is not represented by a private attorney and who does not know they can file for an injunction, could potentially suffer irreparable harm.	Consider statutory revisions in order to streamline the process and minimize costs to the Agency when court action is required.	None	No	No	No	Yes
28	The Agency shall issue a subpoena or subpoena duces tecum to compel the attendance of witnesses or the production of evidence in fair housing investigations, and the Commission shall enforce the subpoena through a court of competent jurisdiction.	31-21-90. Administration of Chapter; 31-21-100. Powers of the Commission; 31-21-110. Investigations by the commission; subpoenas; 65-223 Investigation Procedures	Require		No	Complaints of unlawful discrimination would not be investigated, and the federal government would likely intervene.	Consider statutory revisions in order to streamline the process and minimize costs to the Agency when court action is required, to include providing access to using SC Law Enforcement Officers for free process service.	None	No	No	No	Yes
29	The Commission shall issue an order at the completion of a fair housing investigation, which shall state that either that the complaint be dismissed, or that a panel of commission members be designated to hear the matter based on a new complaint consisting of a short and plain written statement of the facts upon which the Commission found reasonable cause to believe that a discriminatory housing practice had occurred.	31-21-90. Administration of Chapter; 31-21-130. Investigator's report and recommendation; dismissal of or hearing on complaint; civil action; amending of complaint; subpoenas; hearing by commission; opinion and order; review; court appeals; enforcement orders.; 65-223 Investigation Procedures; 65-227 Issuance of Complaint.	Require		No	Complainants would not have the opportunity to be heard in an administrative proceeding and would not be awarded relief if their claims are meritorious.	More individuals need to be identified for serving on the Board at the pleasure of the Governor and the Senate.	None	No	No	No	Yes
30	The Commission shall hold an expeditious administrative hearing before a panel of three commission members, and shall render a decision related to the claims, in the event that a fair housing investigation results in a reasonable cause determination, and after conciliation has failed, provided that no party has elected to have the matter be litigated in circuit court.	31-21-90. Administration of Chapter; 31-21-130. Investigator's report and recommendation; dismissal of or hearing on complaint; civil action; amending of complaint; subpoenas; hearing by commission; opinion and order; review; court appeals; enforcement orders.; ; 65-230 General Information; 65-231 Hearing Panel; 65-232 Parties; 65-233 Pleadings, Motions and Discoveries; 65-234 Dismissal and Decisions; 65-235 Hearing Procedures	Require		No	Viable claims of discrimination in the housing context would not be adjudicated in a cost-effective, timely way and would instead result in private lawsuits being filed in circuit of federal court, adding cost to the state.	More individuals need to be identified for serving on the Board at the pleasure of the Governor and the Senate.	None	No	No	No	Yes

**Deliverables**  
(Study Step 1: Agency Legal Directives, Plan and Resources)

Item #	Deliverable	Applicable Laws	Does the law(s)... A) Specifically REQUIRE the agency provide it (must or shall)? B) Specifically ALLOW the agency to provide it (may)? C) Not specifically address it?	Optional - Service/Product (if deliverable is too broad to complete the remaining columns, list each product/service associated with the deliverable, and complete the remaining columns)	Does the agency evaluate customer satisfaction? (Y/N)	Greatest potential negative impact on the public if not provided	1-3 recommendations to the General Assembly, other than \$ and providing the deliverable, for how the General Assembly can help avoid the greatest potential negative impact	Other state agencies whose mission the deliverable may fit within	Is the agency permitted by statute, regulation, or provision to charge for it? (Y/N)	Does the agency know...		
										cost per unit? (Y/N)	annual # of potential customers? (Y/N)	annual # of customers served? (Y/N)
31	The Commissioner shall maintain a civil action in the Court of Common Pleas on behalf of an aggrieved party in a fair housing matter (in lieu of holding an administrative hearing) when any party has elected to have the matter be litigated in court, following a reasonable cause determination and after conciliation efforts have failed.	31-21-90. Administration of Chapter; 31-21-130. Investigator's report and recommendation; dismissal of or hearing on complaint; civil action; amending of complaint; subpoenas; hearing by commission; opinion and order; review; court appeals; enforcement orders.; 31-21-140. Civil action; damages.; 65-227 Issuance of Complaint; 65-234 Dismissal and Decisions	Require		No	Viable claims of discrimination in the housing context would not be adjudicated in a cost-effective, timely way and would instead result in private lawsuits being filed in circuit of federal court.	Consider statutory revisions in order to streamline the process and minimize costs to the Agency when court action is required.	None	No	No	No	Yes
32	Before accepting a complaint, the Agency shall determine if the complainant has filed a similar complaint with the Federal Home Loan Bank Board, the Comptroller of the Currency, the Federal Deposit Insurance Corporation, The Department of Housing and Urban Development, or any other agency with authority to investigate and shall avoid multiple investigations of the same complaint.	31-21-150. Coordination regarding complaint filed with multiple agencies	Require		No	Duplicate complaints would be reviewed by multiple agencies at the same time unnecessarily.	Maintain the fair housing and legal departments within the agency at current level of staffing.	None	No	No	No	Yes
33	When a fair housing complaint is received that is within the jurisdiction of a substantially equivalent local agency, the Commission will notify the agency of the filing of the housing complaint, and if a case is referred, the Commission will notify the parties to the investigation of the referral.	65-221 Referral of Complaints to State and Local Agencies	Require		No	Duplicate complaints may otherwise be filed which would be reviewed by multiple agencies at the same time unnecessarily	Currently, there are no equivalent local agencies authorized to investigate housing discrimination complaints.	None	No	No	No	Yes
34	The Commission shall notify interested agencies of a reasonable cause fair housing determination, and any enforcement proceeding related thereto.	65-229 Other Action	Require		No	Partner agencies would be unaware of our Agency's efforts and decision to prosecute a claim of discrimination.	Maintain the fair housing and legal departments within the agency at current level of staffing.	None	No	No	No	Yes
35	After receiving a complaint from the Attorney General or an investigation from SLED, a three-commissioner panel shall conduct a review of the investigation to determine whether there is reasonable cause to believe a place of public accommodations has discriminated against an individual due to race, color, religion or national origin, and the Agency shall attempt to conciliate the complaint received.	45-9-40. Processing of complaints; review by State Human Affairs Commission; complaint by Attorney General.; 45-9-110. Prerequisites to action for damages; conciliation.	Require		No	Complaints of unlawful discrimination would either be investigated by the DOJ, or would not be investigated.	Encourage the Attorney General's Office and SLED to engage more with this law.	SC Attorney General's Office, SC Law Enforcement Division	No	No	No	Yes
36	If the commission panel reviewing the public accommodation complaint determines there is reasonable cause, then a panel of at least five Commission members will be designated by the chairman as a panel to hold a hearing on the allegations contained in the Attorney General's complaint within 60 days of its filing.	45-9-50. Hearing on complaint by Attorney General; notice of hearing.	Require		No	More complaints would likely result in a lawsuit in federal or state court.	Encourage the Attorney General's Office and SLED to engage more with this law.	SC Attorney General's Office, SC Law Enforcement Division	No	No	No	Yes
37	The Commission may establish rules and procedures for public accommodations hearings, to include permitting intervention by parties, and the Commission may revoke a business license from an establishment if it has violated the law.	45-9-60. State Human Affairs Commission may establish rules of procedure for hearings; subpoenas; rights of persons charged; rules of evidence; scope of hearing; deliberations of panel; remedies for violation.;45-9-65. Liability of employer for acts of employee; conditions under which revocation of license not required for pattern or practice of discriminatory conduct.; 45-9-70. Right to Intervene in Action	Allow		No	Consumers would not have sufficient guidance on the Agency's process or legal interpretations if the Commission did not issue additional reports, policies, or regulations.	Encourage the Attorney General's Office and SLED to engage more with this law.	SC Attorney General's Office, SC Law Enforcement Division	No	No	No	Yes
38	The Commission panel must issue a written Order which includes findings of fact and conclusions of law, following a hearing under the chapter.	45-9-75. Final decision of panel; appeals.	Require		No	Commission decisions would not be able to withstand appellate review	Encourage the Attorney General's Office and SLED to engage more with this law.	SC Attorney General's Office, SC Law Enforcement Division	No	No	No	Yes
39	In both employment and housing investigations, the Commission shall determine if jurisdiction exists and shall dismiss a complaint for lack of jurisdiction, and may also dismiss a complaint at the request of the complainant or if the complainant files a private lawsuit during the course of the investigation.	1-13-90. Complaints, investigations, hearings and orders. 65-2. Complaints; 65-220. Complaints; 65-223 Investigation Procedures	Require		No	The Commission would investigate cases that are not within its jurisdiction to investigate.	The Statute specifically requires this, so there is no other possibility than funding.	None	No	No	No	Yes

**Strategic Plan Summary**

(Study Step 1: Agency Legal Directives, Plan and Resources; and Study Step 2: Performance)

<b>Agency Responding</b>	Human Affairs Commission
<b>Date of Submission</b>	4/17/2017

**Mission:** "The mission of the South Carolina Human Affairs Commission is to eliminate and prevent unlawful discrimination in:

- employment on the basis of race, color, national origin, religion, sex, age and disability;
- housing on the basis of race, color, national origin, religion, sex, familial status and disability; and
- public accommodations on the basis of race, color, national origin and religion, thereby promoting harmony and the betterment of human affairs for all citizens."

**Legal Basis:** S.C. Code Ann. § 1-13-20; S.C. Code Ann. § 31-21-20 et. seq.; S.C. Code Ann. § 45-9-10

**Vision:** The vision of the South Carolina Human Affairs Commission is to be well-known with a positive image that is understood and accepted by the public. SCHAC is a fully resourced, customer-friendly agency with a diverse, well-trained, and efficient team working together effectively in a safe and supportive environment to prevent unlawful discrimination for the citizens

**Legal Basis:** Legal Basis: S.C. Code Ann. § 1-13-20 et seq.; S.C. Code Ann. § 31-21-20 et. seq.; S.C. Code Ann. § 45-9-10 et seq

Strategic Plan Part and Description (2016-17) (e.g., Goal 1 - Insert Goal 1; Strategy 1.1 - Insert Strategy 1.1; Objective 1.1.1 - Insert Objective 1.1.1)	Intended Public Benefit/Outcome: (Ex. Outcome = incidents decrease and public perceives that the road is safer)	2015-16		2016-17		Associated Performance Measures	Associated Organizational Unit(s)	Responsible Employee Name & Time staff member has been responsible for the goal or objective (e.g. John Doe (responsible less than 3 years) or Jane Doe (responsible more than 3 years))	Does this person have input into the budget for this goal, strategy or objective? (Y/N)	Partner(s), by segment, the agency works with to achieve the objective (Federal, State, or Local Government; Higher or K-12 Education Institute; Private Business; Non-Profit Entity; Individual; or Other)
		Total # of FTEs available; and filled	Total amount Appropriated and Authorized to Spend	Total # of FTEs available; and filled	Total amount Appropriated and Authorized to Spend					
		46; 41	\$ 2,757,828.61	49; 42	\$ 3,378,043.48					
		2015-16	2016-17							
<b>Goal 1 - Prevent and Eliminate Employment Discrimination</b>										
<b>Strategy 1.1 - Implement a process of hiring and training employment Investigators</b>										
Objective 1.1.1 - Provide monthly training sessions related to employment law for 15 employment investigators in FY 2016-2017	Ensure staff is properly trained to complete timely investigations	DNE	\$ -	3	\$ 179,488.00	See below	Compliance	Lori Dean (responsible more than 3 years) John Dave Smith (responsible less than 3 years) Sharon Dorn (responsible less than 3 years)	Lori Dean - Yes John Dave Smith - No Sharon Dorn - No	State Government
Objective 1.1.2 - Institute a workplace mentoring program for Investigator I employees during FY 2016-2017	Ensure staff is properly trained to complete timely investigations	3	\$ 183,329.52	3	\$ 195,150.00	Intake Calls and Initial Inquiries; Intake Calls Formalized into charges; Employment Cases Received; Employment Cases Closed; Employment: Monetary Value of Settlements; Training - Internal	Compliance	Dan Koon (responsible more than 3 years) John Dave Smith (responsible less than 3 years) Sharon Dorn (responsible less than 3 years)	Dan Koon - No John Dave Smith - No Sharon Dorn - No	Federal Government
<b>Strategy 1.2 - Implement a reliable and measurable tracking system for the time it takes to process and investigate an employment discrimination complaint</b>										
Objective 1.2.1 - 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	Agency will decrease time it takes to process charges to meet the goal of 180 days	3	\$ 173,873.60	3	\$ 175,310.12	See below	Compliance	Dan Koon (responsible more than 3 years) Vicki Miller (responsible more than 3 years) Margaret H Ellis (responsible more than 3 years)	Dan Koon - No Vicki Miller - No Margaret H Ellis - No	Federal Government
Objective 1.2.1 - 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	Agency will decrease time it takes to process charges to meet the goal of 180 days	5	\$ 342,107.14	6	\$ 410,930.39	Employment Cases Received; Employment Cases Closed; Employment Cases Successfully Mediated; Funds Collected at Mediation; Employment: Monetary Value of Settlements	Compliance	Commissioner Raymond Buxton, II (responsible more than 3 years) Dan Koon (responsible more than 3 years) John Dave Smith (responsible less than 3 years) Sharon Dorn (responsible less than 3 years) Lee Ann Rice (responsible less than 3 years) Emma Bennett-Williams (responsible less than 3 years)	Commissioner Raymond Buxton - No Dan Koon - No John Dave Smith - No Sharon Dorn - No Lee Ann Rice - No Emma Bennett-Williams - No	Federal Government
<b>Goal 2 - Prevent and Eliminate Housing Discrimination</b>										
<b>Strategy 2.1 - Enhance the awareness of the Housing Division to include the awareness of the Agency in under-served counties</b>										
Objective 2.1.1 - Finalize a Fair Housing Outreach Plan by December 31, 2016	To prevent and eliminate housing in underserved counties	1	\$ 44,042.94	1	\$ 59,273.00	See below	Compliance/Fair Housing	Marvin Caldwell (responsible more than 3 years)	Yes	Federal Government
Objective 2.1.2 - Hire a Fair Housing Outreach Liaison by December 16, 2016	Education and Outreach	1	\$ 4,519.35	1	\$ 18,077.40	Housing Cases Received	Compliance/Fair Housing	Marvin Caldwell (responsible more than 3 years)	Yes	Federal Government
Objective 2.1.2 - Hire a Fair Housing Outreach Liaison by December 16, 2016	Education and Outreach	1	\$ 4,519.35	1	\$ 18,077.40	Housing Cases Received	Compliance/Fair Housing	Luis Mendoza (responsible less than 3 years (hired 10/17/16))	No	Federal Government
<b>Strategy 2.2 - Implement an efficient processing system for Housing Discrimination Complaints</b>										
Objective 2.2.1 - Process 60% of all Housing cases within 100 days during FY 2016-17	Agency will decrease time it takes to process charges to meet the goal of 100 days	DNE	\$ -	7	\$ 269,514.61	Housing Cases Closed; Housing Cases Conciliated	Compliance/Fair Housing	Marvin Caldwell (responsible more than 3 years) Donald Frierson (responsible less than 3 years) Constance Jenkins (responsible more than 3 years) Tamiko Johnson (responsible more than 3 years) Anthony Sellers (responsible less than 3 years) Deborah Thomas (responsible more than 3 years) Luis Mendoza (responsible less than 3 years) Deloris Jenkins (responsible less than 3 years)	Marvin Caldwell - Yes Donald Frierson - No Constance Jenkins - No Tamiko Johnson - No Anthony Sellers - No Deborah Thomas - No Luis Mendoza - No Deloris Jenkins - No	Federal Government

**Strategic Plan Summary**

(Study Step 1: Agency Legal Directives, Plan and Resources; and Study Step 2: Performance)

Strategic Plan Part and Description (2016-17) (e.g., Goal 1 - Insert Goal 1; Strategy 1.1 - Insert Strategy 1.1; Objective 1.1.1 - Insert Objective 1.1.1)	Intended Public Benefit/Outcome: (Ex. Outcome = incidents decrease and public perceives that the road is safer)	2015-16		2016-17		Associated Performance Measures	Associated Organizational Unit(s)	Responsible Employee Name & Time staff member has been responsible for the goal or objective (e.g. John Doe (responsible less than 3 years) or Jane Doe (responsible more than 3 years))	Does this person have input into the budget for this goal, strategy or objective? (Y/N)	Partner(s), by segment, the agency works with to achieve the objective (Federal, State, or Local Government; Higher or K-12 Education Institute; Private Business; Non-Profit Entity; Individual; or Other)
		Total # of FTEs available; and filled	Total amount Appropriated and Authorized to Spend	Total # of FTEs available; and filled	Total amount Appropriated and Authorized to Spend					
		46; 41	\$ 2,757,828.61	49; 42	\$ 3,378,043.48					
		# of FTE equivalents utilized	Total amount spent	# of FTE equivalents planned to utilize	Total amount budgeted					
Objective 2.2.2 - Conduct on-site investigations for all cases identified as problematic cases during FY 2016-2017	Agency will be able to efficiently investigate complaints of housing investigations	DNE	\$ -	6	\$ 243,649.61	Housing Cases Closed	Compliance/Fair Housing	Marvin Caldwell (responsible more than 3 years) Donald Frierson (responsible less than 3 years) Constance Jenkins (responsible more than 3 years) Anthony Sellers (responsible less than 3 years) Deborah Thomas (responsible more than 3 years) Luis Mendoza (responsible less than 3 years) Deloris Jenkins (responsible less than 3 years)	Marvin Caldwell - Yes Donald Frierson - No Constance Jenkins - No Anthony Sellers - No Deborah Thomas - No Luis Mendoza - No Deloris Jenkins - No	Federal Government
<b>Goal 3 - Educate Citizens about the use of Legal Remedies to Achieve Justice and Fairness</b>						See below				
<b>Strategy 3.1 - Empower the Legal and Mediation Departments with authority as provided by law.</b>	Provide recourses provided to charging parties	1	\$ 54,708.22	1	\$ 59,368.00	See below	Administration/Legal	Lee Ann Rice (responsible less than 3 years)	No	Federal Government
Objective 3.1.1 - Litigate probable cause cases that cannot be conciliated in the Fair Housing Division during FY 2016-17	Hold accountable discriminating respondents in SC	2	\$ 67,280.68	2	\$ 111,292.00	None	Administration/Legal	Lee Ann Rice (responsible less than 3 years) Randy A Pate (responsible less than 3 years)	No	Federal Government
Objective 3.1.2 - Hold an administrative hearing for an employment or housing case by June 30, 2017	Holding accountable discriminators in Employment or Housing	DNE	\$ -	3	\$ 161,292.00	None	Administration/Legal	Lee Ann Rice (responsible less than 3 years) Randy A Pate (responsible less than 3 years) Emma Williams-Bennett (responsible less than 3 years)	No	Federal Government
Objective 3.1.3 - Increase the number of mediated cases from the current level of 20% to 25% during FY 2016-17	Efficiently resolve more cases filed with the agency	2	\$ 87,538.41	2	\$ 88,905.00	Employment Cases Successfully Mediated; Funds Collected at Mediation; Housing Cases Conciliated; Public Accommodation / 90 e Cases Investigated	Administration/Legal	Lee Ann Rice (responsible less than 3 years) Tracie Mefford (responsible less than 3 years)	No	Federal Government
<b>Strategy 3.2 - Promote legislation to update and standardize the laws and regulations of the Commission</b>	Mandatory mediations will increase the number of complaints that we serve	1	\$ 104,070.00		\$ 104,070.00	See below	Administration/Legal	Commissioner Raymond Buxton, II (responsible more than 3 years)	Yes	No
Objective 3.2.1 - Continue to engage and educate members of the General Assembly for proposed changes to existing statues during FY 2016-17	Mandatory mediations will increase the number of complaints that we serve	1	\$ 104,070.00	1	\$ 104,070.00	None	Administration/Legal	Commissioner Raymond Buxton, II (responsible more than 3 years)	Yes	No
<b>Goal 4 - Foster Culturally Sensitive and Socially Inclusive Communities State Wide</b>						See below				
<b>Strategy 4.1 - Create and sustain existing Community Relations Councils in 46 counties</b>	Promotes harmony and foster goodwill, mutual understanding and respect among the residents of SC	DNE	\$ -	2	\$ 88,042.00	See below	Consultative Services/Community Relations	Sandra Ligon (responsible more than 3 years) Anita Dantzler (responsible less than 3 years)	Sandra Ligon - No Anita Dantzler - No	Federal Government; State Government; Local Government; Higher Education Institute; Private Business; Non-Profit Entity; Individual; Other
Objective 4.1.1 - Increase the number of counties with Community Relations Councils from 17 to 22 during FY 2016-17	Promotes harmony and foster goodwill, mutual understanding and respect among the residents of SC	DNE	\$ -	2	\$ 88,042.00	Community Relations Councils / Sustained & Created	Consultative Services/Community Relations	Sandra Ligon (responsible more than 3 years) Anita Dantzler (responsible less than 3 years)	Sandra Ligon - No Anita Dantzler - No	Federal Government; State Government; Local Government; Higher Education Institute; Private Business; Non-Profit Entity; Individual; Other
Objective 4.1.2 - Sustain the current leadership in existing Community Relations Councils per minimum requirement during FY 2016-17	Promotes harmony and foster goodwill, mutual understanding and respect among the residents of SC	2	\$ 81,174.16	2	\$ 88,042.00	Community Relations Councils / Sustained & Created	Consultative Services/Community Relations	Sandra Ligon (responsible more than 3 years) Anita Dantzler (responsible less than 3 years)	Sandra Ligon - No Anita Dantzler - No	Federal Government; State Government; Local Government; Higher Education Institute; Private Business; Non-Profit Entity; Individual; Other
<b>Strategy 4.2 - Implement technology platform and external Communication campaign to expand the network of Community Relations Councils</b>	Promote best practices among Community Relations Councils	1	\$ 30,698.32	1	\$ 36,137.00	See below	Consultative Services/Community Relations	Anita Dantzler (responsible less than 3 years)	No	Federal Government; State Government; Local Government; Higher Education Institute; Private Business; Non-Profit Entity; Individual; Other
Objective 4.2.1 - Distribute an electronic newsletter devoted to Community Relations Councils on a monthly basis during FY 2016-17	Promote best practices among Community Relations Councils	1	\$ 51,919.52	1	\$ 55,086.00	Community Relations Councils / Sustained & Created	Consultative Services/Community Relations	Betty Dennis (responsible less than 3 years)	No	Federal Government; State Government; Local Government; Higher Education Institute; Private Business; Non-Profit Entity; Individual; Other
Objective 4.2.2 - Develop the agency web page to communicate periodic updated information to all Community Relations Councils during FY 2016-17	Promote best practices among Community Relations Councils	1	\$ 30,698.32	1	\$ 36,137.00	Community Relations Councils / Sustained & Created	Consultative Services/Community Relations	Anita Dantzler (responsible less than 3 years)	No	Federal Government; State Government; Local Government; Higher Education Institute; Private Business; Non-Profit Entity; Individual; Other

**Strategic Plan Summary**

(Study Step 1: Agency Legal Directives, Plan and Resources; and Study Step 2: Performance)

		2015-16		2016-17		Associated Performance Measures	Associated Organizational Unit(s)	Responsible Employee Name & Time staff member has been responsible for the goal or objective (e.g. John Doe (responsible less than 3 years) or Jane Doe (responsible more than 3 years))	Does this person have input into the budget for this goal, strategy or objective? (Y/N)	Partner(s), by segment, the agency works with to achieve the objective (Federal, State, or Local Government; Higher or K-12 Education Institute; Private Business; Non-Profit Entity; Individual; or Other)
		Total # of FTEs available; and filled	Total amount Appropriated and Authorized to Spend	Total # of FTEs available; and filled	Total amount Appropriated and Authorized to Spend					
		46; 41	\$ 2,757,828.61	49; 42	\$ 3,378,043.48					
Strategic Plan Part and Description (2016-17) (e.g., Goal 1 - Insert Goal 1; Strategy 1.1 - Insert Strategy 1.1; Objective 1.1.1 - Insert Objective 1.1.1)	Intended Public Benefit/Outcome: (Ex. Outcome = incidents decrease and public perceives that the road is safer)	# of FTE equivalents utilized	Total amount spent	# of FTE equivalents planned to utilize	Total amount budgeted					
<b>Strategy 4.3 - Promote the Quality of Life Initiative in all Community Relations Councils</b>	Promote best practices among Community Relations Councils	1	\$ 50,475.84	1	\$ 51,905.00	See below	Consultative Services/Community Relations	Sandra Ligon (responsible more than 3 years)	No	Federal Government; State Government; Local Government; Higher Education Institute; Private Business; Non-Profit Entity; Individual; Other
Objective 4.3.1 - Conduct Quality of Life Initiative meetings with 5 Community Relations Councils during FY 2016-17	Promote best practices among Community Relations Councils	DNE	\$ -	1	\$ 51,905.00	None	Consultative Services/Community Relations	Sandra Ligon (responsible more than 3 years)	No	Federal Government; State Government; Local Government; Higher Education Institute; Private Business; Non-Profit Entity; Individual; Other
<b>Goal 5 - Advocate the compliance of Agency Affirmative Action Policies within all State Agencies</b>						See below				
<b>Strategy 5.1 - Partner with all State Agencies to better monitor agency Affirmative Action policies</b>	Ensure agencies are promoting standard hiring and promotion practices	DNE	\$ -	1	\$ 48,851.00	See below	Consultative Services/Technical Services	Stephanie Price (responsible more than 3 years)	No	State Government
Objective 5.1.1 - Conduct a computer analysis of each agency's hiring and promotion practices during FY 2016-17	Ensure agencies are promoting standard hiring and promotion practices	DNE	\$ -	3	\$ 121,492.00	State Agency AA Plans Monitored	Consultative Services/Technical Services	Stephanie Price (responsible more than 3 years) Erin Wilson (responsible more than 3 years) Sheila Gibbs (responsible less than 3 years)	Stephanie Price - No Erin Wilson - No Sheila Gibbs - No	State Government
Objective 5.1.2 - Review all State Agency Affirmative Action Reports and provide necessary recommendations to state agencies in developing and implementing non-discriminatory employment systems during FY 2016-17	Ensure agencies are promoting standard hiring and promotion practices	DNE	\$ -	3	\$ 121,492.00	State Agency AA Plans Monitored; Training - External	Consultative Services/Technical Services	Stephanie Price (responsible more than 3 years) Erin Wilson (responsible more than 3 years) Sheila Gibbs (responsible less than 3 years)	Stephanie Price - No Erin Wilson - No Sheila Gibbs - No	State Government
<b>Strategy 5.2 - Provide affirmative action and employment law training to all State Agencies</b>	Ensure agencies are promoting standard hiring and promotion practices	DNE	\$ -	2	\$ 131,481.00	See below	Consultative Services/Technical Services	Dan Koon (responsible more than 3 years) Stephanie Price (responsible more than 3 years)	Dan Koon - No Stephanie Price - No	State Government
Objective 5.2.1 - Conduct one statewide training program for all Affirmative Action (EEO) Officers during FY 2016-17	Ensure agencies are promoting standard hiring and promotion practices	DNE	\$ -	1	\$ 48,851.00	None	Consultative Services/Technical Services	Stephanie Price (responsible more than 3 years)	No	State Government
Objective 5.2.2 - Provide 12 EEO Employment Law training sessions for supervisors of state agencies requesting assistance during FY 2016-17	Ensure agencies are promoting standard hiring and promotion practices	DNE	\$ -	2	\$ 131,481.00	None	Consultative Services/Technical Services	Dan Koon (responsible more than 3 years) Stephanie Price (responsible more than 3 years)	Dan Koon - No Stephanie Price - No	State Government
Objective 5.2.3 - Organize one state-wide Affirmative Action Forum for all State Agencies during FY 2016-17.	Ensure agencies are promoting standard hiring and promotion practices	DNE	\$ -	3	\$ 121,492.00	None	Consultative Services/Technical Services	Stephanie Price (responsible more than 3 years) Erin Wilson (responsible more than 3 years) Sheila Gibbs (responsible less than 3 years)	Stephanie Price - No Erin Wilson - No Sheila Gibbs - No	State Government

## Agency Mission and Vision

### **AGENCY MISSION**

The mission of the South Carolina Human Affairs Commission is to eliminate and prevent unlawful discrimination in:

- Employment on the basis of race, color, national origin, religion, sex, age and disability;
- Housing on the basis of race, color, national origin, religion, sex, familial status and disability;
- Public accommodations on the basis of race, color, national origin and religion; thereby promoting harmony and the betterment of human affairs for all citizens.

### **AGENCY VISION**

The Vision of the South Carolina Human Affairs Commission is to be well-known with a positive image that is understood and accepted by the public. SCHAC is a fully resourced, customer-friendly agency with a diverse, well-trained, and efficient team working together effectively in a safe and supportive environment to prevent unlawful discrimination for the citizens of SC.



Raymond Buxton, II  
Commissioner

## STATE OF SOUTH CAROLINA HUMAN AFFAIRS COMMISSION

1026 Sumter Street, Suite 101  
Columbia, South Carolina 29201  
(803) 737-7800 (803) 737-7835 Fax



[www.schac.sc.gov](http://www.schac.sc.gov)  
1-800-521-0725 In-State

June 1, 2017

**VIA US MAIL**

Honorable Neal A. Collins  
Honorable Mandy Powers Norrell  
Honorable Robert L. Ridgeway, III  
S. C. House Legislative Oversight Committee  
PO Box 11867  
Columbia, SC 29211

**RE: *South Carolina Human Affairs Commission – Law Recommendations***

Dear Honorable Members of the Subcommittee:

On February 13, 2017, the House Oversight Committee presented our Agency with the Program Evaluation Report (“PER”) for completion as part of its study of the Commission. An updated version of the PER requests were sent on February 14, 2017. The Agency submitted the completed PER responses on April 13, 2017.

The Agency’s governing board met on May 18, 2017, after having its first board meeting of 2017 on February 16. During the May 18 meeting, the Board was given the opportunity to approve the “Law Recommendations” contained in the PER responses of April 13. The board’s discussion resulted in two additional Law Recommendations being approved. Enclosed with this letter, you will find those two recommendations. Please consider these in addition to the recommendations contained in our PER responses. Should you wish for the Agency to amend the PER pursuant to Standard Practice 10.2, we will be happy to do so.

Sincerely Yours,

  
Raymond Buxton, II  
Commissioner

Enclosures: Law Recommendations #21-22

#### Law Recommendation # 21

- Law: SC Code Section 1-13-40 (j)
- Summary of current statutory requirement: The Commission shall report of its activities and recommendations each year to the Governor and to the General Assembly.
- Recommendation and Rationale for Recommendation: This item should be deleted, as identified by the Legislative Audit Council in its December 2014 report, because "the agency's last annual report addressing this section of law was in FY 00-01; however, the accountability report encompasses all the information which was previously in the annual report."
- Law Wording: ~~(j) The Commission shall render each year to the Governor and to the General Assembly a written report of its activities and of its recommendations.~~
- Other Agencies Impacted: None.

#### Law Recommendation # 22

- Law: Regulation 65-2 (d)(6)
- Summary of current statutory requirement: The Regulation should contemplate and allow for the filing of charges by email and fax.
- Recommendation and Rationale for Recommendation: The Agency's federal equivalent, the Equal Employment Opportunity Commission, accepts charges filed by fax or email.
- Law Wording: F. Manner of Filing. The complaint may be made in person to any member of the Commission's staff, transmitted via facsimile or email, or mailed to the Commission's office in Columbia, South Carolina. A complaint may also be filed in the above manner at any other Commission office subsequently established for the filing of complaints by the Commission at any other location in the State.
- Other Agencies Impacted: None.

*Chair Wm. Weston J. Newton*

*First Vice-Chair:  
Laurie Slade Funderburk*

## **Legislative Oversight Committee**



*Katherine E. (Katie) Arrington  
Gary E. Clary  
MaryGail K. Douglas  
Phyllis J. Henderson  
Joseph H. Jefferson Jr.  
Mandy Powers Norrell  
J. Todd Rutherford  
Tommy M. Stringer  
Bill Taylor*

*William K. (Bill) Bowers  
Neal Collins  
Raye Felder  
William M. "Bill" Hixon  
Robert L. Ridgeway III  
James E. Smith Jr.  
Edward R. Tallon Sr.  
Robert Q. Williams*

**South Carolina House of Representatives**

*Jennifer L. Dobson  
Research Director*

*Cathy A. Greer  
Administration Coordinator*

**Post Office Box 11867  
Columbia, South Carolina 29211  
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Room 228 Blatt Building**

*Charles L. Appleby IV  
Legal Counsel*

*Carmen J. McCutcheon Simon  
Research Analyst/Auditor*

June 27, 2017

Chairman John Oakland  
Commissioner Raymond Buxton, II  
South Carolina Human Affairs Commission  
1026 Sumter Street  
Columbia, SC 29201

Dear Chairman Oakland and Commissioner Buxton:

On behalf of the entire Economic Development, Transportation, and Natural Resources Subcommittee, we thank you and your staff for your presentation to the Subcommittee on June 22, 2017. In preparation for the next meeting scheduled for July 10, 2017, at 2:00 p.m., the Subcommittee seeks additional information from the agency. To allow the Subcommittee time to review the information prior to the next meeting, please provide the information requested below on or before Friday, July 7, 2017.

### *Discrimination Complaints*

For calendar years 2016 and 2017, please provide a statistical breakdown, each month statewide and by county of the complaints the agency has received through its intake division including: (a) category of alleged discrimination, (b) number of cases dismissed without investigation overall and by category of alleged discrimination, and (c) number of cases investigated overall and by category of alleged discrimination. For the number of cases investigated, please note how many have resulted in a finding and how many are still under investigation. Please coordinate with Committee staff to determine an appropriate format to provide this information.

### *Interaction with Federal Government*

- What percentage of the agency's budget is federal funds?
- Please explain how the agency is reimbursed by the federal government for both housing and employment cases.

Chairman Oakland  
Commissioner Buxton  
June 27, 2017

- Please provide a list of agencies required to provide the state with an affirmative action plan and annotate this list to indicate which agencies are required to provide the federal government with an affirmative action plan.

*Finances*

- Please provide the Subcommittee with the amount of the agency's carryforward funds for fiscal year 2016-17.

If the agency has any concerns about the format of these questions yielding answers that do not provide an accurate reflection of the agency, please express those concerns, prior to the meeting, in a written letter to me with a copy to Committee staff. In your responses to these questions, please provide the Subcommittee with any relevant, necessary context information. As a reminder, testimony during meetings and written information from agencies are considered sworn testimony and subject to S.C. Code of Laws Sections 2-2-70 through 2-2-120. Thank you for your service to the citizens of South Carolina and for your cooperation with the legislative oversight process.

Sincerely,



Laurie Slade Funderburk  
Committee First Vice-Chair

cc: Economic Development, Transportation, and Natural Resources Subcommittee Members



Raymond Buxton, II  
Commissioner

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July 7, 2017

**VIA EMAIL TO JENNIFER DOBSON AND CHARLES APPELBY**

Hon. Neal A. Collins, Hon. Mandy Powers Norrell,  
Hon. Robert L. Ridgeway, III, and  
Hon. Laurie Slade-Funderburk  
S. C. House Legislative Oversight Committee  
Economic Development, Transportation, and  
Natural Resources Subcommittee  
PO Box 11867  
Columbia, SC 29211

**RE: *South Carolina Human Affairs Commission – Supplemental Requests for Information***

Dear Honorable Members of the Subcommittee:

On June 27, 2017, your Subcommittee presented our Agency with various questions that arose from our presentation on June 22, 2017. Thereafter, on June 28, I, along with Fair Housing Department Director Marvin Caldwell, and Staff Counsel Lee Ann Rice met with Committee staff members Jennifer Dobson (Director of Research), and Charles Appleby (Chief Counsel). Later that day, Ms. Dobson alerted our Agency that the Honorable Chair of the Subcommittee had granted an “extension in providing the statistical information to the Subcommittee.” Furthermore, Mr. Appleby posed additional questions via email to the meeting participants on June 30, 2017.

Herein, please find our responses to currently pending questions, in anticipation of our presentation on July 10, 2017. As noted below, some data is still in the process of being researched, pursuant to the June 28<sup>th</sup> extension.

**Question - Discrimination Complaints**

**“For calendar years 2016 and 2017, please provide a statistical breakdown, each month statewide and by county of the complaints the Agency has received through its intake division including: (a) category of alleged discrimination, (b) number of cases dismissed without investigation overall and by category of alleged discrimination, and (c) number of cases investigated overall and by category of alleged discrimination. For the number of cases investigated, please note how many have resulted in a finding and how many are still under investigation. Please coordinate with Committee staff to determine an appropriate format to provide this information.”**

*Our mission is to eliminate and prevent unlawful discrimination in employment, housing and public accommodations.*

**Answer-** Please see the attached spreadsheets entitled Housing Intake Data 2016-2017, Housing Investigation Data 2016-2017, EEO Enforcement Intake Data 2016-2017, EEO Enforcement Investigation Data 2016-2017, and Public Accommodations and 90e Data 2016-2017. The Agency has reached out to our Federal counterparts for the information requested by the Subcommittee as it relates to the breakdown by county. As such, we seek an extension until July 31 to provide final data as to county of origin for each complaint received or investigated. If the Agency were to undertake a manual review of this data, it would likely take one staff member several weeks to gather. It is important to note that complaints may originate from individuals outside of South Carolina, if they sought housing or employment in the state. Additionally, while our Agency has attempted to work with Committee staff to determine an appropriate format for this information, should the Honorable Members of the Subcommittee need clarification, please let the Agency know.

**Question - Interaction with Federal Government**

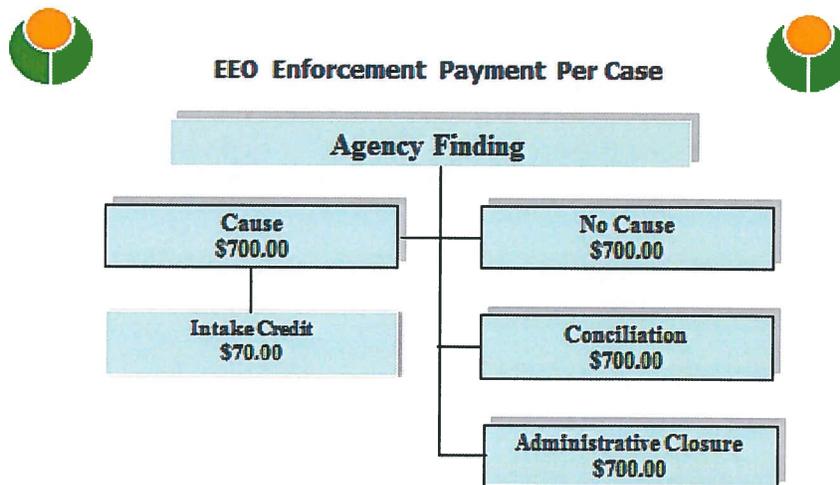
**“What percentage of the Agency’s budget is federal funds?”**

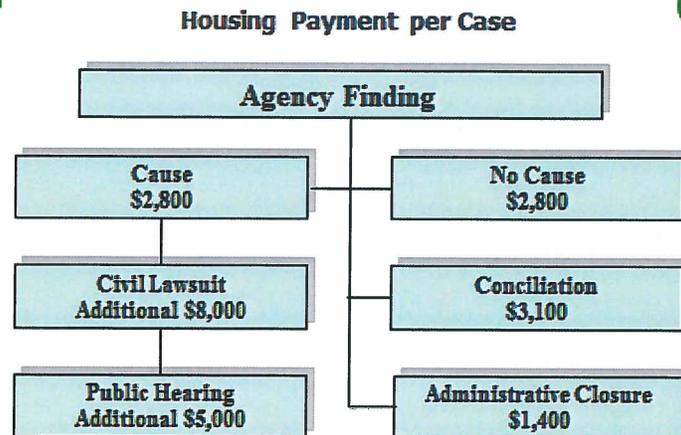
**Answer** – 31 %

**Question - Interaction with Federal Government**

**“Please explain how the Agency is reimbursed by the federal government for both housing and employment cases.”**

**Answer** – Please see below:





**Question** - *Interaction with Federal Government*

**“Please provide a list of agencies required to provide the state with an affirmative action plan and annotate this list to indicate which agencies are required to provide the federal government with an affirmative action plan.”**

**Answer** – Please see attached Excel Spreadsheet entitled Percentage of Goal Attainment (Alphabetical Order) FY 2015-2016.

**Question** - *Finances*

**“Please provide the Subcommittee with the amount of the Agency’s carryforward funds for fiscal year 2016-17.”**

**Answer** – The carryforward for 2015-2016 was \$186,651 and the carryforward for 2016-2017 is projected to be \$180,026.

**Question** – *From Charles Appleby related to Investigation Processes*

**“Can the Agency please review these documents [flow charts attached to the email] and let us know of any revisions needed to ensure they are accurate?”**

**Answer** – Please see the attached revised flow charts (Flow Chart SCHAC Fair Housing and Flow Chart SCHAC Employment). Additionally, the “reasonable cause determined prior to the Conciliation Effort” is a determination by the Commission that a hearing should be held due to the facts uncovered during investigation. An Order is issued in conjunction with the Commission’s reasonable cause determination. This is not a judgment – rather it is a determination on the allegations contained in the charge. No judgment is rendered until a hearing is held before a panel of the Commission’s Board members.

During the meeting among Agency personnel and Committee staff on June 28, Mr. Appleby asked about the actual costs of investigation, based on processing times. Attempting to average case processing costs is incredibly challenging, given the many variables for each case closure. We have roughly calculated the average costs for various closures, based on average hours on a matter by specific personnel, and the average salaries of staff members performing the work. This chart was created by staff members and not a Budget Analyst.

Type of Case – Employment*	Estimated Cost	Total # of Closures for Calendar Years 2016-Current
Successful Mediation that Results in a Case Closure	\$545.21	118 (112 Withdrawn with Settlement)
Investigation when no Mediation has been held	\$1,083.88	1,311
Investigation after Unsuccessful Mediation	\$1,300.62	57

Type of Case – Housing*	Estimated Cost	Total # of Closures for Calendar Years 2016-Current
Conciliation	\$3,346.21	56
Investigation	\$3,089.35	47

\*Certain withdrawals and administrative closures vary too greatly to be captured in these charts

The Committee staff also asked for our Intake Officers’ referral sheet, which is attached and entitled SCHAC Referral Listings.

We have also included, as attachments, letters of support from the South Carolina Bar and South Carolina State Chamber of Commerce.

Finally, we appreciate the leadership that your subcommittee has shown in undertaking this study of our Agency. We sincerely hope that this process will shine light on our Agency’s mission, while also identifying solutions to current obstacles. We welcome the Subcommittee’s feedback and look forward to continuing to work with you and your staff in the months to come.

Sincerely Yours,



Raymond Buxton, II  
Commissioner

cc: John A. Oakland, Chairman  
SCHAC’s Board of Commissioners

**Attachments:**

Housing Intake Data 2016-2017 (Excel)  
Housing Investigation Data 2016-2017 (Excel)  
EEO Enforcement Intake Data 2016-2017 (Excel)  
EEO Enforcement Investigation Data 2016-2017 (Excel)  
Public Accommodations Data 2016-2017 (Excel)  
Percentage of Goal Attainment (Alphabetical Order) FY 2015-2016 (Excel)  
Flow Chart SCHAC Fair Housing (Word)  
Flow Chart SCHAC Employment (Word)  
SCHAC Referral Listings (PDF)  
South Carolina Bar letter (PDF)  
South Carolina State Chamber of Commerce letter (PDF)

Fair Housing Intake - 2016

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	YTD
Calls	9	11	26	8	16	9	17	14	14	15	13	12	164
Questionnaires Received	0	3	8	10	19	17	9	12	9	10	15	13	125
Complaints Prepared	3	7	11	6	1	8	4	4	4	4	7	13	72
Referred to HUD	0	1	0	1	3	0	0	0	0	0	0	0	5
Dismissed	0	3	0	4	1	0	0	0	0	1	0	0	9

Fair Housing Intake - 2017

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	YTD
Calls		13	14	8	7	9	21						72
Questionnaires Received		14	10	13	14	34	26						111
Complaints Prepared		8	5	9	13	14	34						83
Referred to HUD		0	0	0	1	2	1						4
Dismissed		3	0	1	1	0	4						9

## HOUSING - 2016

## HOUSING - 2016

	Jan-16	Feb-16	Mar-16	Apr-16	May-16	Jun-16	Jul-16	Aug-16	Sep-16	Oct-16	Nov-16	Dec-16	TOTAL
<b>1 Active Complaints Brought Forward</b>	19	17	22	24	23	26	20	22	18	17	21	27	
<b>2 Complaints Received</b>	3	10 (1 RET)	6 (1 RET)	8	6 (1 RET)	8	3	3	6	6	9	7	53
By Protected Class:													
Race	0	3	1	0	0	2	0	1	1	1	3	1	13
Color	0	0	0	0	0	0	0	0	0	0	0	0	0
Religion	0	0	0	0	0	0	0	0	0	0	0	0	0
Sex	0	0	1	2	0	0	0	0	0	1	0	0	4
Handicap	2	3	1	5	3	2	2	1	4	4	6	5	38
Familial Status	0	0	0	0	1	1	0	0	1	0	0	0	3
National Origin	0	0	0	1	0	0	1	1	0	0	0	0	3
Multiple	1	3	2	0	1	3	0	0	0	0	0	1	11
<b>3 Total (Line 1 + Line 2)</b>	22	27	28	32	29	34	23	25	24	23	30	34	
<b>4 Investigation Completed</b>	5	4	5 (1 RET)	9	3	14 (1 RET)	1	7 (1 RET)	7	2	3	6	40
By Protected Class:													
Race	3	1	0	2	0	3	0	0	3	0	0	1	13
Color	0	0	0	0	0	0	0	0	0	0	0	0	0
Religion	0	0	0	0	0	0	0	0	0	0	0	0	0
Sex	0	0	0	0	1	2	0	0	0	0	0	0	3
Handicap	2	1	1	6	2	4	1	6	2	1	3	3	32
Familial Status	0	0	0	0	0	0	0	0	0	1	0	0	1
National Origin	0	1	0	0	0	1	0	0	0	0	0	1	3
Multiple	0	1	3	1	0	3	0	0	1	0	0	1	10
<b>5 Final Action Taken</b>	5	4	5	9	3	14	1	7	7	2	3	6	66
Categories:													
Administrative Closure	3	0	1	2	1	0	1	0	0	0	0	0	8
Conciliation/Settlement	0	3	1	6	1	7	0	4	4	0	3	3	32
No Cause	2	1	3	1	1	7	0	3	3	2	0	3	26
Closed with Cause	0	0	0	\$0	0	0	0	1	0	0	0	0	1
Monetary Value of Settlement	\$ -	\$ 6,150	\$ -	\$ 6,000		\$ 12,960	\$ -	\$ 3,355	\$ 11,871	\$ -	\$ 1,424	\$ 1,333	\$ 43,093
<b>6 Active Complaints on Hand (Line 3 - Line 5)</b>	17	23	24	23	26	20	22	18	17	21	27	28	
Status:													
Under Investigation	17	23	24	23	26	20	22	18	17	21	27	28	
Pending Hearing	0	0	0	0	0	0	0	1	1	1	1	1	

HOUSING - 2017

	Jan-17	Feb-17	Mar-17	Apr-17	May-17	Jun-17	Jul-17	Aug-17	Sep-17	Oct-17	Nov-17	Dec-17	TOTAL
<b>1 Active Complaints Brought Forward</b>	28	28	31	34	39	35							
<b>2 Complaints Received</b>	6	10	8	13	9	21							67
By Protected Class:													
Race	1	3	0	1	1	1							7
Color	0	0	0	0	0	0							0
Religion	0	0	0	0	0	0							0
Sex	0	1	1	0	0	0							2
Handicap	5	5	5	8	5	19							47
Familial Status	0	0	1	0	0	0							1
National Origin	0	1	0	1	0	1							3
Multiple	0	0	1	3	3	0							7
<b>3 Total (Line 1 + Line 2)</b>	34	38	39	47	48	56	0	0	0	0	0	0	
<b>4 Investigation Completed</b>	6	7	5	8	13	9							48
By Protected Class:													
Race	1	1	2	2	3	0							9
Color	0	0	0	0	0	0							0
Religion	0	0	0	0	0	0							0
Sex	0	0	0	0	0	1							1
Handicap	3	6	2	4	8	7							30
Familial Status	2	0	0	0	0	0							2
National Origin	0	0	0	0	1	0							1
Multiple	0	0	1	2	1	1							5
<b>5 Final Action Taken</b>	6	7	5	8	13	9							48
Categories:													
Administrative Closure	1	0	0	1	0	2							4
Conciliation/Settlement	3	6	3	3	7	2							24
No Cause	2	1	2	4	6	4							19
Closed with Cause	0	0	0	0	0	1							1
Monetary Value of Settlement	\$ 2,450	\$ 4,200	\$ 2,250	\$ 2,925	\$ 3,000	\$ 1,750							\$ 16,575
<b>6 Active Complaints on Hand (Line 3 - Line 5)</b>	28	31	34	39	35	47	0	0	0	0	0	0	
Status:													
Under Investigation	28	31	34	39	35	47							
Pending Hearing	1	1	1	1	0	1							

**INTAKE - 2016**

	Jan-16	Feb-16	Mar-16	Apr-16	May-16	Jun-16	Jul-16	Aug-16	Sep-16	Oct-16	Nov-16	Dec-16	TOTAL
<b>1 Intake Total Contacts</b>	466	487	564	581	596	571	494	718	572	525	498	404	6476
<b>2 Initial Inquiries Received</b>	252	279	300	298	322	327	267	452	333	282	285	228	3625
<b>3 Referrals to Other Agencies</b>	19	17	17	23	17	14	23	32	20	25	17	19	243
<b>4 Referrals to SC Bar Association LRS</b>	4	6	3	4		1	3	2	4	4	3	1	35
<b>5 Complaints Received</b>	78	108	88	105	112	82	81	127	113	84	62	82	1122
<b>6 Dismissals</b>	14	23	30	31	17	15	22	33	26	21	23	21	276
<b>7 Charges Prepared</b>	72	53	71	63	119	69	84	65	76	63	47	78	860
<b>8 Non-Employment Charges Prepared</b>	12	1	7	1		5	2	2	3	2		5	40

**INTAKE - 2017**

	Jan-17	Feb-17	Mar-17	Apr-17	May-17	Jun-17	Jul-17	Aug-17	Sep-17	Oct-17	Nov-17	Dec-17	TOTAL
<b>1 Intake Total Contacts</b>	513	480	460	447	428	486							2814
<b>2 Initial Inquiries Received</b>	307	297	309	292	289	302							1796
<b>3 Referrals to Other Agencies</b>	25	25	18	18	21	23							130
<b>4 Referrals to SC Bar Association LRS</b>	4	7	3	2	2	4							22
<b>5 Complaints Received</b>	105	66	93	85	84	100							533
<b>6 Dismissals</b>	24	24	14	24	18	21							125
<b>7 Charges Prepared</b>	63	54	67	52	93	69							398
<b>8 Non-Employment Charges Prepared</b>	1	1	2	3		2							9

**COMPLIANCE PROGRAMS MONTHLY ACTIVITY REPORT**

For the Month of		A	B	C	D
January 2016		15/16	14/15	YTD 15/16	YTD 14/15
1	Active Complaints Brought Forward	471	563	*622	682
2	Complaints Received	79	43	506	416
<b>BY PROTECTED CLASS:</b>					
	Race	14	11	115	99
	Sex	9	6	58	54
	Age	7	2	45	36
	Religion	1	1	5	6
	National Origin	0	0	2	2
	Race & Sex/Multiple	31	15	188	153
	Retaliation	3	0	18	4
	Color	0	0	0	0
	Disability/ADA	14	8	75	62
3	Total (Line 1 + Line 2)	550	606	1,128	1,098
4	Complaints Waived to EEOC	9	4	51	32
<b>BY PROTECTED CLASS :</b>					
	Race	1	1	8	10
	Sex	1	0	9	5
	Age	0	1	5	3
	Religion	1	0	3	0
	National Origin	0	0	0	0
	Race & Sex/ Multiple	4	2	17	9
	Retaliation	0	0	1	1
	Color	0	0	0	0
	Disability/ADA	2	0	8	4
5	Total Complaints Accepted (Line 3 – Line 4)	541	602	1,077	1,066
6	Adjustments/Transfers for Prior Months	0	0	7	4
7	Total Complaints (Line 5 – Line 6)	541	602	1,070	1,062
8	<b>INVESTIGATIONS COMPLETED</b>	83	55	612	515
<b>BY PROTECTED CLASS :</b>					
	Race	29	11	139	133
	Sex	9	7	75	83
	Age	11	6	45	39
	Religion	2	2	11	6
	National Origin	0	1	5	5
	Race & Sex/Multiple	18	21	215	154
	Retaliation	4	2	22	13
	Color	0	0	0	0
	Disability/ADA	10	5	100	82
9	<b>FINAL ACTIONS TAKEN</b>	83	55	612	515
<b>BY CATEGORIES:</b>					
	Administrative Closures	17	8	139	73
	No Causes	58	39	402	377
	Conciliations/Settlements	8	7	71	64
	Monetary Value of Settlements	\$115,083	\$154,190	\$758,871	\$480,565
	Unsuccessful Conciliations	0	1	0	1
	Orders Issued	0	0	0	0
	<b>ACTIVE CASES ON HAND</b>	458	547	458	547
<b>STATUS:</b>					
	Under Investigation	458	547	458	547
	Pending Conciliation	0	0	0	0
	Pending Hearing	0	0	0	0

Column A - Indicates complaint monthly activity current fiscal year.

Column B - Indicates complaint activity same month prior fiscal year.

Column C - Indicates cumulative complaint activity from July 1, 2015 to date. (YTD)

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\* - Indicates number of complaints on hand as of July 1, 2015.

**COMPLIANCE PROGRAMS MONTHLY ACTIVITY REPORT**

For the Month of February 2016		A 15/16	B 14/15	C YTD 15/16	D YTD 14/15
1	Active Complaints Brought Forward	458	547	*622	682
2	Complaints Received	90	66	596	482
<b>BY PROTECTED CLASS:</b>					
	Race	23	12	138	111
	Sex	5	5	63	59
	Age	7	6	52	42
	Religion	0	1	5	7
	National Origin	2	1	4	3
	Race & Sex/Multiple	43	25	231	178
	Retaliation	3	1	21	5
	Color	0	0	0	0
	Disability/ADA	7	15	82	77
3	Total (Line 1 + Line 2)	548	613	1,218	1,164
4	Complaints Waived to EEOC	13	14	64	46
<b>BY PROTECTED CLASS :</b>					
	Race	4	3	12	13
	Sex	1	1	10	6
	Age	0	3	5	6
	Religion	0	0	3	0
	National Origin	0	0	0	0
	Race & Sex/ Multiple	6	4	23	13
	Retaliation	0	0	1	1
	Color	0	0	0	0
	Disability/ADA	2	3	10	7
5	Total Complaints Accepted (Line 3 – Line 4)	535	599	1,154	1,118
6	Adjustments/Transfers for Prior Months	0	1	7	5
7	Total Complaints (Line 5 – Line 6)	535	598	1,147	1,113
8	<b>INVESTIGATIONS COMPLETED</b>	72	35	684	550
<b>BY PROTECTED CLASS :</b>					
	Race	13	6	152	139
	Sex	10	6	85	89
	Age	6	4	51	43
	Religion	0	0	11	6
	National Origin	0	0	5	5
	Race & Sex/Multiple	28	12	243	166
	Retaliation	4	1	26	14
	Color	0	0	0	0
	Disability/ADA	11	6	111	88
9	<b>FINAL ACTIONS TAKEN</b>	72	35	684	550
<b>BY CATEGORIES:</b>					
	Administrative Closures	18	6	157	79
	No Causes	41	18	443	395
	Conciliations/Settlements	13	11	84	75
	Monetary Value of Settlements	\$141,965	\$118,037	\$900,836	598,602
	Unsuccessful Conciliations	0	0	0	1
	Orders Issued	0	0	0	0
	<b>ACTIVE CASES ON HAND</b>	463	563	463	563
<b>STATUS:</b>					
	Under Investigation	463	563	463	563
	Pending Conciliation	0	0	0	0
	Pending Hearing	0	0	0	0

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**COMPLIANCE PROGRAMS MONTHLY ACTIVITY REPORT**

For the Month of March 2016		A 15/16	B 14/15	C YTD 15/16	D YTD 14/15
1	Active Complaints Brought Forward	463	563	*622	682
2	Complaints Received	58	212	654	694
<b>BY PROTECTED CLASS:</b>					
	Race	14	43	152	154
	Sex	6	35	69	94
	Age	2	13	54	55
	Religion	1	3	6	10
	National Origin	0	1	4	4
	Race & Sex/Multiple	26	73	257	251
	Retaliation	2	11	23	16
	Color	0	0	0	0
	Disability/ADA	7	33	89	110
3	Total (Line 1 + Line 2)	521	775	1,276	1,376
4	Complaints Waived to EEOC	7	12	71	58
<b>BY PROTECTED CLASS :</b>					
	Race	1	4	13	17
	Sex	1	2	11	8
	Age	0	1	5	7
	Religion	0	0	3	0
	National Origin	0	0	0	0
	Race & Sex/ Multiple	4	4	27	17
	Retaliation	0	0	1	1
	Color	0	0	0	0
	Disability/ADA	1	1	11	8
5	Total Complaints Accepted (Line 3 – Line 4)	514	763	1,205	1,318
6	Adjustments/Transfers for Prior Months	1	4	8	9
7	Total Complaints (Line 5 – Line 6)	513	759	1,197	1,309
8	<b>INVESTIGATIONS COMPLETED</b>	76	47	760	597
<b>BY PROTECTED CLASS :</b>					
	Race	11	7	163	146
	Sex	12	13	97	102
	Age	4	4	55	47
	Religion	0	1	11	7
	National Origin	0	1	5	6
	Race & Sex/Multiple	32	16	275	182
	Retaliation	3	0	29	14
	Color	0	0	0	0
	Disability/ADA	14	5	125	93
9	<b>FINAL ACTIONS TAKEN</b>	76	47	760	597
<b>BY CATEGORIES:</b>					
	Administrative Closures	18	8	175	87
	No Causes	43	28	486	423
	Conciliations/Settlements	15	11	99	86
	Monetary Value of Settlements	\$218,480	\$72,600	\$1,119,316	\$671,202
	Unsuccessful Conciliations	0	0	0	1
	Orders Issued	0	0	0	0
	<b>ACTIVE CASES ON HAND</b>	437	712	437	712
<b>STATUS:</b>					
	Under Investigation	437	712	437	712
	Pending Conciliation	0	0	0	0
	Pending Hearing	0	0	0	0

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**COMPLIANCE PROGRAMS MONTHLY ACTIVITY REPORT**

For the Month of April 2016		A 15/16	B 14/15	C YTD 15/16	D YTD 14/15
1	Active Complaints Brought Forward	437	712	*622	682
2	Complaints Received	71	144	725	838
<b>BY PROTECTED CLASS:</b>					
	Race	6	18	158	172
	Sex	8	11	77	105
	Age	4	14	58	69
	Religion	1	3	7	13
	National Origin	1	3	5	7
	Race & Sex/Multiple	42	61	299	312
	Retaliation	1	6	24	22
	Color	0	0	0	0
	Disability/ADA	8	28	97	138
3	Total (Line 1 + Line 2)	508	856	1,347	1,520
4	Complaints Waived to EEOC	15	12	86	70
<b>BY PROTECTED CLASS :</b>					
	Race	0	0	13	17
	Sex	0	1	11	9
	Age	2	1	7	8
	Religion	1	0	4	0
	National Origin	1	0	1	0
	Race & Sex/ Multiple	9	7	36	24
	Retaliation	0	1	1	2
	Color	0	0	0	0
	Disability/ADA	2	2	13	10
5	Total Complaints Accepted (Line 3 – Line 4)	493	844	1,261	450
6	Adjustments/Transfers for Prior Months	0	1	8	10
7	Total Complaints (Line 5 – Line 6)	493	843	1,253	1,440
<b>8 INVESTIGATIONS COMPLETED</b>					
<b>BY PROTECTED CLASS :</b>					
	Race	13	15	176	161
	Sex	5	3	102	105
	Age	5	5	60	52
	Religion	0	0	11	7
	National Origin	1	0	6	6
	Race & Sex/Multiple	37	21	312	203
	Retaliation	2	1	31	15
	Color	0	0	0	0
	Disability/ADA	10	12	135	105
<b>9 FINAL ACTIONS TAKEN</b>					
<b>BY CATEGORIES:</b>					
	Administrative Closures	14	8	189	
	No Causes	49	38	535	461
	Conciliations/Settlements	10	10	109	96
	Monetary Value of Settlements	\$33,750	\$150,488	\$1,153,066	\$821,690
	Unsuccessful Conciliations	0	1	0	2
	Orders Issued	0	0	0	0
<b>ACTIVE CASES ON HAND</b>					
<b>STATUS:</b>					
	Under Investigation	420	786	420	786
	Pending Conciliation	0	0	0	0
	Pending Hearing	0	0	0	0

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**COMPLIANCE PROGRAMS MONTHLY ACTIVITY REPORT**

For the Month of May 2016		A	15/16	B	14/15	C	D	YTD
						YTD 15/16		14/15
1	Active Complaints Brought Forward		420		786	*622		682
2	Complaints Received		91		70	816		908
<b>BY PROTECTED CLASS:</b>								
	Race		20		13	178		185
	Sex		12		12	89		117
	Age		9		5	67		74
	Religion		1		0	8		13
	National Origin		1		0	6		7
	Race & Sex/Multiple		30		25	329		337
	Retaliation		2		1	26		23
	Color		0		0	0		0
	Disability/ADA		16		14	113		152
3	Total (Line 1 + Line 2)		511		856	1,438		1,590
4	Complaints Waived to EEOC		22		9	108		79
<b>BY PROTECTED CLASS :</b>								
	Race		4		0	17		17
	Sex		3		2	14		11
	Age		0		2	7		10
	Religion		0		0	4		0
	National Origin		0		0	1		0
	Race & Sex/ Multiple		10		4	46		28
	Retaliation		1		0	2		2
	Color		0		0	0		0
	Disability/ADA		4		1	17		11
5	Total Complaints Accepted (Line 3 – Line 4)		489		847	1,330		1,511
6	Adjustments/Transfers for Prior Months		0		1	8		11
7	Total Complaints (Line 5 – Line 6)		489		846	1,322		1,500
8	<b>INVESTIGATIONS COMPLETED</b>		108		138	941		792
<b>BY PROTECTED CLASS :</b>								
	Race		25		28	201		189
	Sex		10		17	112		122
	Age		11		11	71		63
	Religion		2		1	13		8
	National Origin		1		4	7		10
	Race & Sex/Multiple		42		49	354		252
	Retaliation		3		3	34		18
	Color		0		0	0		0
	Disability/ADA		14		25	149		130
9	<b>FINAL ACTIONS TAKEN</b>		108		138	941		792
<b>BY CATEGORIES:</b>								
	Administrative Closures		17		19	206		114
	No Causes		79		104	614		565
	Conciliations/Settlements		12		15	121		111
	Monetary Value of Settlements	\$81,	\$81,895		\$290,128	\$1,234,961		1,111,818
	Unsuccessful Conciliations		0		0	0		2
	Orders Issued		0		0	0		0
	<b>ACTIVE CASES ON HAND</b>		381		708	381		708
<b>STATUS:</b>								
	Under Investigation		381		708	381		708
	Pending Conciliation		0		0	0		0
	Pending Hearing		0		0	0		0

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**COMPLIANCE PROGRAMS MONTHLY ACTIVITY REPORT**

For the Month of June 2016		A 15/16	B 14/15	C YTD 15/16	D YTD 14/15
1	Active Complaints Brought Forward	381	708	*622	682
2	Complaints Received	122	69	938	977
<b>BY PROTECTED CLASS:</b>					
	Race	41	10	219	195
	Sex	13	11	102	128
	Age	6	7	73	81
	Religion	0	1	8	14
	National Origin	0	0	6	7
	Race & Sex/Multiple	42	23	371	360
	Retaliation	3	3	29	26
	Color	0	0	0	0
	Disability/ADA	17	14	130	166
3	Total (Line 1 + Line 2)	503	777	1,560	1,659
4	Complaints Waived to EEOC	9	9	117	88
<b>BY PROTECTED CLASS :</b>					
	Race	3	1	20	18
	Sex	2	4	16	15
	Age	0	0	7	10
	Religion	0	0	4	0
	National Origin	0	0	1	0
	Race & Sex/ Multiple	4	1	50	29
	Retaliation	0	1	2	3
	Color	0	0	0	0
	Disability/ADA	0	2	17	13
5	Total Complaints Accepted (Line 3 – Line 4)	494	768	1,443	1,571
6	Adjustments/Transfers for Prior Months	2	0	10	11
7	Total Complaints (Line 5 – Line 6)	492	768	1,433	1,560
8	<b>INVESTIGATIONS COMPLETED</b>	62	146	1003	938
<b>BY PROTECTED CLASS :</b>					
	Race	15	26	216	215
	Sex	6	21	118	143
	Age	3	14	74	77
	Religion	0	1	13	9
	National Origin	0	1	7	11
	Race & Sex/Multiple	23	52	377	304
	Retaliation	3	2	37	20
	Color	0	0	0	0
	Disability/ADA	12	29	161	159
9	<b>FINAL ACTIONS TAKEN</b>	62	146	1,003	938
<b>BY CATEGORIES:</b>					
	Administrative Closures	11	30	217	
	No Causes	42	100	656	665
	Conciliations/Settlements	9	16	130	127
	Monetary Value of Settlements	\$148,500	\$191,672	\$1,383,461	1,304,428
	Unsuccessful Conciliations	0	0	0	2
	Orders Issued	0	0	0	0
	<b>ACTIVE CASES ON HAND</b>	430	622	430	622
<b>STATUS:</b>					
	Under Investigation	430	622	430	622
	Pending Conciliation	0	0	0	0
	Pending Hearing	0	0	0	0

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## COMPLIANCE PROGRAMS MONTHLY ACTIVITY REPORT

For the Month of	July 2016	A 16/17	B 15/16	C YTD 16/17	D YTD 15/16
1	Active Complaints Brought Forward	430	622	*430	622
2	Complaints Received	203	77	203	77
<b>BY PROTECTED CLASS:</b>					
	Race	55	21	55	21
	Sex	20	9	20	9
	Age	10	3	10	3
	Religion	0	1	0	1
	National Origin	2	0	2	0
	Race & Sex/Multiple	70	32	70	32
	Retaliation	4	0	4	0
	Color	0	0	0	0
	Disability/ADA	42	11	42	11
3	Total (Line 1 + Line 2)	633	699	633	699
4	Complaints Waived to EEOC	12	5	12	5
<b>BY PROTECTED CLASS :</b>					
	Race	1	0	1	0
	Sex	2	0	2	0
	Age	2	0	2	0
	Religion	0	1	0	1
	National Origin	0	0	0	0
	Race & Sex/ Multiple	6	3	6	3
	Retaliation	0	0	0	0
	Color	0	0	0	0
	Disability/ADA	1	1	1	1
5	Total Complaints Accepted (Line 3 – Line 4)	621	694	621	694
6	Adjustments/Transfers for Prior Months	0	0	0	0
7	Total Complaints (Line 5 – Line 6)	621	694	621	694
8	<b>INVESTIGATIONS COMPLETED</b>	69	77	69	77
<b>BY PROTECTED CLASS :</b>					
	Race	14	22	14	22
	Sex	8	12	8	12
	Age	4	2	4	2
	Religion	0	0	0	0
	National Origin	0	1	0	1
	Race & Sex/Multiple	32	24	32	24
	Retaliation	2	3	2	3
	Color	0	0	0	0
	Disability/ADA	9	3	9	3
9	<b>FINAL ACTIONS TAKEN</b>	69	77	69	77
<b>BY CATEGORIES:</b>					
	Administrative Closures	7	24	7	24
	No Causes	48	43	48	43
	Conciliations/Settlements	14	10	14	10
	Monetary Value of Settlements	\$201,462	\$94,461	\$201,462	\$94,461
	Unsuccessful Conciliations	0	0	0	0
	Orders Issued	0	0	0	0
10	<b>ACTIVE CASES ON HAND</b>	552	617	552	617
<b>STATUS:</b>					
	Under Investigation	552	617	552	617
	Pending Conciliation	0	0	0	0
	Pending Hearing	0	0	0	0

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**COMPLIANCE PROGRAMS MONTHLY ACTIVITY REPORT**

For the Month of August 2016		A 16/17	B 15/16	C YTD 16/17	D YTD 15/16
1	Active Complaints Brought Forward	552	617	*430	622
2	Complaints Received	106	111	309	188
<b>BY PROTECTED CLASS:</b>					
	Race	19	28	74	49
	Sex	15	8	35	17
	Age	4	10	14	13
	Religion	0	0	0	1
	National Origin	1	1	3	1
	Race & Sex/Multiple	37	43	107	75
	Retaliation	3	4	7	4
	Color	0	2	0	0
	Disability/ADA	27	17	69	28
3	Total (Line 1 + Line 2)	658	728	739	810
4	Complaints Waived to EEOC	7	6	19	11
<b>BY PROTECTED CLASS :</b>					
	Race	0	1	1	1
	Sex	3	2	5	2
	Age	0	1	2	1
	Religion	0	0	0	1
	National Origin	0	0	0	0
	Race & Sex/ Multiple	2	1	8	4
	Retaliation	1	0	1	0
	Color	0	0	0	0
	Disability/ADA	1	1	2	2
5	Total Complaints Accepted (Line 3 – Line 4)	651	722	720	799
6	Adjustments/Transfers for Prior Months	0	7	0	7
7	Total Complaints (Line 5 – Line 6)	651	715	720	792
<b>8 INVESTIGATIONS COMPLETED</b>					
<b>BY PROTECTED CLASS :</b>					
	Race	39	31	53	53
	Sex	12	24	20	36
	Age	13	10	17	12
	Religion	0	7	0	7
	National Origin	1	2	1	3
	Race & Sex/Multiple	53	60	85	84
	Retaliation	5	8	7	11
	Color	0	0	0	0
	Disability/ADA	21	32	30	45
<b>9 FINAL ACTIONS TAKEN</b>					
<b>BY CATEGORIES:</b>					
	Administrative Closures	17	31	24	
	No Causes	106	132	154	175
	Conciliations/Settlements	21	11	35	21
	Monetary Value of Settlements	\$164,100	\$79,972	\$365,562	\$174,433
	Unsuccessful Conciliations	0	0	0	0
	Orders Issued	0	0	0	0
<b>ACTIVE CASES ON HAND</b>					
<b>STATUS:</b>					
	Under Investigation	507	541	507	541
	Pending Conciliation	0	0	0	0
	Pending Hearing	0	0	0	0

Column A - Indicates complaint monthly activity current fiscal year.

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Column C - Indicates cumulative complaint activity from July 1, 2016 to date. (YTD)

Column D - Indicates cumulative complaint activity year to date (YTD) prior to fiscal year.

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**COMPLIANCE PROGRAMS MONTHLY ACTIVITY REPORT**

For the Month of		A	B	C	D
September 2016		16/17	15/16	YTD 16/17	YTD 15/16
1	Active Complaints Brought Forward	507	541	*430	622
2	Complaints Received	44	50	353	238
<b>BY PROTECTED CLASS:</b>					
	Race	8	9	82	58
	Sex	8	11	43	28
	Age	2	3	16	16
	Religion	0	1	0	2
	National Origin	0	0	3	1
	Race & Sex/Multiple	15	14	122	89
	Retaliation	1	1	8	5
	Color	0	0	0	0
	Disability/ADA	10	11	79	39
3	Total (Line 1 + Line 2)	551	591	783	860
4	Complaints Waived to EEOC	8	6	27	17
<b>BY PROTECTED CLASS :</b>					
	Race	2	1	3	2
	Sex	3	2	8	4
	Age	0	0	2	1
	Religion	0	1	0	2
	National Origin	0	0	0	0
	Race & Sex/ Multiple	2	1	10	5
	Retaliation	0	0	1	0
	Color	0	0	0	0
	Disability/ADA	1	1	3	3
5	Total Complaints Accepted (Line 3 – Line 4)	543	585	756	843
6	Adjustments/Transfers for Prior Months	0	0	0	7
7	Total Complaints (Line 5 – Line 6)	543	585	756	836
<b>8 INVESTIGATIONS COMPLETED</b>					
<b>BY PROTECTED CLASS :</b>					
	Race	32	24	85	77
	Sex	7	15	27	51
	Age	5	10	22	22
	Religion	1	2	1	9
	National Origin	2	1	3	4
	Race & Sex/Multiple	27	54	112	138
	Retaliation	0	5	7	16
	Color	0	0	0	0
	Disability/ADA	14	29	44	74
<b>9 FINAL ACTIONS TAKEN</b>					
<b>BY CATEGORIES:</b>					
	Administrative Closures	12	36	36	91
	No Causes	66	93	220	268
	Conciliations/Settlements	10	11	45	32
	Monetary Value of Settlements	\$109,280	\$155,469	\$474,842	\$329,902
	Unsuccessful Conciliations	0	0	0	0
	Orders Issued	0	0	0	0
<b>ACTIVE CASES ON HAND</b>					
<b>STATUS:</b>					
	Under Investigation	455	445	455	445
	Pending Conciliation	0	0	0	0
	Pending Hearing	0	0	0	0

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### COMPLIANCE PROGRAMS MONTHLY ACTIVITY REPORT

For the Month of October 2016		A 16/17	B 15/16	C YTD 16/17	D YTD 15/16
1	Active Complaints Brought Forward	455	445	*430	622
2	Complaints Received	73	34	426	272
<b>BY PROTECTED CLASS:</b>					
	Race	20	9	102	67
	Sex	8	3	51	31
	Age	5	5	21	21
	Religion	1	1	1	3
	National Origin	1	0	4	1
	Race & Sex/Multiple	21	11	143	100
	Retaliation	1	0	9	5
	Color	0	0	0	0
	Disability/ADA	16	5	95	44
3	Total (Line 1 + Line 2)	528	479	856	894
4	Complaints Waived to EEOC	8	5	35	22
<b>BY PROTECTED CLASS :</b>					
	Race	0	2	3	4
	Sex	1	1	9	5
	Age	0	1	2	2
	Religion	0	0	0	2
	National Origin	0	0	0	0
	Race & Sex/ Multiple	2	1	12	6
	Retaliation	0	0	1	0
	Color	0	0	0	0
	Disability/ADA	5	0	8	3
5	Total Complaints Accepted (Line 3 – Line 4)	520	474	821	872
6	Adjustments/Transfers for Prior Months	0	0	0	7
7	Total Complaints (Line 5 – Line 6)	520	474	821	865
8	<b>INVESTIGATIONS COMPLETED</b>	124	70	425	461
<b>BY PROTECTED CLASS :</b>					
	Race	28	22	113	99
	Sex	14	8	41	59
	Age	8	6	30	28
	Religion	0	0	1	9
	National Origin	1	1	4	5
	Race & Sex/Multiple	47	25	159	163
	Retaliation	3	2	10	18
	Color	1	0	1	0
	Disability/ADA	22	6	66	80
9	<b>FINAL ACTIONS TAKEN</b>	124	70	425	461
<b>BY CATEGORIES:</b>					
	Administrative Closures	8	18	44	109
	No Causes	98	44	318	312
	Conciliations/Settlements	18	8	63	40
	Monetary Value of Settlements	\$119,690	\$44,476	\$594,532	\$374,378
	Unsuccessful Conciliations	0	0	0	0
	Orders Issued	0	0	0	0
	<b>ACTIVE CASES ON HAND</b>	396	404	396	404
<b>STATUS:</b>					
	Under Investigation	396	404	396	404
	Pending Conciliation	0	0	0	0
	Pending Hearing	0	0	0	0

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**COMPLIANCE PROGRAMS MONTHLY ACTIVITY REPORT**

For the Month of		November 2016		<b>A</b>	<b>B</b>	<b>C</b>	<b>D</b>
		<b>16/17</b>	<b>15/16</b>	<b>YTD 16/17</b>	<b>YTD 15/16</b>		
1	Active Complaints Brought Forward	396	404	*430	622		
2	Complaints Received	66	43	492	315		
<b>BY PROTECTED CLASS:</b>							
	Race	14	6	116	73		
	Sex	5	4	56	35		
	Age	3	9	24	30		
	Religion	2	0	3	3		
	National Origin	0	0	4	1		
	Race & Sex/Multiple	33	17	176	117		
	Retaliation	1	1	10	6		
	Color	0	0	0	0		
	Disability/ADA	8	6	103	50		
3	Total (Line 1 + Line 2)	462	447	922	937		
4	Complaints Waived to EEOC	8	10	43	32		
<b>BY PROTECTED CLASS :</b>							
	Race	0	0	3	4		
	Sex	1	2	10	7		
	Age	0	2	2	4		
	Religion	0	0	0	2		
	National Origin	0	0	0	0		
	Race & Sex/ Multiple	4	3	16	9		
	Retaliation	0	1	1	1		
	Color	0	0	0	0		
	Disability/ADA	3	2	11	5		
5	Total Complaints Accepted (Line 3 – Line 4)	454	437	879	905		
6	Adjustments/Transfers for Prior Months	0	0	0	7		
7	Total Complaints (Line 5 – Line 6)	454	437	879	898		
8	<b>INVESTIGATIONS COMPLETED</b>	66	44	491	505		
<b>BY PROTECTED CLASS :</b>							
	Race	14	7	127	106		
	Sex	5	3	46	62		
	Age	6	4	36	32		
	Religion	0	0	1	9		
	National Origin	1	0	5	5		
	Race & Sex/Multiple	23	24	182	187		
	Retaliation	2	0	12	18		
	Color	0	0	1	0		
	Disability/ADA	15	6	81	86		
9	<b>FINAL ACTIONS TAKEN</b>	66	44	491	505		
<b>BY CATEGORIES:</b>							
	Administrative Closures	5	8	49	117		
	No Causes	51	21	369	333		
	Conciliations/Settlements	10	15	73	55		
	Monetary Value of Settlements	\$92,000	\$149,557	\$686,532	523,935		
	Unsuccessful Conciliations	0	0	0	0		
	Orders Issued	0	0	0	0		
	<b>ACTIVE CASES ON HAND</b>	388	393	388	393		
<b>STATUS:</b>							
	Under Investigation	388	393	388	393		
	Pending Conciliation	0	0	0	0		
	Pending Hearing	0	0	0	0		

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**COMPLIANCE PROGRAMS MONTHLY ACTIVITY REPORT**

For the Month of December 2016		A 16/17	B 15/16	C YTD 16/17	D YTD 15/16
1	Active Complaints Brought Forward	388	393	*430	622
2	Complaints Received	61	112	553	427
<b>BY PROTECTED CLASS:</b>					
	Race	10	28	126	101
	Sex	5	14	61	49
	Age	12	8	36	38
	Religion	0	1	3	4
	National Origin	0	1	4	2
	Race & Sex/Multiple	30	40	206	157
	Retaliation	0	9	10	15
	Color	0	0	0	0
	Disability/ADA	4	11	107	61
3	Total (Line 1 + Line 2)	449	505	983	1,049
4	Complaints Waived to EEOC	6	10	49	42
<b>BY PROTECTED CLASS :</b>					
	Race	1	3	4	7
	Sex	0	1	10	8
	Age	1	1	3	5
	Religion	0	0	0	2
	National Origin	0	0	0	0
	Race & Sex/ Multiple	4	4	20	13
	Retaliation	0	0	1	1
	Color	0	0	0	0
	Disability/ADA	0	1	11	6
5	Total Complaints Accepted (Line 3 – Line 4)	443	495	934	1,007
6	Adjustments/Transfers for Prior Months	0	0	0	7
7	Total Complaints (Line 5 – Line 6)	443	495	934	1,000
8	<b>INVESTIGATIONS COMPLETED</b>	75	24	566	529
<b>BY PROTECTED CLASS :</b>					
	Race	15	4	142	110
	Sex	7	4	53	66
	Age	4	2	40	34
	Religion	1	0	2	9
	National Origin	0	0	5	5
	Race & Sex/Multiple	36	10	218	197
	Retaliation	2	0	14	18
	Color	0	0	1	0
	Disability/ADA	10	4	91	90
9	<b>FINAL ACTIONS TAKEN</b>	75	24	566	529
<b>BY CATEGORIES:</b>					
	Administrative Closures	8	5	57	122
	No Causes	52	11	421	344
	Conciliations/Settlements	15	8	88	63
	Monetary Value of Settlements	\$151,600	\$119,853	\$838,132	\$643,788
	Unsuccessful Conciliations	0	0	0	0
	Orders Issued	0	0	0	0
	<b>ACTIVE CASES ON HAND</b>	368	471	368	471
<b>STATUS:</b>					
	Under Investigation	368	471	368	471
	Pending Conciliation	0	0	0	0
	Pending Hearing	0	0	0	0

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**COMPLIANCE PROGRAMS MONTHLY ACTIVITY REPORT**

For the Month of January 2017		A 16/17	B 15/16	C YTD 16/17	D YTD 15/16
1	Active Complaints Brought Forward	368	471	*430	622
2	Complaints Received	192	79	745	506
<b>BY PROTECTED CLASS:</b>					
	Race	38	14	164	115
	Sex	24	9	85	58
	Age	11	7	47	45
	Religion	1	1	4	5
	National Origin	3	0	7	2
	Race & Sex/Multiple	73	31	279	188
	Retaliation	7	3	17	18
	Color	0	0	0	0
	Disability/ADA	35	14	142	75
3	Total (Line 1 + Line 2)	560	550	1,175	1,128
4	Complaints Waived to EEOC	18	9	67	51
<b>BY PROTECTED CLASS :</b>					
	Race	3	1	7	8
	Sex	0	1	10	9
	Age	2	0	5	5
	Religion	0	1	0	3
	National Origin	0	0	0	0
	Race & Sex/ Multiple	10	4	30	17
	Retaliation	0	0	1	1
	Color	0	0	0	0
	Disability/ADA	3	2	14	8
5	Total Complaints Accepted (Line 3 – Line 4)	542	541	1,108	1,077
6	Adjustments/Transfers for Prior Months	1	0	1	7
7	Total Complaints (Line 5 – Line 6)	541	541	1,107	1,070
<b>8 INVESTIGATIONS COMPLETED</b>					
<b>BY PROTECTED CLASS :</b>					
	Race	6	29	148	139
	Sex	7	9	60	75
	Age	2	11	42	45
	Religion	0	2	2	11
	National Origin	1	0	6	5
	Race & Sex/Multiple	25	18	243	215
	Retaliation	1	4	15	22
	Color	0	0	1	0
	Disability/ADA	12	10	103	100
<b>9 FINAL ACTIONS TAKEN</b>					
<b>BY CATEGORIES:</b>					
	Administrative Closures	12	17	69	139
	No Causes	33	58	454	402
	Conciliations/Settlements	9	8	97	71
	Monetary Value of Settlements	\$29,954	\$115,083	\$868,068	758,871
	Unsuccessful Conciliations	0	0	0	0
	Orders Issued	0	0	0	0
<b>ACTIVE CASES ON HAND</b>					
<b>STATUS:</b>					
	Under Investigation	487	458	487	458
	Pending Conciliation	0	0	0	0
	Pending Hearing	0	0	0	0

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**COMPLIANCE PROGRAMS MONTHLY ACTIVITY REPORT**

For the Month of February 2017		A 16/17	B 15/16	C YTD 16/17	D YTD 15/16
1	Active Complaints Brought Forward	487	458	*430	622
2	Complaints Received	111	90	856	596
<b>BY PROTECTED CLASS:</b>					
	Race	24	23	188	138
	Sex	16	5	101	63
	Age	9	7	56	52
	Religion	0	0	4	5
	National Origin	3	2	10	4
	Race & Sex/Multiple	33	43	312	231
	Retaliation	3	3	20	21
	Color	0	0	0	0
	Disability/ADA	23	7	165	82
3	Total (Line 1 + Line 2)	598	548	1,286	1,218
4	Complaints Waived to EEOC	7	13	74	64
<b>BY PROTECTED CLASS :</b>					
	Race	2	4	9	12
	Sex	1	1	11	10
	Age	0	0	5	5
	Religion	0	0	0	3
	National Origin	0	0	0	0
	Race & Sex/ Multiple	3	6	33	23
	Retaliation	0	0	1	1
	Color	0	0	0	0
	Disability/ADA	1	2	15	10
5	Total Complaints Accepted (Line 3 – Line 4)	591	535	1,212	1,154
6	Adjustments/Transfers for Prior Months	0	0	1	7
7	Total Complaints (Line 5 – Line 6)	591	535	1,211	1,147
8	<b>INVESTIGATIONS COMPLETED</b>	83	72	703	684
<b>BY PROTECTED CLASS :</b>					
	Race	30	13	178	152
	Sex	10	10	70	85
	Age	6	6	48	51
	Religion	0	0	2	11
	National Origin	0	0	6	5
	Race & Sex/Multiple	21	28	264	243
	Retaliation	2	4	17	26
	Color	0	0	1	0
	Disability/ADA	14	11	117	111
9	<b>FINAL ACTIONS TAKEN</b>	83	72	703	684
<b>BY CATEGORIES:</b>					
	Administrative Closures	15	18	84	157
	No Causes	53	41	507	443
	Conciliations/Settlements	15	13	112	84
	Monetary Value of Settlements	\$69,489	\$141,965	\$937,557	900,836
	Unsuccessful Conciliations	0	0	0	0
	Orders Issued	0	0	0	0
	<b>ACTIVE CASES ON HAND</b>	508	463	508	463
<b>STATUS:</b>					
	Under Investigation	508	463	508	463
	Pending Conciliation	0	0	0	0
	Pending Hearing	0	0	0	0

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**COMPLIANCE PROGRAMS MONTHLY ACTIVITY REPORT**

For the Month of		A	B	C	D
March 2017		16/17	15/16	YTD 16/17	YTD 15/16
1	Active Complaints Brought Forward	508	463	*430	622
2	Complaints Received	112	58	968	654
<b>BY PROTECTED CLASS:</b>					
	Race	25	14	213	152
	Sex	8	6	109	69
	Age	7	2	63	54
	Religion	1	1	5	6
	National Origin	0	0	10	4
	Race & Sex/Multiple	49	26	361	257
	Retaliation	1	2	21	23
	Color	1	0	1	0
	Disability/ADA	20	7	185	89
3	Total (Line 1 + Line 2)	620	521	1,398	1,276
4	Complaints Waived to EEOC	18	7	92	71
<b>BY PROTECTED CLASS :</b>					
	Race	3	1	12	
	Sex	1	1	12	11
	Age	1	0	6	5
	Religion	0	0	0	3
	National Origin	0	0	0	0
	Race & Sex/ Multiple	8	4	41	27
	Retaliation	1	0	2	1
	Color	0	0	0	0
	Disability/ADA	4	1	19	11
5	Total Complaints Accepted (Line 3 – Line 4)	602	514	1,306	1,205
6	Adjustments/Transfers for Prior Months	0	1	1	8
7	Total Complaints (Line 5 – Line 6)	602	513	1,305	1,197
8	<b>INVESTIGATIONS COMPLETED</b>	69	76	772	760
<b>BY PROTECTED CLASS :</b>					
	Race	14	11	192	163
	Sex	6	12	76	97
	Age	11	4	59	55
	Religion	0	0	2	11
	National Origin	0	0	6	5
	Race & Sex/Multiple	25	32	289	275
	Retaliation	2	3	19	29
	Color	0	0	1	0
	Disability/ADA	11	14	128	125
9	<b>FINAL ACTIONS TAKEN</b>	69	76	772	760
<b>BY CATEGORIES:</b>					
	Administrative Closures	6	18	90	
	No Causes	56	43	563	486
	Conciliations/Settlements	7	15	119	99
	Monetary Value of Settlements	\$33,250	\$218,480	\$970,807	\$1,119,316
	Unsuccessful Conciliations	0	0	0	0
	Orders Issued	0	0	0	0
	<b>ACTIVE CASES ON HAND</b>	533	437	533	437
<b>STATUS:</b>					
	Under Investigation	533	437	533	437
	Pending Conciliation	0	0	0	0
	Pending Hearing	0	0	0	0

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**COMPLIANCE PROGRAMS MONTHLY ACTIVITY REPORT**

For the Month of April 2017		A 16/17	B 15/16	C YTD 16/17	D YTD 15/16
1	Active Complaints Brought Forward	533	437	*430	622
2	Complaints Received	85	71	1,053	725
<b>BY PROTECTED CLASS:</b>					
	Race	24	6	237	158
	Sex	20	8	129	77
	Age	3	4	66	58
	Religion	0	1	5	7
	National Origin	0	1	10	5
	Race & Sex/Multiple	23	42	384	299
	Retaliation	3	1	24	24
	Color	0	0	1	0
	Disability/ADA	12	8	197	97
3	Total (Line 1 + Line 2)	618	508	1,483	1,347
4	Complaints Waived to EEOC	9	15	101	86
<b>BY PROTECTED CLASS :</b>					
	Race	1	0	13	13
	Sex	1	0	13	11
	Age	1	2	7	7
	Religion	0	1	0	4
	National Origin	0	1	0	1
	Race & Sex/ Multiple	4	9	45	36
	Retaliation	0	0	2	1
	Color	0	0	0	0
	Disability/ADA	2	2	21	13
5	Total Complaints Accepted (Line 3 – Line 4)	609	493	1,382	1,261
6	Adjustments/Transfers for Prior Months	0	0	1	8
7	Total Complaints (Line 5 – Line 6)	609	493	1,381	1,253
8	<b>INVESTIGATIONS COMPLETED</b>	73	73	845	833
<b>BY PROTECTED CLASS :</b>					
	Race	16	13	208	176
	Sex	8	5	84	102
	Age	4	5	63	60
	Religion	1	0	3	11
	National Origin	0	1	6	6
	Race & Sex/Multiple	33	37	322	312
	Retaliation	2	2	21	31
	Color	0	0	1	0
	Disability/ADA	9	10	137	135
9	<b>FINAL ACTIONS TAKEN</b>	73	73	845	833
<b>BY CATEGORIES:</b>					
	Administrative Closures	20	14	110	189
	No Causes	36	49	599	535
	Conciliations/Settlements	17	10	136	109
	Monetary Value of Settlements	\$105,543	\$33,750	\$1,076,350	1,153,066
	Unsuccessful Conciliations	0	0	0	0
	Orders Issued	0	0	0	0
	<b>ACTIVE CASES ON HAND</b>	536	420	536	420
<b>STATUS:</b>					
	Under Investigation	536	420	536	420
	Pending Conciliation	0	0	0	0
	Pending Hearing	0	0	0	0

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**COMPLIANCE PROGRAMS MONTHLY ACTIVITY REPORT**

For the Month of May 2017		A 16/17	B 15/16	C YTD 16/17	D YTD 15/16
1	Active Complaints Brought Forward	536	420	*430	622
2	Complaints Received	72	91	1,125	816
<b>BY PROTECTED CLASS:</b>					
	Race	16	20	253	178
	Sex	18	12	147	89
	Age	5	9	71	67
	Religion	0	1	5	8
	National Origin	0	1	10	6
	Race & Sex/Multiple	29	30	413	329
	Retaliation	0	2	24	26
	Color	0	0	1	0
	Disability/ADA	4	16	201	113
3	Total (Line 1 + Line 2)	608	511	1,555	1,438
4	Complaints Waived to EEOC	11	22	112	108
<b>BY PROTECTED CLASS :</b>					
	Race	0	4	13	17
	Sex	8	3	21	14
	Age	0	0	7	7
	Religion	0	0	0	4
	National Origin	0	0	0	1
	Race & Sex/ Multiple	3	10	48	46
	Retaliation	0	1	2	2
	Color	0	0	0	0
	Disability/ADA	0	4	21	17
5	Total Complaints Accepted (Line 3 – Line 4)	597	489	1,443	1,330
6	Adjustments/Transfers for Prior Months	0	0	1	8
7	Total Complaints (Line 5 – Line 6)	597	489	1,442	1,322
8	<b>INVESTIGATIONS COMPLETED</b>	95	108	940	941
<b>BY PROTECTED CLASS :</b>					
	Race	23	25	231	201
	Sex	15	10	99	112
	Age	4	11	67	71
	Religion	2	2	5	13
	National Origin	1	1	7	7
	Race & Sex/Multiple	26	42	348	354
	Retaliation	0	3	21	34
	Color	0	0	1	0
	Disability/ADA	24	14	161	149
9	<b>FINAL ACTIONS TAKEN</b>	95	108	940	941
<b>BY CATEGORIES:</b>					
	Administrative Closures	19	17	129	206
	No Causes	60	79	659	614
	Conciliations/Settlements	16	12	152	121
	Monetary Value of Settlements	\$144,579	\$81,895	\$1,220,929	\$1,234,951
	Unsuccessful Conciliations	0	0	0	0
	Orders Issued	0	0	0	0
	<b>ACTIVE CASES ON HAND</b>	502	381	502	381
<b>STATUS:</b>					
	Under Investigation	502	381	502	381
	Pending Conciliation	0	0	0	0
	Pending Hearing	0	0	0	0

Column A - Indicates complaint monthly activity current fiscal year.

Column B - Indicates complaint activity same month prior fiscal year.

Column C - Indicates cumulative complaint activity from July 1, 2016 to date. (YTD)

Column D - Indicates cumulative complaint activity year to date (YTD) prior to fiscal year.

\* - Indicates number of complaints on hand as of July 1, 2016.

**90e and Public Accommodation Investigation Statistics**

	Jan-16	Feb-16	Mar-16	Apr-16	May-16	Jun-16	Jul-16	Aug-16	Sep-16	Oct-16	Nov-16	Dec-16	TOTAL
<b>1 Complaints Received</b>	4	2	2	2	1	1	2	3	0	3	1	1	22
<b>2 Complaints Closed -Unable to Resolve</b>	1	2	0	5	0	0	0	1	2	0	1	0	12
<b>3 Complaints Closed - Settled with Benefit</b>	0	0	0	0	0	0	0	0	0	0	1	1	2

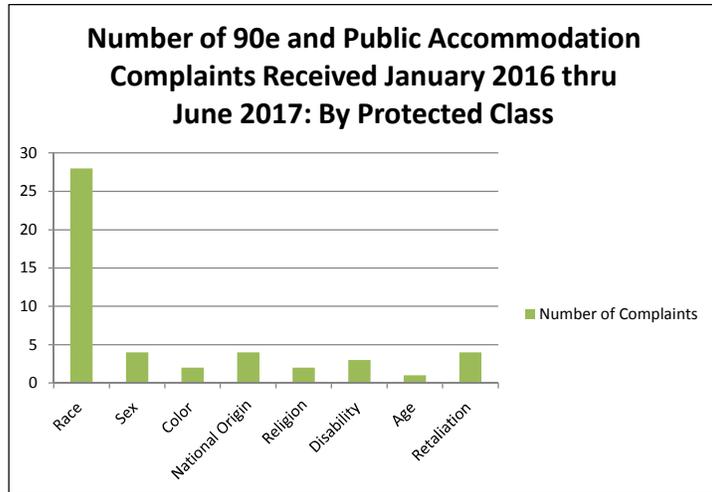
\*\*\*Settled with Benefit may include, but is not limited to, gift card given, letter of apology written, monetary compensation received, and/or corrective action taken by Respondent to eliminate any future discrimination.\*\*

**90e and Public Accommodation Investigation Statistics**

	Jan-17	Feb-17	Mar-17	Apr-17	May-17	Jun-17	TOTAL
<b>1 Complaints Received</b>	4	0	1	1	2	2	10
<b>2 Complaints Closed -Unable to Resolve</b>	2	2	0	2	3	0	9
<b>3 Complaints Closed - Settled with Benefit</b>	0	1	0	2	2	0	5

\*\*\*Settled with Benefit may include, but is not limited to, gift card given, letter of apology written, monetary compensation received, and/or corrective action taken by Respondent to eliminate any future discrimination.\*\*\*

Number of 90e and Public Accommodation Complaints Received January 2016 thru June 2017: By Protected Class	
Basis	Number of Complaints
Race	28
Sex	4
Color	2
National Origin	4
Religion	2
Disability	3
Age	1
Retaliation	4



\*\*\*Number of Complaints Received by protected class may exceed the actual number of complaints received due to cases having multiple bases.\*\*\*

**Agencies who Report to SCHAC**

**Alphabetical Order**

**Chart C (Page 1 of 2)**

RANKING	AGENCY	PERCENT	RANKING	AGENCY	PERCENT
54	Accident Fund, State	82.4	48	Florence-Darlington Technical College	83.4
51	Adjutant General's Office	83.1	58	Forestry Commission	80.2
36	Administration, Department of	85.9	67	Francis Marion University	73.6
65	Agriculture, Department of	75.4	21	Governor's School for Arts & Humanities	91.7
20	Aiken Technical College	91.8	57	Governor's School for Science & Math	81.0
28	Alcohol and other Drug Abuse Services	88.4	25	Greenville Technical College	89.7
15	Archives and History, Department of	92.8	29	Health and Environmental Control	88.0
1	Arts Commission	100.0	22	Health and Human Services, Department	91.5
27	Attorney General's Office	88.5	1	Higher Education, Commission on	100.0
64	Auditor's Office, State	76.8	19	Horry-Georgetown Technical College	91.9
32	Blind, Commission for the	86.8	45	Indigent Defense	84.4
30	Central Carolina Technical College	87.9	44	Insurance, Department of	84.5
72	Citadel, The	67.5	53	John de la Howe School	82.5
70	Clemson University	71.0	52	Juvenile Justice, Department of	83.0
57	Coastal Carolina University	81.0	7	Labor, Licensing and Regulation, Dept.	96.4
40	College of Charleston	85.4	71	Lander University	69.8
13	Commerce, Department of	93.6	35	Law Enforcement Division, State	86.3
17	Comptroller General's Office	92.2	34	Library, State	86.4
38	Consumer Affairs, Office of	85.7	59	Lieutenant Governor's Office	80.0
38	Corrections, Department of	85.7	50	Medical University Hospital	83.2
49	Criminal Justice, Academy	83.3	52	Medical University of South Carolina	83.0
26	Deaf and Blind, School of	89.3	46	Mental Health, Department of	83.9
66	Denmark Technical College	75.2	9	Midlands Technical College	95.8
18	Disabilities & Special Needs, Dept. of	92.0	11	Motor Vehicles, Department of	94.4
14	Education, Department of	93.2	1	Museum Commission	100.0
11	Education Lottery, South Carolina	94.4	60	Natural Resources, Department of	79.2
5	Educational Television Commission	96.9	66	Northeastern Technical College	75.2
17	Election Commission, State	92.2	6	Orangeburg-Calhoun Technical College	96.7
16	Employment and Workforce	92.6	63	Parks, Recreation & Tourism, Dept. of	77.4
52	Financial Institutions, SC Board of	83.0	68	Patriot's Point	73.4
56	Fiscal Accountability Authority, State	82.2	12	Piedmont Technical College	94.2

**Agencies who Report to SCHAC**

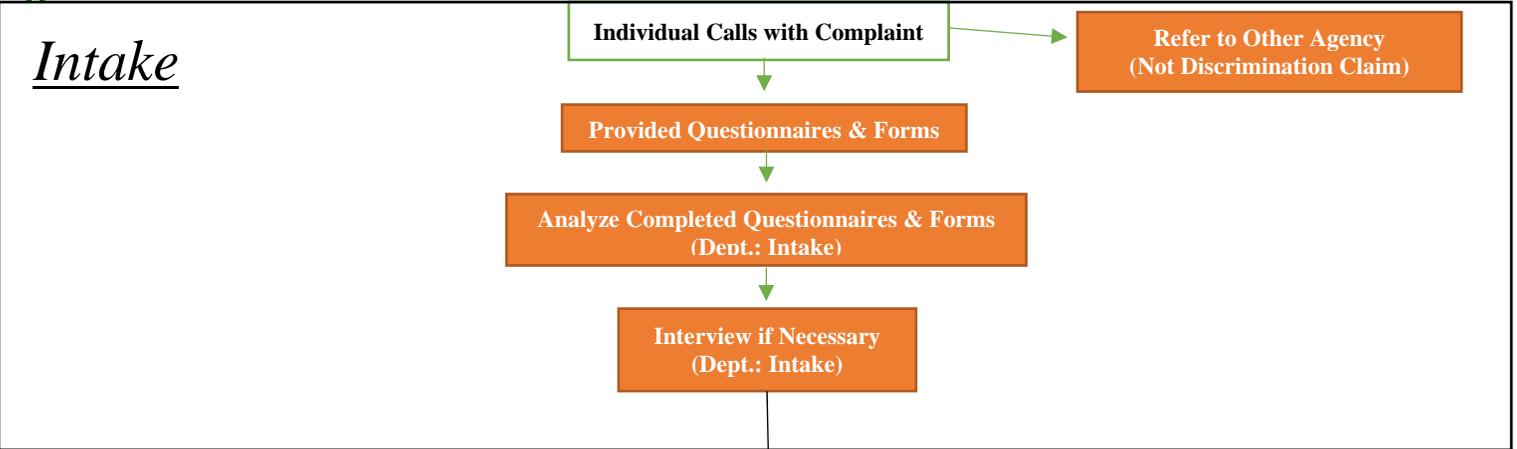
**Alphabetical Order**

**Chart C (Page 2 of 2)**

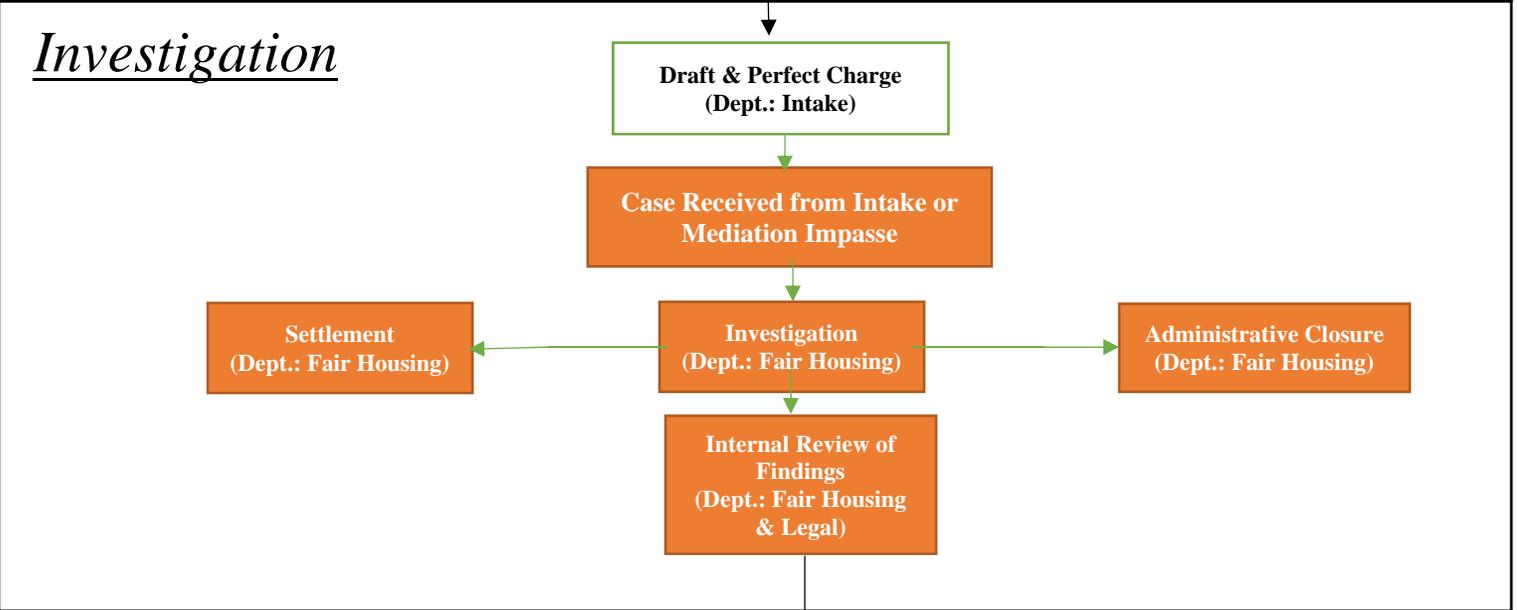
RANKING	AGENCY	PERCENT	RANKING	AGENCY	PERCENT
62	Ports Authority, State	77.8		*Housing, Finance and Development	<i>Exempt</i>
55	Probation, Pardon and Parole Department c	82.3			
31	Public Employee Benefit Authority	87.6			
37	Public Safety, Department of	85.8			
23	Public Service Commission	90.9			
33	Regulatory Staff, Office of	86.5			
37	Retirement Systems	85.8			
10	Revenue, Department of	95.4			
54	Revenue and Fiscal Affairs	82.4			
3	Santee Cooper	98.5			
1	Secretary of State	100.0			
12	Social Services, Department of	94.2			
69	South Carolina State University	71.3			
22	Spartanburg Community College	91.5			
39	Technical College of the Low Country	85.5			
42	Technical and Comprehensive	84.8			
61	Transportation, Department of	78.3			
24	Treasurer's Office, State	89.8			
43	Tri-County Technical College	84.7			
2	Trident Technical College	99.0			
58	University of South Carolina	80.2			
9	Vocational Rehabilitation, Department of	95.8			
4	Williamsburg Technical College	97.2			
41	Wil Lou Gray Opportunity School	84.9			
47	Winthrop University	83.5			
46	Workers' Compensation	83.9			
8	York Technical College	96.1			

\* Those highlighted are Federal Contractors

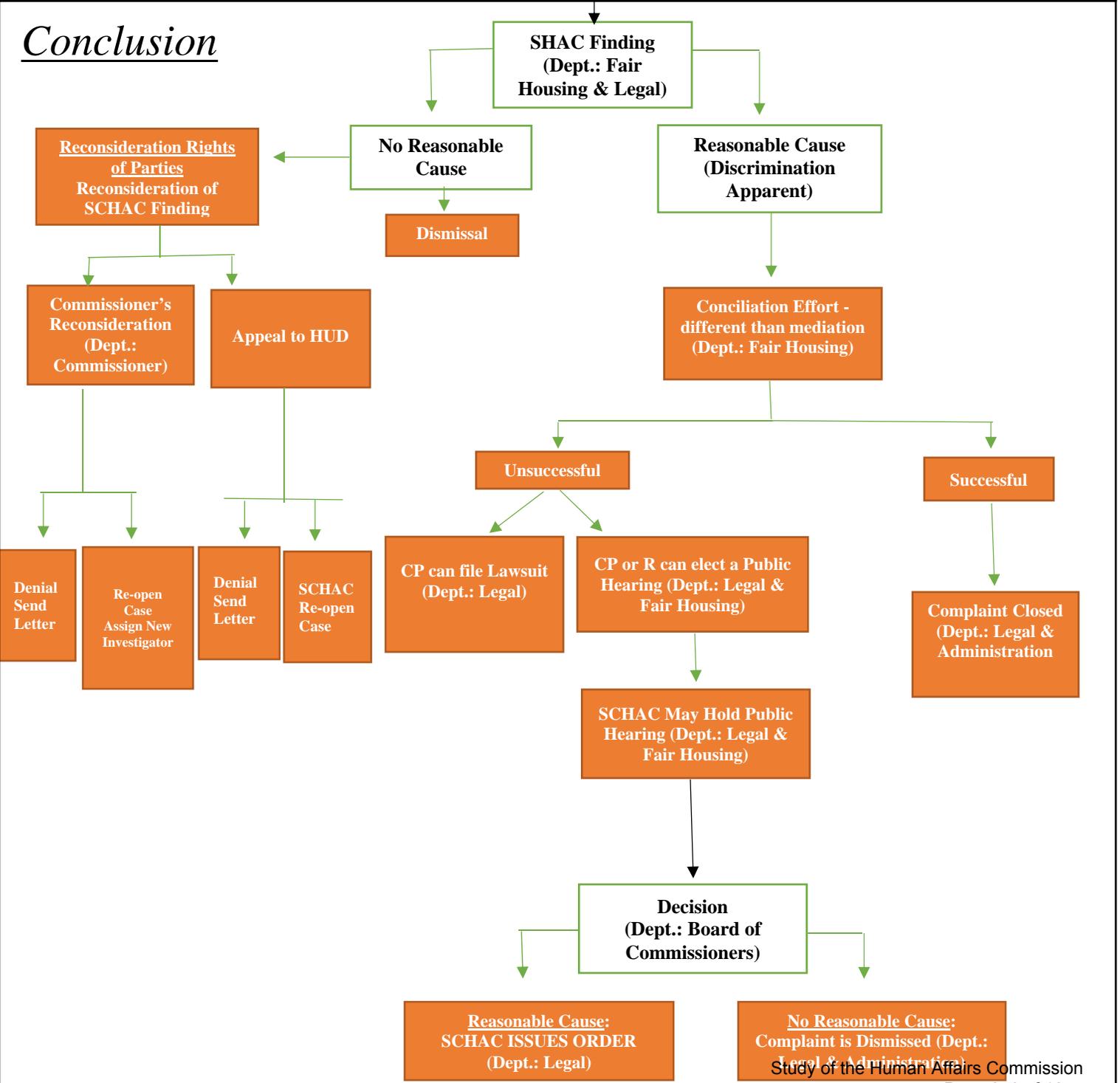
Intake



Investigation



Conclusion



## Intake

Individual Calls with Complaint

Refer to Different Agency  
(Not Discrimination Claim)

Provided Questionnaires & Forms

Analyze Completed Questionnaires & Forms  
(Dept.: Intake)

Interview if Necessary  
(Dept.: Intake)

## Investigation

Draft & Perfect Charge  
(Dept.: Intake & Legal)

Other Required Intake 90 (e)  
(Not Discrimination Claim)

Dual File with EEOC  
(Dept.: Intake & EEO Enforcement)

Investigator works to conciliate;  
failure to conciliate results in dismissal

Waive to EEOC  
(Dept.: EEO Enforcement)

Refer for Mediation  
(Dept.: EEO Enforcement)

Investigation  
(Dept.: EEO Enforcement)

Mediation Successful

Mediation  
(Dept.: Mediation)

Not Successful

State Agency Case?

Settlement

Administrative Closure  
(Dept.: EEO Enforcement)

Settlement  
(Dept.: EEO Enforcement)

Investigation  
(Dept.: EEO Enforcement)

Internal Review of Findings  
(Dept.: EEO Enforcement & Legal)

State Agency Case?

Review by Supervisory Commission Member  
(Dept.: Board of Commissioners)

## Conclusion

SCHAC Finding (Dept.: EEO Enforcement & Legal)

No Reasonable Cause

Reasonable Cause  
(Discrimination Apparent)  
And an Order for Hearing

Reconsideration Rights of Parties  
Reconsideration of SCHAC Finding

Dismissal  
(Notice of Right to Sue Issued)

Conciliation Effort - different than mediation  
(Dept.: EEO Enforcement)

Successful

Commissioner's Reconsideration  
(Dept.: Commissioner)

EEOC Substantial Weight Review

Unsuccessful

Non-State Agency Case:  
Issuance of Notice of Right to Sue  
(Dept.: Legal)

State Agency Case:  
SCHAC May Hold Public Hearing  
(Dept.: Legal & EEO Enforcement)

Complaint Closed  
(Dept.: Legal & Administration)

Reopen case;  
Assign New Investigator

Deny - SCHAC Sends Letter

Reopen - Case Returned to SCHAC

Deny - US EEOC Sends Letter

SCHAC May Hold Public Hearing  
(Dept.: Legal & EEO Enforcement)

Decision  
(Dept.: Board of Commissioners)

Investigation  
(See SCHAC Finding Above)

Investigation  
(See SCHAC Finding Above)

Reasonable Cause:  
SCHAC ISSUES ORDER  
(Dept.: Legal)

No Reasonable Cause:  
Complaint is Dismissed (Dept.:  
Study of the Human Affairs Commission  
Page 257 of 1255

## SC Human Affairs Commission REFERRAL LISTING

We recommend you contact the agency or organization designated below:

- US Department of Labor**  
1835 Assembly Street  
Columbia, SC 29201  
(803) 765-5244 (OFCCP)  
(803) 765-5981 (Wage & Hour, FMLA)  
(803) 765-5904 (OSHA/Whistleblower)  
1-866-487-9243
- SC Department of Labor**  
110 Center View Drive  
PO Box 11329  
Columbia, SC 29211  
(803) 896-4470; 896-7756  
(803) 896-7825 (OSHA)  
[www.llr.sc.gov](http://www.llr.sc.gov)
- US Equal Employment Opportunity Commission**  
Greenville Office  
301 N. Main Street  
Greenville, SC 29601  
1-800-669-4000  
[www.eeoc.gov](http://www.eeoc.gov)
- SC Workers' Compensation Commission**  
1333 Main Street, Suite 500  
PO Box 1715  
Columbia, SC 29202  
(803) 737-5700  
[www.wcc.sc.gov](http://www.wcc.sc.gov)
- SC Department of Employment and Workforce**  
700 Taylor Street  
Columbia, SC 29201  
1-866-831-1724 (Unemployment)  
803-737-2400  
[www.dew.sc.gov](http://www.dew.sc.gov)
- SC Department of Consumer Affairs**  
2221 Devine St., Ste 200 (29205)  
PO Box 5757  
Columbia, SC 29250  
(803) 734-4200  
1-800-922-1594  
[www.consumer.sc.gov](http://www.consumer.sc.gov)
- SC Department of Administration-Division of State Human Resources**  
State Employee/Employer Relations  
8301 Parklane Road, Suite A220  
Columbia, SC 29223  
(803) 896-5300  
[www.admin.sc.gov/humanresources](http://www.admin.sc.gov/humanresources)
- SC Bar Association Lawyer Referral Service**  
950 Taylor Street  
PO Box 608  
Columbia, SC 29202  
1-800-868-2284  
[www.scbars.org](http://www.scbars.org)
- SC Judicial Department-Judicial Standards Commission**  
1015 Sumter Street  
PO Box 50487  
Columbia, SC 29250  
(803) 734-1965  
[www.sccourts.org](http://www.sccourts.org)
- US DOL-Employee Benefits Security Administration**  
Atlanta Regional Office  
61 Forsyth St, SW, Ste 7B54  
Atlanta, GA 30303  
(404) 302-3900 / (866) 444-3272  
[www.dol.gov/ebsa](http://www.dol.gov/ebsa)
- US DOL-Veterans Employment & Training Service (USERRA)**  
Sam Nunn Atlanta Federal  
61 Forsyth Street, S.W., Room 6T85  
Atlanta, GA 30303  
(404) 665-4330  
[www.dol.gov/vets](http://www.dol.gov/vets)
- SC Division of Veterans' Affairs**  
1205 Pendleton Street, Suite 463  
Columbia, SC 29201  
(803) 734-0200  
[www.govoepp.state.sc.us/va/](http://www.govoepp.state.sc.us/va/)
- US Department of Justice Civil Rights Division**  
950 Pennsylvania Avenue, N.W.  
Educational Opportunities Section, PHB  
Washington, DC 20530  
1-877-292-3804
- US Department of Education Office of Civil Rights**  
330 C Street, SW, Suite 5000  
Washington, DC 29202  
1-800-421-3481  
[www.ed.gov/ocr](http://www.ed.gov/ocr)
- Pro-Parents (Advocates for Parents of Children with Disabilities)**  
652 Bush River Rd., Suite 203  
Columbia, SC 29210  
1-800-759-4776  
[www.proparents.org](http://www.proparents.org)
- US Department of Justice Civil Rights Division**  
950 Pennsylvania Avenue, N.W.  
Disability Rights Section – 1425 NYAV  
Washington, DC 20530  
1-800-514-0301
- American Civil Liberties Union (ACLU)**  
1338 Main Street  
Columbia, SC 29201  
(803) 799-5151  
[www.aclusc.org](http://www.aclusc.org)
- SC Protection & Advocacy for People with Disabilities**  
3710 Landmark Drive, Suite 208  
Columbia, SC 29204  
1-866-275-7273  
[www.pandasc.org](http://www.pandasc.org)
- National Labor Relations Board**  
Harris Tower  
233 Peachtree Street N.E., Suite 1000  
Atlanta, GA 30303  
(404) 331-2896  
[www.nlr.gov](http://www.nlr.gov)
- US Health & Human Services Office for Civil Rights**  
Sam Nunn Atlanta Federal Ctr-16T70  
61 Forsyth Street, S.W.  
Atlanta, GA 30303  
1-800-368-1019  
[www.hhs.gov/ocr/office/](http://www.hhs.gov/ocr/office/)
- SC Department of Corrections**  
Division of Inmate Services  
PO Box 21787  
Columbia, SC 29221  
(803) 896-8558  
[www.doc.sc.gov](http://www.doc.sc.gov)



April 26, 2017

Commissioner Raymond Buxton, II  
South Carolina Human Affairs Commission  
1026 Sumter Street  
Columbia, SC 29201

Dear Commissioner Buxton:

I am writing today to express the South Carolina Bar's support of the work of the South Carolina Human Affairs Commission. Attorneys across the state work diligently every day to ensure that businesses and workplaces are free from unlawful discrimination by representing employers and employees, and by offering preventative advice on a variety of issues.

It is in the best interest of our state, its citizens, and businesses to have the South Carolina Human Affairs Commission continue to investigate allegations of discrimination with efficiency and quality in order to provide protections to all parties, whether or not the party is represented by counsel. The Commission can always be counted on to provide efficient case processing times, a fair process, and answer questions about their process. Additionally, SCHAC's free mediation program is a valuable service to Bar members, as well as other parties involved in pending investigations.

The South Carolina Bar is hopeful that the General Assembly understands the valuable role that the South Carolina Human Affairs Commission plays in our State.

Sincerely yours,

William K. Witherspoon  
President



January 19, 2016

Mr. Ray Buxton  
South Carolina Human Affairs Commission  
1026 Sumter Street  
Columbia, SC 29201

Dear Ray:

We are writing today to express the South Carolina Chamber of Commerce's support of the work of the South Carolina Human Affairs Commission. Businesses across the state work diligently every day to make sure their businesses and workplaces are free from discrimination. It is in the best interest of our state, its citizens and businesses to have SCHAC and state government handle cases as opposed to the federal government. The Commission can always be counted on to provide fast case processing times, a fair process and prompt/efficient communication allowing for any matters to be dealt with in an efficient manner.

The South Carolina Chamber is the state's largest business association and having the State investigate, hear cases and process complaints is important to our members. We hope that the General Assembly understands the valuable role the South Carolina Human Affairs Commission plays.

Sincerely,

Ted Pitts  
President and CEO

Cliff Bourke  
Chairman  
Diversity Council

Steve Nail  
Chairman  
Human Resources Committee

1301 Gervais Street  
Suite 1100  
Columbia, SC 29201

(803) 799-4601

Fax  
(803) 779-6043

[www.scchamber.net](http://www.scchamber.net)

*Appendix D. July 10, 2017, Meeting Information*

South Carolina  
House of Representatives



Legislative Oversight Committee

*ECONOMIC DEVELOPMENT, TRANSPORTATION,  
AND NATURAL RESOURCES SUBCOMMITTEE*

*The Honorable Neal A. Collins*

*The Honorable Mandy Powers Norrell*

*The Honorable Robert L. Ridgeway III*

*Monday, July 10, 2017*

*2:00 p.m.*

*110-Blatt Building*

*Pursuant to Committee Rule 6.8, S.C. ETV shall be allowed access for internet streaming  
whenever technologically feasible.*

**AGENDA**

- I. Approval of Minutes
- II. Discussion of the study of the Human Affairs Commission
- III. Discussion of the study of the Department of Agriculture
- IV. Adjournment



## Economic Development, Transportation and Natural Resources Subcommittee

Thursday, June 22, 2017 at 10:00 am in Room 108

### Archived Video Available

- I. Pursuant to House Legislative Oversight Committee Rule 6.8, South Carolina ETV was allowed access for streaming the meeting. You may access archived video of this meeting by visiting the South Carolina General Assembly's website (<http://www.scstatehouse.gov>) and clicking on *Committee Postings and Reports*, then under *House Standing Committees* click on *Legislative Oversight*. Then, click on *Video Archives* for a listing of archived videos for the Committee.

### Attendance

- I. The Economic Development, Transportation, and Natural Resources Subcommittee meeting was called to order by Vice-Chair Laurie Slade Funderburk on Thursday, June 22, 2017, in Room 108 of the Blatt Building. The following members of the Subcommittee were present for all or a portion of the meeting: Representative Mandy Powers Norrell, Representative Robert L Ridgeway, and Representative Neal A. Collins.

### Minutes

- I. House Rule 4.5 requires standing committees to prepare and make available to the public the minutes of committee meetings; the minutes do not have to be verbatim accounts of meetings. It is the practice of the Legislative Oversight Committee to provide minutes for its subcommittee meetings.

- II. Representative Norrell moved to approve the minutes from the Subcommittee’s meeting on June 15, 2017. A roll call vote was held, and the motion passed.

Rep. Norrell motions to approve the minutes from the June 15, 2017 meeting:	Yea	Nay	Not Voting (Absent)	Not Voting (Present)
Rep. Collins	✓			
Rep. Norrell	✓			
Rep. Ridgeway	✓			
Rep. Funderburk	✓			

**Discussion of the Human Affairs Commission**

- I. Vice-Chair Funderburk provides an update of the Subcommittee’s work related to the Human Affairs Commission. She stated the purpose of this meeting is to discuss the agency’s history, mission, and the services it provides to citizens.
- II. Vice-Chair Funderburk reminds everyone that has previously been sworn in that they remain under oath for any testimony before this Subcommittee or the full Committee. Vice-Chair Funderburk swears in the following agency representatives:
  - a. John A. Oakland, Chair of the Governing Board, Aiken County
  - b. Lee Ann Rice, Staff Counsel
  - c. Stephanie Price, EEO Consultant
  - d. Marvin Caldwell, Director of Fair Housing Division
  - e. Dan Koon, Deputy Commissioner
- III. Chair John A. Oakland gives an overview of the functions and responsibilities of the Governing Board of Commissioners. (00:07:20)
- IV. Commissioner Raymond Buxton II presents information on the agency’s history, mission, and major programs, while other agency representatives provide information on the services it provides to citizens under the major programs. (00:12:00)
- V. Lee Ann Rice, staff counsel, gives an overview of the three state laws related to the agency and the federal laws enforced by the agency (00:19:10):
  - a. South Carolina Human Affairs Law: Title 1, Chapter 13
  - b. South Carolina Fair Housing Law: Title 31, Chapter 21
  - c. South Carolina Equal Enjoyment and Privileges to Public Accommodations: Title 45, Chapter 9
  - d. Federal Laws Prohibiting Discrimination: Title VII of the 1963 Civil Rights Act, Age Discrimination in Employment Act, Pregnancy Discrimination Act, and the Americans with Disabilities Act

Further, Ms. Rice discussed the mediation process. (00:30:45)

VI. Dan Koon, Deputy Commissioner, gives an overview of how the employment law is administered, including the intake process and the investigation process. (00:24:45)

Further, Mr. Koon discussed Community Relations. (00:40:25)

VII. Marvin Caldwell, Director of Fair Housing Division, gives an overview of the Fair Housing Department at the Human Affairs Commission. (00:34:10)

VIII. Stephanie Price, EEO Consultant, gives an overview of the Technical Service Department (00:38:00), including:

- a. Consultative Services
- b. Affirmative Action Plan
- c. Training

**Discussion of the Department of Agriculture**

IX. Vice-Chair Funderburk explains that since agency representatives could not attend today’s meeting, this meeting would be a work session to further identify questions Subcommittee members may have for the agency and to discuss the agency’s recommendations to the Subcommittee.

X. Various motions are made by Subcommittee members to approve agency recommendations:

a. Vice-Chair Funderburk moved to approve the agency’s recommendation, based on the draft language, to remove bonding requirements of the Commissioner of Agriculture. A roll call vote was held, and the motion passed.

<b>Vice-Chair Funderburk motions to approve the agency’s recommendation, based on the draft language, to remove bonding requirements of the Commissioner of Agriculture:</b>	Yea	Nay	Not Voting (Absent)	Not Voting (Present)
Rep. Collins	✓			
Rep. Norrell	✓			
Rep. Ridgeway	✓			
Rep. Funderburk	✓			

b. Representative Collins moved to approve the agency’s recommendation, based on the draft language, to remove the Agriculture Commission’s authority to establish the agency’s policies and annually approve the agency’s budget. A roll call vote was held, and the motion passed.

Rep. Collins motions to approve the agency's recommendation, based on the draft language, to remove the Agriculture Commission's authority to establish the agency's policies and annually approve the agency's budget:	Yea	Nay	Not Voting (Absent)	Not Voting (Present)
Rep. Collins	✓			
Rep. Norrell	✓			
Rep. Ridgeway	✓			
Rep. Funderburk	✓			

- c. Representative Collins moved to approve the agency's recommendation, based on the draft language, to revise the appointment procedure of Commission of Agriculture to address a seat that has either been vacant or the term has expired, so that a Commissioner shall continue to serve until their successor is elected and qualified, and may only serve until their successors are elected and qualified, and provided a commissioner may only serve in a hold over capacity for a period not to exceeding six months, and to correct the scrivener's spelling error in the drafted language. A roll call vote was held, and the motion passed.

Rep. Collins motions to approve the agency's recommendation, based on the draft language, to revise the appointment procedure of Commission of Agriculture to address a seat that has either been vacant or the term has expired, so that a Commissioner shall continue to serve until their successor is elected and qualified, and may only serve until their successors are elected and qualified, and provided a commissioner may only serve in a hold over capacity for a period not to exceeding six months, and to correct the scrivener's spelling error in the drafted language:	Yea	Nay	Not Voting (Absent)	Not Voting (Present)
Rep. Collins	✓			
Rep. Norrell	✓			
Rep. Ridgeway	✓			
Rep. Funderburk	✓			

- d. Representative Collins moved to approve the agency’s recommendation, based on the draft language, to modernize the cotton warehouse receipt law (i.e., accept Permanent Bale Identification from a cotton gin as the universal warehouse receipt number). A roll call vote was held, and the motion passed.

<b>Rep. Collins motions to approve the agency’s recommendation, based on the draft language, to modernize the cotton warehouse receipt law (i.e., accept Permanent Bale Identification from a cotton gin as the universal warehouse receipt number):</b>	Yea	Nay	Not Voting (Absent)	Not Voting (Present)
Rep. Collins	✓			
Rep. Norrell	✓			
Rep. Ridgeway	✓			
Rep. Funderburk	✓			

- e. Rep. Collins moved to approve the agency’s recommendation, based on the draft language, to remove the agency involvement with the “cottage bill” - (i.e., remove the exemption registration burden from small home-based food produces). A roll call vote was held, and the motion passed.

<b>Rep. Collins motions to approve the agency’s recommendation, based on the draft language, to remove the agency involvement with the “cottage bill” - (i.e., remove the exemption registration burden from small home-based food produces):</b>	Yea	Nay	Not Voting (Absent)	Not Voting (Present)
Rep. Collins	✓			
Rep. Norrell	✓			
Rep. Ridgeway	✓			
Rep. Funderburk	✓			

- f. Rep. Collins moved to approve the agency’s recommendation, based on the draft language, to revise state egg law (i.e., Exempt United State Department of Agriculture graded facilities from state licensing; add quail eggs; and remove the licensing requirements for small producers). A roll call vote was held, and the motion passed.

Rep. Collins motions to approve the agency’s recommendation, based on the draft language, to revise state egg law (i.e., Exempt United State Department of Agriculture graded facilities from state licensing; add quail eggs; and remove the licensing requirements for small producers):	Yea	Nay	Not Voting (Absent)	Not Voting (Present)
Rep. Collins	✓			
Rep. Norrell	✓			
Rep. Ridgeway	✓			
Rep. Funderburk	✓			

XI. There being no further business, the meeting was adjourned.

# HUMAN AFFAIRS COMMISSION



June 27, 2017

Chairman John Oakland  
Commissioner Raymond Buxton, II  
South Carolina Human Affairs Commission  
1026 Sumter Street  
Columbia, SC 29201

Dear Chairman Oakland and Commissioner Buxton:

On behalf of the entire Economic Development, Transportation, and Natural Resources Subcommittee, we thank you and your staff for your presentation to the Subcommittee on June 22, 2017. In preparation for the next meeting scheduled for July 10, 2017, at 2:00 p.m., the Subcommittee seeks additional information from the agency. To allow the Subcommittee time to review the information prior to the next meeting, please provide the information requested below on or before Friday, July 7, 2017.

#### *Discrimination Complaints*

For calendar years 2016 and 2017, please provide a statistical breakdown, each month statewide and by county of the complaints the agency has received through its intake division including: (a) category of alleged discrimination, (b) number of cases dismissed without investigation overall and by category of alleged discrimination, and (c) number of cases investigated overall and by category of alleged discrimination. For the number of cases investigated, please note how many have resulted in a finding and how many are still under investigation. Please coordinate with Committee staff to determine an appropriate format to provide this information.

#### *Interaction with Federal Government*

- What percentage of the agency's budget is federal funds?
- Please explain how the agency is reimbursed by the federal government for both housing and employment cases

Chairman Oakland  
Commissioner Buxton  
June 27, 2017

- Please provide a list of agencies required to provide the state with an affirmative action plan and annotate this list to indicate which agencies are required to provide the federal government with an affirmative action plan.

*Finances*

- Please provide the Subcommittee with the amount of the agency's carryforward funds for fiscal year 2016-17.

If the agency has any concerns about the format of these questions yielding answers that do not provide an accurate reflection of the agency, please express those concerns, prior to the meeting, in a written letter to me with a copy to Committee staff. In your responses to these questions, please provide the Subcommittee with any relevant, necessary context information. As a reminder, testimony during meetings and written information from agencies are considered sworn testimony and subject to S.C. Code of Laws Sections 2-2-70 through 2-2-120. Thank you for your service to the citizens of South Carolina and for your cooperation with the legislative oversight process.

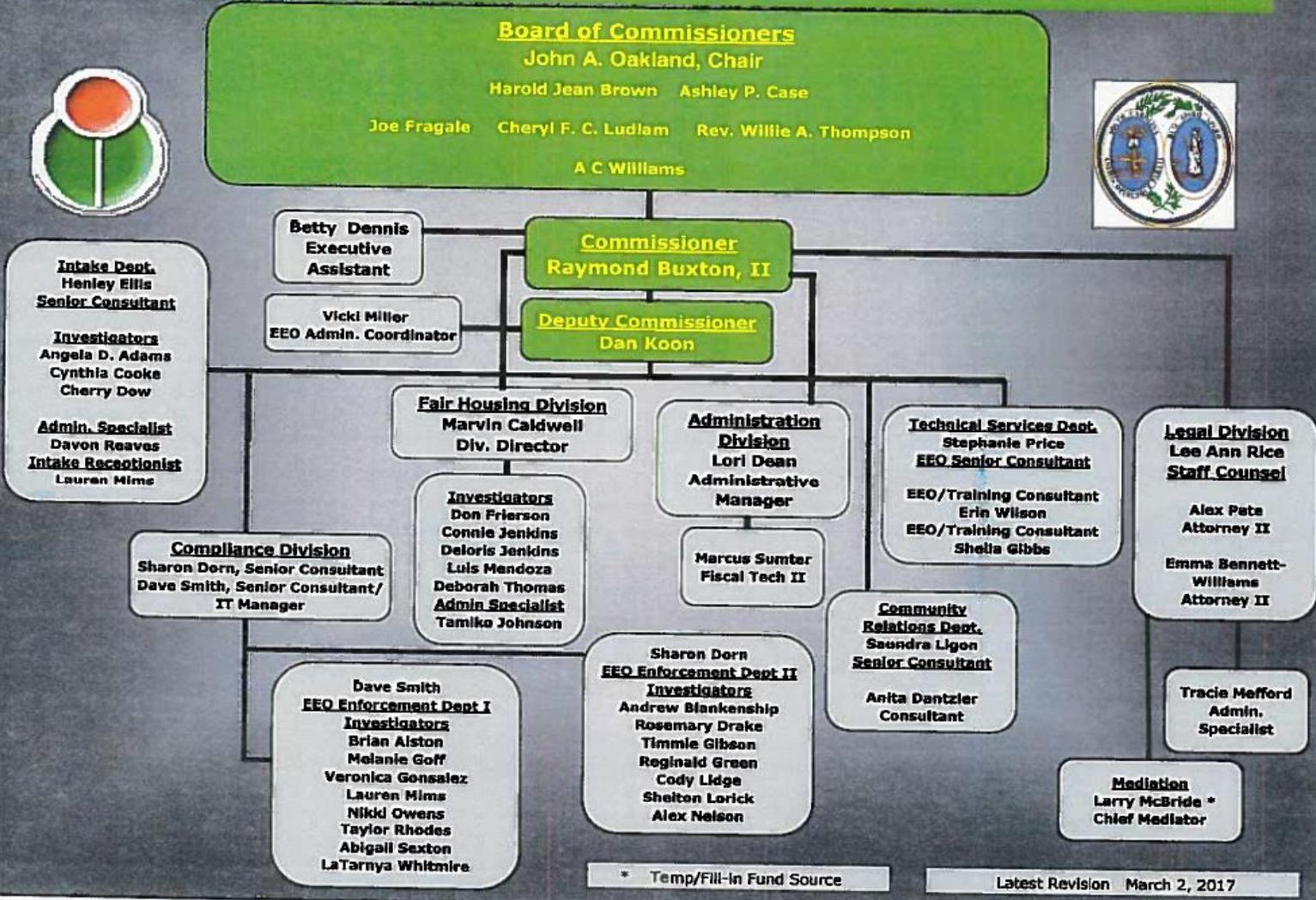
Sincerely,



Laurie Slade Funderburk  
Committee First Vice-Chair

cc: Economic Development, Transportation, and Natural Resources Subcommittee

# South Carolina Human Affairs Commission Organizational Chart FY 2015-2016



\* Temp/Fill-in Fund Source

Latest Revision March 2, 2017

## Organizational Units

(Study Step 1: Agency Legal Directives, Plan and Resources)

<b>Agency Responding</b>	Human Affairs Commission					
<b>Date of Submission</b>	4/17/2017					
<b>Did the agency have an exit interview and/or survey, evaluation, etc. when employees left the agency in 2013-14; 2014-15; or 2015-16? (Y/N)</b>	2013-2014: No 2014-2015: No 2015-2016: Yes					
<b>Organizational Unit</b>	<b>Purpose of Unit</b>	<b>Turnover Rate in the organizational unit in 2013-14; 2014-15; and 2015-16 (DNE = Unit did not exist)</b>	<b>Did the agency evaluate and track employee satisfaction in the organizational unit in 2013-14; 2014-15; and 2015-16? (Y/N)</b>	<b>Did the agency allow for anonymous feedback from employees in the organizational unit in 2013-14; 2014-15; and 2015-16? (Y/N)</b>	<b>Did any of the jobs in the organizational unit require a certification (e.g., teaching, medical, accounting, etc.) in 2013-14; 2014-15; and 2015-16? (Y/N)</b>	<b>If yes, for any years in the previous column, did the agency pay for, or provide in-house, classes/instruction/etc. needed to maintain all, some, or none of the required certifications?</b>
Administration	To provide administrative direction, control, and support of the agency	2013-2014: DNE 2014-2015: 2% 2015-2016: 2%	2013-2014: N 2014-2015: N 2015-2016: Y	2013-2014: Y 2014-2015: Y 2015-2016: Y	2013-2014: Y 2014-2015: Y 2015-2016: Y	All
Consultative Services	To provide technical services, training, and equal opportunity, community relations and consulting services	2013-2014: DNE 2014-2015: DNE 2015-2016: DNE	2013-2014: N 2014-2015: N 2015-2016: Y	2013-2014: Y 2014-2015: Y 2015-2016: Y	2013-2014: Y 2014-2015: Y 2015-2016: Y	None
Compliance Programs	To enforce state laws prohibiting employment, housing and public accommodation discrimination	2013-2014: 6% 2014-2015: 17% 2015-2016: 3%	2013-2014: N 2014-2015: N 2015-2016: Y	2013-2014: Y 2014-2015: Y 2015-2016: Y	2013-2014: Y 2014-2015: Y 2015-2016: Y	Some

**Strategic Plan Summary**

(Study Step 1: Agency Legal Directives, Plan and Resources; and Study Step 2: Performance)

<b>Agency Responding</b>	Human Affairs Commission
<b>Date of Submission</b>	4/17/2017

**Mission:** "The mission of the South Carolina Human Affairs Commission is to eliminate and prevent unlawful discrimination in:

- employment on the basis of race, color, national origin, religion, sex, age and disability;
- housing on the basis of race, color, national origin, religion, sex, familial status and disability; and
- public accommodations on the basis of race, color, national origin and religion, thereby promoting harmony and the betterment of human affairs for all citizens."

**Legal Basis:** S.C. Code Ann. § 1-13-20; S.C. Code Ann. § 31-21-20 et. seq.; S.C. Code Ann. § 45-9-10

**Vision:** The vision of the South Carolina Human Affairs Commission is to be well-known with a positive image that is understood and accepted by the public. SCHAC is a fully resourced, customer-friendly agency with a diverse, well-trained, and efficient team working together effectively in a safe and supportive environment to prevent unlawful discrimination for the citizens

**Legal Basis:** Legal Basis: S.C. Code Ann. § 1-13-20 et seq.; S.C. Code Ann. § 31-21-20 et. seq.; S.C. Code Ann. § 45-9-10 et seq

Strategic Plan Part and Description (2016-17) (e.g., Goal 1 - Insert Goal 1; Strategy 1.1 - Insert Strategy 1.1; Objective 1.1.1 - Insert Objective 1.1.1)	Intended Public Benefit/Outcome: (Ex. Outcome = incidents decrease and public perceives that the road is safer)	2015-16		2016-17		Associated Performance Measures	Associated Organizational Unit(s)	Responsible Employee Name & Time staff member has been responsible for the goal or objective (e.g. John Doe (responsible less than 3 years) or Jane Doe (responsible more than 3 years))	Does this person have input into the budget for this goal, strategy or objective? (Y/N)	Partner(s), by segment, the agency works with to achieve the objective (Federal, State, or Local Government; Higher or K-12 Education Institute; Private Business; Non-Profit Entity; Individual; or Other)
		Total # of FTEs available; and filled	Total amount Appropriated and Authorized to Spend	Total # of FTEs available; and filled	Total amount Appropriated and Authorized to Spend					
		46; 41	\$ 2,757,828.61	49; 42	\$ 3,378,043.48					
<b>Goal 1 - Prevent and Eliminate Employment Discrimination</b>										
<b>Strategy 1.1 - Implement a process of hiring and training employment investigators</b>										
Objective 1.1.1 - Provide monthly training sessions related to employment law for 15 employment investigators in FY 2016-2017	Ensure staff is properly trained to complete timely investigations	DNE	\$ -	3	\$ 179,488.00	Intake Calls and Initial Inquiries; Intake Calls Formalized into charges; Employment Cases Received; Employment Cases Closed; Employment: Monetary Value of Settlements; Training - Internal	Compliance	Lori Dean (responsible more than 3 years) John Dave Smith (responsible less than 3 years) Sharon Dorn (responsible less than 3 years)	Lori Dean - Yes John Dave Smith - No Sharon Dorn - No	State Government
Objective 1.1.2 - Institute a workplace mentoring program for Investigator I employees during FY 2016-2017	Ensure staff is properly trained to complete timely investigations	3	\$ 183,329.52	3	\$ 195,150.00	Employment Cases Received; Employment Cases Closed; Employment: Monetary Value of Settlements	Compliance	Dan Koon (responsible more than 3 years) John Dave Smith (responsible less than 3 years) Sharon Dorn (responsible less than 3 years)	Dan Koon - No John Dave Smith - No Sharon Dorn - No	Federal Government
<b>Strategy 1.2 - Implement a reliable and measurable tracking system for the time it takes to process and investigate an employment discrimination complaint</b>										
Objective 1.2.1 - 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	Agency will decrease time it takes to process charges to meet the goal of 180 days	3	\$ 173,873.60	3	\$ 175,310.12	See below	Compliance	Dan Koon (responsible more than 3 years) Vicki Miller (responsible more than 3 years) Margaret H Ellis (responsible more than 3 years)	Dan Koon - No Vicki Miller - No Margaret H Ellis - No	Federal Government
	Agency will decrease time it takes to process charges to meet the goal of 180 days	5	\$ 342,107.14	6	\$ 410,930.39	Employment Cases Received; Employment Cases Closed; Employment Cases Successfully Mediated; Funds Collected at Mediation; Employment: Monetary Value of Settlements	Compliance	Commissioner Raymond Buxton, II (responsible more than 3 years) Dan Koon (responsible more than 3 years) John Dave Smith (responsible less than 3 years) Sharon Dorn (responsible less than 3 years) Lee Ann Rice (responsible less than 3 years) Emma Bennett-Williams (responsible less than 3 years)	Commissioner Raymond Buxton - No Dan Koon - No John Dave Smith - No Sharon Dorn - No Lee Ann Rice - No Emma Bennett-Williams - No	Federal Government
<b>Goal 2 - Prevent and Eliminate Housing Discrimination</b>										
<b>Strategy 2.1 - Enhance the awareness of the Housing Division to include the awareness of the Agency in under-served counties</b>										
Objective 2.1.1 - Finalize a Fair Housing Outreach Plan by December 31, 2016	To prevent and eliminate housing in underserved counties	1	\$ 44,042.94	1	\$ 59,273.00	See below	Compliance/Fair Housing	Marvin Caldwell (responsible more than 3 years)	Yes	Federal Government
Objective 2.1.2 - Hire a Fair Housing Outreach Liaison by December 16, 2016	Education and Outreach	1	\$ 44,042.94	1	\$ 59,273.00	Housing Cases Received	Compliance/Fair Housing	Marvin Caldwell (responsible more than 3 years)	Yes	Federal Government
	Education and Outreach	1	\$ 4,519.35	1	\$ 18,077.40	Housing Cases Received	Compliance/Fair Housing	Luis Mendoza (responsible less than 3 years (hired 10/17/16))	No	Federal Government
<b>Strategy 2.2 - Implement an efficient processing system for Housing Discrimination Complaints</b>										
Objective 2.2.1 - Process 60% of all Housing cases within 100 days during FY 2016-17	Agency will decrease time it takes to process charges to meet the goal of 100 days	1	\$ 44,042.94	1	\$ 59,273.00	See below	Compliance/Fair Housing	Marvin Caldwell (responsible more than 3 years)	Yes	Federal Government
	Agency will decrease time it takes to process charges to meet the goal of 100 days	DNE	\$ -	7	\$ 269,514.61	Housing Cases Closed; Housing Cases Conciliated	Compliance/Fair Housing	Marvin Caldwell (responsible more than 3 years) Donald Frierson (responsible less than 3 years) Constance Jenkins (responsible more than 3 years) Tamiko Johnson (responsible more than 3 years) Anthony Sellers (responsible less than 3 years) Deborah Thomas (responsible more than 3 years) Luis Mendoza (responsible less than 3 years) Deloris Jenkins (responsible less than 3 years)	Marvin Caldwell - Yes Donald Frierson - No Constance Jenkins - No Tamiko Johnson - No Anthony Sellers - No Deborah Thomas - No Luis Mendoza - No Deloris Jenkins - No	Federal Government

**Strategic Plan Summary**  
(Study Step 1: Agency Legal Directives, Plan and Resources; and Study Step 2: Performance)

Strategic Plan Part and Description (2016-17) (e.g., Goal 1 - Insert Goal 1; Strategy 1.1 - Insert Strategy 1.1; Objective 1.1.1 - Insert Objective 1.1.1)	Intended Public Benefit/Outcome: (Ex. Outcome = incidents decrease and public perceives that the road is safer)	2015-16		2016-17		Associated Performance Measures	Associated Organizational Unit(s)	Responsible Employee Name & Time staff member has been responsible for the goal or objective (e.g. John Doe (responsible less than 3 years) or Jane Doe (responsible more than 3 years))	Does this person have input into the budget for this goal, strategy or objective? (Y/N)	Partner(s), by segment, the agency works with to achieve the objective (Federal, State, or Local Government; Higher or K-12 Education Institute; Private Business; Non-Profit Entity; Individual; or Other)
		Total # of FTEs available; and filled	Total amount Appropriated and Authorized to Spend	Total # of FTEs available; and filled	Total amount Appropriated and Authorized to Spend					
		46; 41	\$ 2,757,828.61	49; 42	\$ 3,378,043.48					
		# of FTE equivalents utilized	Total amount spent	# of FTE equivalents planned to utilize	Total amount budgeted					
Objective 2.2.2 - Conduct on-site investigations for all cases identified as problematic cases during FY 2016-2017	Agency will be able to efficiently investigate complaints of housing investigations	DNE	\$ -	6	\$ 243,649.61	Housing Cases Closed	Compliance/Fair Housing	Marvin Caldwell (responsible more than 3 years) Donald Frierson (responsible less than 3 years) Constance Jenkins (responsible more than 3 years) Anthony Sellers (responsible less than 3 years) Deborah Thomas (responsible more than 3 years) Luis Mendoza (responsible less than 3 years) Deloris Jenkins (responsible less than 3 years)	Marvin Caldwell - Yes Donald Frierson - No Constance Jenkins - No Anthony Sellers - No Deborah Thomas - No Luis Mendoza - No Deloris Jenkins - No	Federal Government
<b>Goal 3 - Educate Citizens about the use of Legal Remedies to Achieve Justice and Fairness</b>						See below				
<b>Strategy 3.1 - Empower the Legal and Mediation Departments with authority as provided by law.</b>	Provide recourses provided to charging parties	1	\$ 54,708.22	1	\$ 59,368.00	See below	Administration/Legal	Lee Ann Rice (responsible less than 3 years)	No	Federal Government
Objective 3.1.1 - Litigate probable cause cases that cannot be conciliated in the Fair Housing Division during FY 2016-17	Hold accountable discriminating respondents in SC	2	\$ 67,280.68	2	\$ 111,292.00	None	Administration/Legal	Lee Ann Rice (responsible less than 3 years) Randy A Pate (responsible less than 3 years)	No	Federal Government
Objective 3.1.2 - Hold an administrative hearing for an employment or housing case by June 30, 2017	Holding accountable discriminators in Employment or Housing	DNE	\$ -	3	\$ 161,292.00	None	Administration/Legal	Lee Ann Rice (responsible less than 3 years) Randy A Pate (responsible less than 3 years) Emma Williams-Bennett (responsible less than 3 years)	No	Federal Government
Objective 3.1.3 - Increase the number of mediated cases from the current level of 20% to 25% during FY 2016-17	Efficiently resolve more cases filed with the agency	2	\$ 87,538.41	2	\$ 88,905.00	Employment Cases Successfully Mediated; Funds Collected at Mediation; Housing Cases Conciliated; Public Accommodation / 90 e Cases Investigated	Administration/Legal	Lee Ann Rice (responsible less than 3 years) Tracie Mefford (responsible less than 3 years)	No	Federal Government
<b>Strategy 3.2 - Promote legislation to update and standardize the laws and regulations of the Commission</b>	Mandatory mediations will increase the number of complaints that we serve	1	\$ 104,070.00		\$ 104,070.00	See below	Administration/Legal	Commissioner Raymond Buxton, II (responsible more than 3 years)	Yes	No
Objective 3.2.1 - Continue to engage and educate members of the General Assembly for proposed changes to existing statues during FY 2016-17	Mandatory mediations will increase the number of complaints that we serve	1	\$ 104,070.00	1	\$ 104,070.00	None	Administration/Legal	Commissioner Raymond Buxton, II (responsible more than 3 years)	Yes	No
<b>Goal 4 - Foster Culturally Sensitive and Socially Inclusive Communities State Wide</b>						See below				
<b>Strategy 4.1 - Create and sustain existing Community Relations Councils in 46 counties</b>	Promotes harmony and foster goodwill, mutual understanding and respect among the residents of SC	DNE	\$ -	2	\$ 88,042.00	See below	Consultative Services/Community Relations	Sandra Ligon (responsible more than 3 years) Anita Dantzler (responsible less than 3 years)	Sandra Ligon - No Anita Dantzler - No	Federal Government; State Government; Local Government; Higher Education Institute; Private Business; Non-Profit Entity; Individual; Other
Objective 4.1.1 - Increase the number of counties with Community Relations Councils from 17 to 22 during FY 2016-17	Promotes harmony and foster goodwill, mutual understanding and respect among the residents of SC	DNE	\$ -	2	\$ 88,042.00	Community Relations Councils / Sustained & Created	Consultative Services/Community Relations	Sandra Ligon (responsible more than 3 years) Anita Dantzler (responsible less than 3 years)	Sandra Ligon - No Anita Dantzler - No	Federal Government; State Government; Local Government; Higher Education Institute; Private Business; Non-Profit Entity; Individual; Other
Objective 4.1.2 - Sustain the current leadership in existing Community Relations Councils per minimum requirement during FY 2016-17	Promotes harmony and foster goodwill, mutual understanding and respect among the residents of SC	2	\$ 81,174.16	2	\$ 88,042.00	Community Relations Councils / Sustained & Created	Consultative Services/Community Relations	Sandra Ligon (responsible more than 3 years) Anita Dantzler (responsible less than 3 years)	Sandra Ligon - No Anita Dantzler - No	Federal Government; State Government; Local Government; Higher Education Institute; Private Business; Non-Profit Entity; Individual; Other
<b>Strategy 4.2 - Implement technology platform and external Communication campaign to expand the network of Community Relations Councils</b>	Promote best practices among Community Relations Councils	1	\$ 30,698.32	1	\$ 36,137.00	See below	Consultative Services/Community Relations	Anita Dantzler (responsible less than 3 years)	No	Federal Government; State Government; Local Government; Higher Education Institute; Private Business; Non-Profit Entity; Individual; Other
Objective 4.2.1 - Distribute an electronic newsletter devoted to Community Relations Councils on a monthly basis during FY 2016-17	Promote best practices among Community Relations Councils	1	\$ 51,919.52	1	\$ 55,086.00	Community Relations Councils / Sustained & Created	Consultative Services/Community Relations	Betty Dennis (responsible less than 3 years)	No	Federal Government; State Government; Local Government; Higher Education Institute; Private Business; Non-Profit Entity; Individual; Other
Objective 4.2.2 - Develop the agency web page to communicate periodic updated information to all Community Relations Councils during FY 2016-17	Promote best practices among Community Relations Councils	1	\$ 30,698.32	1	\$ 36,137.00	Community Relations Councils / Sustained & Created	Consultative Services/Community Relations	Anita Dantzler (responsible less than 3 years)	No	Federal Government; State Government; Local Government; Higher Education Institute; Private Business; Non-Profit Entity; Individual; Other

**Strategic Plan Summary**

(Study Step 1: Agency Legal Directives, Plan and Resources; and Study Step 2: Performance)

Strategic Plan Part and Description (2016-17) (e.g., Goal 1 - Insert Goal 1; Strategy 1.1 - Insert Strategy 1.1; Objective 1.1.1 - Insert Objective 1.1.1)	Intended Public Benefit/Outcome: (Ex. Outcome = incidents decrease and public perceives that the road is safer)	2015-16		2016-17		Associated Performance Measures	Associated Organizational Unit(s)	Responsible Employee Name & Time staff member has been responsible for the goal or objective (e.g. John Doe (responsible less than 3 years) or Jane Doe (responsible more than 3 years))	Does this person have input into the budget for this goal, strategy or objective? (Y/N)	Partner(s), by segment, the agency works with to achieve the objective (Federal, State, or Local Government; Higher or K-12 Education Institute; Private Business; Non-Profit Entity; Individual; or Other)
		Total # of FTEs available; and filled	Total amount Appropriated and Authorized to Spend	Total # of FTEs available; and filled	Total amount Appropriated and Authorized to Spend					
		46; 41	\$ 2,757,828.61	49; 42	\$ 3,378,043.48					
		# of FTE equivalents utilized	Total amount spent	# of FTE equivalents planned to utilize	Total amount budgeted					
<b>Strategy 4.3 - Promote the Quality of Life Initiative in all Community Relations Councils</b>	Promote best practices among Community Relations Councils	1	\$ 50,475.84	1	\$ 51,905.00	See below	Consultative Services/Community Relations	Sandra Ligon (responsible more than 3 years)	No	Federal Government; State Government; Local Government; Higher Education Institute; Private Business; Non-Profit Entity; Individual; Other
Objective 4.3.1 - Conduct Quality of Life Initiative meetings with 5 Community Relations Councils during FY 2016-17	Promote best practices among Community Relations Councils	DNE	\$ -	1	\$ 51,905.00	None	Consultative Services/Community Relations	Sandra Ligon (responsible more than 3 years)	No	Federal Government; State Government; Local Government; Higher Education Institute; Private Business; Non-Profit Entity; Individual; Other
<b>Goal 5 - Advocate the compliance of Agency Affirmative Action Policies within all State Agencies</b>						See below				
<b>Strategy 5.1 - Partner with all State Agencies to better monitor agency Affirmative Action policies</b>	Ensure agencies are promoting standard hiring and promotion practices	DNE	\$ -	1	\$ 48,851.00	See below	Consultative Services/Technical Services	Stephanie Price (responsible more than 3 years)	No	State Government
Objective 5.1.1 - Conduct a computer analysis of each agency's hiring and promotion practices during FY 2016-17	Ensure agencies are promoting standard hiring and promotion practices	DNE	\$ -	3	\$ 121,492.00	State Agency AA Plans Monitored	Consultative Services/Technical Services	Stephanie Price (responsible more than 3 years) Erin Wilson (responsible more than 3 years) Sheila Gibbs (responsible less than 3 years)	Stephanie Price - No Erin Wilson - No Sheila Gibbs - No	State Government
Objective 5.1.2 - Review all State Agency Affirmative Action Reports and provide necessary recommendations to state agencies in developing and implementing non-discriminatory employment systems during FY 2016-17	Ensure agencies are promoting standard hiring and promotion practices	DNE	\$ -	3	\$ 121,492.00	State Agency AA Plans Monitored; Training - External	Consultative Services/Technical Services	Stephanie Price (responsible more than 3 years) Erin Wilson (responsible more than 3 years) Sheila Gibbs (responsible less than 3 years)	Stephanie Price - No Erin Wilson - No Sheila Gibbs - No	State Government
<b>Strategy 5.2 - Provide affirmative action and employment law training to all State Agencies</b>	Ensure agencies are promoting standard hiring and promotion practices	DNE	\$ -	2	\$ 131,481.00	See below	Consultative Services/Technical Services	Dan Koon (responsible more than 3 years) Stephanie Price (responsible more than 3 years)	Dan Koon - No Stephanie Price - No	State Government
Objective 5.2.1 - Conduct one statewide training program for all Affirmative Action (EEO) Officers during FY 2016-17	Ensure agencies are promoting standard hiring and promotion practices	DNE	\$ -	1	\$ 48,851.00	None	Consultative Services/Technical Services	Stephanie Price (responsible more than 3 years)	No	State Government
Objective 5.2.2 - Provide 12 EEO Employment Law training sessions for supervisors of state agencies requesting assistance during FY 2016-17	Ensure agencies are promoting standard hiring and promotion practices	DNE	\$ -	2	\$ 131,481.00	None	Consultative Services/Technical Services	Dan Koon (responsible more than 3 years) Stephanie Price (responsible more than 3 years)	Dan Koon - No Stephanie Price - No	State Government
Objective 5.2.3 - Organize one state-wide Affirmative Action Forum for all State Agencies during FY 2016-17.	Ensure agencies are promoting standard hiring and promotion practices	DNE	\$ -	3	\$ 121,492.00	None	Consultative Services/Technical Services	Stephanie Price (responsible more than 3 years) Erin Wilson (responsible more than 3 years) Sheila Gibbs (responsible less than 3 years)	Stephanie Price - No Erin Wilson - No Sheila Gibbs - No	State Government

## Agency Internal Changes and Law Recommendations

### INTERNAL CHANGES

#### Internal Change # 1

- Internal Change: Update and modernize regulation 65-2 related to the South Carolina Human Affairs Law, which would eliminate the need for notarization on the Complaint Form in order to reflect the less stringent statutory requirement of a “sworn statement”
- Stage of Change Analysis (i.e., idea, analyzing feasibility, plan for implementation set, etc.): Regulation change has been submitted to the General Assembly and the Agency’s Legal Department has been testifying before the respective subcommittees and committees
- Performance Measures Impacted and predicted impact: More cases will be accepted which result in more case closures and high rate of compensation from the EEOC
- Objective Costs Impacted and anticipated impact: Objective 3.2 – increase will likely be \$2,100-\$3,500
- Where (i.e., specific objective(s)) agency plans to utilize additional available funds: to be given back to the general fund
- Anticipated Implementation Date: July 2017

#### Internal Change # 2

- Internal Change: Update and modernize regulation 65-3 related to the South Carolina Human Affairs Law, which would shorten the time that a party has to respond to the Agency’s request for information in an employment investigation
- Stage of Change Analysis (i.e., idea, analyzing feasibility, plan for implementation set, etc.): Regulation change has been submitted to the General Assembly and the Agency’s Legal Department has been testifying before the respective subcommittees and committees
- Performance Measures Impacted and predicted impact: Case processing time will shorten overall because the parties in an investigation will not have as many ways of unnecessarily prolonging the Agency’s investigation. The Human Affairs Law states that cases should be investigated in under 180 days, but the average case processing time currently exceeds 200 days, which is due in part to the multitudinous steps found solely in the regulations.
- Objective Costs Impacted and anticipated impact: Objective 1.2.1 – revenue from case completion would increase based on the number of cases completed
- Where (i.e., specific objective(s)) agency plans to utilize additional available funds: payment of salary/fringe for staff and operating costs utilized by earmarked funds
- Anticipated Implementation Date: July 2017

#### Internal Change # 3

- Internal Change: Update and modernize the Agency’s employee handbook

- Stage of Change Analysis (i.e., idea, analyzing feasibility, plan for implementation set, etc.): The Management team will present the new handbook to the Board for approval at the upcoming board meeting and then will distribute to staff
- Performance Measures Impacted and predicted impact: Performance by agency staff will remain consistently high, or improve
- Objective Costs Impacted and anticipated impact: N/A
- Where (i.e., specific objective(s)) agency plans to utilize additional available funds: N/A
- Anticipated Implementation Date: August 2017

#### Internal Change # 4

- Internal Change: Hold administrative hearings for all ‘reasonable cause cases’ under S.C. Code Ann. §1-13-90(c) and S.C. Code Ann. §31-21-130
- Stage of Change Analysis (i.e., idea, analyzing feasibility, plan for implementation set, etc.): A plan has been implemented and the Commission Board has been trained, so that a hearing can be held in May 2017
- Performance Measures Impacted and predicted impact: Agency will be upholding its statutory duty
- Objective Costs Impacted and anticipated impact: Objective 3.1.2 – The cost will likely be less than litigation in court, but is unknown at this time and is always case-specific
- Where (i.e., specific objective(s)) agency plans to utilize additional available funds: EEOC and HUD contract payments
- Anticipated Implementation Date: May 2017

#### Internal Change # 5

- Internal Change: Secure other physical locations available for scheduling mediations
- Stage of Change Analysis (i.e., idea, analyzing feasibility, plan for implementation set, etc.): The agency is analyzing the feasibility of implementing
- Performance Measures Impacted and predicted impact: Agency will be able to offer more flexibility of times for parties engaging in mediation
- Objective Costs Impacted and anticipated impact: Objective 3.1.3 – More files will likely be closed earlier, saving the agency money on an undetermined amount of cases
- Where (i.e., specific objective(s)) agency plans to utilize additional available funds: The funds will be used on mediators
- Anticipated Implementation Date: Agency has not fully analyzed the feasibility of idea

#### Internal Change # 6

- Internal Change: Litigate all ‘reasonable cause cases’ under the Human Affairs Law and the Fair Housing Law
- Stage of Change Analysis (i.e., idea, analyzing feasibility, plan for implementation set, etc.): The agency is analyzing the feasibility of implementing
- Performance Measures Impacted and predicted impact: Agency will be able to offer free legal services to individuals who have been unlawfully discriminated against
- Objective Costs Impacted and anticipated impact: Objective 3.1.1 – The resulting costs will likely be covered, in part, in penalties assessed on violators through litigation; however, there are litigation expenses that will need to be fronted by the Agency, and there is no guarantee that all costs will be covered in a favorable settlement, Order, or jury verdict
- Where (i.e., specific objective(s)) agency plans to utilize additional available funds: The funds will be used to cover the costs of litigation
- Anticipated Implementation Date: Agency has not fully analyzed the feasibility of idea

#### Internal Change # 7

- Internal Change: Provide greater enforcement for viable complaints of Public Accommodations discrimination.
- Stage of Change Analysis (i.e., idea, analyzing feasibility, plan for implementation set, etc.): The agency is analyzing the feasibility of implementing
- Performance Measures Impacted and predicted impact: Agency will be able to offer free legal services to individuals who have been unlawfully discriminated against
- Objective Costs Impacted and anticipated impact: Objective 3.2.1 – Unknown, but additional staff would be needed
- Where (i.e., specific objective(s)) agency plans to utilize additional available funds: The funds will be used to cover the costs of investigations and administrative hearings
- Anticipated Implementation Date: Agency has not fully analyzed

## LAW RECOMMENDATIONS

### Law Recommendation # 1

- Law: SC Code Section 1-13-70 (i)
- Summary of current statutory requirement: The Agency shall issue subpoenas or subpoenas duces tecum to compel the attendance of witnesses or the production of evidence in employment investigations, and the Commission shall enforce subpoenas through a court of competent jurisdiction.
- Recommendation and Rationale for Recommendation: While Section 1-13-90(d) clearly articulates that the Agency has the power to subpoena non-state Agency employers, the language in 1-13-70 (i) has not been updated to reflect the agency's jurisdiction.
- Law Wording: (i) To require from any employer state agency or department or local subdivisions of a state agency or department such reports and information at such times as it may deem reasonably necessary to effectuate the purposes of this chapter.
- Other Agencies Impacted: None

### Law Recommendation # 2

- Law: SC Code Section 1-13-90 (c)(16)
- Summary of current statutory requirement: The Commission shall hold an administrative hearing before a panel of three commission members, and shall render a decision related to the claims, when an employment investigation against a state agency has resulted in a reasonable cause determination.
- Recommendation and Rationale for Recommendation: State and Federal Courts, as well as the Agency's federal counterpart, award broader damages to aggrieved parties in employment discrimination litigation, and state law should contemplate the full range of damage awards available to a prevailing party. Language similar to the proposed wording below is found in Tennessee and Kentucky code sections.
- Law Wording: (16) If upon all the evidence at the hearing the panel shall find that the respondent has engaged in any unlawful discriminatory practice, it shall state its findings of fact and serve upon the respondent in the name of the Commission an opinion and order requiring the Respondent to cease and desist from the discriminatory practice and to take such affirmative action as in the judgment of the commission will carry out the purposes of this chapter. A copy of the order shall be delivered to the respondent, the complainant, and to such public officers and persons as the commission deems proper. Affirmative action ordered under this section may include, but is not limited to:
  - (a) Hiring, reinstatement or upgrading of employees with or without back pay. Interim earnings or amounts earnable with reasonable diligence by the person or persons discriminated against shall operate to reduce the back pay otherwise allowable;
  - (b) Admission or restoration of individuals to union membership, admission to, or participation in, a guidance program, apprenticeship, training program, on-the-job training program, or other occupational training or retraining program, and the utilization of objective criteria in the admission of individuals to such programs;
  - (c) Reporting as to the manner of compliance;

(d) Posting notices in conspicuous places in the respondent's place of business in the form prescribed by the commission and inclusion of such notices in advertising material;

(e) Payment to the complainant of damages for an injury, including humiliation and embarrassment, caused by the discriminatory practice, and cost, including a reasonable attorney's fee; and

(f) Such other remedies as shall be necessary and proper to eliminate all the discrimination identified by the evidence submitted at the hearing or in the record. ~~that such unlawful discriminatory practice be discontinued and requiring such other action including, but not limited to, hiring, reinstatement or upgrading of employees, with or without back pay to the persons aggrieved by such practice as, in the judgment of the panel, will effectuate the purposes of this chapter. Back pay liability shall not accrue from a date more than two years prior to the filing of a charge with the Commission. The Commission may retain jurisdiction of any such case until it is satisfied of compliance by the respondent with its order.~~

- Other Agencies Impacted: Any agency that unlawfully discriminates against an employee or potential employee

### Law Recommendation # 3

- Law: SC Code Section 1-13-90 (d)(6)
- Summary of current statutory requirement: The Commission shall, at the completion of an employment investigation regarding a non-state agency employer, either order that the matter be dismissed despite evidence that reasonable cause exists to believe discrimination occurred; order that the complaint be dismissed for no reasonable cause; or recommend that a lawsuit be filed in equity in circuit court against the respondent due to a cause determination.
- Recommendation and Rationale for Recommendation: Complainants may be thrown out of court, despite abiding by all the necessary deadlines, when a complainant brings a civil suit following an investigation by the Agency, if the EEOC has waived the case to the Agency. For example, if the EEOC accepted a charge 300 days after the date of harm (the EEOC's deadline for acceptance), then subsequently waived the case immediately the Agency, the Agency would not be able to issue a Notice of Right to Sue to the Complainant until 480 days after the date of harm. Currently, the statute states that a lawsuit must be filed within a year from the date of harm, if it is earlier than the 180 days the Agency has to investigate the case.
- Law Wording: (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.
- Other Agencies Impacted: Any agency against which an employment discrimination lawsuit is brought

#### Law Recommendation # 4

- Law: SC Code Section 1-13-100
- Summary of current statutory requirement: The Commission may contract and cooperate with Federal Equivalent Agencies (like the EEOC and HUD) in furthering the joint missions of the Agencies. The Human Affairs Law is to be construed as a law which parallels Title VII of the Civil Rights Act of 1964, as amended, 42 U. S. C. Section 2000e et seq.; the Age Discrimination in Employment Act of 1967, as amended, 29 U. S. C. Section 621 et seq.; and the Americans with Disabilities Act of 1990, as amended, Public Law 101-336.
- Recommendation and Rationale for Recommendation: In addition to limiting the types of civil causes of action that can be brought under the Human Affairs Law, a similar limitation to the relief awarded should also be established.
- Law Wording: Nothing in this chapter may be construed to create a cause of action other than those specifically described in Section 1-13-90 of this chapter. Nothing in this chapter may be construed to create a cause of action against a person not covered by Title VII of the Civil Rights Act of 1964, as amended, 42 U. S. C. Section 2000e et seq., if the cause of action arises from discrimination on the basis of race, color, religion, sex, or national origin. Nothing in this chapter may be construed to create a cause of action against a person not covered by the Age Discrimination in Employment Act of 1967, as amended, 29 U. S. C. Section 621 et seq., if the cause of action arises from discrimination on the basis of age. Nothing in this chapter may be construed to create a cause of action against a person not covered by the Americans with Disabilities Act of 1990, as amended, Public Law 101-336. Nothing in this chapter may be construed to award relief greater than Title VII of the Civil Rights Act of 1964, as amended, 42 U. S. C. Section 2000e et seq., the Age Discrimination in Employment Act of 1967, as amended, 29 U. S. C. Section 621 et seq., or the Americans with Disabilities Act of 1990, as amended, Public Law 101-336.
- Other Agencies Impacted: None

#### Law Recommendation # 5

- Law: SC Code Section 1-13-90 (c)
- Summary of current statutory requirement: The Agency shall accept and investigate formal complaints against employers that state the employer has engaged in unlawful employment discrimination, based on race, religion, color, sex, age, national origin, or disability.
- Recommendation and Rationale for Recommendation: Similar to the Office of Human Resources in holding Grievance Committee Hearings and in South Carolina Circuit Courts, State Agencies and complainants should be required to engage in a preliminary mediation at the Agency.
- Law Wording: (c) For complaints asserting expressly or in substance a violation by a state agency or department or local subdivisions of a state agency or department of Section 1-13-80 the procedure shall be as follows:
  - (1) Within sixty days of the complainant's filing of the complaint, the commissioner shall assign one or more of his employees or agents to hold a mandatory mediation conference. The mandatory mediation conference may not be used as a fact-finding conference. The mediator may hold additional mediation conferences to accommodate settlement discussions.
  - (2) If the complaint is not resolved after the mandatory mediation conference, the complainant or the respondent may request the commission to hold additional mediation conferences.

(3) The commission may dismiss the complaint if a complainant, after notice and without good cause, fails to attend a mandatory mediation conference, or the respondent has eliminated the discriminatory practice complained of, taken steps to prevent a like occurrence in the future, and offered full relief to the complainant, even though the complainant has refused the relief.

(4) If the complaint is not resolved after the mandatory mediation conference, the commissioner shall assign one or more of the agency's employees or agents within fifteen days after the mandatory mediation conference to investigate the complaint as the designated investigator in charge of the complaint. Information gathered during an investigation under this item shall not be made public by the commission, its officers, or employees, except for information made public as a result of being offered or received into evidence in an action brought under this chapter.

(5) The chairman of the commission or, upon the request of the chairman, the commissioner shall designate a member of the commission to supervise the processing of the complaint.

(6) The complaint may be resolved at any time before a hearing by conference, conciliation, or persuasion, with the complainant and the respondent. The resolution must be embodied in a conciliation agreement, which shall include an agreement by the respondent to refrain from committing unlawful discriminatory practices in the future, and which may contain those further provisions as are agreed upon by the complainant and the respondent. No conciliation agreement may be considered an effective resolution by the commission unless the supervisory commission member has reviewed and approved the terms of the agreement. Positions taken by a witness in connection with these efforts toward conciliation shall not be made public or used against the interest of the witness in a subsequent proceeding.

(7) In undertaking its investigation of a complaint, the commission shall have the authority:

(a) to issue a subpoena or subpoena duces tecum and thereby compel attendance of witnesses or production for examination of books, papers, and records, whenever it is considered necessary to compel the attendance of witnesses, or the production for examination of any books, payrolls, personnel records, correspondence, documents, papers, or any other evidence relating to any matter under investigation or in question before the commission. This authority may be exercised only by the joint action by the chairman of the commission and the commissioner;

(b) to require any party or witness to answer interrogatories at any time after the complaint is filed;

(c) to take depositions of witnesses including any party pursuant to a complaint or investigation made by the commission;

(d) pursuant to subitems (a), (b), (c), if a person fails to permit access, fails to comply with a subpoena, refuses to have his deposition taken, refuses to answer interrogatories, or otherwise refuses to allow discovery, the commission may request an order of a court of competent jurisdiction requiring discovery and other related good faith compliance.

(8) If not sooner resolved, the investigator shall upon completion of his investigation submit to the supervisory commission member a statement of the facts disclosed by his investigation and recommend either that the complaint be dismissed or that a panel of commission members be designated to hear the complaint. The supervisory commission member, after review of the case file and the statement and recommendation of the investigator, shall issue an order either of dismissal or for a hearing, which order is not subject to judicial or other further review.

(9) If the order is for dismissal, the supervisory commission member shall mail a copy of the order to the complainant and the respondent at their last known addresses.

(10) If the order is for a hearing, the supervisory commission member shall attach to the order a notice and a copy of the complaint and require the respondent to answer the complaint at a hearing at a time and place specified in the notice and shall serve upon the respondent a copy of the order, the complaint, and the notice.

(11) At any time before a hearing a complaint may be amended by the supervisory commission member upon the request of the investigator, complainant, or respondent.

Complaints may be amended during a hearing only upon a majority vote of the panel of commission members for the hearing.

(12) Upon request by any party, the commissioner shall issue appropriate subpoenas or subpoenas duces tecum to any witnesses or other custodians of documents desired to be present at the hearing, or at prehearing depositions, unless the commissioner determines that issuance of the subpoenas or subpoenas duces tecum would be unreasonable or unduly burdensome.

(13) Upon notification by any party that any party or witness has failed to permit access, failed to comply with a subpoena or subpoena duces tecum, refused to have his deposition taken, refused to answer interrogatories, or otherwise refused to allow discovery, the commission, upon notice to the party or witness, shall apply to a court of competent jurisdiction for an order requiring discovery and other good faith compliance unless the commission determines that the discovery would be unreasonably or unduly burdensome.

(14) Upon request by the supervisory commission member, the chairman of the commission shall designate a panel of three members of the commission to sit as the commission to hear the complaint; provided, that no member of the commission may be a member of a panel to hear a complaint for which he has been a supervisory commission member.

(15) At any hearing held pursuant to this subsection, the case in support of the complaint shall be presented before the panel by one or more of the commission's employees or agents, and, with consent of the panel, by legal representatives of the complaining party; provided, that attempts at conciliation by the investigator must not be received into evidence nor otherwise made known to the members of the panel.

(16) The respondent shall submit a written answer to the complaint and appear at the hearing in person or by counsel and may submit evidence. The respondent shall have the power reasonably and fairly to amend his answer.

(17) The complainant is permitted to be present and submit evidence.

(18) These proceedings are subject to the Administrative Procedures Act and in case of conflict between the provisions of this chapter and the Administrative Procedures Act, the Administrative Procedures Act shall govern. A recording of the proceedings shall be made, which may be subsequently transcribed upon request and payment of a reasonable fee by the complainant or the respondent. The fee must be set by the commission or upon motion of the panel, in which case copies of this transcription shall be made available to the complainant or the respondent upon request and payment of a reasonable fee to be set by the commission.

(19) If upon all the evidence presented at the hearing the panel shall find that the respondent has engaged in any unlawful discriminatory practice, it shall state its findings of fact and serve upon the respondent in the name of the commission an opinion and order requiring that the unlawful discriminatory practice be discontinued and requiring such other action including, but not limited to, hiring, reinstating or

upgrading of employees, with or without back pay to the persons aggrieved by the practice as, in the judgment of the panel, shall effectuate the purposes of this chapter. Back pay liability shall not accrue from a date more than two years prior to the filing of the complaint with the commission. The commission may retain jurisdiction of any such case until it is satisfied of compliance by the respondent with its order.

(20) If upon all the evidence at the hearing the panel shall find that the respondent has not engaged in any unlawful discriminatory practice, the panel shall state its findings of fact and serve upon the complainant and the respondent an opinion and order dismissing the complaint as to the respondent.

(21) A copy of the opinion and order of the commission shall be delivered to the Attorney General and to those other public officers as the commission deems proper. Copies of the opinion and order shall be available to the public for inspection upon request, and copies shall be made available to any person upon payment of a reasonable fee set by the commission.

(22)(a) If an application for review is made to the commission within fourteen days from the date of the opinion and order of the commission, the commission, for good cause shown, shall review the opinion and order, the evidence, receive further evidence, rehear the parties or their representatives, and, if justified, amend the opinion and order.

(b) The opinion and order of the commission as provided in item (19), if not reviewed in due time, or an opinion and order of the commission upon review, as provided for in subitem (a), is conclusive and binding as to all questions of fact unless clearly erroneous in view of the reliable, probative, and substantive evidence in the whole record. Either party to the dispute, within thirty days after receipt of the opinion and order, may appeal the decision of the commission to the Administrative Law Court as provided in Chapter 23, Title 1. In case of an appeal from the decision of the commission, the appeal operates as a supersedeas for thirty days only, unless otherwise ordered by the administrative law judge, and the respondent is required to comply with the order involved in the appeal until the questions at issue are fully determined in accordance with the provisions of this chapter.

(c) The commission may institute a proceeding for enforcement of its order issued under item (19) or its amended order issued under subitem (a) after thirty days from the date of the order, unless otherwise prevented by the administrative law judge under subitem (b) above, by filing a request for enforcement in the court of common pleas of the county in which the hearing occurred, or where the person who is the subject of the commission's order resides or transacts business.

A decree of the court for enforcement of the order may be granted upon a showing that a copy of the petition for enforcement was served upon the party subject to the dictates of the commission's order."

~~(1) The Commissioner shall assign one or more of his employees or agents to investigate the complaint, in which case one shall be designated the investigator in charge of the complaint. Information gathered during an investigation under this subsection shall not be made public by the Commission, its officers or employees, except for information made public as a result of being offered or received into evidence in an action brought under this subsection.~~

~~(2) The Chairman of the Commission or, upon the request of the Chairman, the Commissioner shall designate a member of the Commission to supervise the processing of the complaint.~~

~~(3) The complaint may be resolved at any time before a hearing by conference, conciliation and persuasion with the complainant and the respondent, such resolution to be embodied in a conciliation agreement, which shall include an agreement by the respondent to refrain from~~

committing unlawful discriminatory practices in the future, and which may contain such further provisions as are agreed upon by the complainant and the respondent. No conciliation agreement shall be deemed an effective resolution by the Commission unless the supervisory commission member shall have reviewed and approved the terms thereof. Positions taken by a witness in connection with such efforts toward conciliation shall not be made public or used against the interest of the witness in a subsequent proceeding.

(4) In undertaking its investigation of a complaint the Commission shall have the authority:

(i) To issue a subpoena or subpoena duces tecum and thereby compel attendance of witnesses or production for examination of books, papers, and records, whenever it is deemed necessary to compel the attendance of witnesses, or the production for examination of any books, payrolls, personnel records, correspondence, documents, papers or any other evidence relating to any matter under investigation or in question before the Commission. The power may be exercised only by the joint action by the Chairman of the Commission and the Commissioner.

(ii) To require any party or witness to answer interrogatories at any time after the complaint is filed.

(iii) To take depositions of witnesses including any party pursuant to a complaint or investigation made by the Commission.

(iv) Pursuant to subitems (i), (ii), (iii), above, if a person fails to permit access, fails to comply with a subpoena, refuses to have his or her deposition taken, refuses to answer interrogatories, or otherwise refuses to allow discovery, the Commission may request an order of a court of competent jurisdiction requiring discovery and other related good faith compliance.

(5) If not sooner resolved, the investigator shall upon completion of his investigation submit to the supervisory commission member a statement of the facts disclosed by his investigation and recommend either that the complaint be dismissed or that a panel of commission members be designated to hear the complaint. The supervisory commission member, after review of the case file and the statement and recommendation of the investigator shall issue an order either of dismissal or for a hearing, which order shall not be subject to judicial or other further review.

(6) If the order be of dismissal, the supervisory commission member shall mail a copy of the order to the complainant and the respondent at their last known addresses.

(7) If the order be for a hearing, the supervisory commission member shall annex thereto a notice and a copy of the complaint and require the respondent to answer the complaint at a hearing at a time and place specified in the notice and shall serve upon the respondent a copy of the order, the complaint, and the notice.

(8) At any time before a hearing a complaint may be amended by the supervisory commission member upon the request of the investigator or of the complainant or of the respondent. Complaints may be amended during a hearing only upon a majority vote of the panel of commission members for such hearing.

(9) Upon request by any party, the Commissioner shall issue appropriate subpoenas or subpoenas duces tecum to any witnesses or other custodians of documents desired to be present at the hearing, or at prehearing depositions, unless the Commissioner determines that issuance of the subpoenas or subpoenas duces tecum would be unreasonable or unduly burdensome.

(10) Upon notification by any party that any party or witness has failed to permit access, failed to comply with a subpoena or subpoena duces tecum, refused to have his or her deposition taken, refused to answer interrogatories, or otherwise refused to allow discovery, the Commission, shall, upon notice to the party or witness, apply to a court of competent jurisdiction for an order requiring discovery and other good faith compliance unless the Commission determines that the discovery would be unreasonably or unduly burdensome.

(11) Upon request by the supervisory commission member, the Chairman of the Commission shall designate a panel of three members of the Commission to sit as the Commission to hear the complaint; provided, that no member of the Commission shall be a member of a panel to hear a complaint for which he has been a supervisory commission member.

(12) At any hearing held pursuant to this subsection, the case in support of the complaint shall be presented before the panel by one or more of the commission's employees or agents, and, with consent of the panel, by legal representatives of the complaining party; provided, that endeavors at conciliation by the investigator shall not be received into evidence nor otherwise made known to the members of the panel.

(13) The respondent shall submit a written answer to the complaint and appear at such hearing in person or by counsel and may submit evidence. The respondent shall have the power reasonably and fairly to amend his answer.

(14) The complainant shall be permitted to be present and submit evidence.

(15) Proceedings under this section shall be subject to the Administrative Procedures Act, Sections 1-23-310 through 1-23-400 of the Code of Laws of South Carolina, 1976, as amended, and in case of conflict between the provisions of this chapter and the Administrative Procedures Act, the Administrative Procedures Act shall govern. A recording of the proceedings shall be made, which may be subsequently transcribed upon request and payment of a reasonable fee by the complainant or the respondent. The fee shall be set by the Commission or upon motion of the panel, in which case copies of such transcription shall be made available to the complainant or the respondent upon request and payment of a reasonable fee to be set by the Commission.

(16) If upon all the evidence at the hearing the panel shall find that the respondent has engaged in any unlawful discriminatory practice, it shall state its findings of fact and serve upon the respondent in the name of the Commission an opinion and order requiring that such unlawful discriminatory practice be discontinued and requiring such other action including, but not limited to, hiring, reinstatement or upgrading of employees, with or without back pay to the persons aggrieved by such practice as, in the judgment of the panel, will effectuate the purposes of this chapter. Back pay liability shall not accrue from a date more than two years prior to the filing of a charge with the Commission. The Commission may retain jurisdiction of any such case until it is satisfied of compliance by the respondent with its order.

(17) If upon all the evidence at the hearing the panel shall find that the respondent has not engaged in any such unlawful discriminatory practice, the panel shall state its findings of fact and serve upon the complainant and the respondent an opinion and order dismissing the complaint as to the respondent.

(18) A copy of the opinion and order of the Commission shall be delivered in all cases to the Attorney General and to such other public officers as the Commission deems proper. Copies of the opinion and order shall be available to the public for inspection upon request, and copies shall be made available to any person upon payment of a reasonable fee set by the Commission.

(19)(i) If an application for review is made to the commission within fourteen days from the date the order of the commission is given, the commission, for good cause shown, shall review the order and evidence, receive further evidence, rehear the parties or their representatives, and, if proper, amend the order.

(ii) The order of the commission, as provided in item (16) of subsection (c) of this section, if not reviewed in due time, or an order of the commission upon review, as provided for in subitem (i) of item (19) of this subsection, is conclusive and binding as to all questions of fact unless clearly erroneous in view of the reliable, probative, and substantive evidence in the whole record. Either party to the dispute, within thirty days after receipt of notice to be sent by registered mail of the order may appeal the decision of the commission to the Administrative Law Court as provided in Sections 1-23-380(B) and 1-23-600(D). In case of an appeal from the decision of the commission, the appeal operates as a supersedeas for thirty days only, unless otherwise ordered by the administrative law judge, and the respondent is required to comply with the

order involved in the appeal or certification until the questions at issue are fully determined in accordance with the provisions of this chapter.

(iii) The commission may institute a proceeding for enforcement of its order of item (16) of subsection (c) of this section, or its amended order of subitem (i) of item (19) of this subsection after thirty days from the date of the order, by filing a notice of appeal in the court of common pleas of the county in which the hearing occurred, or where a person required in the order to cease and desist from a practice which is the subject of the commission's order, or to take other affirmative action, resides, or transacts business.

If no appeal pursuant to subitem (ii) of item (19) of this subsection is initiated, the commission may obtain a decree of the court for enforcement of its order upon a showing that a copy of the petition for enforcement was served upon the party subject to the dictates of the commission's order.

- Other Agencies Impacted: Any state agency against which a charge is filed

#### Law Recommendation # 6

- Law: SC Code Section 31-21-70 (G)
- Summary of current statutory requirement: The Agency shall accept and investigate (within 100 days) formal complaints against housing providers contending that a provider has engaged in unlawful discrimination based on race, color, religion, sex, disability, familial status, or national origin.
- Recommendation and Rationale for Recommendation: Disability discrimination related to modifications, accommodations and construction deficiencies in a housing investigation may involve the terms and conditions of a sale or rental of a dwelling, in addition to the denial of a dwelling.
- Law Wording: (G) For purposes of Section 31-21-40(6) and 31-21-40(7), discrimination includes:
  - (1) a refusal to permit, at the expense of the handicapped person, reasonable modifications of existing premises occupied or to be occupied by the person if the modifications are necessary to afford that person full enjoyment of the premises, except that in the case of a rental, the landlord, where it is reasonable to do so, may condition permission for a modification on the renter agreeing to restore the interior of the premises to the condition that existed before the modification, reasonable wear and tear excepted;

(2) a refusal to make reasonable accommodations in rules, policies, practices, or services when such accommodations may be necessary to afford the person equal opportunity to use and enjoy a dwelling; or

(3) in connection with the design and construction of covered multi-family dwellings for first occupancy after the date that is thirty months after the date of enactment of the Fair Housing Amendments Act of 1988, a failure to design and construct those dwellings in such a manner that:

(a) the public use and common use portions of such dwelling are readily accessible to and usable by handicapped persons;

(b) all the doors designed to allow passage into and within all premises within such dwellings are sufficiently wide to allow passage by handicapped persons in wheelchairs; and

(c) all premises within these dwellings contain the following features of adaptive design:

(i) an accessible route into and through the dwelling;

(ii) light switches, electrical outlets, thermostats, and other environmental controls in accessible locations;

(iii) reinforcements in the bathroom walls to allow later installation of grab bars; and

(iv) usable kitchens and bathrooms that an individual in a wheelchair can maneuver about the space.

- Other Agencies Impacted: None

#### Law Recommendation # 7

- Law: SC Code Section 31-21-120 (B)
- Summary of current statutory requirement: The Agency shall accept and investigate (within 100 days) formal complaints against housing providers contending that a provider has engaged in unlawful discrimination based on race, color, religion, sex, disability, familial status, or national origin.
- Recommendation and Rationale for Recommendation: The Agency and its Federal Counterpart agency (the Department of Housing and Urban Development) no longer require that a complaint or answer be verified, only that they be under oath. The Commission may contract and cooperate with Federal Equivalent Agencies (like the EEOC and HUD) in furthering the joint missions of the Agencies.
- Law Wording: (B) A complaint under subsection (A) must be filed within one hundred eighty days after the alleged discriminatory housing practice occurred. The complaint must be in writing and shall state the facts upon which the allegations of a discriminatory housing practice are based. A complaint may be reasonably and fairly amended at any time. A respondent may file an answer to the complaint against him, not later than ten days after receipt of notice, and may be amended reasonably and fairly by the respondent at any time. ~~Both complaint and answer must be verified.~~
- Other Agencies Impacted: None

#### Law Recommendation # 8

- Law: SC Code Section 45-9-10 (A)
- Summary of current statutory requirement: After receiving a complaint from the Attorney General or an investigation from SLED, a three-commissioner panel shall conduct a review of the investigation to determine whether there is reasonable cause to believe a place of public accommodations has discriminated against an individual due to race, color, religion or national origin, and the Agency shall attempt to conciliate the complaint received.
- Recommendation and Rationale for Recommendation: In recent years, the Attorney General and SLED have not engaged in any investigations related to public accommodation discrimination and instead all complaints are brought to the Human Affairs Commission for processing through conciliation efforts only. The Commission seeks to have the General Assembly encourage our partner Agencies to work with SCHAC in adjudicating allegations of public accommodation discrimination. Alternatively, SCHAC seeks that the statutes be changed to empower SCHAC with processing complaints. The language in the law, and new process, mirrors the Tennessee Human Rights Commission, which is substantially similar to the South Carolina Human Affairs Commission.
- Law Wording: (A) All persons shall be entitled to the full and equal enjoyment of the goods, services, facilities, privileges, advantages, and accommodations of any place of public accommodation, as defined in Article 1 of this chapter, without discrimination or segregation on the ground of race, color, religion, ~~or~~ national origin, or sex, though nothing in this part shall prohibit segregation on the basis of sex of bathrooms, health clubs, rooms for sleeping or changing clothes, or other places of public accommodation the commission specifically exempts on the basis of bona fide considerations of public policy.
- Other Agencies Impacted: Office of the Attorney General and SLED



## Law Recommendation # 9

- Law: SC Code Section 45-9-40
- Summary of current statutory requirement: After receiving a complaint from the Attorney General or an investigation from SLED, a three-commissioner panel shall conduct a review of the investigation to determine whether there is reasonable cause to believe a place of public accommodations has discriminated against an individual due to race, color, religion or national origin, and the Agency shall attempt to conciliate the complaint received.
- Recommendation and Rationale for Recommendation: In recent years, the Attorney General and SLED have not engaged in any investigations related to public accommodation discrimination and instead all complaints are brought to the Human Affairs Commission for processing through conciliation efforts only. The Commission seeks to have the General Assembly encourage our partner Agencies to work with SCHAC in adjudicating allegations of public accommodation discrimination. Alternatively, SCHAC seeks that the statutes be changed to empower SCHAC with processing complaints. The language in the proposed wording, and new process, mirrors the Tennessee Human Rights Commission, which is substantially similar to the South Carolina Human Affairs Commission.
- Law Wording: Section 45-9-40. Processing of ~~charges~~ complaints; review by State Human Affairs Commission; complaint by Commission ~~Attorney General~~.

Whenever the ~~State Human Affairs Commission~~ Attorney General receives a ~~charge~~ complaint and has cause to believe that a person or group of persons is engaged in a pattern or practice of resistance to the full enjoyment of any of the rights secured by the provisions of Article 1, and that the pattern or practice is of a nature so as to deny the full exercise of the rights described in the provisions of Article 1, the ~~Commission~~ Attorney General shall notify the State Law Enforcement Division which shall conduct an investigation. The results of this investigation must be reported to ~~a panel of the Board of the Commission~~ the State Human Affairs Commission. A panel of not fewer than three commission members, designated by the chairman, shall determine if there is reasonable cause to believe that the facts alleged, based upon the results of this investigation, are sufficient to state a violation of Article 1 by a pattern or practice of discrimination or segregation.

If this panel finds reasonable cause, ~~they shall inform the chairman~~ the chairman shall inform the Attorney General, and the ~~Commission~~ Attorney General or his designee shall begin an action by ~~filing a complaint with the commission and~~ serving a complaint and Order for hearing, by certified mail, return receipt requested, on the parties named in the complaint. The commission members which serve on this panel may not serve on the panel conducting a hearing on the allegations contained in the complaint if a license revocation proceeding is initiated. If a person alleged to have violated the provisions of Article 1 by a pattern or practice of discrimination or segregation is an employee or agent of an establishment as defined in Section 45-9-10, the ~~Commission~~ Attorney General shall make a diligent effort to include in the complaint the name of the employer, principal, or a third party who may be the holder of a license or permit under which the establishment or an agent of the establishment operates. The complaint must set forth a description of the charges, including the facts pertaining to the pattern or practice of discrimination or segregation and a listing of those licenses or permits which are sought to be revoked under the provisions of this article and must state clearly the remedy or penalty available pursuant to Sections 45-9-60 and 45-9-80 if the allegations are found to be true.

- Other Agencies Impacted: Office of the Attorney General and SLED

## Law Recommendation # 10

- Law: SC Code Section 45-9-60
- Summary of current statutory requirement: The Commission may establish rules and procedures for public accommodations hearings, to include permitting intervention by parties, and the Commission may revoke a business license from an establishment if it has violated the law.
- Recommendation and Rationale for Recommendation: In recent years, the Attorney General and SLED have not engaged in any investigations related to public accommodation discrimination and instead all complaints are brought to the Human Affairs Commission for processing through conciliation efforts only. The Commission seeks to have the General Assembly encourage our partner Agencies to work with SCHAC in adjudicating allegations of public accommodation discrimination. Alternatively, SCHAC seeks that the statutes be changed to empower SCHAC with processing complaints. The language in the proposed wording, and new process, mirrors the Tennessee Human Rights Commission, which is substantially similar to the South Carolina Human Affairs Commission.
- Law Wording: SECTION 45-9-60. State Human Affairs Commission may establish rules of procedure for hearings; subpoenas; rights of persons charged; rules of evidence; scope of hearing; deliberations of panel; remedies for violation.

The commission may establish rules of procedure for the conduct of the panel hearings as provided in this article and is not governed by the Administrative Procedures Act in establishing these rules or in the conduct of panel hearings. The commissioner, upon request of the panel conducting a hearing, may issue subpoenas and subpoenas duces tecum to allow the panel to interview any person it deems necessary and review any document it deems relevant.

A person or group of persons charged in the complaint with engaging in a pattern or practice of discrimination or segregation in violation of Article 1 shall have the right in the hearing to present physical and documentary evidence, the testimony of witnesses, and other relevant information. In procuring the testimony of witnesses, such persons shall have the benefit of the commissioner's subpoena power. Such persons shall have the right to appear before the panel

and be represented by an attorney, to call witnesses, to confront and cross examine adverse witnesses, and to make oral and written legal arguments.

All testimony given must be under oath in the presence of a court reporter who shall record the proceedings. The rules of evidence applicable in circuit court shall be used in all hearings. Except to the extent necessary to establish a pattern or practice of discrimination or segregation or to allow for the participation of those intervenors as may be allowed by Section 45-9-70, the panel conducting the hearing must limit the scope of the hearing to the items delineated in the description of the charges or in the allegations in the complaint.

Notwithstanding any other provision of law to the contrary, all deliberations and votes of the panel may be conducted in executive session. The deliberations, findings, and conclusions of the panel are confidential and may not be disclosed by any person until the final order or

determination is made public as provided in this article.

Except as otherwise provided by this article, if it is determined that the rights and privileges secured by Article 1 have been violated by a pattern or practice of discrimination or segregation by an owner of an establishment, an employee of an establishment, or an agent of an establishment, the panel shall grant the relief authorized in Section 45-9-80. The panel may further order any persons found to have violated

the provisions of Article 1 by a pattern or practice of discrimination or segregation to reimburse the State for the actual costs incurred in conducting the hearing, including reasonable attorney's fees. Additionally, the Panel's Order shall be public and may require:

- (1) Admission of individuals to a place of public accommodation, resort or amusement;
- (2) The extension to all individuals of the full and equal enjoyment of the advantages, facilities, privileges and services of the respondent;
- (3) Reporting as to the manner of compliance;
- (4) Posting notices in conspicuous places in the respondent's place of business in the form prescribed by the commission and inclusion of such notices in advertising material;
- (5) Payment to the complainant of damages for an injury, including humiliation and embarrassment, caused by the discriminatory practice, and cost, including a reasonable attorney's fee;
- (6) Such other remedies as shall be necessary and proper to eliminate all the discrimination identified by the evidence submitted at the hearing or in the record.

- Other Agencies Impacted: Office of the Attorney General

#### Law Recommendation # 11

- Law: SC Code Section 45-9-80
- Summary of current statutory requirement: The Commission may establish rules and procedures for public accommodations hearings, to include permitting intervention by parties, and the Commission may revoke a business license from an establishment if it has violated the law.
- Recommendation and Rationale for Recommendation: In recent years, the Attorney General and SLED have not engaged in any investigations related to public accommodation discrimination and instead all complaints are brought to the Human Affairs Commission for processing through conciliation efforts only. The Commission seeks to have the General Assembly encourage our partner Agencies to work with SCHAC in adjudicating allegations of public accommodation discrimination. Alternatively, SCHAC seeks that the statutes be changed to empower SCHAC with processing complaints. The language in the proposed law, and new process, mirrors the Tennessee Human Rights Commission, which is substantially similar to the South Carolina Human Affairs Commission.
- Law Wording: SECTION 45-9-80. ~~Commission Attorney General~~ to notify permitting, regulatory, or licensing authority of violations; immediate revocation of license or permit; enforcement of panel's decision; violators not to obtain license or permit for three years. Notwithstanding any other provision of law or ordinance to the contrary, if the panel determines that the provisions of Article 1 have been violated by a pattern or practice of discrimination or segregation by the owner of an establishment, an employee of an establishment, or an agent of an establishment of public accommodations as defined in Section 45-9-10, the ~~Commission Attorney General~~ must immediately notify the appropriate state or local permitting, regulatory, or licensing authority that those licenses or permits so designated in the panel's order must be revoked immediately, notwithstanding the provisions of Section 1-23-380(C), upon expiration of the time allowed for an appeal if no appeal has been filed. After appeals, if the panel's order is not reversed, the license or permit must be revoked as

provided in this article.

If necessary, a writ of mandamus may be sought by the Commission Attorney General or any individual to effectuate the provisions of this section. Nothing in this section shall be construed as requiring the issuance of a writ of mandamus, and no civil action shall lie against any regulatory or licensing official acting pursuant to an order of the panel.

If the Commission notifies the appropriate state or local permitting, regulatory, or licensing authority that those licenses or permits so designated in the panel's order must be revoked immediately, ~~no~~ the owner of an establishment, employee of an establishment, or agent of an

establishment who is found to have violated the provisions of Article 1 by a pattern or practice of discrimination or segregation shall not obtain a license or permit from the same regulatory or licensing entity or seek the reissuance of a revoked license or permit within three years from the date of the panel's order or a final determination of a court of competent jurisdiction, whichever is later.

- Other Agencies Impacted: Office of the Attorney General

#### Law Recommendation # 12

- Law: Regulation 65-2
- Summary of current statutory requirement: The Agency shall accept and investigate formal complaints against employers that state the employer has engaged in unlawful employment discrimination, based on race, religion, color, sex, age, national origin, or disability.
- Recommendation and Rationale for Recommendation: The regulation should be changed to eliminate the unnecessary requirement of notarization on the Complaint Form, and should instead reflect the statutory requirement of a statement that is made under oath or affirmation. The proposed amendment parallels the requirements of the Agency's federal counterpart, the Equal Employment Opportunity Commission, thereby making the respective practices of the two entities substantially similar, which is required by the *Worksharing Agreement* between the Agency and the Equal Employment Opportunity Commission.
- Law Wording: B. Complaint Form.  
The complaint shall be in writing on a form provided by the Commission for this purpose. The complaint must be signed and sworn under oath or affirmation. ~~before a notary public or other person duly authorized by law to administer oaths and take acknowledgements. Notarial service shall be furnished without charge by the Commission.~~
- Other Agencies Impacted: None

#### Law Recommendation # 13

- Law: Regulation 65-3
- Summary of current statutory requirement: The Agency shall accept and investigate formal complaints against employers that state the employer has engaged in unlawful employment discrimination, based on race, religion, color, sex, age, national origin, or disability. The Agency shall issue subpoenas or subpoenas duces tecum to compel the attendance of witnesses or the production of evidence in

employment investigations, and the Commission shall enforce subpoenas through a court of competent jurisdiction. The Agency shall make certain portions of employment investigation files available to the parties involved in the investigation.

- Recommendation and Rationale for Recommendation: The regulation should be changed to decrease the timeframe for subpoena enforcement from 30 days to 14 days, additionally the timeframe to request a motion to quash and request for additional time are removed. The regulation should further provide Complainants and Respondents with equal access to the Agency’s investigative files in order to be substantially equivalent to the EEOC, and the citation for the Freedom of Information Act is wrong and should be corrected. .
- Law Wording: 65-3. Investigation and Production of Evidence.

A. Investigation.

(1) Investigator. The investigation of complaint shall be conducted by one or more investigators from the Commission’s staff who shall be appointed by the Commissioner. If more than one investigator is appointed, one of the investigators shall be designated the “investigator in charge” and shall direct the investigation.

(2) Duties of the Investigator. Investigators shall do those things necessary and proper to thoroughly investigate a complaint, but shall limit their investigations to their proper scope as described in Subsection 65-3A(5) herein. Investigators assigned to investigate complaints filed pursuant to Section 1-13-90(c) of the Act (State agencies or departments and their local subdivisions) shall upon completion of their investigations submit to the supervisory commission member a statement of the facts disclosed by their investigations and recommend to the supervisory commission member that the complaint be dismissed or that a panel of commission members be designated to hear the complaint. In complaints arising under Section 1-13-90(d) of the Act (employers, employment agencies or labor organizations, including municipalities, counties, special purpose districts, school districts and local governments), investigators shall upon completion of their investigation submit to the Commissioner a statement of the facts disclosed by the investigation and recommend either that the complaint be dismissed or that the Commission endeavor to formally conciliate the matter.

(3) Supervisory Commission Members. If the complaint under investigation is brought pursuant to Section 1-13-90(c) of the Act, the Chairman of the Commission, or upon the request of the Chairman, the Commissioner shall designate a member of the Commission to supervise the processing of the complaint who shall be known as the supervisory commission member. The supervisory commission member shall review the results of the investigation conducted by the investigator and review the investigator’s recommendations for dismissal or other action.

(4) Commencement of the Investigation. The investigation shall commence immediately upon service by the Commission of a copy of the complaint or notice of complaint upon the respondent.

(5) Scope of Investigation. Insofar as practicable, the investigation shall be limited to a determination of the facts relating to the unlawful employment practice or practices under investigation or in question before the commission. alleged in the complaint and to the individual harm alleged to have been suffered by the complaining party. The investigator’s inquiry for relevant facts shall be restricted to the relevant immediate environment in which the complaining party allegedly suffered harm such as a department or similar organizational structure of a respondent employer which is within the decision-making authority of a single person.

(6) Conduct of the Investigation.

(a) The investigator shall make a prompt and complete investigation of the allegations in the complaint which meet the standards of R.65-2.

(b) As part of each investigation the investigator:

(i) Will accept as evidence any statement of position and/or evidence concerning the allegations of the complaint which the complainant or respondent wishes to voluntarily submit.

(ii) Shall require the complainant or respondent to provide any evidence, including statements and documents, ~~if any, in his/her possession~~ which are relevant to the complaint, as well as, any information which is necessary to establish actual damages or to establish the date on which the alleged damages occurred.

(c) The investigator may require the complainant to provide a detailed statement which includes, but is not limited to:

(i) a statement of each specific harm that the complainant has allegedly suffered, and the date on which each alleged harm occurred;

(ii) for each alleged harm, a statement specifying the act, policy or practice of the respondent which is alleged to be unlawful; and

(iii) for each act, policy or practice alleged to have harmed the complainant a statement of the facts which lead the complainant to believe that the act, policy or practice is unlawfully discriminatory.

(d) During the investigation of a complaint, the investigator may conduct a fact-finding conference with the parties. The purpose of the conference shall be to clearly define the issues to determine which elements of the matter under investigation are undisputed, to resolve those issues that can be resolved and to determine whether there is any likelihood for a negotiated no-fault settlement of the complaint as described in Section 65-5A. Discussions during a fact-finding conference are confidential. Any conciliation efforts during the conference are also confidential and are considered conciliation attempts within the meaning of the Act.

B. Production of Evidence.

~~(1) Investigator's Informal Request for Information. An investigator may, at any reasonable time after service of complaint, informally request access to records and documents in the possession of any person being investigated which are relevant to the complaint for purposes of inspection and copying.~~

(2)(1) Investigator's Formal Request for Information. An investigator may, at any reasonable time after service of complaint, formally request access to or production of records and documents in the possession of any person being investigated which are relevant to the complaint for purposes of inspection and copying. The investigator shall make the formal request for documents in writing by certified mail, transmitted to the person being investigated.

~~If any person refuses to comply with an investigator's informal request for access to documents and records, the investigator shall demand access to the documents in writing by certified mail, transmitted to the person being investigated. The written demand shall notify the person that the investigator may apply to the Commission for a subpoena if access to or production of the documents and records is not permitted within thirty (30) days from the receipt of the investigator's written demand.~~

~~(3)~~(2) Investigator's Application for Subpoena ~~Duces Tecum~~. If any person fails to comply with an investigator's formal written demand for information within thirty (30) days after receipt of the written demand, the investigator may apply to the Commission for a subpoena ~~duces tecum~~ by presenting to the Commission the investigator's written demand and the response of the person to whom the demand was made denying access to the information requested or, if no response was made, the investigator's affidavit that no response was received from the party to whom the demand for information was sent.

~~(4)~~(3) Issuance of Subpoena ~~Duces Tecum~~. To effectuate the purpose of the Act, upon a showing by an investigator that a person has not complied with a written demand for information relevant to the complaint which was transmitted to the person by certified mail, the Chairman of the Commission and the Commissioner shall acting jointly have the authority to sign and issue a subpoena requiring:

- (a) the production of evidence including but not limited to books, papers, records, correspondence or documents in the possession or under the control of the person subpoenaed;
- (b) access to evidence for purposes of examination and the right to copy; and
- (c) under Section 1-13-90(c) of the Act, attendance at hearings or at prehearing depositions.

~~(5)~~(4) Form and Content of Subpoenas.

(a) A subpoena issued by the Commission shall:

- (i) state the name and address of its issuer;
- (ii) briefly and clearly state the cause of issuance;
- (iii) identify the person to whom and the place, date and time at which the subpoena is returnable;
- (iv) identify the person or evidence subpoenaed with reasonable clarity, specificity and particularity to readily enable the person receiving the subpoena to identify the named person or evidence;
- (v) state the date and time access is requested if a subpoena ~~duces tecum~~ is issued.

(b) A subpoena shall only be returnable to a duly authorized investigator of the Commission of the Commissioner.

(c) Neither the complainant nor the respondent shall have the right to demand that an investigative subpoena be issued.

~~(6)~~(5) Petitions to Revoke Subpoena. Within fourteen (14) ~~thirty (30)~~ days after a subpoena is issued, the person served with the subpoena may petition the Commission by mail to revoke or modify the subpoena and shall serve a copy of the petition upon the investigator who originally demanded the information. The petition shall separately identify the portion of the subpoena with which the petitioner does not intend to comply and shall state with respect to each portion, the grounds upon which the petitioner relies. A copy of the subpoena shall be attached to the petition and shall be designated "Attachment A". Within ten (10) days after receipt of the petition or as soon thereafter as practicable, the Commission shall review the petition and make a written determination upon the petition stating in detail the reasons for the Commission's determination and shall serve a copy of the determination upon the petitioner and the investigator demanding the information. When a petition to revoke a subpoena is served upon the Commission, no enforcement of a subpoena shall be sought until the Commissioner has made a determination on the petition and served the petitioner with the determination.

~~(7)~~(6) Applications For Enforcement.

(a) Failure to Comply and Enforcement. A person who receives a subpoena may refuse to comply by failing to respond to the subpoena or by affirmatively stating that he/she will not respond; it is not necessary for the person to serve a petition to revoke the subpoena. If a person fails to comply with a subpoena, the Commission may, after fourteen (14) ~~thirty (30)~~ days, apply to any state court of competent jurisdiction for an order requiring the person to comply with the subpoena as provided by the Act.

(b) Notice of Hearing. Any person against whom an order is sought shall be given at least four (4) days notice (excluding Saturdays, Sundays, and state holidays) of the time and place of the hearing, and may oppose the granting of the order.

~~(c) Requests for Additional Time. Except in extraordinary circumstances the Commission will not oppose requests for additional time not to exceed ten (10) days, to prepare for the hearing, if the request is made to the court and served upon the Commission at least two days before the scheduled hearing.~~

~~(d) Motions to Quash. As provided by the Act, any person may move before a court of competent jurisdiction for an order quashing a subpoena after giving the Commission four (4) days notice (excluding Saturdays, Sundays and state holidays).~~

~~(8)(7)~~ Interrogatories and Depositions.

(a) A party or witness may be required to answer written interrogatories relevant to a complaint under investigation under Section 1-13-90(c) and (d) of the Act at any time after such complaint is served.

(b) At least ten (10) days written notice (excluding Saturdays, Sundays and state holidays) shall be furnished to any party or witness sought to be deposed.

(c) The scope of discovery shall be governed by the relevance to the content of the complaint under investigation as described in Subsection 65-3A(5) of these Regulations.

~~(9)(8)~~ Petitions to Revoke Interrogatories and Depositions. If a person refuses to have his/her deposition taken or refuses to answer interrogatories, the person may petition to revoke the notice to take deposition or revoke the interrogatories within five (5) days after receipt of the notice to take deposition or within thirty (30) days after receipt of interrogatories. The petition shall be mailed to the Commission and shall be served upon the investigator who originally demanded the information. The petition shall separately identify each portion of the interrogatories with which the petitioner does not intend to comply and shall state, with respect to each such portion, the grounds upon which the petitioner relies. A copy of the notice to take deposition or the interrogatories, as the case may be, shall be attached to the petition and designated as "Attachment A". Within five (5) days after receipt of the petition or as soon thereafter as practicable, the Commission shall make a determination upon the petition stating in detail the reasons for its determination and shall serve a copy of its determination upon the petitioner. When a petition to revoke is served upon the Commission, no enforcement of a notice to take deposition or interrogatories shall be sought until the Commission has made its determination on the petition and served the petitioner.

~~(10)(9)~~ Applications for Enforcement.

(a) Failure to Comply and Enforcement. A person who receives interrogatories or a notice to take deposition may refuse to comply by failing to respond or by affirmatively stating that he/she will not respond; it is not necessary for the person to serve a petition to revoke. If a person fails to comply with the notice to take deposition, the Commission may after ten (10) days apply to any state court of competent jurisdiction for an order requiring the person to comply as required by the Act. If a person fails to answer interrogatories the

Commission may after thirty (30) days apply to any state court of competent jurisdiction for an order requiring the person to answer the interrogatories as provided by the Act.

(b) Notice of Hearing. Any person against whom an order is sought shall be given at least four (4) days notice (excluding Saturdays, Sundays and state holidays) of the time and place of the hearing, and may oppose the granting of the order.

~~(c) Requests for Additional Time. Except in extraordinary circumstances, the Commission will not oppose requests for additional time not to exceed ten (10) days to prepare for the hearing if the requests are made to the court and served upon the Commission at least two days before the scheduled hearing.~~

~~(d) Motions to Quash. Any person may move before a court of competent jurisdiction for an order quashing a motion to take depositions or interrogatories after giving the Commission four (4) days notice (excluding Saturdays, Sundays and state holidays).~~

~~(11)(10) Confidentiality.~~

(a) Public Access to Commission Files or Information Gathered During an Investigation. As provided in Sections 1-13-90(c)(1) and 1-13-90(d)(2) of the Act, information gathered during an investigation conducted under Section 1-13-90 of the Act, shall not be made public by the Commission, its officers or employees, unless and until that information is offered or received into evidence at a Commission hearing or court proceeding brought in accordance with the Act. In view of the prohibitions against making information public contained in Sections 1-13-90(c)(1) and 1-13-90(d)(2) of the Act, information gathered by the Commission during investigations and internal memoranda assessing evidence, discussing complaints or recommending action on complaints shall not be deemed "public records" within the meaning of the Code of Laws of South Carolina Section ~~30-4-20~~ 30-3-20. The provisions of this Subsection apply whether the Commission's investigative file is open for an ongoing investigation or closed after a matter is completely concluded.

(b) Public Access to Final Opinions and Orders and Determinations. The public shall have access to the Commission's final opinion and order concerning a complaint under Section 1-13-90(c) of the Act or the Commission's determination on whether to dismiss a complaint or sue in the state circuit court under Section 1-13-90(d) of the Act.

(c) Commission Requests for Information from Investigators. If the Commission requires reports on investigations or on the progress of investigations, the investigator's report shall be given to the Commission while the Commission sits in executive session with member of the public excluded.

(d) Access to Information by Complainant and Respondent.

(i) Information Provided by the Parties Themselves. The complainant may at all times have access to any information which the complainant has furnished the Commission. The respondent may at all times have access to any information which the respondent has furnished the Commission. However, neither the complainant nor the respondent shall have information furnished by the other party, except that this Subsection does not apply to disclosure to the parties or their attorneys where the disclosure is limited to matters necessary for determining appropriate relief and/or negotiating settlements or making conciliation offers and except that this Subsection does not apply to the complainant's or respondent's access to Commission files after a complaint against the respondent has been served as provided in subitem (ii), following.

(ii) Information Available to the Parties in a Proceeding, a Respondent before a Hearing or Court Procedure. If an action is brought against a respondent in accordance with the Act, either before the Commission pursuant to Section 1-13-90(c) of the Act or in a court of competent jurisdiction pursuant to Sections 1-13-90(c) and (d) of the Act, the complainant and respondent shall from the time the complaint is served be granted access to the investigative file of the Commission which shall include access to statements, affidavits or depositions of the complainant and ~~complainant's~~ witnesses, whether or not the complainant and the ~~complainant's~~ witnesses are employees of the respondent at the time the request for access is made. The complainant and respondent shall also have access to all other facts and data gathered by the Commission during its investigation, provided however that neither shall ~~the respondent shall not~~ have access to deliberative memoranda, working papers, drafts and other work products of the Commission relating to a complaint and further provided that deletions may be made where necessary to protect the personal privacy of an affiant or an individual named in a document to insure the anonymity of confidential sources or information, and to protect the confidentiality of trade secrets, confidential financial information and the like.

(iii) Copy of the Complaint. A copy of the complaint will be served in all cases upon the respondent unless a complaint received pursuant to a federal contract expressly requires that the original complaint not be served. In the event that a copy of the complaint is not provided, the respondent shall be served with a notice of the complaint within ten (10) days of receipt. The notice of complaint shall include the place, circumstances and identity of the person filing the complaint, a description of the violations of the Act alleged to have been committed by the respondent and the date of the alleged violation.

(e) Reports and Compilations. The Commission may publish abstracts of data derived from its closed investigative files in a form which does not reveal the identity of the parties, trade secrets, financial information or competitive commercial information or processes.

(f) Sharing Information Between Agencies. The Commission shall not provide information to any state or federal agency which does not have written regulations providing essentially the same protection against unauthorized disclosure as provided in these regulations.

- Other Agencies Impacted: None

#### Law Recommendation # 14

- Law: Regulation 65-9
- Summary of current statutory requirement: The Commission shall issue an order at the completion of an employment investigation regarding a state agency employer, either that the matter be dismissed or that a panel of commission members be designated to hear the matter. The Commission shall, at the completion of an employment investigation regarding a non-state agency employer, either order that the matter be dismissed despite evidence that reasonable cause exists to believe discrimination occurred; order that the complaint be dismissed for no reasonable cause; or recommend that a lawsuit be filed in equity in circuit court against the respondent due to a cause determination.

- Recommendation and Rationale for Recommendation: The Regulation should be changed to reflect the One Hundred Twenty (120) day statutory deadline for filing a lawsuit. This deadline is found in South Carolina Code Section 1-13-90(d)(6).
- Law Wording: (3) Content of Notice of Right to Sue. The notice of right to sue shall include:
  - (a) authorization to the complainant to bring a civil action pursuant to Section 1-13-90(d) of the Act within one hundred twenty (120) ninety (90) days from issuance of such authorization by the Commission to the complainant, his/her attorney of record, or, in those instances covered by 65-2J(2)(d) hereof, from the date of mailing to the complainant's last known address;
  - (b) advice concerning the institution of such civil action by the complainant, where appropriate;
  - (c) a copy of the complaint;
  - (d) the Commission's decision, determination, or dismissal as appropriate.
- Other Agencies Impacted: None

#### Law Recommendation # 15

- Law: Regulation 65-22
- Summary of current statutory requirement: The Commission may adopt bylaws, publish reports and policies, and promulgate regulations to further the mission of the Agency, and deter discrimination in housing and employment across the state.
- Recommendation and Rationale for Recommendation: Regulation 65-22 may confuse state agencies and may lead an agency to understand that records need only be retained for a period of six months, when in fact, federal recordkeeping obligations require longer retention periods for state agencies and other employers, specifically those found in 29 C.F.R. § 1602.
- Law Wording: 65-22. Employment Records to be Retained for Six Months.  
~~Each State Agency, department and local subdivision thereof shall preserve and retain any personnel or employment record made or kept by them, including but not necessarily limited to application forms submitted by applicants and other records having to do with hiring, promotion, demotion, transfer, layoff or termination, rates of pay or other terms of compensation, and selection for training or apprenticeship, for a period of six (6) months from the date of the making of the record or the personnel action involved, whichever occurs later. In the case of involuntary termination of an employee, the personnel records of the individual terminated shall be kept for a period of six (6) months from the date of termination. However, in no event is the six-month record keeping requirement to be construed or interpreted as permitting the destruction of personnel records, after the expiration of the six-month period, whenever a charge of discrimination has been filed and currently pending against a State Agency, department or local subdivision thereof.~~ Repealed.
- Other Agencies Impacted: None

#### Law Recommendation # 16

- Law: Regulation 65-22
- Summary of current statutory requirement: The Agency shall accept and investigate formal complaints against employers that state the employer has engaged in unlawful employment discrimination, based on race, religion, color, sex, age, national origin, or disability.
- Recommendation and Rationale for Recommendation: The law should apply to all employers, labor organizations, and employment agencies which are in the process of being investigated by the Human Affairs Commission. The regulation should clarify that charges originating with the Commission's federal counterpart, the Equal Employment Opportunity Commission, have the same requirement. Additionally, the Human Affairs Commission should have the right to infer that, if an employer, labor organization, or employment agency fails to retain personnel records which are relevant evidence to an investigation, such evidence may have adversely affected the party's position.
- Law Wording: 65-23. Preservation of Records in Event of Charge of Discrimination.  
When a charge of discrimination has been filed with the Commission or its federal equivalent, or if an action brought by either entity is pending the Commission, the employer, labor organization, or employment agency respondent State Agency, department or local subdivision, shall preserve all personnel or employment records relevant to the charge or action until final disposition of the charge or the action. Failure to retain relevant personnel or employment records may result in an adverse inference against the party during the course of an investigation.
- Other Agencies Impacted: None

#### Law Recommendation # 17

- Law: Regulation 65-223
- Summary of current statutory requirement: The Agency shall accept and investigate (within 100 days) formal complaints against housing providers contending that a provider has engaged in unlawful discrimination based on race, color, religion, sex, disability, familial status, or national origin.
- Recommendation and Rationale for Recommendation: The law should clarify that certain file contents may be protected from disclosure.
- Law Wording: (3) Notwithstanding the prohibitions and requirements with respect to disclosure of information contained in 65-225.F., the Commission will make information derived from an investigation, including the final investigative report, available to the aggrieved person and the respondent, provided however that neither shall have access to deliberative memoranda, working papers, drafts and other work products of the Commission relating to a complaint and further provided that deletions may be made where necessary to protect the personal privacy of an affiant or an individual named in a document to insure the anonymity of confidential sources or information, and to protect the confidentiality of trade secrets, confidential financial information and personal identifiable information under S.C. Code 30-2-30, or those items exempt from disclosure under S.C. Code 30-4-30. Additionally, any records requested by a party or a non-party to an investigation under S.C. Code 30-4-30 will be assessed on a case by case basis. Following the completion of investigation, the Commission shall notify the aggrieved person and the respondent that the final investigation report is completed and will be provided upon request.
- Other Agencies Impacted: None

### Law Recommendation # 18

- Law: Regulation 65-227
- Summary of current statutory requirement: The Commission shall hold an expeditious administrative hearing before a panel of three commission members, and shall render a decision related to the claims, in the event that a fair housing investigation results in a reasonable cause determination, and after conciliation has failed, provided that no party has elected to have the matter be litigated in circuit court.
- Recommendation and Rationale for Recommendation: The law needs to consistently and clearly use different terms when referring to different documents in an investigation deemed to be a 'reasonable cause' case.
- Law Wording: 65-227. Issuance of Reasonable Cause Determination-Complaint
  - A . Reasonable cause determination.
    - (1) If a conciliation agreement has not been executed by the complainant and the respondent, and approved by the Commissioner, within the time limits set forth in paragraph (3)(a) of this section, the Commission shall determine whether, based on the totality of the factual circumstances known at the time of the decision, reasonable cause exists to believe that a discriminatory housing practice has occurred or is about to occur. The reasonable cause determination will be based solely on the facts concerning the alleged discriminatory housing practice, provided by complainant and respondent and otherwise, disclosed during the investigation.
      - (a) In all cases
        - (i) If the Commission determines that reasonable cause exists the Commission will immediately issue a reasonable cause determination ~~complaint~~ on behalf of the aggrieved person, and shall notify the aggrieved person and the respondent of this determination by certified mail or personal service.
        - (ii) If the Commission determines that no reasonable cause exists, the Commission shall: issue a short and plain written statement of the facts upon which the Commission has based the no reasonable cause determination; dismiss the complaint; notify the aggrieved person and the respondent of the dismissal (including the written statement of facts) by certified mail or personal service; and make public disclosure of the dismissal. Public disclosure of the dismissal may be by issuance of a press release except that the respondent may request that no release be made. Notwithstanding a respondent's request that no press release be issued, the fact of the dismissal, including the names of the parties, shall be public information available on request.
      - (2) The Commission may not issue a reasonable cause determination ~~complaint~~ under paragraph (1) of this section regarding an alleged discriminatory housing practice, if an aggrieved person has commenced a civil action seeking relief with respect to the alleged discriminatory housing practice, and the trial in the action has commenced. If a complaint may not be issued because of the commencement of such a trial, the Commission will so notify the aggrieved person and the respondent by certified mail or personal service.
      - (3)(a) The Commission shall make a reasonable cause determination within 100 days after filing of the original complaint (or where the Commission has reactivated a complaint, within 100 days after service of the notice of reactivation), unless it is impracticable to do so.

(b) If the Commission is unable to make the determination within the 100 day period specified in paragraph (3)(a) of this section, the Commission will notify the aggrieved person and the respondent, by certified mail or personal service, of the reasons for the delay.

B. Issuance of Administrative Pleading Complaint.

(1) An administrative pleading complaint:

(a) Shall consist of a short and plain written statement of the facts upon which the Commission has found reasonable cause to believe that a discriminatory housing practice has occurred or is about to occur.

(b) Shall be based on the final investigative report; and

(c) Need not be limited to facts or grounds that are alleged in the original complaint if the record of the investigation demonstrated that the respondent has been given notice and an opportunity to respond to the allegation.

(2) Within three business days after the issuance of the reasonable cause determination complaint the Commission shall:

(a) Set a time and place for hearing;

(b) File the administrative pleading complaint along with the required notifications, with the Chairman; and

(c) Serve the administrative pleading complaint and notifications in accordance with the Act.

C. Election of civil action or provision of administrative proceeding.

(1) If an administrative pleading complaint is issued under 65-227.B., a complainant, a respondent, or an aggrieved person on whose behalf the complaint is filed may elect, in lieu of an administrative proceeding, to have the claims asserted in the complaint decided in a civil action.

(2) The election must be made no later than twenty days after the receipt of service of the reasonable cause determination complaint. The notice of the election must be filed with the Commission, the respondent, and the aggrieved persons on whose behalf the complaint was filed. The notification will be filed and served in accordance with the procedures established under Article 3.

(3) If an election is not made under this section, the Commission will maintain an administrative proceeding based on the administrative pleading complaint in accordance with the procedures under Article 3.

(4) If an election is made under this section, the Commission shall cause to be commenced and maintained a civil action seeking relief as provided by the Fair Housing Law on behalf of the aggrieved person in the appropriate Court of Common Pleas.

- Other Agencies Impacted: None

Law Recommendation # 19

- Law: Regulation 65-233
- Summary of current statutory requirement: The Commission shall hold an expeditious administrative hearing before a panel of three commission members, and shall render a decision related to the claims, in the event that a fair housing investigation results in a reasonable cause determination, and after conciliation has failed, provided that no party has elected to have the matter be litigated in circuit court.
- Recommendation and Rationale for Recommendation: The citation in this regulation is confusing, so clarity is needed.
- Law Wording: ~~Discovery~~.

~~K. A.~~ Either party may cause to be taken the depositions of witnesses within or without the State. Such depositions shall be taken in accordance with and subject to the same provisions, conditions and restrictions as apply to the taking of like depositions in civil actions at law in the courts of common pleas of this State; and the same rules with respect to the giving of notice to the opposite party, the taking and transcribing of testimony, the transmission and certification thereof and matters of practice relating thereto shall apply.

~~L. B.~~ The Chief Hearing Commissioner shall on its own behalf, or, upon request, on behalf of any other party to the case, issue in the name of the Commission subpoenas for the attendance and testimony of witnesses and the production and examination of books, papers and records.

~~M. C.~~ The Court of Common Pleas shall, on application of the Commission, enforce by proper proceedings the attendance and testimony of witnesses and the production and examination of books, papers and records and shall have the power to punish as for contempt of court, by a fine or imprisonment or both, the unexcused failure or refusal to attend and give testimony or produce books, papers and records as may have been required in any subpoena issued by the Commission.

~~N. D.~~ If a party fails to comply with discovery, the hearing panel may:

(1) Draw an inference in favor of the requesting party with regard to the information sought;

(2) Prohibit the party failing to comply from introducing evidence or otherwise relying upon, testimony relating to the information sought;

(3) Permit the requesting party to introduce secondary evidence concerning the information sought;

(4) Strike any appropriate part of the pleadings or other submissions of the party failing to comply with such order; or

(5) Take such other action as may be appropriate.

- Other Agencies Impacted: None

# Department of Agriculture

*Chair Wm. Weston J. Newton*

*First Vice-Chair:  
Laurie Slade Funderburk*

## **Legislative Oversight Committee**

*Katherine E. (Katie) Arrington  
Gary E. Clary  
MaryGail K. Douglas  
Phyllis J. Henderson  
Joseph H. Jefferson Jr.  
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Raye Felder  
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Research Analyst/Auditor*

June 27, 2017

Commissioner Huge E. Weathers  
South Carolina Department of Agriculture  
P.O. Box 11280  
Columbia, SC 29211

Dear Commissioner Weathers:

On behalf of the Economic Development, Transportation, and Natural Resources Subcommittee, we appreciate the agency's continued cooperation during the oversight process. The Subcommittee is scheduled to meet again on Monday, July 10 at 2:00 p.m. As it is my understanding you are unable to attend the meeting on July 10, the Subcommittee will hold another work session with regards to its study of the Department of Agriculture. Please have an agency representative available to answer any potential questions. In preparation for the next work session, the Subcommittee seeks additional information from the agency, pertaining to its recommendations, on or before Friday, July 7, 2017.

*Recommendation #4 - Adopt the model feed law proposed by the American Association of Feed Control Officials*

- Please explain the difference in the tonnage fee versus the registration fee and how the agency will be able to make this change budget neutral?
- Please explain the facility registration fees.
- Please explain any other fees and if the proposed changes adds or keeps these the same.

*Recommendation #10 - Authorize an application fee (\$25) for a food business when registering for a registration verification certificate*

*Recommendations #11 - Authorize a tiered annual fee for a registration verification certificate*

- How much revenue does the agency anticipate this fee will generate?
- How many inspectors, if any, will this revenue enable the agency to hire?

Commissioner Weathers  
June 27, 2017

Previously, the Subcommittee requested draft language (i.e., strike through and underline format) of agency recommendations. We appreciate the suggested language already provided for many of the agency recommendations. It would be helpful to have that language for the remaining agency recommendations:

- Recommendation #5 - Authorize agency to fine businesses that habitually and willfully violate existing consumer protection labeling/quality laws
- Recommendation #6 - Requires businesses that dispense petroleum products to notify the agency within 30 days of operating dispensers
- Recommendation #7 - Authorize a \$5 per dispenser registration fee for business that dispense petroleum products
- Recommendation #8 - Enforce a scalable money penalty for habitual and willful offenders of petroleum law, when taking advantage of the consumer

In your responses to these questions, please provide the Subcommittee with any relevant, necessary context information. As a reminder, testimony during meetings and written information from agencies are considered sworn testimony and subject to S.C. Code of Laws Sections 2-2-70 through 2-2-120. Thank you for your service to the citizens of South Carolina.

Sincerely,



Laurie Slade Funderburk  
Committee First Vice-Chair

cc: Economic Development, Transportation, and Natural Resources Subcommittee Members

UPDATED RECOMMENDATIONS

**AGENCY RECOMMENDATIONS FOR LEGISLATIVE CHANGES TO IMPROVE EFFICIENCY AND OUTCOMES**

**Commissioner of Agriculture**

1. **ADOPTED 6.22.17** Remove the bonding requirements of the Commissioner of Agriculture
  - o Draft language

~~SECTION 46-3-50. Bond.~~

~~The bond of the Commissioner shall be in the sum of fifty thousand dollars, and his liability thereon shall not extend to losses incurred in bonded warehouses, except in case of tort or neglect of duty on his part.~~

~~HISTORY: 1962 Code Section 3-3.1; 1954 (48) 1566.~~

**Commission of Agriculture**

2. **ADOPTED 6.22.17** Remove the Agriculture Commission's authority to establish the agency's policies and annually approve the agency's budget
  - o Draft language

**SECTION 46-5-20. Powers.**

The Commission shall have the power to:

~~(1) Adopt policies, rules and regulations of the Department of Agriculture for its own government not inconsistent with the laws of the State.~~

~~(2) Annually approve budget requests for the institutions, agencies and service under the control of the Department of Agriculture as prepared by the Commissioner of Agriculture prior to being submitted to the Governor and to the General Assembly.~~

~~(3)~~ (1) Appoint such committees and such members of committees as may be required or as may be desirable to carry out the orderly function of the Commission.

~~(4)~~ (2) Cooperate fully with the Commissioner of Agriculture at all times to the end that the State's agricultural economy may constantly be improved.

~~(5)~~ (3) Assume such other responsibilities and exercise such other powers and perform such other duties as may be assigned to it by law.

3. **ADOPTED 6.22.17** Revise the appointment procedure of Commission of Agriculture to address a seat has either been vacant or the term has expired for more than two years

#### Feed

4. Adopt the model feed law proposed by the American Association of Feed Control Officials
  - o [SUBMITTED LANGUAGE FROM AGENCY FOR COMMITTEE TO REVIEW - ON WEBSITE- LARGE DOCUMENT](#)
  - o Per agency approximately 25 other states have adopted

#### Food Quality (Consumer Protection Lab)

5. Authorize agency to fine businesses that habitually and willfully violate existing consumer protection labeling/quality laws

#### Consumer Services

6. Require businesses that dispense petroleum products to notify the agency within 30 days of operating dispensers
7. Authorize a \$5 per dispenser registration fee for businesses that dispense petroleum products
8. Enforce a scalable monetary penalty for habitual and willful offenders of petroleum law, when taking advantage of consumer
9. **ADOPTED 6.22.17** Modernize the cotton warehouse receipt law (i.e., accept Permanent Bale Identification from a cotton gin as the universal warehouse receipt number)

#### **SECTION 39-22-110.** Required identification tags on bales.

Each bale of cotton accepted for storage in a warehouse operated under the state warehouse system must be identified by a numbered tag affixed to the bale. The tag must be designed so that the brand "South Carolina" may be unmistakably visible. The palmetto tree, with a bale of cotton lying at the roots, and the shield of the State must

be printed on the tag. The county of origin may appear on the tag. The warehouse may utilize the Permanent Bale Identification (PBI) number and tag of another gin if that tag meets above requirements. If PBI tag does not meet the above listed tag requirements, the warehouseman may affix a sticker to the PBI tag or to bale of cotton adjacent to the PBI tag that meets requirements as list above.

### **Food/Feed Safety**

10. Authorize an application fee (\$25) for a food business when registering for a registration verification certificate
  - o Registration with the agency is required for persons or firms wishing to manufacture, prepare, repack or sell foods to the public
11. Authorize a tiered annual fee for a registration verification certificate

**SECTION 39-25-210.** Persons subject to inspection pursuant to this chapter; registration requirements; exceptions; annual renewal; civil and criminal penalties.

(A) A person subject to inspection pursuant to this chapter may not engage in the business of manufacturing, processing, warehousing, or packaging food in any manner without first registering with the department. This section shall not apply to facilities inspected and regulated by the United States Department of Agriculture (USDA) or the Clemson Livestock-Poultry Health Meat Inspection Division. Registration is required beginning January 1, 2011, and must be renewed annually thereafter on or before the first day of January on forms provided by the department.

(B) A person who willfully violates the provisions of this section is subject to a civil penalty of up to one thousand dollars for each violation as determined by the department. Any person violating this section is also guilty of a misdemeanor and, upon conviction, must be fined not more than one thousand dollars or imprisoned for not more than thirty days.

(C) Ability to Operate under Registration Verification Certificate (RVC)

(1)- Prerequisite for operation. A person may not operate a food establishment without a valid Registration Verification Certificate (RVC) issued by the Department

(2)- Form of Submission. A person desiring to engage in a food business regulated by the department shall submit to the Department a written application for a RVC on a form provided by the Department. Fee for this application is \$25.

(D) The Commissioner shall charge annually the following fees for the RVC issued pursuant to the establishment and product type. The fee structure shall be based on the level of risk, employee size, procedural effort and inspection time needed for each food manufacturer establishment. Tier 1 -\$100.00 Tier 2 \$200.00 Tier 3- \$300.00. The

RVC shall be renewed annually on July 1. Registration Fees shall be increased by 50 percent for the renewal of a license not renewed by September 1.

HISTORY: 2010 Act No. 261, Section 2, eff June 11, 2010.

### Reduce Restrictions for Businesses

12. **ADOPTED 6.22.17** Remove agency involvement with the “cottage bill” - (i.e., remove the exemption registration burden from small home-based food producers)
  - A cottage food operation is a home-based food operations in an individual’s dwelling that prepares, packages, stores and distributes non-potentially hazardous baked foods and candy to the end consumer
  - [Letter from DHEC on website stating no objection to this requested change](#)
13. **ADOPTED 6.22.17** -Revise state egg law (i.e., exempt United States Department of Agriculture graded facilities from state licensing; add quail eggs; and remove the licensing requirements for small producers)
  - [SUBMITTED LANGUAGE FROM AGENCY FOR COMMITTEE TO REVIEW - ON WEBSITE](#)
14. **FOR INFORMATION ONLY 6.22.17** Modernize salvage food (e.g., dented cans) regulations
  - [SUBMITTED LANGUAGE FOR COMMITTEE TO REVIEW - ON WEBSITE](#)

### Procurement for Commodity Boards

15. **FOR INFORMATION ONLY 6.22.17** Recommend Subcommittee Report include a finding recognizing the [April 28, 2016 Attorney General Opinion](#) that commodity boards are not subject to the State Procurement Code
  - [Commodity boards](#) operate as autonomous representatives of their respective commodities (e.g., beef; pork; peanut; cotton; tobacco; soybean and watermelon)



July 12, 2017

Chairman John Oakland  
Commissioner Raymond Buxton, II  
South Carolina Human Affairs Commission  
1026 Sumter Street  
Columbia, SC 29201

Dear Chairman Oakland and Commissioner Buxton:

During our meeting on July 10, Subcommittee members did not indicate any follow up questions at this time for the agency. We are in the process of scheduling the next Subcommittee meeting with the agency. Thank you for your service to the citizens of South Carolina and for your continued cooperation with the legislative oversight process.

Sincerely,

Laurie Slade Funderburk  
Committee First Vice-Chair

cc: Economic Development, Transportation, and Natural Resources Subcommittee Members



STATE OF SOUTH CAROLINA  
HUMAN AFFAIRS COMMISSION



Raymond Buxton, II  
Commissioner

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July 31, 2017

**VIA EMAIL TO JENNIFER DOBSON AND CHARLES APPLEBY**

Hon. Neal A. Collins, Hon. Mandy Powers Norrell,

Hon. Robert L. Ridgeway, III, and

Hon. Laurie Slade-Funderburk

S. C. House Legislative Oversight Committee

Economic Development, Transportation, and

Natural Resources Subcommittee

PO Box 11867

Columbia, SC 29211

**RE: *South Carolina Human Affairs Commission – Clarification of Previous Responses***

Dear Honorable Members of the Subcommittee:

We thank you for your kind attention during our presentation on July 10. Though no specific questions followed in your Subcommittee's letter dated July 12, we wanted to clarify a few issues that came up during our presentations. Additionally, we had asked for an extension to part of a question posed in your letter dated June 27. Our response is now contained herein.

**Question - Discrimination Complaints**

**“For calendar years 2016 and 2017, please provide a statistical breakdown, each month statewide and by county of the complaints the agency has received through its intake division including: (a) category of alleged discrimination, (b) number of cases dismissed without investigation overall and by category of alleged discrimination, and (c) number of cases investigated overall and by category of alleged discrimination. For the number of cases investigated, please note how many have resulted in a finding and how many are still under investigation. Please coordinate with Committee staff to determine an appropriate format to provide this information.”**

**Answer-** Please see the attached spreadsheets entitled “EEOC and FEPA Receipts in SC” and “Housing Cases by County”. While our Agency has attempted to work with Committee staff to determine an appropriate format for this information, should the Honorable Members of the Subcommittee need clarification, please let the Agency know.

**Question** – *What is the average length of tenure for your investigators?*

*Our mission is to eliminate and prevent unlawful discrimination in employment, housing and public accommodations.*

**Answer** – All Staff's Average Length of Tenure can be found in the following chart. (Data calculated as of July 12, 2017)

Average Years of Tenure for Human Affairs Commission				
Department	Title	Average Years	Average	
			Years	Months
Administration		9.41	9	5
Community Relations		10.95	10	11
EEO Enforcement	Investigator	1.86	1	10
EEO Enforcement	Senior Consultant	29.65	29	8
Fair Housing	Admin Specialist	9.78	9	9
Fair Housing	Director	3.95	3	11
Fair Housing	Investigator	7.09	7	1
EEO Intake	Admin Specialist	1.84	1	10
EEO Intake	Investigator	2.61	2	7
EEO Intake	Supervisor	3.95	3	11
Legal		1.44	1	5
Mediation		37.12	37	1
Technical Services		3.49	3	6
<b>Grand Total</b>		<b>6.14</b>	<b>6</b>	<b>2</b>

**Question** – *How many employment file mediations are held, and how many are resolved?*

In order to give the right context to our mediation success rate, we have broken out our data into three categories:

- 1) The first chart contains all cases referred to the mediation department, meaning the parties have agreed to hold mediation. Sometimes, after the mediation is referred, but before it is held, the parties may settle the cases themselves, or one party may back out of mediation. These are internally described to as "Returns".

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CASES REFERRED FOR MEDIATION AT SCHAC  
(includes Agreements, Impasses & Returns)

YEAR	TOTAL REFERRED	TOTAL CASE #	PERCENTAGE	TIME PERIOD
1/2016 – 12/2016	124	1,040	11.92%	Calendar Year 2016
1/2017 – 7/2017	69	446	15.47%	Calendar Year 2017 to date
7/2016 – 6/2017	144	1,012	15.61%	FY 2017 - State
10/2016 – 6/2017	106	706	15.01%	FY 2017 - Federal

2) This chart contains all mediations held, whether or not the mediation resulted in an agreement.

MEDIATIONS SCHEDULED AT SCHAC  
(includes cases settled and impasses)

YEAR	TOTAL SCHEDULED	TOTAL CASE #	PERCENTAGE	TIME PERIOD
1/2016 – 12/2016	115	1,040	11.05%	Calendar Year 2016
1/2017 – 7/2017	62	446	13.09%	Calendar Year 2017 to date
7/2016 – 6/2017	127	1,012	12.55%	FY 2017 - State
10/2016 – 6/2017	98	706	13.88%	FY 2017 - Federal

3) This last chart shows all successful mediations which resolved an employment discrimination file. During this calendar year, just over 8% of our cases have been successfully resolved through mediation, and more than half of the mediations held have resulted in an agreement between the parties.

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CASES RESOLVED BY MEDIATION AT SCHAC  
(cases settled by mediation)

YEAR	TOTAL SETTLED	TOTAL CASE #	PERCENTAGE	TIME PERIOD
1/2016 – 12/2016	81	1,040	7.79%	Calendar Year 2016
1/2017 – 7/2017	36	446	8.07%	Calendar Year 2017 to date
7/2016 – 6/2017	83	1,012	8.20%	FY 2017 - State
10/2016 – 6/2017	57	706	8.07%	FY 2017 - Federal

**Question** – *Must an individual exhaust his or her administrative remedy under SCHAC's laws?*

**Answer** – An individual must exhaust an administrative remedy under the Human Affairs Law (employment) and the Equal Enjoyment and Privileges to Public Accommodations Law (public accommodation). In contrast, under the Fair Housing Law, an individual may file a lawsuit without first filing a complaint with the Agency. It is worth noting that the Equal Enjoyment and Privileges to Public Accommodations Law most closely mirrors the federal protections found in Title II of the Civil Rights Act of 1964, which does not require that an administrative remedy be exhausted before filing a lawsuit.

Again, thank you for giving us the opportunity to work with your esteemed Subcommittee so that we may work together in bettering the lives of our citizens, and our public servants. Please also note that we have attached two additional law recommendations to this letter.

Sincerely,

  
Commissioner Raymond Buxton, II

**Attachments:**

EEOC and FEPA Receipts in SC (Excel)  
Housing Cases by County (Excel)  
Law Recommendations #23 and 24

*Our mission is to eliminate and prevent unlawful discrimination in employment, housing and public accommodations.*

Case Number	HUD/ FHAP	County	Filing Date	Closure Date	Closure Reason	Bases	Issues
04-16-4834-8	FHAP	Aiken	06/30/16	10/04/16	No cause determination	Sex, Familial Status	Discriminatory refusal to negotiate for rental; Otherwise deny or make housing unavailable
04-17-7719-8	FHAP	Aiken	04/10/17			Sex, Retaliation	Discriminatory refusal to negotiate for rental; Discriminatory acts under Section 818 (coercion, Etc.)
04-16-4333-8	FHAP	Anderson	02/22/16	06/15/16	No cause determination	Race	Discrimination in terms/conditions/privileges relating to rental
04-16-5274-8	HUD	Anderson	09/13/16	04/26/17	No cause determination	Race	Discriminatory financing (includes real estate transactions); Discrimination in terms/conditions/privileges relating to sale
04-16-4424-8	FHAP	Beaufort	03/21/16	06/15/16	Conciliation/settlement successful	Race	Discriminatory refusal to rent and negotiate for rental; Discriminatory terms, conditions, privileges, or services and facilities; Otherwise deny or make housing unavailable
04-17-6177-8	FHAP	Beaufort	11/29/16	12/16/16	Conciliation/settlement successful	Race	Discrimination in terms/conditions/privileges relating to rental; Otherwise deny or make housing unavailable
04-17-6280-8	FHAP	Beaufort	12/06/16			Disability	Discriminatory acts under Section 818 (coercion, Etc.); Failure to make reasonable accommodation
04-17-6275-8	FHAP	Beaufort	12/06/16	02/14/17	Conciliation/settlement successful	Disability	Failure to make reasonable accommodation
04-17-6276-8	FHAP	Beaufort	12/06/16	02/27/17	Conciliation/settlement successful	Disability	Failure to make reasonable accommodation
04-17-6619-8	FHAP	Beaufort	01/04/17	03/17/17	Conciliation/settlement successful	Disability	Discrimination in terms/conditions/privileges relating to rental; Failure to make reasonable accommodation
04-17-6620-8	FHAP	Beaufort	01/04/17	02/07/17	Conciliation/settlement successful	Disability	Discrimination in terms/conditions/privileges relating to rental; Failure to make reasonable accommodation
04-17-6741-8	FHAP	Beaufort	01/12/17	04/21/17	Conciliation/settlement successful	Disability	Discriminatory terms, conditions, privileges, or services and facilities; Failure to make reasonable accommodation
04-17-7036-8	FHAP	Beaufort	02/09/17	06/05/17	Conciliation/settlement successful	Disability	Discrimination in terms/conditions/privileges relating to rental; Failure to make reasonable accommodation
04-17-7039-8	FHAP	Beaufort	02/10/17	05/02/17	Conciliation/settlement successful	Disability	Discrimination in terms/conditions/privileges relating to rental; Failure to make reasonable accommodation
04-17-7098-8	HUD	Beaufort	02/15/17	04/12/17	Conciliation/settlement successful	Disability	Discriminatory terms, conditions, privileges, or services and facilities; Failure to make reasonable accommodation
04-17-8275-8	FHAP	Beaufort	05/24/17			Disability	Failure to make reasonable accommodation
04-16-4512-8	HUD	Berkeley	04/12/16	06/22/16	No cause determination	National Origin	Discriminatory financing (includes real estate transactions); Discrimination in terms/conditions/privileges relating to sale
04-16-4838-8	HUD	Berkeley	07/05/16	08/04/16	Dismissed for lack of jurisdiction	Race	Discrimination in terms/conditions/privileges relating to rental; Discriminatory acts under Section 818 (coercion, Etc.)
04-17-6277-8	FHAP	Berkeley	12/06/16	04/17/17	No cause determination	Race, Disability	Discriminatory refusal to rent
04-17-6853-8	FHAP	Berkeley	01/26/17	05/11/17	Conciliation/settlement successful	Race	Discriminatory refusal to negotiate for rental; Discrimination in terms/conditions/privileges relating to rental; Otherwise deny or make housing unavailable; Discriminatory acts under Section 818 (coercion, Etc.)
04-17-7116-8	FHAP	Berkeley	02/16/17	04/28/17	No cause determination	Race	Discriminatory refusal to negotiate for rental; Discrimination in terms/conditions/privileges relating to rental; Otherwise deny or make housing unavailable; Discriminatory acts under Section 818 (coercion, Etc.)
04-17-8596-8	FHAP	Berkeley	06/16/17			Disability	Discriminatory refusal to rent; Discrimination in terms/conditions/privileges relating to rental; Otherwise deny or make housing unavailable; Failure to make reasonable accommodation
04-17-8597-8	FHAP	Berkeley	06/16/17			Disability	Discriminatory refusal to rent; Discrimination in terms/conditions/privileges relating to rental; Otherwise deny or make housing unavailable; Failure to make reasonable accommodation
04-17-8717-8	FHAP	Berkeley	06/27/17			Disability	Discriminatory refusal to rent; Discrimination in terms/conditions/privileges relating to rental; Otherwise deny or make housing unavailable; Failure to make reasonable accommodation

04-17-8719-8	FHAP	Berkeley	06/27/17			Disability	Discriminatory refusal to rent; Discrimination in terms/conditions/privileges relating to rental; Otherwise deny or make housing unavailable; Failure to make reasonable accommodation
04-17-8720-8	FHAP	Berkeley	06/27/17			Disability	Discriminatory refusal to rent; Discrimination in terms/conditions/privileges relating to rental; Otherwise deny or make housing unavailable; Failure to make reasonable accommodation
04-16-4242-8	FHAP	Charleston	01/29/16	04/26/16	Conciliation/settlement successful	Race	Discriminatory refusal to negotiate for rental; False denial or representation of availability - rental; Discrimination in terms/conditions/privileges relating to rental; Discriminatory acts under Section 818 (coercion, Etc.)
04-16-4259-8	FHAP	Charleston	02/01/16	04/25/16	Conciliation/settlement successful	Disability	Discriminatory terms, conditions, privileges, or services and facilities; Discriminatory acts under Section 818 (coercion, Etc.); Failure to make reasonable accommodation
04-16-4303-8	HUD	Charleston	02/16/16	05/19/16	Complaint withdrawn by complainant without resolution	Race	Discriminatory financing (includes real estate transactions); Discriminatory terms, conditions, privileges, or services and facilities; Refusing to provide insurance; Otherwise deny or make housing unavailable
04-16-4304-8	HUD	Charleston	02/16/16	05/23/16	Conciliation/settlement successful	Race	Discriminatory financing (includes real estate transactions); Discriminatory terms, conditions, privileges, or services and facilities; Refusing to provide insurance; Otherwise deny or make housing unavailable
04-16-4574-8	FHAP	Charleston	04/22/16	08/04/16	No cause determination	Disability	Failure to permit reasonable modification
04-16-4566-8	HUD	Charleston	04/27/16	10/19/16	Complaint withdrawn by complainant without resolution	Race, National Origin	Discriminatory refusal to rent and negotiate for rental; Discriminatory terms, conditions, privileges, or services and facilities; Steering; Redlining; Otherwise deny or make housing unavailable
04-16-4833-8	FHAP	Charleston	06/30/16	08/25/16	Conciliation/settlement successful	Disability	Failure to make reasonable accommodation
04-16-4832-8	FHAP	Charleston	06/30/16	08/18/16	Conciliation/settlement successful	Disability	Failure to make reasonable accommodation
04-16-4859-8	FHAP	Charleston	07/11/16	12/05/16	No cause determination	Race, National Origin	Discriminatory refusal to negotiate for rental; Discriminatory acts under Section 818 (coercion, Etc.)
04-16-4875-8	FHAP	Charleston	07/14/16	10/12/16	No cause determination	Disability	Failure to make reasonable accommodation
04-16-5003-8	FHAP	Charleston	08/18/16	09/20/16	No cause determination	National Origin	Discriminatory terms, conditions, privileges, or services and facilities
04-16-5484-8	FHAP	Charleston	09/28/16	01/31/17	No cause determination	Race	Discriminatory refusal to rent; Discrimination in terms/conditions/privileges relating to rental
04-17-6154-8	FHAP	Charleston	11/28/16	05/17/17	Conciliation/settlement successful	Disability	Failure to permit reasonable modification
04-17-6278-8	FHAP	Charleston	12/06/16	04/21/17	No cause determination	Race, Disability, Retaliation	Discrimination in terms/conditions/privileges relating to rental
04-17-7114-8	FHAP	Charleston	02/16/17			Sex	Discriminatory terms, conditions, privileges, or services and facilities
04-17-7179-8	FHAP	Charleston	02/23/17	05/25/17	Conciliation/settlement successful	Disability	Discrimination in terms/conditions/privileges relating to rental; Otherwise deny or make housing unavailable; Failure to make reasonable accommodation
04-17-7233-8	FHAP	Charleston	02/28/17	06/20/17	No cause determination	Disability, Retaliation	Discrimination in terms/conditions/privileges relating to rental; Failure to permit reasonable modification
04-17-7420-8	FHAP	Charleston	03/15/17	05/15/17	Conciliation/settlement successful	Disability	Discriminatory refusal to negotiate for rental; Otherwise deny or make housing unavailable; Discriminatory acts under Section 818 (coercion, Etc.)
04-17-7634-8	FHAP	Charleston	03/30/17			Familial Status	Discriminatory refusal to negotiate for rental; Discriminatory terms, conditions, privileges, or services and facilities; Otherwise deny or make housing unavailable
04-17-7996-8	FHAP	Charleston	04/28/17			Disability	Discrimination in terms/conditions/privileges relating to rental; Failure to make reasonable accommodation
04-17-8056-8	FHAP	Charleston	05/05/17			Disability	Failure to make reasonable accommodation
04-17-8055-8	FHAP	Charleston	05/05/17			Disability	Discrimination in terms/conditions/privileges relating to rental; Failure to make reasonable accommodation

04-17-8661-8	FHAP	Charleston	06/22/17			Disability	Discriminatory refusal to rent; Discrimination in terms/conditions/privileges relating to rental; Otherwise deny or make housing unavailable; Failure to make reasonable accommodation
04-17-8723-8	FHAP	Charleston	06/27/17			Disability	Discrimination in terms/conditions/privileges relating to rental; Otherwise deny or make housing unavailable; Failure to make reasonable accommodation
04-17-8722-8	FHAP	Charleston	06/27/17			Disability	Discrimination in terms/conditions/privileges relating to rental; Steering; Otherwise deny or make housing unavailable; Failure to make reasonable accommodation
04-17-8721-8	FHAP	Charleston	06/27/17			Disability	Discriminatory terms, conditions, privileges, or services and facilities; Otherwise deny or make housing unavailable; Failure to make reasonable accommodation
04-17-8724-8	FHAP	Charleston	06/27/17			Disability	Discriminatory refusal to negotiate for rental; Discrimination in terms/conditions/privileges relating to rental; Otherwise deny or make housing unavailable; Failure to make reasonable accommodation
04-16-4164-8	FHAP	Cherokee	01/14/16	04/19/16	No cause determination	Disability	Discriminatory terms, conditions, privileges, or services and facilities; Otherwise deny or make housing unavailable; Failure to make reasonable accommodation
04-17-7997-8	FHAP	Cherokee	04/28/17			Disability	Discriminatory refusal to rent and negotiate for rental; Discrimination in terms/conditions/privileges relating to rental; Otherwise deny or make housing unavailable; Failure to make reasonable accommodation
04-16-4757-8	FHAP	Chester	06/14/16	09/13/16	No cause determination	Race	Discriminatory refusal to sell and negotiate for sale; Otherwise deny or make housing unavailable
04-17-5894-8	FHAP	Chesterfield	11/04/16	02/14/17	Conciliation/settlement unsuccessful	Disability	Failure to make reasonable accommodation
04-17-5655-8	FHAP	Darlington	10/19/16	11/04/16	Conciliation/settlement successful	Disability	Failure to make reasonable accommodation
04-17-6155-8	FHAP	Dorchester	11/28/16			Race	Discriminatory terms, conditions, privileges, or services and facilities; Discriminatory acts under Section 818 (coercion, Etc.)
04-17-8660-8	FHAP	Dorchester	06/22/17			Disability	Discriminatory refusal to rent; Discrimination in terms/conditions/privileges relating to rental; Otherwise deny or make housing unavailable; Failure to make reasonable accommodation
04-17-8659-8	FHAP	Dorchester	06/22/17			Disability	Discriminatory refusal to rent; Discrimination in terms/conditions/privileges relating to rental; Otherwise deny or make housing unavailable; Failure to make reasonable accommodation
04-17-8716-8	FHAP	Dorchester	06/27/17			Disability	Discriminatory refusal to rent; Discrimination in terms/conditions/privileges relating to rental; Otherwise deny or make housing unavailable; Failure to make reasonable accommodation
04-17-8718-8	FHAP	Dorchester	06/27/17			Disability	Discriminatory refusal to rent; Discrimination in terms/conditions/privileges relating to rental; Otherwise deny or make housing unavailable; Failure to make reasonable accommodation
04-17-8155-8	FHAP	Edgefield	05/15/17			Race, Sex	Discriminatory refusal to rent and negotiate for rental; Discrimination in terms/conditions/privileges relating to rental; Otherwise deny or make housing unavailable
04-17-7418-8	FHAP	Florence	03/15/17	05/25/17	No cause determination	Race	False denial or representation of availability - rental; Discriminatory terms, conditions, privileges, or services and facilities; Otherwise deny or make housing unavailable
04-17-8715-8	FHAP	Florence	06/27/17			Disability	Discriminatory refusal to negotiate for rental; Discrimination in terms/conditions/privileges relating to rental; Failure to make reasonable accommodation
04-16-4289-8	FHAP	Georgetown	02/09/16	06/28/16	No cause determination	Disability	Discriminatory refusal to rent; Discriminatory terms, conditions, privileges, or services and facilities; Failure to make reasonable accommodation

04-17-7753-8	HUD	Georgetown	04/12/17			Race	Discriminatory terms, conditions, privileges, or services and facilities; Otherwise deny or make housing unavailable; Restriction of choices relative to a rental; Using ordinances to discriminate in zoning and land use
04-16-4204-8	FHAP	Greenville	01/25/16	03/24/16	No cause determination	Disability, Retaliation	Discriminatory terms, conditions, privileges, or services and facilities; Discriminatory acts under Section 818 (coercion, Etc.); Failure to permit reasonable modification; Failure to make reasonable accommodation
04-16-4281-8	FHAP	Greenville	02/05/16	06/09/16	No cause determination	Disability, Retaliation	Other discriminatory acts; Discriminatory acts under Section 818 (coercion, Etc.); Failure to make reasonable accommodation
04-16-4340-8	FHAP	Greenville	02/23/16	06/17/16	Conciliation/settlement successful	Disability, Retaliation	Discrimination in terms/conditions/privileges relating to rental; Discriminatory acts under Section 818 (coercion, Etc.)
04-16-4405-8	HUD	Greenville	03/15/16	09/15/16	No cause determination	Race, Disability	Discriminatory financing (includes real estate transactions); Discriminatory terms, conditions, privileges, or services and facilities
04-16-4464-8	FHAP	Greenville	03/28/16	08/08/16	No cause determination	National Origin, Disability	Discriminatory refusal to negotiate for rental; Otherwise deny or make housing unavailable; Failure to make reasonable accommodation
04-16-4538-8	FHAP	Greenville	04/15/16	06/30/16	No cause determination	National Origin	Discriminatory terms, conditions, privileges, or services and facilities
04-16-4746-8	FHAP	Greenville	06/07/16	11/03/16	Conciliation/settlement successful	Disability	Failure to permit reasonable modification
04-16-4873-8	FHAP	Greenville	07/14/16	12/02/16	Conciliation/settlement successful	Disability	Discriminatory terms, conditions, privileges, or services and facilities; Discriminatory acts under Section 818 (coercion, Etc.)
04-16-4977-8	FHAP	Greenville	08/08/16	09/22/16	Conciliation/settlement successful	Race	Discrimination in terms/conditions/privileges relating to rental
04-16-5483-8	FHAP	Greenville	09/28/16	12/12/16	Conciliation/settlement successful	Disability	Discriminatory terms, conditions, privileges, or services and facilities
04-17-5934-8	FHAP	Greenville	11/08/16	01/06/17	Conciliation/settlement successful	Disability	Failure to make reasonable accommodation
04-17-6176-8	FHAP	Greenville	11/29/16	01/31/17	Conciliation/settlement successful	Disability, Retaliation	Failure to make reasonable accommodation
04-17-7236-8	FHAP	Greenville	02/28/17	05/26/17	No cause determination	Race	Discriminatory refusal to rent; Otherwise deny or make housing unavailable
04-17-8595-8	FHAP	Greenville	06/16/17			Disability	Discriminatory refusal to negotiate for rental; Otherwise deny or make housing unavailable; Failure to make reasonable accommodation
04-17-6917-8	HUD	Greenwood	01/31/17	02/15/17	Conciliation/settlement successful	Disability	Discriminatory terms, conditions, privileges, or services and facilities; Discriminatory acts under Section 818 (coercion, Etc.)
04-16-4169-8	FHAP	Horry	01/19/16	04/08/16	Conciliation/settlement successful	Disability	Discriminatory terms, conditions, privileges, or services and facilities; Failure to make reasonable accommodation
04-16-4189-8	FHAP	Horry	01/22/16	02/08/16	Conciliation/settlement successful	Disability	Discriminatory terms, conditions, privileges, or services and facilities; Discriminatory acts under Section 818 (coercion, Etc.); Failure to make reasonable accommodation
04-16-4237-8	FHAP	Horry	01/28/16	03/23/16	Complaint withdrawn by complainant after resolution	Disability	Discriminatory terms, conditions, privileges, or services and facilities; Failure to make reasonable accommodation
04-16-4551-8	HUD	Horry	04/21/16	07/11/16	Complaint withdrawn by complainant after resolution	Disability	Discriminatory terms, conditions, privileges, or services and facilities; Failure to permit reasonable modification
04-16-4561-8	HUD	Horry	04/26/16	07/11/16	No cause determination	Disability	Discrimination in terms/conditions/privileges relating to rental; Failure to make reasonable accommodation
04-16-4665-8	FHAP	Horry	05/17/16	08/22/16	Conciliation/settlement successful	Disability	Discriminatory terms, conditions, privileges, or services and facilities; Failure to make reasonable accommodation
04-16-4810-8	FHAP	Horry	06/28/16	06/28/16	No cause determination	Retaliation	Discriminatory terms, conditions, privileges, or services and facilities
04-17-5754-8	FHAP	Horry	10/26/16	04/13/17	No cause determination	Disability, Retaliation	Discriminatory refusal to rent and negotiate for rental; Discriminatory acts under Section 818 (coercion, Etc.)
04-17-6015-8	FHAP	Horry	11/15/16	02/13/17	Conciliation/settlement successful	Race	Discriminatory refusal to negotiate for rental; Otherwise deny or make housing unavailable
04-17-6618-8	FHAP	Horry	01/04/17	04/25/17	Conciliation/settlement successful	Disability	Discriminatory acts under Section 818 (coercion, Etc.); Failure to provide an accessible building entrance; Failure to provide accessible and usable public and common user areas

04-17-6777-8	HUD	Horry	01/19/17	03/31/17	No cause determination	Sex	Discriminatory financing (includes real estate transactions)
04-17-6898-8	FHAP	Horry	01/30/17			Disability	Discriminatory terms, conditions, privileges, or services and facilities; Failure to permit reasonable modification
04-17-7834-8	FHAP	Horry	04/18/17			Disability	Discriminatory terms, conditions, privileges, or services and facilities; Failure to provide accessible and usable public and common user areas; Failure to permit reasonable modification
04-17-7874-8	FHAP	Horry	04/20/17			Disability	Discriminatory terms, conditions, privileges, or services and facilities; Otherwise deny or make housing unavailable; Discriminatory acts under Section 818 (coercion, Etc.); Failure to provide an accessible building entrance; Failure to permit reasonable modification
04-17-8100-8	FHAP	Horry	05/09/17			National Origin	Discrimination in terms/conditions/privileges relating to rental
04-17-8138-8	FHAP	Horry	05/11/17			Disability	Failure to make reasonable accommodation
04-17-8594-8	FHAP	Horry	06/16/17			Disability	Discriminatory terms, conditions, privileges, or services and facilities; Failure to make reasonable accommodation
04-17-5816-8	FHAP	Kershaw	10/31/16	03/15/17	Conciliation/settlement successful	Disability	Failure to make reasonable accommodation
04-17-6801-8	FHAP	Kershaw	01/23/17	05/02/17	Conciliation/settlement successful	Race, Disability	Discriminatory refusal to rent; Otherwise deny or make housing unavailable
04-17-7294-8	FHAP	Kershaw	03/06/17	06/22/17	No cause determination	Disability	Discriminatory refusal to negotiate for sale; Discrimination in terms/conditions/privileges relating to rental; Discriminatory acts under Section 818 (coercion, Etc.); Failure to make reasonable accommodation
04-17-7456-8	FHAP	Kershaw	03/17/17	06/29/17	Complainant failed to cooperate	Disability	Discriminatory refusal to negotiate for rental; Discrimination in terms/conditions/privileges relating to rental; Failure to make reasonable accommodation
04-16-4758-8	FHAP	Lancaster	06/10/16	06/27/16	Conciliation/settlement successful	Disability	Failure to make reasonable accommodation
04-17-6673-8	FHAP	Lancaster	01/09/17			Disability, Retaliation	Discriminatory terms, conditions, privileges, or services and facilities; Discriminatory acts under Section 818 (coercion, Etc.); Failure to make reasonable accommodation
04-17-7718-8	FHAP	Lancaster	04/10/17			Disability	Otherwise deny or make housing unavailable; Failure to make reasonable accommodation
04-17-7758-8	FHAP	Lancaster	04/12/17			Disability	Failure to permit reasonable modification
04-17-8276-8	FHAP	Lancaster	05/24/17			Disability	Failure to make reasonable accommodation
04-16-4553-8	FHAP	Laurens	04/21/16	07/23/16	Dismissed for lack of jurisdiction	Disability	Discriminatory advertising, statements and notices; Discrimination in terms/conditions/privileges relating to rental; Otherwise deny or make housing unavailable
04-17-5584-8	FHAP	Laurens	10/12/16	03/01/17	No cause determination	Race, Retaliation	Discriminatory refusal to negotiate for rental; Discrimination in terms/conditions/privileges relating to rental; Discriminatory acts under Section 818 (coercion, Etc.)
04-16-4669-8	FHAP	Lexington	05/18/16	01/17/17	Conciliation/settlement successful	Familial Status	Discriminatory advertising, statements and notices; Discrimination in terms/conditions/privileges relating to rental
04-16-5220-8	FHAP	Lexington	09/07/16	02/06/17	No cause determination	Disability	Discrimination in terms/conditions/privileges relating to rental; Otherwise deny or make housing unavailable; Failure to make reasonable accommodation
04-16-5267-8	FHAP	Lexington	09/12/16	11/14/16	Conciliation/settlement successful	Disability, Retaliation	Discriminatory acts under Section 818 (coercion, Etc.); Failure to make reasonable accommodation
04-16-5381-8	HUD	Lexington	09/21/16			Race	Discriminatory financing (includes real estate transactions); Otherwise deny or make housing unavailable
04-17-6054-8	FHAP	Lexington	11/17/16	12/20/16	No cause determination	Disability	Discriminatory refusal to negotiate for rental; Otherwise deny or make housing unavailable
04-17-7035-8	FHAP	Lexington	02/09/17	04/17/17	Complaint withdrawn by complainant after resolution	Race	Discrimination in terms/conditions/privileges relating to sale
04-17-7153-8	HUD	Lexington	02/22/17	05/31/17	No cause determination	Race	Discriminatory financing (includes real estate transactions)
04-17-7895-8	FHAP	Lexington	04/21/17	06/20/17	No cause determination	Race, Disability, Retaliation	Discriminatory terms, conditions, privileges, or services and facilities; Failure to make reasonable accommodation

04-17-7998-8	FHAP	Lexington	04/28/17			Race, Familial Status	Discriminatory refusal to rent
04-17-8058-8	FHAP	Lexington	05/05/17	05/11/17	No cause determination	National Origin	Discriminatory refusal to negotiate for rental; Discrimination in services and facilities relating to rental; Discriminatory acts under Section 818 (coercion, Etc.)
04-17-8054-8	FHAP	Lexington	05/05/17			Race, Familial Status	Discriminatory refusal to rent; Discrimination in terms/conditions/privileges relating to rental; Otherwise deny or make housing unavailable
04-17-8053-8	FHAP	Lexington	05/05/17			Race	Discriminatory refusal to negotiate for rental; Discrimination in terms/conditions/privileges relating to rental; Otherwise deny or make housing unavailable
04-17-8375-8	FHAP	Lexington	06/01/17			Race	Discrimination in terms/conditions/privileges relating to rental
04-16-4402-8	FHAP	Marion	03/14/16		Not Selected	Retaliation	Discriminatory refusal to rent and negotiate for rental; Otherwise deny or make housing unavailable; Discriminatory acts under Section 818 (coercion, Etc.)
04-17-7421-8	FHAP	Orangeburg	03/15/17	05/01/17	Conciliation/settlement successful	Disability	Discrimination in terms/conditions/privileges relating to rental; Failure to make reasonable accommodation
04-16-4476-8	FHAP	Pickens	03/31/16	06/29/16	Conciliation/settlement successful	Sex	Discriminatory advertising, statements and notices; Discrimination in terms/conditions/privileges relating to rental; Other discriminatory acts
04-17-7754-8	FHAP	Pickens	04/12/17	05/11/17	No cause determination	Disability	Failure to make reasonable accommodation
04-16-4183-8	FHAP	Richland	01/21/16	03/21/16	No cause determination	Retaliation	Discrimination in terms/conditions/privileges relating to rental; Discriminatory acts under Section 818 (coercion, Etc.)
04-16-4197-8	FHAP	Richland	01/25/16	01/28/16	Dismissed for lack of jurisdiction	Disability	Otherwise deny or make housing unavailable; Failure to make reasonable accommodation
04-16-4246-8	FHAP	Richland	01/29/16	04/25/16	Conciliation/settlement successful	Disability, Retaliation	Discrimination in services and facilities relating to rental; Discriminatory acts under Section 818 (coercion, Etc.)
04-16-4275-8	FHAP	Richland	02/04/16	06/17/16	Conciliation/settlement successful	Race, Color	Discriminatory refusal to sell and negotiate for sale; Discriminatory refusal to rent and negotiate for rental; Discriminatory terms, conditions, privileges, or services and facilities
04-16-4287-8	HUD	Richland	02/08/16	03/14/16	No cause determination	Disability	Discriminatory financing (includes real estate transactions); Discriminatory terms, conditions, privileges, or services and facilities; Failure to make reasonable accommodation
04-16-4406-8	FHAP	Richland	03/15/16	05/16/16	Complaint withdrawn by complainant after resolution	Disability	Discriminatory terms, conditions, privileges, or services and facilities; Otherwise deny or make housing unavailable; Discriminatory acts under Section 818 (coercion, Etc.); Failure to permit reasonable modification
04-16-4436-8	FHAP	Richland	03/23/16	06/29/16	No cause determination	Race, Sex, Disability, Retaliation	Discriminatory refusal to rent and negotiate for rental; Discriminatory terms, conditions, privileges, or services and facilities; Otherwise deny or make housing unavailable; Discriminatory acts under Section 818 (coercion, Etc.); Failure to permit reasonable modification
04-16-4539-8	FHAP	Richland	04/14/16	07/15/16	No cause determination	Disability	Discriminatory refusal to negotiate for rental; Discriminatory terms, conditions, privileges, or services and facilities; Failure to make reasonable accommodation
04-16-4552-8	HUD	Richland	04/21/16	08/09/16	Conciliation/settlement successful	Disability	Discriminatory terms, conditions, privileges, or services and facilities; Failure to permit reasonable modification
04-16-4642-8	FHAP	Richland	05/09/16	09/23/16	Conciliation/settlement successful	Disability	Otherwise deny or make housing unavailable; Failure to make reasonable accommodation
04-16-4637-8	FHAP	Richland	05/10/16	08/09/16	No cause determination	Disability	Discrimination in terms/conditions/privileges relating to rental; Failure to make reasonable accommodation
04-16-4644-8	FHAP	Richland	05/11/16	06/20/16	No cause determination	Disability	Failure to make reasonable accommodation
04-16-4697-8	FHAP	Richland	05/26/16	05/27/16	No cause determination	Disability, Retaliation	Discriminatory refusal to negotiate for rental; Discrimination in terms/conditions/privileges relating to rental; Otherwise deny or make housing unavailable

04-16-4835-8	FHAP	Richland	06/29/16	07/08/16	Conciliation/settlement successful	Race	Discriminatory refusal to negotiate for rental; Discrimination in terms/conditions/privileges relating to rental
04-17-5614-8	FHAP	Richland	10/17/16	06/26/17	Conciliation/settlement successful	Sex	Discriminatory refusal to rent
04-17-5613-8	FHAP	Richland	10/17/16	03/06/17	Conciliation/settlement successful	Race	Discriminatory refusal to negotiate for rental
04-17-6016-8	FHAP	Richland	11/15/16			Disability	Discriminatory advertising, statements and notices; Discriminatory terms, conditions, privileges, or services and facilities; Otherwise deny or make housing unavailable; Restriction of choices relative to a rental; Failure to make reasonable accommodation
04-17-6178-8	FHAP	Richland	11/29/16	04/18/17	Conciliation/settlement successful	Disability	Failure to make reasonable accommodation
04-17-6695-8	HUD	Richland	01/10/17			Disability	Using ordinances to discriminate in zoning and land use; Failure to permit reasonable modification; Failure to make reasonable accommodation
04-17-6934-8	FHAP	Richland	02/01/17	05/16/17	No cause determination	Disability	Failure to provide an accessible building entrance; Failure to permit reasonable modification
04-17-7453-8	FHAP	Richland	03/17/17			National Origin, Familial Status	Discriminatory refusal to negotiate for rental; Discrimination in terms/conditions/privileges relating to rental
04-17-7757-8	FHAP	Richland	04/12/17			Sex, Disability	Discrimination in terms/conditions/privileges relating to rental; Failure to make reasonable accommodation
04-17-8057-8	FHAP	Richland	05/05/17	06/28/17	Complaint withdrawn by complainant without resolution	Disability	Failure to make reasonable accommodation
04-17-8294-8	FHAP	Richland	05/25/17			Disability	Otherwise deny or make housing unavailable; Failure to make reasonable accommodation
04-17-8593-8	FHAP	Richland	06/16/17			Disability	Discrimination in terms/conditions/privileges relating to rental
04-17-8658-8	FHAP	Richland	06/22/17			National Origin, Retaliation	Discriminatory refusal to rent; Discrimination in terms/conditions/privileges relating to rental
04-16-4408-8	FHAP	Saluda	03/16/16	06/24/16	No cause determination	Sex	Discrimination in services and facilities relating to rental; Otherwise deny or make housing unavailable
04-16-4277-8	FHAP	Spartanburg	02/05/16	03/18/16	No cause determination	Race, Disability	Discriminatory refusal to negotiate for rental; Discrimination in terms/conditions/privileges relating to rental; Otherwise deny or make housing unavailable
04-16-5482-8	FHAP	Spartanburg	09/28/16	01/24/17	Complainant failed to cooperate	Familial Status	Discriminatory refusal to rent
04-17-5817-8	FHAP	Spartanburg	10/31/16	02/24/17	Conciliation/settlement successful	Disability	Failure to make reasonable accommodation
04-17-6614-8	FHAP	Spartanburg	01/04/17	05/16/17	No cause determination	Race, Disability	Discriminatory terms, conditions, privileges, or services and facilities; Discriminatory acts under Section 818 (coercion, Etc.); Failure to make reasonable accommodation
04-17-8376-8	FHAP	Spartanburg	06/01/17	06/30/17	No cause determination	Disability	Discriminatory refusal to rent and negotiate for rental; Discrimination in terms/conditions/privileges relating to rental; Other non-compliance with design and construction requirements; Failure to make reasonable accommodation
04-17-8377-8	FHAP	Spartanburg	06/01/17			Race, National Origin, Retaliation	Discriminatory refusal to rent and negotiate for rental; Discriminatory terms, conditions, privileges, or services and facilities; Discriminatory acts under Section 818 (coercion, Etc.)
04-16-4491-8	FHAP	Sumter	04/04/16	05/26/16	Conciliation/settlement successful	Sex, Retaliation	Discriminatory refusal to rent and negotiate for rental; Otherwise deny or make housing unavailable
04-16-4794-8	FHAP	Sumter	06/22/16	09/21/16	No cause determination	Disability, Retaliation	Discriminatory acts under Section 818 (coercion, Etc.); Failure to permit reasonable modification
04-16-4141-8	HUD	Union	01/06/16	12/08/16	No cause determination	Race, Retaliation	Discriminatory advertising, statements and notices; Discrimination in terms/conditions/privileges relating to rental; Otherwise deny or make housing unavailable; Discriminatory acts under Section 818 (coercion, Etc.)

04-16-4368-8	HUD	Williamsburg	03/02/16	04/12/17	No cause determination	Race, Color, National Origin, Sex, Disability, Familial Status	Discriminatory terms, conditions, privileges, or services and facilities; Otherwise deny or make housing unavailable; Using ordinances to discriminate in zoning and land use; Failure to make reasonable accommodation
04-17-6279-8	FHAP	Williamsburg	12/06/16	03/06/17	No cause determination	Race	False denial or representation of availability
04-16-4321-8	FHAP	York	02/18/16	06/22/16	Conciliation/settlement successful	Race	Discriminatory terms, conditions, privileges, or services and facilities; Discriminatory acts under Section 818 (coercion, Etc.)
04-16-4540-8	FHAP	York	04/14/16	06/17/16	Conciliation/settlement successful	Disability	Failure to make reasonable accommodation
04-16-4535-8	HUD	York	04/18/16	06/27/17	No cause determination	Disability	Discriminatory acts under Section 818 (coercion, Etc.); Failure to permit reasonable modification; Failure to make reasonable accommodation
04-16-4643-8	FHAP	York	05/06/16	09/13/16	Conciliation/settlement successful	Race, Disability, Retaliation	Discriminatory refusal to rent; Discriminatory terms, conditions, privileges, or services and facilities; Failure to make reasonable accommodation
04-17-5755-8	FHAP	York	10/26/16	01/20/17	No cause determination	Disability	Failure to make reasonable accommodation
04-17-6055-8	FHAP	York	11/17/16	12/29/16	No cause determination	Race, Color, National Origin	Discriminatory refusal to rent and negotiate for rental; Otherwise deny or make housing unavailable
04-17-7417-8	FHAP	York	03/15/17			Disability	Discrimination in terms/conditions/privileges relating to sale; Otherwise deny or make housing unavailable

Equal Employment Opportunity Commission  
 EEOC and FEPA Charges Filed: 07/01/2016 - 07/20/2017  
 Charges filed against respondents in South Carolina  
 Breakdown by County

		EEOC	FEPA (SCHAC)	Total
<b>Total</b>	<b>Total Charges</b>	1,261	735	1,996
	<b>Race</b>	498	380	878
	<b>% Race</b>	39.5%	51.7%	44.0%
	<b>Sex</b>	400	242	642
	<b>% Sex</b>	31.7%	32.9%	32.2%
	<b>National Origin</b>	59	44	103
	<b>% National Origin</b>	4.7%	6.0%	5.2%
	<b>Religion</b>	35	29	64
	<b>% Religion</b>	2.8%	3.9%	3.2%
	<b>Color</b>	34	11	45
	<b>% Color</b>	2.7%	1.5%	2.3%
	<b>Retaliation - All Statutes</b>	627	480	1,107
	<b>% Retaliation - All Statutes</b>	49.7%	65.3%	55.5%
	<b>Retaliation - Title VII</b>	504	361	865
	<b>% Retaliation - Title VII</b>	40.0%	49.1%	43.3%
	<b>Age</b>	246	151	397
	<b>% Age</b>	19.5%	20.5%	19.9%
	<b>Disability</b>	354	255	609
	<b>% Disability</b>	28.1%	34.7%	30.5%
	<b>Equal Pay</b>	27	12	39
<b>% Equal Pay</b>	2.1%	1.6%	2.0%	
<b>GINA</b>	2		2	
<b>% GINA</b>	0.2%		0.1%	
	<b>Total Charges</b>	3		3
	<b>Race</b>	1		1
	<b>% Race</b>	33.3%		33.3%
	<b>Sex</b>			
	<b>% Sex</b>			
	<b>National Origin</b>			
	<b>% National Origin</b>			
	<b>Religion</b>			
	<b>% Religion</b>			
	<b>Color</b>			
	<b>% Color</b>			
	<b>Retaliation - All Statutes</b>	3		3
	<b>% Retaliation - All Statutes</b>	100.0%		100.0%
	<b>Retaliation - Title VII</b>	1		1
	<b>% Retaliation - Title VII</b>	33.3%		33.3%
	<b>Age</b>			
	<b>% Age</b>			
	<b>Disability</b>	2		2
	<b>% Disability</b>	66.7%		66.7%
	<b>Equal Pay</b>			
<b>% Equal Pay</b>				
<b>GINA</b>				
<b>% GINA</b>				

Equal Employment Opportunity Commission  
 EEOC and FEPA Charges Filed: 07/01/2016 - 07/20/2017  
 Charges filed against respondents in South Carolina  
 Breakdown by County

		EEOC	FEPA (SCHAC)	Total
Abbeville	<b>Total Charges</b>	1	1	2
	<b>Race</b>	1	1	2
	<b>% Race</b>	100.0%	100.0%	100.0%
	<b>Sex</b>			
	<b>% Sex</b>			
	<b>National Origin</b>			
	<b>% National Origin</b>			
	<b>Religion</b>			
	<b>% Religion</b>			
	<b>Color</b>			
	<b>% Color</b>			
	<b>Retaliation - All Statutes</b>		1	1
	<b>% Retaliation - All Statutes</b>		100.0%	50.0%
	<b>Retaliation - Title VII</b>		1	1
	<b>% Retaliation - Title VII</b>		100.0%	50.0%
	<b>Age</b>		1	1
	<b>% Age</b>		100.0%	50.0%
	<b>Disability</b>	1	1	2
	<b>% Disability</b>	100.0%	100.0%	100.0%
	<b>Equal Pay</b>			
<b>% Equal Pay</b>				
<b>GINA</b>				
<b>% GINA</b>				
Aiken	<b>Total Charges</b>	49	31	80
	<b>Race</b>	22	12	34
	<b>% Race</b>	44.9%	38.7%	42.5%
	<b>Sex</b>	15	14	29
	<b>% Sex</b>	30.6%	45.2%	36.3%
	<b>National Origin</b>			
	<b>% National Origin</b>			
	<b>Religion</b>	1	1	2
	<b>% Religion</b>	2.0%	3.2%	2.5%
	<b>Color</b>		1	1
	<b>% Color</b>		3.2%	1.3%
	<b>Retaliation - All Statutes</b>	18	23	41
	<b>% Retaliation - All Statutes</b>	36.7%	74.2%	51.3%
	<b>Retaliation - Title VII</b>	14	18	32
	<b>% Retaliation - Title VII</b>	28.6%	58.1%	40.0%
	<b>Age</b>	15	3	18
	<b>% Age</b>	30.6%	9.7%	22.5%
	<b>Disability</b>	15	11	26
	<b>% Disability</b>	30.6%	35.5%	32.5%
	<b>Equal Pay</b>	2		2
<b>% Equal Pay</b>	4.1%		2.5%	
<b>GINA</b>	1		1	
<b>% GINA</b>	2.0%		1.3%	

Equal Employment Opportunity Commission  
 EEOC and FEPA Charges Filed: 07/01/2016 - 07/20/2017  
 Charges filed against respondents in South Carolina  
 Breakdown by County

		EEOC	FEPA (SCHAC)	Total
Allendale	<b>Total Charges</b>	1		1
	Race			
	% Race			
	Sex			
	% Sex			
	National Origin			
	% National Origin			
	Religion			
	% Religion			
	Color			
	% Color			
	Retaliation - All Statutes			
	% Retaliation - All Statutes			
	Retaliation - Title VII			
	% Retaliation - Title VII			
	Age			
	% Age			
	Disability	1		1
	% Disability	100.0%		100.0%
	Equal Pay			
% Equal Pay				
GINA				
% GINA				
Anderson	<b>Total Charges</b>	33	11	44
	Race	10	6	16
	% Race	30.3%	54.5%	36.4%
	Sex	13	4	17
	% Sex	39.4%	36.4%	38.6%
	National Origin	3		3
	% National Origin	9.1%		6.8%
	Religion		2	2
	% Religion		18.2%	4.5%
	Color			
	% Color			
	Retaliation - All Statutes	13	7	20
	% Retaliation - All Statutes	39.4%	63.6%	45.5%
	Retaliation - Title VII	10	5	15
	% Retaliation - Title VII	30.3%	45.5%	34.1%
	Age	8	1	9
	% Age	24.2%	9.1%	20.5%
	Disability	8	5	13
	% Disability	24.2%	45.5%	29.5%
	Equal Pay			
% Equal Pay				
GINA				
% GINA				

Equal Employment Opportunity Commission  
 EEOC and FEPA Charges Filed: 07/01/2016 - 07/20/2017  
 Charges filed against respondents in South Carolina  
 Breakdown by County

		EEOC	FEPA (SCHAC)	Total
<b>Bamberg</b>	<b>Total Charges</b>	3	2	5
	<b>Race</b>		1	1
	<b>% Race</b>		50.0%	20.0%
	<b>Sex</b>	2		2
	<b>% Sex</b>	66.7%		40.0%
	<b>National Origin</b>			
	<b>% National Origin</b>			
	<b>Religion</b>			
	<b>% Religion</b>			
	<b>Color</b>			
	<b>% Color</b>			
	<b>Retaliation - All Statutes</b>	1	1	2
	<b>% Retaliation - All Statutes</b>	33.3%	50.0%	40.0%
	<b>Retaliation - Title VII</b>	1	1	2
	<b>% Retaliation - Title VII</b>	33.3%	50.0%	40.0%
	<b>Age</b>	1	1	2
	<b>% Age</b>	33.3%	50.0%	40.0%
	<b>Disability</b>	1	1	2
	<b>% Disability</b>	33.3%	50.0%	40.0%
	<b>Equal Pay</b>			
<b>% Equal Pay</b>				
<b>GINA</b>				
<b>% GINA</b>				
<b>Barnwell</b>	<b>Total Charges</b>	3		3
	<b>Race</b>	1		1
	<b>% Race</b>	33.3%		33.3%
	<b>Sex</b>	1		1
	<b>% Sex</b>	33.3%		33.3%
	<b>National Origin</b>			
	<b>% National Origin</b>			
	<b>Religion</b>			
	<b>% Religion</b>			
	<b>Color</b>			
	<b>% Color</b>			
	<b>Retaliation - All Statutes</b>	3		3
	<b>% Retaliation - All Statutes</b>	100.0%		100.0%
	<b>Retaliation - Title VII</b>	2		2
	<b>% Retaliation - Title VII</b>	66.7%		66.7%
	<b>Age</b>	2		2
	<b>% Age</b>	66.7%		66.7%
	<b>Disability</b>	2		2
	<b>% Disability</b>	66.7%		66.7%
	<b>Equal Pay</b>			
<b>% Equal Pay</b>				
<b>GINA</b>				
<b>% GINA</b>				

Equal Employment Opportunity Commission  
 EEOC and FEPA Charges Filed: 07/01/2016 - 07/20/2017  
 Charges filed against respondents in South Carolina  
 Breakdown by County

		EEOC	FEPA (SCHAC)	Total
Beaufort	<b>Total Charges</b>	44	17	61
	<b>Race</b>	20	7	27
	<b>% Race</b>	45.5%	41.2%	44.3%
	<b>Sex</b>	13	5	18
	<b>% Sex</b>	29.5%	29.4%	29.5%
	<b>National Origin</b>	3	1	4
	<b>% National Origin</b>	6.8%	5.9%	6.6%
	<b>Religion</b>		1	1
	<b>% Religion</b>		5.9%	1.6%
	<b>Color</b>	3		3
	<b>% Color</b>	6.8%		4.9%
	<b>Retaliation - All Statutes</b>	15	11	26
	<b>% Retaliation - All Statutes</b>	34.1%	64.7%	42.6%
	<b>Retaliation - Title VII</b>	13	7	20
	<b>% Retaliation - Title VII</b>	29.5%	41.2%	32.8%
	<b>Age</b>	9	2	11
	<b>% Age</b>	20.5%	11.8%	18.0%
	<b>Disability</b>	12	8	20
	<b>% Disability</b>	27.3%	47.1%	32.8%
	<b>Equal Pay</b>			
<b>% Equal Pay</b>				
<b>GINA</b>				
<b>% GINA</b>				
Berkeley	<b>Total Charges</b>	31	12	43
	<b>Race</b>	11	3	14
	<b>% Race</b>	35.5%	25.0%	32.6%
	<b>Sex</b>	10	6	16
	<b>% Sex</b>	32.3%	50.0%	37.2%
	<b>National Origin</b>	3		3
	<b>% National Origin</b>	9.7%		7.0%
	<b>Religion</b>	1		1
	<b>% Religion</b>	3.2%		2.3%
	<b>Color</b>	2		2
	<b>% Color</b>	6.5%		4.7%
	<b>Retaliation - All Statutes</b>	17	10	27
	<b>% Retaliation - All Statutes</b>	54.8%	83.3%	62.8%
	<b>Retaliation - Title VII</b>	13	9	22
	<b>% Retaliation - Title VII</b>	41.9%	75.0%	51.2%
	<b>Age</b>	12		12
	<b>% Age</b>	38.7%		27.9%
	<b>Disability</b>	6	6	12
	<b>% Disability</b>	19.4%	50.0%	27.9%
	<b>Equal Pay</b>	1		1
<b>% Equal Pay</b>	3.2%		2.3%	
<b>GINA</b>				
<b>% GINA</b>				

Equal Employment Opportunity Commission  
 EEOC and FEPA Charges Filed: 07/01/2016 - 07/20/2017  
 Charges filed against respondents in South Carolina  
 Breakdown by County

	EEOC	FEPA (SCHAC)	Total
<b>Calhoun</b>	<b>Total Charges</b>		2
	<b>Race</b>		1
	<b>% Race</b>		50.0%
	<b>Sex</b>		1
	<b>% Sex</b>		50.0%
	<b>National Origin</b>		
	<b>% National Origin</b>		
	<b>Religion</b>		
	<b>% Religion</b>		
	<b>Color</b>		
	<b>% Color</b>		
	<b>Retaliation - All Statutes</b>		2
	<b>% Retaliation - All Statutes</b>		100.0%
	<b>Retaliation - Title VII</b>		1
	<b>% Retaliation - Title VII</b>		50.0%
	<b>Age</b>		1
	<b>% Age</b>		50.0%
	<b>Disability</b>		
	<b>% Disability</b>		
	<b>Equal Pay</b>		
<b>% Equal Pay</b>			
<b>GINA</b>			
<b>% GINA</b>			
<b>Charleston</b>	<b>Total Charges</b>	155	45
	<b>Race</b>	50	25
	<b>% Race</b>	32.3%	55.6%
	<b>Sex</b>	49	10
	<b>% Sex</b>	31.6%	22.2%
	<b>National Origin</b>	6	4
	<b>% National Origin</b>	3.9%	8.9%
	<b>Religion</b>	5	2
	<b>% Religion</b>	3.2%	4.4%
	<b>Color</b>	5	1
	<b>% Color</b>	3.2%	2.2%
	<b>Retaliation - All Statutes</b>	93	35
	<b>% Retaliation - All Statutes</b>	60.0%	77.8%
	<b>Retaliation - Title VII</b>	68	25
	<b>% Retaliation - Title VII</b>	43.9%	55.6%
	<b>Age</b>	40	11
	<b>% Age</b>	25.8%	24.4%
	<b>Disability</b>	53	14
	<b>% Disability</b>	34.2%	31.1%
	<b>Equal Pay</b>	4	
<b>% Equal Pay</b>	2.6%		
<b>GINA</b>			
<b>% GINA</b>			

Equal Employment Opportunity Commission  
 EEOC and FEPA Charges Filed: 07/01/2016 - 07/20/2017  
 Charges filed against respondents in South Carolina  
 Breakdown by County

		EEOC	FEPA (SCHAC)	Total
Cherokee	<b>Total Charges</b>	9	3	12
	<b>Race</b>	2	3	5
	<b>% Race</b>	22.2%	100.0%	41.7%
	<b>Sex</b>	6		6
	<b>% Sex</b>	66.7%		50.0%
	<b>National Origin</b>			
	<b>% National Origin</b>			
	<b>Religion</b>			
	<b>% Religion</b>			
	<b>Color</b>			
	<b>% Color</b>			
	<b>Retaliation - All Statutes</b>	4	2	6
	<b>% Retaliation - All Statutes</b>	44.4%	66.7%	50.0%
	<b>Retaliation - Title VII</b>	4	2	6
	<b>% Retaliation - Title VII</b>	44.4%	66.7%	50.0%
	<b>Age</b>	1		1
	<b>% Age</b>	11.1%		8.3%
	<b>Disability</b>	2	2	4
	<b>% Disability</b>	22.2%	66.7%	33.3%
	<b>Equal Pay</b>			
<b>% Equal Pay</b>				
<b>GINA</b>				
<b>% GINA</b>				
Chester	<b>Total Charges</b>	7	6	13
	<b>Race</b>		4	4
	<b>% Race</b>		66.7%	30.8%
	<b>Sex</b>	2	2	4
	<b>% Sex</b>	28.6%	33.3%	30.8%
	<b>National Origin</b>			
	<b>% National Origin</b>			
	<b>Religion</b>			
	<b>% Religion</b>			
	<b>Color</b>		1	1
	<b>% Color</b>		16.7%	7.7%
	<b>Retaliation - All Statutes</b>	4	4	8
	<b>% Retaliation - All Statutes</b>	57.1%	66.7%	61.5%
	<b>Retaliation - Title VII</b>	4	3	7
	<b>% Retaliation - Title VII</b>	57.1%	50.0%	53.8%
	<b>Age</b>		1	1
	<b>% Age</b>		16.7%	7.7%
	<b>Disability</b>	3	2	5
	<b>% Disability</b>	42.9%	33.3%	38.5%
	<b>Equal Pay</b>			
<b>% Equal Pay</b>				
<b>GINA</b>				
<b>% GINA</b>				

Equal Employment Opportunity Commission  
 EEOC and FEPA Charges Filed: 07/01/2016 - 07/20/2017  
 Charges filed against respondents in South Carolina  
 Breakdown by County

		EEOC	FEPA (SCHAC)	Total
Chesterfield	<b>Total Charges</b>	6	7	13
	<b>Race</b>	3	2	5
	<b>% Race</b>	50.0%	28.6%	38.5%
	<b>Sex</b>	1	5	6
	<b>% Sex</b>	16.7%	71.4%	46.2%
	<b>National Origin</b>			
	<b>% National Origin</b>			
	<b>Religion</b>			
	<b>% Religion</b>			
	<b>Color</b>			
	<b>% Color</b>			
	<b>Retaliation - All Statutes</b>	4	4	8
	<b>% Retaliation - All Statutes</b>	66.7%	57.1%	61.5%
	<b>Retaliation - Title VII</b>	4	3	7
	<b>% Retaliation - Title VII</b>	66.7%	42.9%	53.8%
	<b>Age</b>		1	1
	<b>% Age</b>		14.3%	7.7%
	<b>Disability</b>		2	2
	<b>% Disability</b>		28.6%	15.4%
	<b>Equal Pay</b>		1	1
<b>% Equal Pay</b>		14.3%	7.7%	
<b>GINA</b>				
<b>% GINA</b>				
Clarendon	<b>Total Charges</b>	2	6	8
	<b>Race</b>	1	4	5
	<b>% Race</b>	50.0%	66.7%	62.5%
	<b>Sex</b>	1	3	4
	<b>% Sex</b>	50.0%	50.0%	50.0%
	<b>National Origin</b>			
	<b>% National Origin</b>			
	<b>Religion</b>			
	<b>% Religion</b>			
	<b>Color</b>			
	<b>% Color</b>			
	<b>Retaliation - All Statutes</b>	1	4	5
	<b>% Retaliation - All Statutes</b>	50.0%	66.7%	62.5%
	<b>Retaliation - Title VII</b>	1	3	4
	<b>% Retaliation - Title VII</b>	50.0%	50.0%	50.0%
	<b>Age</b>			
	<b>% Age</b>			
	<b>Disability</b>		2	2
	<b>% Disability</b>		33.3%	25.0%
	<b>Equal Pay</b>			
<b>% Equal Pay</b>				
<b>GINA</b>				
<b>% GINA</b>				

Equal Employment Opportunity Commission  
 EEOC and FEPA Charges Filed: 07/01/2016 - 07/20/2017  
 Charges filed against respondents in South Carolina  
 Breakdown by County

		EEOC	FEPA (SCHAC)	Total
Colleton	<b>Total Charges</b>	2	3	5
	<b>Race</b>	1		1
	<b>% Race</b>	50.0%		20.0%
	<b>Sex</b>	1	1	2
	<b>% Sex</b>	50.0%	33.3%	40.0%
	<b>National Origin</b>			
	<b>% National Origin</b>			
	<b>Religion</b>			
	<b>% Religion</b>			
	<b>Color</b>			
	<b>% Color</b>			
	<b>Retaliation - All Statutes</b>	1	2	3
	<b>% Retaliation - All Statutes</b>	50.0%	66.7%	60.0%
	<b>Retaliation - Title VII</b>			
	<b>% Retaliation - Title VII</b>			
	<b>Age</b>		2	2
	<b>% Age</b>		66.7%	40.0%
	<b>Disability</b>	1		1
	<b>% Disability</b>	50.0%		20.0%
	<b>Equal Pay</b>			
<b>% Equal Pay</b>				
<b>GINA</b>				
<b>% GINA</b>				
Darlington	<b>Total Charges</b>	8	6	14
	<b>Race</b>	4	5	9
	<b>% Race</b>	50.0%	83.3%	64.3%
	<b>Sex</b>	5	1	6
	<b>% Sex</b>	62.5%	16.7%	42.9%
	<b>National Origin</b>			
	<b>% National Origin</b>			
	<b>Religion</b>		1	1
	<b>% Religion</b>		16.7%	7.1%
	<b>Color</b>			
	<b>% Color</b>			
	<b>Retaliation - All Statutes</b>	4	5	9
	<b>% Retaliation - All Statutes</b>	50.0%	83.3%	64.3%
	<b>Retaliation - Title VII</b>	4	4	8
	<b>% Retaliation - Title VII</b>	50.0%	66.7%	57.1%
	<b>Age</b>	2	2	4
	<b>% Age</b>	25.0%	33.3%	28.6%
	<b>Disability</b>		1	1
	<b>% Disability</b>		16.7%	7.1%
	<b>Equal Pay</b>		1	1
<b>% Equal Pay</b>		16.7%	7.1%	
<b>GINA</b>				
<b>% GINA</b>				

Equal Employment Opportunity Commission  
 EEOC and FEPA Charges Filed: 07/01/2016 - 07/20/2017  
 Charges filed against respondents in South Carolina  
 Breakdown by County

		EEOC	FEPA (SCHAC)	Total
Dillon	<b>Total Charges</b>	2	3	5
	<b>Race</b>		2	2
	<b>% Race</b>		66.7%	40.0%
	<b>Sex</b>		2	2
	<b>% Sex</b>		66.7%	40.0%
	<b>National Origin</b>			
	<b>% National Origin</b>			
	<b>Religion</b>			
	<b>% Religion</b>			
	<b>Color</b>			
	<b>% Color</b>			
	<b>Retaliation - All Statutes</b>	1	3	4
	<b>% Retaliation - All Statutes</b>	50.0%	100.0%	80.0%
	<b>Retaliation - Title VII</b>	1	3	4
	<b>% Retaliation - Title VII</b>	50.0%	100.0%	80.0%
	<b>Age</b>		1	1
	<b>% Age</b>		33.3%	20.0%
	<b>Disability</b>	1	1	2
	<b>% Disability</b>	50.0%	33.3%	40.0%
	<b>Equal Pay</b>			
<b>% Equal Pay</b>				
<b>GINA</b>				
<b>% GINA</b>				
Dorchester	<b>Total Charges</b>	12	9	21
	<b>Race</b>	4	3	7
	<b>% Race</b>	33.3%	33.3%	33.3%
	<b>Sex</b>	3		3
	<b>% Sex</b>	25.0%		14.3%
	<b>National Origin</b>			
	<b>% National Origin</b>			
	<b>Religion</b>		1	1
	<b>% Religion</b>		11.1%	4.8%
	<b>Color</b>	1		1
	<b>% Color</b>	8.3%		4.8%
	<b>Retaliation - All Statutes</b>	10	5	15
	<b>% Retaliation - All Statutes</b>	83.3%	55.6%	71.4%
	<b>Retaliation - Title VII</b>	8	4	12
	<b>% Retaliation - Title VII</b>	66.7%	44.4%	57.1%
	<b>Age</b>	4		4
	<b>% Age</b>	33.3%		19.0%
	<b>Disability</b>	4	7	11
	<b>% Disability</b>	33.3%	77.8%	52.4%
	<b>Equal Pay</b>			
<b>% Equal Pay</b>				
<b>GINA</b>				
<b>% GINA</b>				

Equal Employment Opportunity Commission  
 EEOC and FEPA Charges Filed: 07/01/2016 - 07/20/2017  
 Charges filed against respondents in South Carolina  
 Breakdown by County

		EEOC	FEPA (SCHAC)	Total
Edgefield	<b>Total Charges</b>	1		1
	Race			
	% Race			
	Sex			
	% Sex			
	National Origin			
	% National Origin			
	Religion			
	% Religion			
	Color			
	% Color			
	Retaliation - All Statutes			
	% Retaliation - All Statutes			
	Retaliation - Title VII			
	% Retaliation - Title VII			
	Age			
	% Age			
	Disability	1		1
	% Disability	100.0%		100.0%
Equal Pay				
% Equal Pay				
GINA				
% GINA				
Fairfield	<b>Total Charges</b>	10	14	24
	Race	3	8	11
	% Race	30.0%	57.1%	45.8%
	Sex	4	5	9
	% Sex	40.0%	35.7%	37.5%
	National Origin		1	1
	% National Origin		7.1%	4.2%
	Religion		1	1
	% Religion		7.1%	4.2%
	Color			
	% Color			
	Retaliation - All Statutes	6	9	15
	% Retaliation - All Statutes	60.0%	64.3%	62.5%
	Retaliation - Title VII	5	5	10
	% Retaliation - Title VII	50.0%	35.7%	41.7%
	Age		1	1
	% Age		7.1%	4.2%
	Disability	3	6	9
	% Disability	30.0%	42.9%	37.5%
Equal Pay				
% Equal Pay				
GINA				
% GINA				

Equal Employment Opportunity Commission  
 EEOC and FEPA Charges Filed: 07/01/2016 - 07/20/2017  
 Charges filed against respondents in South Carolina  
 Breakdown by County

		EEOC	FEPA (SCHAC)	Total
Florence	<b>Total Charges</b>	35	36	71
	<b>Race</b>	16	21	37
	<b>% Race</b>	45.7%	58.3%	52.1%
	<b>Sex</b>	14	16	30
	<b>% Sex</b>	40.0%	44.4%	42.3%
	<b>National Origin</b>	1	1	2
	<b>% National Origin</b>	2.9%	2.8%	2.8%
	<b>Religion</b>	2		2
	<b>% Religion</b>	5.7%		2.8%
	<b>Color</b>	1	1	2
	<b>% Color</b>	2.9%	2.8%	2.8%
	<b>Retaliation - All Statutes</b>	21	19	40
	<b>% Retaliation - All Statutes</b>	60.0%	52.8%	56.3%
	<b>Retaliation - Title VII</b>	17	17	34
	<b>% Retaliation - Title VII</b>	48.6%	47.2%	47.9%
	<b>Age</b>	7	7	14
	<b>% Age</b>	20.0%	19.4%	19.7%
	<b>Disability</b>	10	12	22
	<b>% Disability</b>	28.6%	33.3%	31.0%
	<b>Equal Pay</b>			
<b>% Equal Pay</b>				
<b>GINA</b>	1		1	
<b>% GINA</b>	2.9%		1.4%	
Georgetown	<b>Total Charges</b>	8	4	12
	<b>Race</b>	5	3	8
	<b>% Race</b>	62.5%	75.0%	66.7%
	<b>Sex</b>	4		4
	<b>% Sex</b>	50.0%		33.3%
	<b>National Origin</b>			
	<b>% National Origin</b>			
	<b>Religion</b>	1		1
	<b>% Religion</b>	12.5%		8.3%
	<b>Color</b>	1		1
	<b>% Color</b>	12.5%		8.3%
	<b>Retaliation - All Statutes</b>	5	2	7
	<b>% Retaliation - All Statutes</b>	62.5%	50.0%	58.3%
	<b>Retaliation - Title VII</b>	5	2	7
	<b>% Retaliation - Title VII</b>	62.5%	50.0%	58.3%
	<b>Age</b>		1	1
	<b>% Age</b>		25.0%	8.3%
	<b>Disability</b>	1	1	2
	<b>% Disability</b>	12.5%	25.0%	16.7%
	<b>Equal Pay</b>			
<b>% Equal Pay</b>				
<b>GINA</b>				
<b>% GINA</b>				

Equal Employment Opportunity Commission  
 EEOC and FEPA Charges Filed: 07/01/2016 - 07/20/2017  
 Charges filed against respondents in South Carolina  
 Breakdown by County

		EEOC	FEPA (SCHAC)	Total
Greenville	<b>Total Charges</b>	266	44	310
	<b>Race</b>	120	22	142
	<b>% Race</b>	45.1%	50.0%	45.8%
	<b>Sex</b>	81	19	100
	<b>% Sex</b>	30.5%	43.2%	32.3%
	<b>National Origin</b>	15	7	22
	<b>% National Origin</b>	5.6%	15.9%	7.1%
	<b>Religion</b>	11	4	15
	<b>% Religion</b>	4.1%	9.1%	4.8%
	<b>Color</b>	2		2
	<b>% Color</b>	0.8%		0.6%
	<b>Retaliation - All Statutes</b>	116	28	144
	<b>% Retaliation - All Statutes</b>	43.6%	63.6%	46.5%
	<b>Retaliation - Title VII</b>	100	24	124
	<b>% Retaliation - Title VII</b>	37.6%	54.5%	40.0%
	<b>Age</b>	43	6	49
	<b>% Age</b>	16.2%	13.6%	15.8%
	<b>Disability</b>	61	11	72
	<b>% Disability</b>	22.9%	25.0%	23.2%
	<b>Equal Pay</b>	6	2	8
<b>% Equal Pay</b>	2.3%	4.5%	2.6%	
<b>GINA</b>				
<b>% GINA</b>				
Greenwood	<b>Total Charges</b>	10	9	19
	<b>Race</b>	2	5	7
	<b>% Race</b>	20.0%	55.6%	36.8%
	<b>Sex</b>	1	3	4
	<b>% Sex</b>	10.0%	33.3%	21.1%
	<b>National Origin</b>			
	<b>% National Origin</b>			
	<b>Religion</b>			
	<b>% Religion</b>			
	<b>Color</b>			
	<b>% Color</b>			
	<b>Retaliation - All Statutes</b>	4	5	9
	<b>% Retaliation - All Statutes</b>	40.0%	55.6%	47.4%
	<b>Retaliation - Title VII</b>	2	3	5
	<b>% Retaliation - Title VII</b>	20.0%	33.3%	26.3%
	<b>Age</b>	3	1	4
	<b>% Age</b>	30.0%	11.1%	21.1%
	<b>Disability</b>	5	3	8
	<b>% Disability</b>	50.0%	33.3%	42.1%
	<b>Equal Pay</b>		1	1
<b>% Equal Pay</b>		11.1%	5.3%	
<b>GINA</b>				
<b>% GINA</b>				

Equal Employment Opportunity Commission  
 EEOC and FEPA Charges Filed: 07/01/2016 - 07/20/2017  
 Charges filed against respondents in South Carolina  
 Breakdown by County

		EEOC	FEPA (SCHAC)	Total
Hampton	Total Charges	2		2
	Race	1		1
	% Race	50.0%		50.0%
	Sex			
	% Sex			
	National Origin			
	% National Origin			
	Religion			
	% Religion			
	Color			
	% Color			
	Retaliation - All Statutes			
	% Retaliation - All Statutes			
	Retaliation - Title VII			
	% Retaliation - Title VII			
	Age	1		1
	% Age	50.0%		50.0%
	Disability	1		1
	% Disability	50.0%		50.0%
	Equal Pay			
% Equal Pay				
GINA				
% GINA				
Horry	Total Charges	69	30	99
	Race	16	15	31
	% Race	23.2%	50.0%	31.3%
	Sex	26	10	36
	% Sex	37.7%	33.3%	36.4%
	National Origin	1	2	3
	% National Origin	1.4%	6.7%	3.0%
	Religion	1		1
	% Religion	1.4%		1.0%
	Color	3		3
	% Color	4.3%		3.0%
	Retaliation - All Statutes	28	21	49
	% Retaliation - All Statutes	40.6%	70.0%	49.5%
	Retaliation - Title VII	21	15	36
	% Retaliation - Title VII	30.4%	50.0%	36.4%
	Age	15	7	22
	% Age	21.7%	23.3%	22.2%
	Disability	21	9	30
	% Disability	30.4%	30.0%	30.3%
	Equal Pay	1	1	2
% Equal Pay	1.4%	3.3%	2.0%	
GINA				
% GINA				

Equal Employment Opportunity Commission  
 EEOC and FEPA Charges Filed: 07/01/2016 - 07/20/2017  
 Charges filed against respondents in South Carolina  
 Breakdown by County

		EEOC	FEPA (SCHAC)	Total
Jasper	<b>Total Charges</b>	4	3	7
	<b>Race</b>	3	3	6
	<b>% Race</b>	75.0%	100.0%	85.7%
	<b>Sex</b>		2	2
	<b>% Sex</b>		66.7%	28.6%
	<b>National Origin</b>			
	<b>% National Origin</b>			
	<b>Religion</b>	1		1
	<b>% Religion</b>	25.0%		14.3%
	<b>Color</b>	1		1
	<b>% Color</b>	25.0%		14.3%
	<b>Retaliation - All Statutes</b>	1	3	4
	<b>% Retaliation - All Statutes</b>	25.0%	100.0%	57.1%
	<b>Retaliation - Title VII</b>	1	3	4
	<b>% Retaliation - Title VII</b>	25.0%	100.0%	57.1%
	<b>Age</b>	3	1	4
	<b>% Age</b>	75.0%	33.3%	57.1%
	<b>Disability</b>	1	2	3
	<b>% Disability</b>	25.0%	66.7%	42.9%
	<b>Equal Pay</b>			
<b>% Equal Pay</b>				
<b>GINA</b>				
<b>% GINA</b>				
Kershaw	<b>Total Charges</b>	9	10	19
	<b>Race</b>	2	6	8
	<b>% Race</b>	22.2%	60.0%	42.1%
	<b>Sex</b>	1	2	3
	<b>% Sex</b>	11.1%	20.0%	15.8%
	<b>National Origin</b>		2	2
	<b>% National Origin</b>		20.0%	10.5%
	<b>Religion</b>			
	<b>% Religion</b>			
	<b>Color</b>		1	1
	<b>% Color</b>		10.0%	5.3%
	<b>Retaliation - All Statutes</b>	5	5	10
	<b>% Retaliation - All Statutes</b>	55.6%	50.0%	52.6%
	<b>Retaliation - Title VII</b>	2	3	5
	<b>% Retaliation - Title VII</b>	22.2%	30.0%	26.3%
	<b>Age</b>	1	2	3
	<b>% Age</b>	11.1%	20.0%	15.8%
	<b>Disability</b>	6	4	10
	<b>% Disability</b>	66.7%	40.0%	52.6%
	<b>Equal Pay</b>			
<b>% Equal Pay</b>				
<b>GINA</b>				
<b>% GINA</b>				

Equal Employment Opportunity Commission  
 EEOC and FEPA Charges Filed: 07/01/2016 - 07/20/2017  
 Charges filed against respondents in South Carolina  
 Breakdown by County

		EEOC	FEPA (SCHAC)	Total
Lancaster	<b>Total Charges</b>	25	9	34
	<b>Race</b>	7	7	14
	<b>% Race</b>	28.0%	77.8%	41.2%
	<b>Sex</b>	6	4	10
	<b>% Sex</b>	24.0%	44.4%	29.4%
	<b>National Origin</b>	3		3
	<b>% National Origin</b>	12.0%		8.8%
	<b>Religion</b>			
	<b>% Religion</b>			
	<b>Color</b>			
	<b>% Color</b>			
	<b>Retaliation - All Statutes</b>	18	7	25
	<b>% Retaliation - All Statutes</b>	72.0%	77.8%	73.5%
	<b>Retaliation - Title VII</b>	13	6	19
	<b>% Retaliation - Title VII</b>	52.0%	66.7%	55.9%
	<b>Age</b>	6	2	8
	<b>% Age</b>	24.0%	22.2%	23.5%
	<b>Disability</b>	4	3	7
	<b>% Disability</b>	16.0%	33.3%	20.6%
	<b>Equal Pay</b>	1		1
<b>% Equal Pay</b>	4.0%		2.9%	
<b>GINA</b>				
<b>% GINA</b>				
Laurens	<b>Total Charges</b>	13	3	16
	<b>Race</b>	5	3	8
	<b>% Race</b>	38.5%	100.0%	50.0%
	<b>Sex</b>	2	2	4
	<b>% Sex</b>	15.4%	66.7%	25.0%
	<b>National Origin</b>		1	1
	<b>% National Origin</b>		33.3%	6.3%
	<b>Religion</b>			
	<b>% Religion</b>			
	<b>Color</b>	1		1
	<b>% Color</b>	7.7%		6.3%
	<b>Retaliation - All Statutes</b>	8	3	11
	<b>% Retaliation - All Statutes</b>	61.5%	100.0%	68.8%
	<b>Retaliation - Title VII</b>	8	3	11
	<b>% Retaliation - Title VII</b>	61.5%	100.0%	68.8%
	<b>Age</b>	1		1
	<b>% Age</b>	7.7%		6.3%
	<b>Disability</b>	3	1	4
	<b>% Disability</b>	23.1%	33.3%	25.0%
	<b>Equal Pay</b>			
<b>% Equal Pay</b>				
<b>GINA</b>				
<b>% GINA</b>				

Equal Employment Opportunity Commission  
 EEOC and FEPA Charges Filed: 07/01/2016 - 07/20/2017  
 Charges filed against respondents in South Carolina  
 Breakdown by County

		EEOC	FEPA (SCHAC)	Total
Lee	<b>Total Charges</b>	5	3	8
	<b>Race</b>	4	2	6
	<b>% Race</b>	80.0%	66.7%	75.0%
	<b>Sex</b>	4		4
	<b>% Sex</b>	80.0%		50.0%
	<b>National Origin</b>			
	<b>% National Origin</b>			
	<b>Religion</b>			
	<b>% Religion</b>			
	<b>Color</b>			
	<b>% Color</b>			
	<b>Retaliation - All Statutes</b>	1	3	4
	<b>% Retaliation - All Statutes</b>	20.0%	100.0%	50.0%
	<b>Retaliation - Title VII</b>	1	3	4
	<b>% Retaliation - Title VII</b>	20.0%	100.0%	50.0%
	<b>Age</b>			
	<b>% Age</b>			
	<b>Disability</b>	1	2	3
	<b>% Disability</b>	20.0%	66.7%	37.5%
	<b>Equal Pay</b>			
<b>% Equal Pay</b>				
<b>GINA</b>				
<b>% GINA</b>				
Lexington	<b>Total Charges</b>	45	77	122
	<b>Race</b>	20	45	65
	<b>% Race</b>	44.4%	58.4%	53.3%
	<b>Sex</b>	10	17	27
	<b>% Sex</b>	22.2%	22.1%	22.1%
	<b>National Origin</b>		5	5
	<b>% National Origin</b>		6.5%	4.1%
	<b>Religion</b>	2	6	8
	<b>% Religion</b>	4.4%	7.8%	6.6%
	<b>Color</b>	1	1	2
	<b>% Color</b>	2.2%	1.3%	1.6%
	<b>Retaliation - All Statutes</b>	23	54	77
	<b>% Retaliation - All Statutes</b>	51.1%	70.1%	63.1%
	<b>Retaliation - Title VII</b>	17	39	56
	<b>% Retaliation - Title VII</b>	37.8%	50.6%	45.9%
	<b>Age</b>	8	21	29
	<b>% Age</b>	17.8%	27.3%	23.8%
	<b>Disability</b>	14	25	39
	<b>% Disability</b>	31.1%	32.5%	32.0%
	<b>Equal Pay</b>			
<b>% Equal Pay</b>				
<b>GINA</b>				
<b>% GINA</b>				

Equal Employment Opportunity Commission  
 EEOC and FEPA Charges Filed: 07/01/2016 - 07/20/2017  
 Charges filed against respondents in South Carolina  
 Breakdown by County

	EEOC	FEPA (SCHAC)	Total	
<b>Marion</b>	<b>Total Charges</b>	1	2	3
	<b>Race</b>			
	<b>% Race</b>			
	<b>Sex</b>	1	1	2
	<b>% Sex</b>	100.0%	50.0%	66.7%
	<b>National Origin</b>			
	<b>% National Origin</b>			
	<b>Religion</b>			
	<b>% Religion</b>			
	<b>Color</b>			
	<b>% Color</b>			
	<b>Retaliation - All Statutes</b>	1	2	3
	<b>% Retaliation - All Statutes</b>	100.0%	100.0%	100.0%
	<b>Retaliation - Title VII</b>	1	1	2
	<b>% Retaliation - Title VII</b>	100.0%	50.0%	66.7%
	<b>Age</b>			
	<b>% Age</b>			
	<b>Disability</b>		1	1
	<b>% Disability</b>		50.0%	33.3%
	<b>Equal Pay</b>			
<b>% Equal Pay</b>				
<b>GINA</b>				
<b>% GINA</b>				
<b>Marlboro</b>	<b>Total Charges</b>	11	2	13
	<b>Race</b>	5	1	6
	<b>% Race</b>	45.5%	50.0%	46.2%
	<b>Sex</b>	6		6
	<b>% Sex</b>	54.5%		46.2%
	<b>National Origin</b>			
	<b>% National Origin</b>			
	<b>Religion</b>	1		1
	<b>% Religion</b>	9.1%		7.7%
	<b>Color</b>			
	<b>% Color</b>			
	<b>Retaliation - All Statutes</b>	2	2	4
	<b>% Retaliation - All Statutes</b>	18.2%	100.0%	30.8%
	<b>Retaliation - Title VII</b>	2	1	3
	<b>% Retaliation - Title VII</b>	18.2%	50.0%	23.1%
	<b>Age</b>	2		2
	<b>% Age</b>	18.2%		15.4%
	<b>Disability</b>	1	1	2
	<b>% Disability</b>	9.1%	50.0%	15.4%
	<b>Equal Pay</b>			
<b>% Equal Pay</b>				
<b>GINA</b>				
<b>% GINA</b>				

Equal Employment Opportunity Commission  
 EEOC and FEPA Charges Filed: 07/01/2016 - 07/20/2017  
 Charges filed against respondents in South Carolina  
 Breakdown by County

		EEOC	FEPA (SCHAC)	Total
McCormick	Total Charges	1	1	2
	Race	1		1
	% Race	100.0%		50.0%
	Sex			
	% Sex			
	National Origin			
	% National Origin			
	Religion			
	% Religion			
	Color			
	% Color			
	Retaliation - All Statutes	1	1	2
	% Retaliation - All Statutes	100.0%	100.0%	100.0%
	Retaliation - Title VII	1		1
	% Retaliation - Title VII	100.0%		50.0%
	Age		1	1
	% Age		100.0%	50.0%
	Disability			
	% Disability			
	Equal Pay			
% Equal Pay				
GINA				
% GINA				
Newberry	Total Charges	2	4	6
	Race	1	3	4
	% Race	50.0%	75.0%	66.7%
	Sex	1	1	2
	% Sex	50.0%	25.0%	33.3%
	National Origin			
	% National Origin			
	Religion			
	% Religion			
	Color			
	% Color			
	Retaliation - All Statutes		3	3
	% Retaliation - All Statutes		75.0%	50.0%
	Retaliation - Title VII		2	2
	% Retaliation - Title VII		50.0%	33.3%
	Age		1	1
	% Age		25.0%	16.7%
	Disability		2	2
	% Disability		50.0%	33.3%
	Equal Pay			
% Equal Pay				
GINA				
% GINA				

Equal Employment Opportunity Commission  
 EEOC and FEPA Charges Filed: 07/01/2016 - 07/20/2017  
 Charges filed against respondents in South Carolina  
 Breakdown by County

		EEOC	FEPA (SCHAC)	Total
Oconee	<b>Total Charges</b>	16	1	17
	<b>Race</b>	6	1	7
	<b>% Race</b>	37.5%	100.0%	41.2%
	<b>Sex</b>	5		5
	<b>% Sex</b>	31.3%		29.4%
	<b>National Origin</b>	1		1
	<b>% National Origin</b>	6.3%		5.9%
	<b>Religion</b>			
	<b>% Religion</b>			
	<b>Color</b>			
	<b>% Color</b>			
	<b>Retaliation - All Statutes</b>	11		11
	<b>% Retaliation - All Statutes</b>	68.8%		64.7%
	<b>Retaliation - Title VII</b>	11		11
	<b>% Retaliation - Title VII</b>	68.8%		64.7%
	<b>Age</b>	2		2
	<b>% Age</b>	12.5%		11.8%
	<b>Disability</b>	4		4
	<b>% Disability</b>	25.0%		23.5%
<b>Equal Pay</b>				
<b>% Equal Pay</b>				
<b>GINA</b>				
<b>% GINA</b>				
Orangeburg	<b>Total Charges</b>	12	17	29
	<b>Race</b>	4	6	10
	<b>% Race</b>	33.3%	35.3%	34.5%
	<b>Sex</b>	4	8	12
	<b>% Sex</b>	33.3%	47.1%	41.4%
	<b>National Origin</b>		1	1
	<b>% National Origin</b>		5.9%	3.4%
	<b>Religion</b>			
	<b>% Religion</b>			
	<b>Color</b>	1		1
	<b>% Color</b>	8.3%		3.4%
	<b>Retaliation - All Statutes</b>	6	12	18
	<b>% Retaliation - All Statutes</b>	50.0%	70.6%	62.1%
	<b>Retaliation - Title VII</b>	6	9	15
	<b>% Retaliation - Title VII</b>	50.0%	52.9%	51.7%
	<b>Age</b>	3	2	5
	<b>% Age</b>	25.0%	11.8%	17.2%
	<b>Disability</b>	5	4	9
	<b>% Disability</b>	41.7%	23.5%	31.0%
<b>Equal Pay</b>				
<b>% Equal Pay</b>				
<b>GINA</b>				
<b>% GINA</b>				

Equal Employment Opportunity Commission  
 EEOC and FEPA Charges Filed: 07/01/2016 - 07/20/2017  
 Charges filed against respondents in South Carolina  
 Breakdown by County

		EEOC	FEPA (SCHAC)	Total
Pickens	<b>Total Charges</b>	17	4	21
	<b>Race</b>	2	1	3
	<b>% Race</b>	11.8%	25.0%	14.3%
	<b>Sex</b>	5	1	6
	<b>% Sex</b>	29.4%	25.0%	28.6%
	<b>National Origin</b>	2		2
	<b>% National Origin</b>	11.8%		9.5%
	<b>Religion</b>			
	<b>% Religion</b>			
	<b>Color</b>	1		1
	<b>% Color</b>	5.9%		4.8%
	<b>Retaliation - All Statutes</b>	8	3	11
	<b>% Retaliation - All Statutes</b>	47.1%	75.0%	52.4%
	<b>Retaliation - Title VII</b>	6	1	7
	<b>% Retaliation - Title VII</b>	35.3%	25.0%	33.3%
	<b>Age</b>	4	1	5
	<b>% Age</b>	23.5%	25.0%	23.8%
	<b>Disability</b>	4	3	7
	<b>% Disability</b>	23.5%	75.0%	33.3%
	<b>Equal Pay</b>	1		1
<b>% Equal Pay</b>	5.9%		4.8%	
<b>GINA</b>				
<b>% GINA</b>				
Richland	<b>Total Charges</b>	112	207	319
	<b>Race</b>	50	100	150
	<b>% Race</b>	44.6%	48.3%	47.0%
	<b>Sex</b>	36	72	108
	<b>% Sex</b>	32.1%	34.8%	33.9%
	<b>National Origin</b>	6	12	18
	<b>% National Origin</b>	5.4%	5.8%	5.6%
	<b>Religion</b>	4	9	13
	<b>% Religion</b>	3.6%	4.3%	4.1%
	<b>Color</b>	8	2	10
	<b>% Color</b>	7.1%	1.0%	3.1%
	<b>Retaliation - All Statutes</b>	57	118	175
	<b>% Retaliation - All Statutes</b>	50.9%	57.0%	54.9%
	<b>Retaliation - Title VII</b>	45	88	133
	<b>% Retaliation - Title VII</b>	40.2%	42.5%	41.7%
	<b>Age</b>	24	52	76
	<b>% Age</b>	21.4%	25.1%	23.8%
	<b>Disability</b>	33	71	104
	<b>% Disability</b>	29.5%	34.3%	32.6%
	<b>Equal Pay</b>	6	6	12
<b>% Equal Pay</b>	5.4%	2.9%	3.8%	
<b>GINA</b>				
<b>% GINA</b>				

Equal Employment Opportunity Commission  
 EEOC and FEPA Charges Filed: 07/01/2016 - 07/20/2017  
 Charges filed against respondents in South Carolina  
 Breakdown by County

		EEOC	FEPA (SCHAC)	Total
Saluda	<b>Total Charges</b>		1	1
	Race			
	% Race			
	Sex			
	% Sex			
	National Origin			
	% National Origin			
	Religion			
	% Religion			
	Color			
	% Color			
	Retaliation - All Statutes			
	% Retaliation - All Statutes			
	Retaliation - Title VII			
	% Retaliation - Title VII			
	Age			
	% Age			
	Disability			1
	% Disability		100.0%	100.0%
Equal Pay				
% Equal Pay				
GINA				
% GINA				
Spartanburg	<b>Total Charges</b>	108	23	131
	Race	44	15	59
	% Race	40.7%	65.2%	45.0%
	Sex	32	4	36
	% Sex	29.6%	17.4%	27.5%
	National Origin	6	5	11
	% National Origin	5.6%	21.7%	8.4%
	Religion	3		3
	% Religion	2.8%		2.3%
	Color	1		1
	% Color	0.9%		0.8%
	Retaliation - All Statutes	47	18	65
	% Retaliation - All Statutes	43.5%	78.3%	49.6%
	Retaliation - Title VII	40	13	53
	% Retaliation - Title VII	37.0%	56.5%	40.5%
	Age	11	7	18
	% Age	10.2%	30.4%	13.7%
	Disability	28	6	34
	% Disability	25.9%	26.1%	26.0%
	Equal Pay	4		4
% Equal Pay	3.7%		3.1%	
GINA				
% GINA				

Equal Employment Opportunity Commission  
 EEOC and FEPA Charges Filed: 07/01/2016 - 07/20/2017  
 Charges filed against respondents in South Carolina  
 Breakdown by County

		EEOC	FEPA (SCHAC)	Total
Sumter	<b>Total Charges</b>	16	14	30
	<b>Race</b>	7	11	18
	<b>% Race</b>	43.8%	78.6%	60.0%
	<b>Sex</b>	9	1	10
	<b>% Sex</b>	56.3%	7.1%	33.3%
	<b>National Origin</b>	2		2
	<b>% National Origin</b>	12.5%		6.7%
	<b>Religion</b>			
	<b>% Religion</b>			
	<b>Color</b>			
	<b>% Color</b>			
	<b>Retaliation - All Statutes</b>	13	11	24
	<b>% Retaliation - All Statutes</b>	81.3%	78.6%	80.0%
	<b>Retaliation - Title VII</b>	11	8	19
	<b>% Retaliation - Title VII</b>	68.8%	57.1%	63.3%
	<b>Age</b>		1	1
	<b>% Age</b>		7.1%	3.3%
	<b>Disability</b>	5	3	8
	<b>% Disability</b>	31.3%	21.4%	26.7%
	<b>Equal Pay</b>			
<b>% Equal Pay</b>				
<b>GINA</b>				
<b>% GINA</b>				
Union	<b>Total Charges</b>	7	1	8
	<b>Race</b>	3	1	4
	<b>% Race</b>	42.9%	100.0%	50.0%
	<b>Sex</b>	3	1	4
	<b>% Sex</b>	42.9%	100.0%	50.0%
	<b>National Origin</b>			
	<b>% National Origin</b>			
	<b>Religion</b>		1	1
	<b>% Religion</b>		100.0%	12.5%
	<b>Color</b>			
	<b>% Color</b>			
	<b>Retaliation - All Statutes</b>	4	1	5
	<b>% Retaliation - All Statutes</b>	57.1%	100.0%	62.5%
	<b>Retaliation - Title VII</b>	3	1	4
	<b>% Retaliation - Title VII</b>	42.9%	100.0%	50.0%
	<b>Age</b>		1	1
	<b>% Age</b>		100.0%	12.5%
	<b>Disability</b>	3		3
	<b>% Disability</b>	42.9%		37.5%
	<b>Equal Pay</b>			
<b>% Equal Pay</b>				
<b>GINA</b>				
<b>% GINA</b>				

Equal Employment Opportunity Commission  
 EEOC and FEPA Charges Filed: 07/01/2016 - 07/20/2017  
 Charges filed against respondents in South Carolina  
 Breakdown by County

		EEOC	FEPA (SCHAC)	Total
Williamsburg	<b>Total Charges</b>	5	2	7
	<b>Race</b>	2		2
	<b>% Race</b>	40.0%		28.6%
	<b>Sex</b>	3		3
	<b>% Sex</b>	60.0%		42.9%
	<b>National Origin</b>			
	<b>% National Origin</b>			
	<b>Religion</b>			
	<b>% Religion</b>			
	<b>Color</b>			
	<b>% Color</b>			
	<b>Retaliation - All Statutes</b>		1	1
	<b>% Retaliation - All Statutes</b>		50.0%	14.3%
	<b>Retaliation - Title VII</b>			
	<b>% Retaliation - Title VII</b>			
	<b>Age</b>	1		1
	<b>% Age</b>	20.0%		14.3%
	<b>Disability</b>	2	2	4
	<b>% Disability</b>	40.0%	100.0%	57.1%
	<b>Equal Pay</b>			
<b>% Equal Pay</b>				
<b>GINA</b>				
<b>% GINA</b>				
York	<b>Total Charges</b>	80	50	130
	<b>Race</b>	38	22	60
	<b>% Race</b>	47.5%	44.0%	46.2%
	<b>Sex</b>	20	19	39
	<b>% Sex</b>	25.0%	38.0%	30.0%
	<b>National Origin</b>	7	2	9
	<b>% National Origin</b>	8.8%	4.0%	6.9%
	<b>Religion</b>	2		2
	<b>% Religion</b>	2.5%		1.5%
	<b>Color</b>	2	3	5
	<b>% Color</b>	2.5%	6.0%	3.8%
	<b>Retaliation - All Statutes</b>	49	30	79
	<b>% Retaliation - All Statutes</b>	61.3%	60.0%	60.8%
	<b>Retaliation - Title VII</b>	38	25	63
	<b>% Retaliation - Title VII</b>	47.5%	50.0%	48.5%
	<b>Age</b>	17	9	26
	<b>% Age</b>	21.3%	18.0%	20.0%
	<b>Disability</b>	25	19	44
	<b>% Disability</b>	31.3%	38.0%	33.8%
	<b>Equal Pay</b>	1		1
<b>% Equal Pay</b>	1.3%		0.8%	
<b>GINA</b>				
<b>% GINA</b>				

## Law Recommendation # 23

- Law: Regulation 65-3 (B)(10)
- Summary of current statutory requirement: The Commission is prohibited from allowing public access to information contained in employment investigation files. However, the parties to the file have certain restricted access to the file contents, primarily for processing purposes. The limitation currently prevents the charging party from gaining access to the respondent's written 'position statement' which contains its defenses.
- Recommendation and Rationale for Recommendation: The Respondent's 'position statement' should be made available to the charging party so that the charging party can rebut the Respondent's defenses. Certain confidential information, if properly limited and designated as by the Respondent as confidential, may be precluded from disclosure to the charging party. The Agency's federal counterpart, the Equal Employment Opportunity Commission, made this practiced uniform nationwide in 2016.
- Law Wording 65-3. Investigation and Production of Evidence.
  - B. Production of Evidence.
    - (10) Confidentiality.
      - (a) Public Access to Commission Files or Information Gathered During an Investigation. As provided in Sections 1-13-90(c)(1) and 1-13-90(d)(2) of the Act, information gathered during an investigation conducted under Section 1-13-90 of the Act, shall not be made public by the Commission, its officers or employees, unless and until that information is offered or received into evidence at a Commission hearing or court proceeding brought in accordance with the Act. In view of the prohibitions against making information public contained in Sections 1-13-90(c)(1) and 1-13-90(d)(2) of the Act, information gathered by the Commission during investigations and internal memoranda assessing evidence, discussing complaints or recommending action on complaints shall not be deemed "public records" within the meaning of the Code of Laws of South Carolina Section 30-4-20 . The provisions of this Subsection apply whether the Commission's investigative file is open for an ongoing investigation or closed after a matter is completely concluded.
      - (b) Public Access to Final Opinions and Orders and Determinations. The public shall have access to the Commission's final opinion and order concerning a complaint under Section 1-13-90(c) of the Act or the Commission's determination on whether to dismiss a complaint or sue in the state circuit court under Section 1-13-90(d) of the Act.
      - (c) Commission Requests for Information from Investigators. If the Commission requires reports on investigations or on the progress of investigations, the investigator's report shall be given to the Commission while the Commission sits in executive session with member of the public excluded.
      - (d) Access to Information by Complainant and Respondent.
        - (i) Information Provided by the Parties Themselves. The complainant may at all times have access to any information which the complainant has furnished the Commission. The respondent may at all times have access to any information which the respondent has

furnished the Commission. During the investigation of the charge of discrimination, both parties may have access to the charge filed by the complainant, and the Respondent's initial response to the charge, or position statement, and non-confidential attachments. Confidential attachment should be labeled by the Respondent prior to being sent to the Commission. ~~However,~~ Neither the complainant nor the respondent shall have other information furnished by the other party, except that this Subsection does not apply to disclosure to the parties or their attorneys where the disclosure is limited to matters necessary for determining appropriate relief and/or negotiating settlements or making conciliation offers and except that this Subsection does not apply to the complainant's or respondent's access to Commission files after a complaint against the respondent has been served as provided in subitem (ii), following.

(ii) Information Available to the Parties in a Proceeding. If an action is brought against a respondent in accordance with the Act, either before the Commission pursuant to Section 1-13-90(c) of the Act or in a court of competent jurisdiction pursuant to Sections 1-13-90(c) and (d) of the Act, the complainant and respondent shall from the time the complaint is served be granted access to the investigative file of the Commission which shall include access to statements, affidavits or depositions of the complainant and witnesses, whether or not the complainant and the witnesses are employees of the respondent at the time the request for access is made. The complainant and respondent shall also have access to all other facts and data gathered by the Commission during its investigation, provided however that neither shall have access to deliberative memoranda, working papers, drafts and other work products of the Commission relating to a complaint and further provided that deletions may be made where necessary to protect the personal privacy of an affiant or an individual named in a document to insure the anonymity of confidential sources or information, and to protect the confidentiality of trade secrets, confidential financial information and the like.

(iii) Copy of the Complaint. A copy of the complaint will be served in all cases upon the respondent unless a complaint received pursuant to a federal contract expressly requires that the original complaint not be served. In the event that a copy of the complaint is not provided, the respondent shall be served with a notice of the complaint within ten (10) days of receipt. The notice of complaint shall include the place, circumstances and identity of the person filing the complaint, a description of the violations of the Act alleged to have been committed by the respondent and the date of the alleged violation.

(e) Reports and Compilations. The Commission may publish abstracts of data derived from its closed investigative files in a form which does not reveal the identity of the parties, trade secrets, financial information or competitive commercial information or processes.

(f) Sharing Information Between Agencies. The Commission shall not provide information to any state or federal agency which does not have written regulations

providing essentially the same protection against unauthorized disclosure as provided in these regulations.

- Other Agencies Impacted: None.

#### Law Recommendation # 24

- Law: Regulation 65-223
- Summary of current statutory requirement: The Regulation explains the procedures for investigating a charge filed under the Fair Housing Law.
- Recommendation and Rationale for Recommendation: The regulation should include provisions that allow for closure of an investigation when a complainant wants to withdraw the matter, or when complainant is offered full relief under the law and fails to accept it.
- Law Wording: 65-223 Investigation Procedures.  
D. Completion of investigation.  
(1) At any time, the aggrieved person may seek to withdraw the complaint from the agency. The request must be in writing from the aggrieved party, or aggrieved party's representative, stating the reasons withdrawal. The request is subject to approval by the Commission. Such withdrawal shall be without prejudice to the rights of the aggrieved party. A withdrawn complaint may be re-filed, provided such filing occurs within one hundred eighty (180) days of the discriminatory act originally alleged.  
(2) If the respondent offers full relief to the aggrieved party, and the relief is rejected, the Commission may dismiss the matter.  
(3) If the aggrieved party fails to provide information necessary for the proper filing or processing of a complaint, fails or refuses to appear or to be available for scheduled interviews or conferences with Commission investigators, or otherwise refuses to cooperate with the Commission to the extent that the Commission is unable to resolve the complaint, then the Commission, after due written notice to the aggrieved party and fifteen (15) days in which to respond, may dismiss the complaint.  
(4) All other The investigations will remain open until the reasonable cause determination is made or a conciliation agreement is executed and approved. Unless it is impracticable to do so, the Commission will complete the investigation of the alleged discriminatory housing practice within 100 days of the filing of the complaint (or where the Commission reactivates the complaint, within 100 days after service of the notice of reactivation). If the Commission is unable to complete the investigation within the 100 day period, the Commission will notify the aggrieved person and the respondent, by certified mail or personal service, of the reasons for the delay.
- Other Agencies Impacted: None.

*Appendix E. September 18, 2017, Meeting Information*

South Carolina  
House of Representatives



Legislative Oversight Committee

*ECONOMIC DEVELOPMENT, TRANSPORTATION,  
AND NATURAL RESOURCES SUBCOMMITTEE*

*The Honorable Neal A. Collins  
The Honorable Mandy Powers Norrell  
The Honorable Robert L. Ridgeway III*

*Monday, September 18, 2017  
10:00 a.m.  
108-Blatt Building*

*Pursuant to Committee Rule 6.8, S.C. ETV shall be allowed access for internet streaming  
whenever technologically feasible.*

**AGENDA**

- I. Approval of Minutes**
- II. Discussion of the study of the Human Affairs Commission**
- III. Adjournment**



## **Economic Development, Transportation and Natural Resources Subcommittee**

Monday, July 10, 2017 at 02:00 pm in Room 110

### **Archived Video Available**

- I. Pursuant to House Legislative Oversight Committee Rule 6.8, South Carolina ETV was allowed access for streaming the meeting. You may access archived video of this meeting by visiting the South Carolina General Assembly's website (<http://www.scstatehouse.gov>) and clicking on *Committee Postings and Reports*, then under *House Standing Committees* click on *Legislative Oversight*. Then, click on *Video Archives* for a listing of archived videos for the Committee.

### **Attendance**

- I. The Economic Development, Transportation, and Natural Resources Subcommittee meeting was called to order by Vice-Chair Laurie Slade Funderburk on Monday, July 10, 2017, in Room 110 of the Blatt Building. The following members of the Subcommittee were present for all or a portion of the meeting: Representative Mandy Powers Norrell, and Representative Robert L Ridgeway.

### **Minutes**

- I. House Rule 4.5 requires standing committees to prepare and make available to the public the minutes of committee meetings; the minutes do not have to be verbatim accounts of meetings. It is the practice of the Legislative Oversight Committee to provide minutes for its subcommittee meetings.

- II. Representative Ridgeway moved to approve the minutes from the Subcommittee’s meeting on June 22, 2017. A roll call vote was held, and the motion passed.

<b>Rep. Ridgeway motions to approve the minutes from the June 22, 2017 meeting:</b>	Yea	Nay	Not Voting (Absent)	Not Voting (Present)
Rep. Collins			✓	
Rep. Norrell	✓			
Rep. Ridgeway	✓			
Rep. Funderburk	✓			

**Discussion of the Human Affairs Commission**

- I. Vice-Chair Funderburk provides an update of the Subcommittee’s work related to the Human Affairs Commission. She stated the purpose of this meeting is to move into the discussion of the agency’s strategic plan, in particular its goals and how they align with daily operations; resources available (employees and funds) to achieve the strategic plan; the methodology utilized to allocate these resources to its objectives; relationships with other entities; and how complainants can get any questions and concerns about the investigation of their case addressed.
- II. Vice-Chair Funderburk reminds everyone that has previously been sworn in that they remain under oath for any testimony before this Subcommittee or the full Committee.
- III. Commissioner Raymond Buxton II provides answers to additional questions that the Subcommittee had for the agency at the conclusion of the last meeting regarding a statistical breakdown of each month statewide and by county of the complaints the Agency receives through its intake division.
- IV. Commissioner Raymond Buxton II then presents information on the agency’s **goal one**—prevent and eliminate employment discrimination.

Subcommittee members ask questions, which different agency representatives answer.

- V. Marvin Caldwell, Director of Fair Housing, presents information on **goal two**—prevent and eliminate housing discrimination.
- VI. Lee Ann Rice, Staff Counsel, presents information on **goal three**—education citizens about the use of legal remedies to achieve justice and fairness.

Subcommittee members ask questions about mediation, which different agency representatives answer.

- VII. Dan Koon, Deputy Commissioner, presents information on **goal four**—foster culturally sensitive and social inclusive communities statewide.

Subcommittee members ask questions about Community Relations Councils, which different agency representatives answer.

- VIII. Stephanie Price, EEO Consultant, presents information on **goal five**—advocate the compliance of Agency Affirmative Action Policies within all State Agencies.
- IX. Subcommittee members asked various questions regarding investigations, which different agency representatives answered.
- X. Commissioner Buxton then made closing remarks.
- XI. There being no further business, the meeting with the Human Affairs Commission is adjourned, and the Subcommittee turns its attention to the study of the Department of Agriculture.

### **Discussion of the Department of Agriculture**

- XII. Vice-Chair Funderburk explains that this meeting will again be a work session to further identify questions members may have for the agency and to discuss the agency's recommendations to the Subcommittee.
- XIII. Vice-Chair Funderburk reminds everyone that has previously been sworn in that they remain under oath for any testimony before this Subcommittee or the full Committee.
- XIV. Assistant Commissioner Aaron Wood and Assistant Commissioner Derek Underwood are present to answer any questions that Subcommittee members may have.
- XV. Vice-Chair Funderburk explains that each recommendation will be discussed individually.

Subcommittee members ask questions about the following recommendations, which different agency representatives answer:

- a. Recommendation #4: Adopt the model feed law proposed by the American Association of Feed Control Officials
- b. Recommendation #5: Authorize agency to fine businesses that habitually and willfully violate existing consumer protection labeling/quality laws
- c. Recommendation #6: Require businesses that dispense petroleum products to notify the agency within 30 days of operating dispensers
- d. Recommendation #7: Authorize a \$5 per dispenser registration fee for businesses that dispense petroleum products
- e. Recommendation #8: Enforce a scalable monetary penalty for habitual and willful offenders of petroleum law, when taking advantage of consumer

- f. Recommendation #10: Authorize a \$25 fee for registration verification certificate
- g. Recommendation #11: Authorize registration verification certificate annual renewal

XVI. Various motions are made by Subcommittee members to approve agency recommendations:

- a. Representative Ridgeway moved to approve the agency’s recommendation, based on the draft language, to adopt the model feed law proposed by the American Association of Feed Control Officials (Recommendation #4). A roll call vote was held, and the motion passed.

<b>Representative Ridgeway motions to approve the agency’s recommendation, based on the draft language, to adopt the model feed law proposed by the American Association of Feed Control Officials:</b>	Yea	Nay	Not Voting (Absent)	Not Voting (Present)
Rep. Collins			✓	
Rep. Norrell	✓			
Rep. Ridgeway	✓			
Rep. Funderburk	✓			

- b. Representative Norrell moved to approve the agency’s recommendations, based on the draft language, to require businesses that dispense petroleum products to notify the agency within 30 days of operating dispensers (Recommendation #6); authorize a \$5 per dispenser registration fee for businesses that dispense petroleum products (Recommendation #7); and enforce a scalable monetary penalty for habitual and willful offenders of petroleum law, when taking advantage of consumer (Recommendation #8). A roll call vote was held, and the motion passed.

<b>Rep. Norrell motions to approve the agency’s recommendation, based on the draft language, to require businesses that dispense petroleum products to notify the agency within 30 days of operating dispensers; authorize a \$5 per dispenser registration fee for businesses that dispense petroleum products; and enforce a scalable monetary penalty for</b>	Yea	Nay	Not Voting (Absent)	Not Voting (Present)

<b>habitual and willful offenders of petroleum law, when taking advantage of consumer:</b>				
Rep. Collins			✓	
Rep. Norrell	✓			
Rep. Ridgeway	✓			
Rep. Funderburk	✓			

- c. Representative Norrell moved to approve the agency’s recommendations, based on the draft language, approve the agency’s recommendation, based on the draft language, to authorize a \$25 fee for registration verification certificate (Recommendation #10); to authorize registration verification certificate annual renewal (Recommendation #11). A roll call vote was held, and the motion passed.

<b>Rep. Norrell motions to approve the agency’s recommendation, based on the draft language, to authorize a \$25 fee for registration verification certificate; to authorize registration verification certificate annual renewal:</b>	Yea	Nay	Not Voting (Absent)	Not Voting (Present)
Rep. Collins			✓	
Rep. Norrell	✓			
Rep. Ridgeway	✓			
Rep. Funderburk	✓			

XVII. There being no further business, the meeting was adjourned.

**Performance Measures**  
(Study Step 2: Performance)

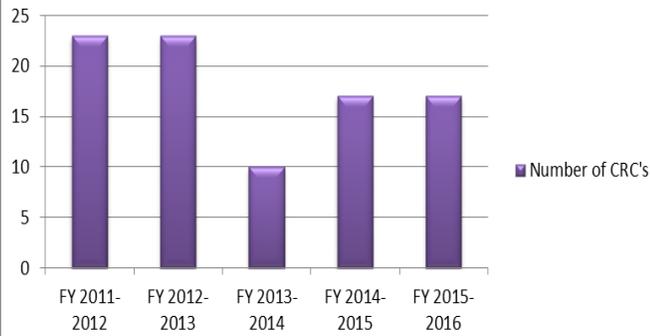
<b>Agency Responding</b>	Human Affairs Commission												
<b>Date of Submission</b>	4/17/2017												
<b>Types of Performance Measures:</b>													
<p><b>Outcome Measure</b> - A quantifiable indicator of the public and customer benefits from an agency's actions. Outcome measures are used to assess an agency's effectiveness in serving its key customers and in achieving its mission, goals and objectives. They are also used to direct resources to strategies with the greatest effect on the most valued outcomes. Outcome measures should be the first priority. Example - % of licensees with no violations.</p> <p><b>Efficiency Measure</b> - A quantifiable indicator of productivity expressed in unit costs, units of time, or other ratio-based units. Efficiency measures are used to assess the cost-efficiency, productivity, and timeliness of agency operations. Efficiency measures measure the efficient use of available resources and should be the second priority. Example - cost per inspection</p> <p><b>Output Measure</b> - A quantifiable indicator of the number of goods or services an agency produces. Output measures are used to assess workload and the agency's efforts to address demands. Output measures measure workload and efforts and should be the third priority. Example - # of business license applications processed.</p> <p><b>Input/Activity Measure</b> - Resources that contribute to the production and delivery of a service. Inputs are "what we use to do the work." They measure the factors or requests received that explain performance (i.e. explanatory). These measures should be the last priority. Example - # of license applications received</p>													
Performance Measure	Type of Measure:	Agency selected; Required by State; or Required by Federal:	Who performs the best in the country on this measure? (could be gov't, private, etc.)	Time Applicable	Actual Results (& Target Results) Time Period #1 FY 2011-2012	Actual Results (& Target Results) Time Period #2FY 2012-2013	Actual Results (& Target Results) Time Period #3 FY 2013-2014	Actual Results (& Target Results) Time Period #4 FY 2014-2015	Actual Results (& Target Results) Time Period #5 (most recent completed time period)FY 2015-2016	Target Results Time Period #6 (current time period)July 2016- February, 2017			
Intake Calls/ Initial Inquiries	Output	Required by State	Not Known	July 1, 2015 - June 30, 2016	Actual - 2,000 Target 19,000	Actual - 1,215 Target - 15,000	Actual - 1,382 Target - 6,290	Actual - 1,126 Target 6,445	Actual - 1,119 Target - 6,117	Actual - 732 Target - 4,215			
Intake Calls Formalized into charges	Output	Required by State	Not Known	July 1, 2015 - June 30, 2016	Actual - 614 Target - DNE	Actual - 909 Target - DNE	Actual - 741 Target - DNE	Actual - 715 Target - DNE	Actual - 674 Target - DNE	Actual - 454 Target - DNE			
Employment Cases Received	Output	Required by State	Not Known	July 1, 2015 - June 30, 2016	Actual - 1028 Target - DNE	Actual - 1078 Target - DNE	Actual - 1026 Target - DNE	Actual - 977 Target - DNE	Actual - 938 Target - DNE	Actual - 856 Target - DNE			
Employment Cases Closed	Output	Required by State	Not Known	July 1, 2015 - June 30, 2016	Actual - 765 Target - DNE	Actual - 796 Target - DNE	Actual - 914 Target - DNE	Actual - 938 Target - DNE	Actual - 1003 Target - DNE	Actual - 703 Target - DNE			
Employment Cases Successfully Mediated	Output	Agency selected	Not Known	July 1, 2015 - June 30, 2016	Actual - 58 Target - DNE	Actual - 57 Target - DNE	Actual - 101 Target - DNE	Actual - 77 Target - DNE	Actual - 63 Target - DNE	Actual - 59 Target - DNE			
Funds Collected at Mediation	Output	Agency selected	Not Known	July 1, 2015 - June 30, 2016	Actual - \$585,583 Target - DNE	Actual - \$342,475 Target - DNE	Actual - \$720,046 Target - DNE	Actual - \$828,319 Target - DNE	Actual - \$618,841 Target - DNE	Actual - \$430,907 Target - DNE			
Employment: Monetary Value of Settlements	Output	Agency selected	Not Known	July 1, 2015 - June 30, 2016	Actual - \$831,441 Target - DNE	Actual - \$690,866 Target - DNE	Actual - \$1,333,148 Target - DNE	Actual - \$1,304,428 Target - DNE	Actual - \$1,383,461 Target - DNE	Actual - \$937,557 Target - DNE			
Housing Cases Received	Output	Required by State	Not Known	July 1, 2015 - June 30, 2016	Actual - 67 Target - DNE	Actual - 58 Target - DNE	Actual - 74 Target - DNE	Actual - 55 Target - DNE	Actual - 75 Target - DNE	Actual - 49 Target - DNE			
Housing Cases Closed	Output	Required by State	Not Known	July 1, 2015 - June 30, 2016	Actual - 64 Target - DNE	Actual - 46 Target - DNE	Actual - 46 Target - DNE	Actual - 78 Target - DNE	Actual - 76 Target - DNE	Actual - 39 Target - DNE			
Housing Cases Conciliated	Output	Required by State	Not Known	July 1, 2015 - June 30, 2016	Actual - 16 Target - DNE	Actual - 17 Target - DNE	Actual - 21 Target - DNE	Actual - 15 Target - DNE	Actual - 26 Target - DNE	Actual - 22 Target - DNE			
Public Accommodation / 90 e Cases Investigated	Output	Required by State	Not Known	July 1, 2015 - June 30, 2016	Actual - 0 Target - DNE	Actual - 35 Target - DNE	Actual - 46 Target - DNE	Actual - 16 Target - DNE	Actual - 15 Target - DNE	Actual - 5 Target - DNE			
Community Relations Councils / Sustained & Created (Total number of Councils for the fiscal year in question)	Output	Required by State	Not Known	July 1, 2015 - June 30, 2016	Actual - 23 Target - DNE	Actual - 23 Target - DNE	Actual - 10 Target - DNE	Actual - 17 Target - DNE	Actual - 17 Target - DNE	Actual - 19 Target - DNE			
State Agency Affirmative Action Plans Monitored (Affirmative Action Plans received)	Output	Required by State	Not Known	July 1, 2015 - June 30, 2016	Actual - 86 Target - DNE	Actual - 85 Target - DNE	Actual - 85 Target - DNE	Actual - 85 Target - DNE	Actual - 90 Target - DNE	Actual - 90 Target - DNE			
State Agencies Attaining 70% of Their AA Goals	Output	Agency selected	Not Known	July 1, 2015 - June 30, 2016	Actual - 78 Target - DNE	Actual - 77 Target - DNE	Actual - 76 Target - DNE	Actual - 83 Target - DNE	Actual - 87 Target - DNE	DNE			

**Performance Measures**

(Study Step 2: Performance)

Performance Measure	Type of Measure:	Agency selected; Required by State; or Required by Federal:	Who performs the best in the country on this measure? (could be gov't, private, etc.)	Time Applicable	Actual Results (& Target Results) Time Period #1 FY 2011-2012	Actual Results (& Target Results) Time Period #2FY 2012-2013	Actual Results (& Target Results) Time Period #3 FY 2013-2014	Actual Results (& Target Results) Time Period #4 FY 2014-2015	Actual Results (& Target Results) Time Period #5 (most recent completed time period)FY 2015-2016	Target Results Time Period #6 (current time period)July 2016-February, 2017
Training - External- # of Employment Training Sessions	Output	Agency selected	Not Known	July 1, 2015 - June 30, 2016	Actual - 23 Target - DNE	Actual - 13 Target - DNE	Actual - 21 Target - DNE	Actual - 24 Target - DNE	Actual - 31 Target - DNE	Actual - 15 Target - DNE
Training - Internal # of Training Sessions	Output	Agency selected	Not Known	July 1, 2015 - June 30, 2016	DNE	DNE	Actual - 8 Target - DNE	Actual - 22 Target - DNE	Actual - 18 Target - DNE	Actual - 12 Target - DNE

### Community Relations Councils/ Sustained and Created

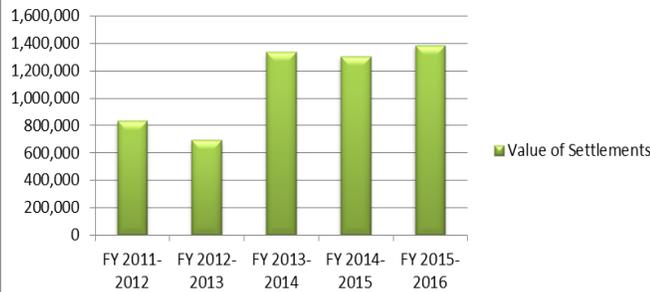


### Community Relations Councils/ Sustained & Created

Fiscal Year	Number of CRC's
FY 2011-2012	23*
FY 2012-2013	23*
FY 2013-2014	10
FY 2014-2015	17
FY 2015-2016	17

\* CRC's created prior to 2010 Reduction in Force took place. Thus no staff to maintain.

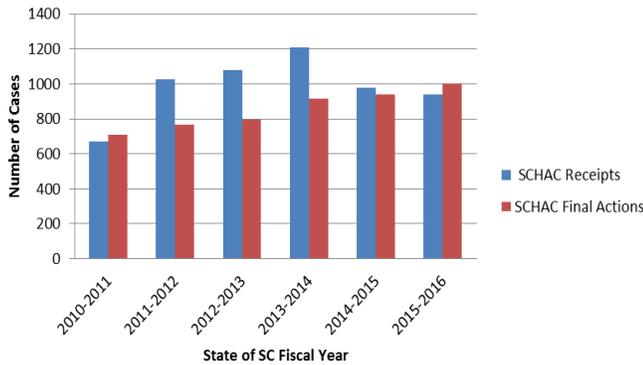
### Employment: Monetary Value of Settlements



### Employment: Monetary Value of Settlements

Fiscal Year	Value of Settlements
FY 2011-2012	831,441
FY 2012-2013	690,866
FY 2013-2014	1,333,148
FY 2014-2015	1,304,428
FY 2015-2016	1,383,461

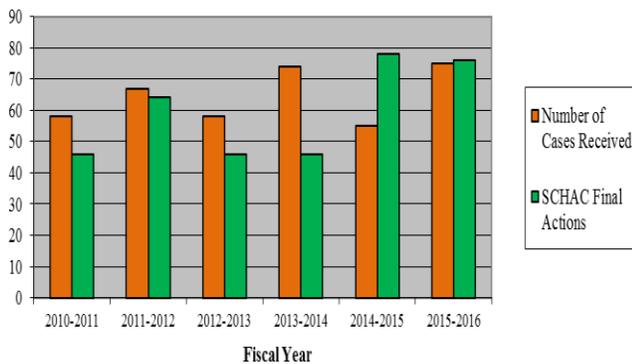
### Total Number of SCHAC Receipts vs. Total Number of SCHAC Final Actions



State of SC Fiscal Year	SCHAC Receipts	SCHAC Final Actions
2010-2011	672	709
2011-2012	1028	765
2012-2013	1078	796
2013-2014	1206	914
2014-2015	977	938
2015-2016	938	1003
<b>Average</b>	983	854

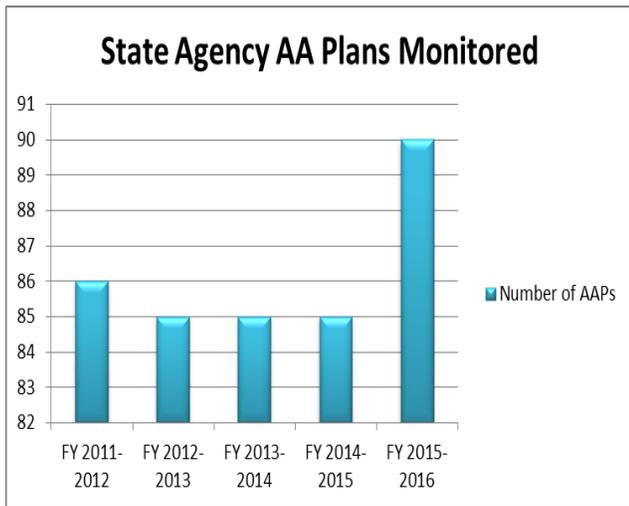
\*\*\* Averages are rounded to the nearest whole number\*\*\*

### Total Cases Received vs. SCHAC Final Actions

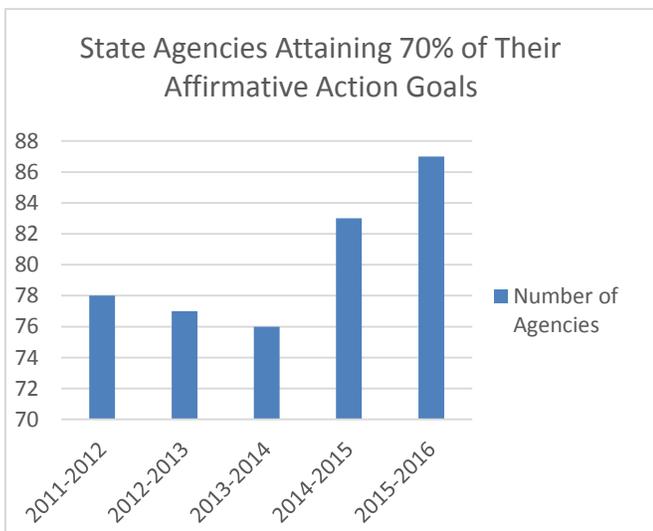


Fiscal Year	Number of Cases Received	SCHAC Final Actions
2010-2011	58	46
2011-2012	67	64
2012-2013	58	46
2013-2014	74	46
2014-2015	55	78
2015-2016	75	76
<b>Average</b>	65	59

\*\*\* Averages are rounded to the nearest whole number\*\*\*



State Agency AA Plans Monitored	
Fiscal Year	Number of AAPs
FY 2011-2012	86
FY 2012-2013	85
FY 2013-2014	85
FY 2014-2015	85
FY 2015-2016	90



State Agencies Attaining 70% of Their Affirmative Action Goals	
Fiscal Year	Number of Agencies
2011-2012	78
2012-2013	77
2013-2014	76
2014-2015	83
2015-2016	87

**NIKKI R. HALEY, CHAIR  
GOVERNOR**

**CURTIS M. LOFTIS, JR.  
STATE TREASURER**

**RICHARD ECKSTROM, CPA  
COMPTROLLER GENERAL**



**SC BUDGET AND CONTROL BOARD**

**Human Resources Division  
Samuel L. Wilkins  
DIRECTOR**

**803-896-5300  
FAX 803-896-5050**

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CHAIRMAN, SENATE FINANCE  
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**W. BRIAN WHITE  
CHAIRMAN, HOUSE WAYS AND MEANS  
COMMITTEE**

**MARCIA S. ADAMS  
EXECUTIVE DIRECTOR**

**December 15, 2014**

**Ms. Lori Dean  
Human Resources Director  
SC Human Affairs Commission  
1026 Sumter Street  
Columbia, SC 29201**

**Dear Ms. Dean:**

The results of the audit of your delegated transactions from July 1, 2012 to June 30, 2014 are attached. Thank you for your assistance during the audit.

Should you have any questions regarding your agency's audit results, please feel free to contact me at 803-896-5056. It was a pleasure to meet you.

Sincerely,

**Cheryl Hinson  
Human Resources Division**

**Enclosure**

**c: Mr. Raymond Buxton, Jr.**

**CLASSIFICATION DELEGATION AUTHORITY**  
**Human Affairs Commission**  
**December 15, 2014**

- I. Audit Period: July 1, 2012 thru June 30, 2014
- II. Auditor: Cheryl Hinson
- III. Delegated Reclassification Actions: Printouts on file with OHR  
7/1/12 - 6/30/14  
Total Number of Reclassifications: 8  
Total Number of Actions Audited: 8
- IV. Sampling Size: 100%
- V. Purpose of Audit:
  - 1. To determine if internal procedures are established for the review and processing of delegated classification actions.
  - 2. To determine if the agency maintains an approved copy of the classification delegation agreement and all other correspondence related to its classification delegation program.
  - 3. To determine whether delegated position descriptions are filed for ease of retrieval and review.
  - 4. To determine whether the job duties on the position description are appropriate to the classification of the position.
  - 5. To determine whether the position descriptions include: internal titles (if used), essential and marginal functions, percentages of time spent on each job duty, and appropriate coding and signatures.
  - 6. To determine whether the class code and position number is correct on each position description.
  - 7. To determine if authorized or effective dates on position descriptions fall on or after the approval date.
- VI. Findings:
  - 1. The agency was able to produce a copy of the classification delegation agreement.

2. Two position descriptions for vacant positions were not present (position number 60027452 and 60027568). The current Human Resources Director started at the Human Affairs Commission in January, 2013. Position descriptions were not up to date at that time. The HR Director has updated all position descriptions for filled positions. Therefore, the findings below are based on a sample size of six positions, with the exception of Finding 6.
3. 100% or 6 out of the 6 actions that were reviewed were appropriately classified.
4. Out of the six position descriptions audited the following was noted:
  - **Appropriate coding and signatures**
    - 0% or 0 out of the 6 had the appropriate coding and signatures.
  - **Appropriate class code and position number**
    - 83.33% or 5 out of the 6 had the class code and position number.
  - **FLSA designation**
    - 100% or 6 out of the 6 actions audited had the FLSA designation
  - **State minimum training and experience**
    - 100% or 6 out of the 6 actions audited had minimum training and experience that at least met the State minimum classification specification
  - **Essential and marginal functions**
    - 100% or 6 out of the 6 actions audited had essential and marginal functions designated.
  - **Percentages of time spent on each job duty**
    - 100% or 6 out of the 6 actions audited had percentages of time that equaled 100%.
5. Because the approval dates and effective dates were not indicated on the position descriptions it was not possible to determine whether the actions were approved before or on the effective date.
6. 25% or 2 out of the 8 classification actions audited were missing position descriptions.

VII. Recommendation(s):

- **PD/Class Specification Comparison**
  - No recommendations.
- **Minimum Training and Experience**
  - No recommendations.
- **Essential & Marginal Functions**
  - No recommendations.
- **Job Functions**

- No recommendations.
- **Coding & Signatures**
  - Ensure that position descriptions contain the appropriate coding and signatures. Ensure that the following fields are completed on each position description: the Office of Human Resources box, the Source of Funding, and the Required Action Information on page one of the position description.
- **FLSA**
  - No recommendations.
- **Class Code & Position #**
  - Ensure that the class code and position number are present on each position description and that they match the position number in SCEIS for a given class code and slot.
- **Approval Dates & Effective Dates**
  - Ensure that there are not retroactive actions by approving reclassifications prior to their effective dates.
- **Missing Delegated Position Descriptions**
  - Maintain and present position descriptions on all delegated classification actions. Ensure that a current and accurate position description exists for each position within the agency.
- **Agency Maintain Copy of Classification Delegation Agreement**
  - No Recommendations.

VIII. Summary:

Implementation of the recommendations made in this report will ensure that the agency remains in compliance with the classification delegation agreement.

**HIRE ABOVE MINIMUM DELEGATION AUTHORITY**  
**Human Affairs Commission**  
**December 15, 2014**

- I. Audit Period Covered: July 1, 2012 – June 30, 2014
- II. Auditor: Cheryl Hinson
- III. Delegated Hire Above Minimum Actions: Printouts on file with OHR  
7/1/12 - 6/30/14  
Number Hired Above Minimum: 13  
Number of Actions Audited: 13
- IV. Sampling Size: 100 %
- V. Purpose of Audit:
1. To determine if internal procedures are established for the review and documentation of delegated hire above minimum actions.
  2. To determine if the agency maintains an approved copy of the hire above minimum delegation agreement and all other correspondence related to its hire above minimum delegation program.
  3. To determine whether hire above minimum documentation is filed for ease of retrieval and review.
  4. To determine whether proper documentation exists for each hire above minimum action, to include:
    - A completed employment application with salary history and dates of employment
    - Position title, class code and slot to include internal title, if used
    - Pay band and salary range
    - Proposed salary above minimum
    - Agency average salary, internal title average salary
    - Statewide average salary, if applicable
    - Justification statement to include not only that the applicant exceeds the minimum requirements, but also a description of why the salary is needed to hire the individual (e.g., market, recruiting/retention difficulties, most qualified and little time needed for training, etc.)
    - Hire date
    - Authorized signature and date of approval

5. To determine whether actions are approved prior to the hire date of the applicant.
6. To determine whether actions are true new hires, or whether another action code, such as promotion, demotion, or transfer is appropriate.
7. To determine whether recommendations from previous audits have been implemented.

VI. Findings:

1. The agency was able to produce its copy of the hire above minimum delegation agreement.
2. This section summarizes the documentation for each hire above minimum action. There were a total of 13 hire above minimum actions audited.
  - **Completed Application Including Employment Dates** –100% or 13 out of the 13 actions audited had a completed application including employment dates.
  - **Title/Class (including internal title)** – 100% or 13 out of the 13 actions audited had the title/class. The agency did not have a salary justification form with this information. However, the information was found on the application for each position.
  - **Pay Band/Salary Range** -77% or 10 out of the 13 actions audited had the pay band and salary range. Again, while the agency did not use a salary justification form, this information was present for ten of the thirteen actions because the job posting was included in the documentation.
  - **Proposed Salary Above Minimum** - 0% or 0 out of the 13 actions audited had the proposed salary and percentage above minimum.
  - **Average Salary Data** - 0% or 0 out of the 13 actions audited had average salary data.
  - **Justification Statement of HAM** - 0% or 0 out of the 13 actions audited had an adequate justification statement.
  - **Approval Date on or Prior to Hire Date** - 100% or 13 out of the 13 actions audited had the approval date on or prior to the hire date. It was apparent that the actions were approved prior to the effective date based on the date on the job offer letters which were included in the documentation.
  - **Authorized Signature & Approval Date** - 100% or 13 out of the 13 actions audited had an authorized signature and/or approval date. The signature and date on the job offer letters indicated that the actions were approved prior to the effective date.
  - **New hires coded appropriately** - 100% or 13 out of the 13 actions audited were coded correctly as a new hires.

VII. Recommendations:

- ^ **Completed Application including Employment Dates - No Recommendations.**
- ^ **Title/Class (including internal title) - No Recommendations.**
- ^ **Pay Band/Salary Range - Ensure the correct pay band/salary range for the position is recorded on your internal approval form. A sample salary justification form was provided to the Human Resources Director for future use.**
- ^ **Proposed Salary Above Minimum - Ensure the proposed salary above minimum is recorded on your internal approval form.**
- ^ **Average Salary Data Ensure the state average salary is recorded on your internal approval form. This will assist the agency in making equitable pay decisions on a statewide basis. Also include the agency average salary data if the agency has other individuals in the State classification.**
- ^ **Justification Statement of HAM - Ensure that a justification statement is present for each hire above minimum action. The justification statement should include reasons above and beyond the fact that the applicant has training and experience which exceeds the minimum requirements. Justification statements need to be job related, factual, and non-discriminatory.**
- ^ **Approval Date on or prior to Hire Date No Recommendations.**
- ^ **Authorized Signature & Approval Date - No Recommendations.**
- ^ **Did Employee Come from Other State Agency - No Recommendations.**
- ^ **Delegation Contract on File - No Recommendations.**

VIII. Summary:

Continued focus on the implementation of the recommendations made in this report will strengthen this agency's hire above minimum delegation in the future. Implementation and consistent use of the salary justification form will ensure that all required documentation is present for each hire above minimum action. While the rationale for hiring decisions was not documented on a salary justification form, it is noted that the Commissioner and Human Resources Director did discuss and agree on each hiring salary prior to a job offer being made.

June 16, 2016

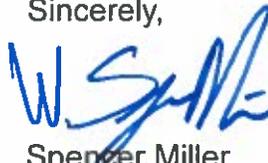
Ms. Lori Dean  
Administrative Manager  
SC Human Affairs Commission  
1026 Sumter Street  
Columbia, South Carolina 29201

Dear Ms. Dean:

The results of the audit of your delegated transactions from July 1, 2014 to June 30, 2015 are attached. Thank you for your assistance during the audit.

Should you have any questions regarding your agency's audit results, please feel free to contact me at 803-896-5194.

Sincerely,



Spencer Miller  
Consultant

Enclosure

c: Mr. Raymond Buxton, II



**HIRE ABOVE MINIMUM DELEGATION AUTHORITY**  
**Human Affairs Commission**  
*June 16, 2016*

- I. Audit Period Covered: July 1, 2014 – June 30, 2015
- II. Auditors: Spencer Miller & Debbie Clark
- III. Delegated Hire Above Minimum Actions: Printouts on file with OHR  
7/1/14 - 6/30/15  
Number Hired Above Minimum: 5  
Number of Actions Audited: 5
- IV. Sampling Size: 100 %
- V. Purpose of Audit:
  1. To determine if internal procedures are established for the review and documentation of delegated hire above minimum actions.
  2. To determine if the agency maintains an approved copy of the hire above minimum delegation agreement and all other correspondence related to its hire above minimum delegation program.
  3. To determine whether hire above minimum documentation is filed for ease of retrieval and review.
  4. To determine whether proper documentation exists for each hire above minimum action, to include:
    - A completed employment application with salary history and dates of employment
    - Position title, class code and slot to include internal title, if used
    - Pay band and salary range
    - Proposed salary above minimum
    - Agency average salary, internal title average salary
    - Statewide average salary, if applicable
    - Justification statement to include not only that the applicant exceeds the minimum requirements, but also a description of why the salary is needed to hire the individual (e.g., market, recruiting/retention difficulties, most qualified and little time needed for training, etc.)
    - Hire date
    - Authorized signature and date of approval

5. To determine whether actions are approved prior to the hire date of the applicant.
6. To determine whether actions are true new hires, or whether another action code, such as promotion, demotion, or transfer is appropriate.
7. To determine whether recommendations from previous audits have been implemented.

VI. Findings:

1. The agency was able to produce its copy of the hire above minimum delegation agreement.
2. This section summarizes the documentation for each hire above minimum action. There were a total of 5 hire above minimum actions audited.

- **Completed Application Including Employment Dates** -100% or 5 out of the 5 actions audited had a completed application including employment dates.
- **Title/Class (including internal title)** – 100% or 5 out of the 5 actions audited had the title/class.
- **Pay Band/Salary Range** -100% or 5 out of the 5 actions audited had the pay band and salary range.
- **Proposed Salary Above Minimum** - 40% or 2 out of the 5 actions audited had the proposed salary and percentage above minimum. All hire above minimum actions had the proposed salary; however, 3 out of 5 actions did not list the percent above the minimum.
- **Average Salary Data** - 40% or 2 out of the 5 actions audited had average salary data. None of the hire above minimum actions had the state average salary data; however, 2 out 5 actions had the agency average salary data recorded.
- **Justification Statement of HAM** - 40% or 2 out of the 5 actions audited had an adequate justification statement.
- **Approval Date on or Prior to Hire Date** - 100% or 5 out of the 5 actions audited had the approval date on or prior to the hire date.
- **Authorized Signature & Approval Date** - 100% or 5 out of the 5 actions audited had an authorized signature and/or approval date.
- **New hires coded appropriately** - 100% or 5 out of the 5 actions audited were coded correctly as a new hires.

VII. Recommendations:

- ^ **Completed Application including Employment Dates** - No Recommendations.
- ^ **Title/Class (including internal title)** - No Recommendations.
- ^ **Pay Band/Salary Range** -No Recommendations.

- ^ **Proposed Salary Above Minimum** – Ensure that the percentage above the minimum is recorded.
- ^ **Average Salary Data** Ensure the state and agency average salary is recorded on your internal approval form. This will assist the agency in making equitable pay decision.
- ^ **Justification Statement of HAM** - Ensure that a justification statement is present for each hire above minimum action. The justification statement should include reasons why the salary is needed to hire the applicant. For example, how the applicant exceeds the minimum requirements of the position, relevant market salary data, difficulty in recruiting/retaining, most qualified for the position, specialized/technical expertise, uniqueness of job in relation to training and experience, or level of job within the classification, and little time needed to train candidate.
- ^ **Approval Date on or prior to Hire Date** No Recommendations.
- ^ **Authorized Signature & Approval Date** - No Recommendations.
- ^ **Did Employee Come from Other State Agency** - No Recommendations.
- ^ **Delegation Contract on File** - No Recommendations.

VII. Summary:

Continued focus on the implementation of the recommendations made in this report will strengthen the agency's hire above minimum delegation in the future. Consistent use of the Hire Above Minimum Justification Form will ensure that all required documentation is present for each hire above minimum action. To further strengthen your salary justification, explain how the data included in the analysis was used to determine the specific salary recommended.

**CLASSIFICATION DELEGATION AUTHORITY**  
**Human Affairs Commission**  
**June 16, 2016**

I. Audit Period: July 1, 14 thru June 30, 2015

II. Auditors: *Spencer Miller & Debbie Clark*

III. Delegated Reclassification Actions: Printouts on file with DSHR

7/1/14 - 6/30/15

Total Number of Reclassifications: 10

Total Number of Actions Audited: 10

IV. Sampling Size: 100%

V. Purpose of Audit:

1. To determine if internal procedures are established for the review and processing of delegated classification actions.
2. To determine if the agency maintains an approved copy of the classification delegation agreement and all other correspondence related to its classification delegation program.
3. To determine whether delegated position descriptions are filed for ease of retrieval and review.
4. To determine whether the job duties on the position description are appropriate to the classification of the position.
5. To determine whether the position descriptions include: internal titles (if used), essential and marginal functions, percentages of time spent on each job duty, and appropriate coding and signatures.
6. To determine whether the class code and position number is correct on each position description.
7. To determine if authorized or effective dates on position descriptions fall on or after the approval date.

VI. Findings:

1. The agency was able to produce a copy of the classification delegation agreement.

2. The agency had 100% or 10 out of the 10 actions that were appropriately classified.
3. Out of the position descriptions audited the following was noted:
  - **Appropriate coding and signatures**
    - 100% or 10 out of the 10 had the appropriate coding and signatures
  - **Appropriate class code and position number**
    - 100% or 10 out of the 10 had the class code and position number.
  - **FLSA designation**
    - 100% or 10 out of the 10 actions audited had the FLSA designation
  - **State minimum training and experience**
    - 100% or 10 out of the 10 actions audited had minimum training and experience that at least met the State minimum classification specification
  - **Essential and marginal functions**
    - 100% or 10 out of the 10 actions audited had essential and marginal functions designated.
  - **Percentages of time spent on each job duty**
    - 100% or 10 out of the 10 actions audited had percentages of time that equaled 100%.
4. The agency had 80% or 8 out of the 10 actions audited that were approved before or on the effective date.
5. 0% or 0 out of the 10 classification actions audited were missing position descriptions.

VII. Recommendation(s):

- **PD/State Specification Comparison**
  - No Recommendations.
- **Minimum Training and Experience**
  - No Recommendations.
- **Essential & Marginal Functions**
  - No Recommendations.
- **Job Functions**
  - No Recommendations.
- **Coding & Signatures**
  - No Recommendations.
- **FLSA**
  - No Recommendations.

- **Class Code & Position #**
  - No Recommendations.
- **Approval Dates & Effective Dates**
  - Ensure that reclassification actions are approved prior to the effective date.
- **Missing Delegated Position Descriptions**
  - No Recommendations.
- **Agency maintain copy of classification delegation agreement**
  - No Recommendations.

VIX Summary:

It appears that the decisions made by the agency during this audit period regarding reclassification actions are sound. The agency is in compliance with the classification delegation agreement.

U.S. Department of Housing and Urban Development



Georgia State Office  
Five Points Plaza  
40 Marietta Street  
Atlanta, GA 30303-2906

Mr. Jesse Washington  
Commissioner  
South Carolina Human Affairs Commission  
P. O. Box 4490  
Columbia, SC 29240

Dear Mr. Washington:

Subject: Fair Housing Assistance Program  
Performance Assessment  
South Carolina Human Affairs Commission

On August 20-21, 2008, Pat Green and Marshall Pendelton of the Columbia FHEO Office conducted an on-site performance assessment of your agency. The assessment covered the period from July 1, 2007 through June 30, 2008. Based upon the practices, and performance of the agency at the time of the review, the U.S. Department of Housing and Urban Development (hereinafter, HUD) recommends that your agency receive continuing certification as a substantially equivalent agency under Section 810(f)(3) of the Fair Housing Act.

Enclosed is a copy of the performance assessment report for your information. If you should have questions, please contact your Government Technical Monitor, Marshall Pendelton at (803) 253-3281. We appreciate your cooperation during this assessment, and look forward to our continued partnership to insure equal housing opportunities for all our citizens.

Sincerely yours,

James N. Sutton  
FHEO Region IV Director  
Regional Office of FHEO

Enclosure

cc:  
Vicki A. Ray, Louisville FHEO Center Director

UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT  
REGION IV OFFICE  
OF  
FAIR HOUSING AND EQUAL OPPORTUNITY

PERFORMANCE ASSESSMENT  
FAIR HOUSING ASSISTANCE PROGRAM



South Carolina Human Affairs Commission  
2611 Forrest Drive  
Columbia, SC 29201

REVIEWERS:

Marshall Pendelton  
Equal Opportunity Specialist

Pat Green  
Columbia FHEO Director

REVIEW PERIOD:

July 1, 2007 – June 30, 2008

DATE OF ASSESSMENT:

August 20-21, 2008

**AGENCY:** South Carolina Human Affairs Commission (SCHAC)  
2611 Forrest Drive  
Columbia, SC 29201

**DATE:** September 30, 2008

**PERFORMANCE PERIOD:** July 1, 2007 through June 30, 2008

---

**BACKGROUND:**

Authorities

The performance assessment was conducted in accordance with 24 CFR Parts 115 Certification and Funding of State and Local Fair Housing Enforcement Agencies, Sections 115.210(c) Annual Assessments; Section 115.203, Performance Standards; Section 115.309, Reporting and record keeping requirements; and the Fair Housing Assistance Cooperative Agreement.

Purpose of the Assessment

The Performance Assessment provides the basis for the Department of Housing and Urban Development, (HUD), The Office of Fair Housing and Equal Opportunity (FHEO), to determine whether the South Carolina Human Affairs Commission (SCHAC) is eligible to receive full certification as a substantially equivalent fair housing enforcement agency. Additionally, the review was to assess the administrative and enforcement capacity of the SCHAC, and its current practices and performance within the past year with respect to the processing of housing complaints. In making the assessment, appropriate data was gathered and analyzed to determine if each performance standard was met as set forth in HUD's revised regulations at 24 CFR Part 115.206.

**I. PERFORMANCE STANDARDS (24 CFR 115.206):**

**a. STANDARD 1: Commence complaint proceedings, carry forward such proceedings, complete investigations, issue determinations, and make final administrative dispositions in a timely manner.**

**i. Case Processing:**

The SCHAC processed and closed a total of 59 cases in this performance period. Twenty-five (42%) cases were reviewed for compliance with Departmental guidelines. Each file indicated that the agency followed the HUD recommended guidelines for processing complaints.

The specific procedures the agency used for processing complaints include: intake of complaint, determination of jurisdiction, identify the issues in the complaint, determine approaches to resolution, investigate complaints, compose letters of findings and resolution, and develop settlement agreements.

The files reviewed indicated that all investigations were conducted onsite. Information obtained from the files reviewed indicated that in almost all cases sufficient data to address investigations was obtained during the investigation. However, in some cases the information and data obtained in the investigation, and presented in TEAPOTS was not consistent. For example, relevant or pertinent information reviewed in the case file was not documented or fully reported in TEAPOTS. Information needs to be more detail when being put into TEAPOTS.

**ii. Commencement of Proceedings:**

A review of the agency's closed cases indicated that it commenced the investigations within the prescribed time period of thirty days.

The agency made proper contacts within a reasonable time period in 100 percent of the cases (i.e. sent out Respondent's data request letters, interviewed the Complainant(s), Respondent(s) and other witnesses, etc.).

The agency is deficient \* (33 of 59 cases = 59 percent) with reference to the prescribed 100 days processing time:

0-100 days - \* 26 cases  
 100-150 days - 9 cases  
 151-200 days - 10 cases  
 201-250 days - 4 cases  
 251-300 days - 3 cases  
 301+ days - 7 cases \*\*

The agency was deficient in its performance goal to close at least \*53 percent of all cases within 100 days, excluding any recommended cause cases. During the performance period the agency reported one case that took over \*\*one year to close or to complete the investigation.

**b. STANDARD 2: Administrative Closures are utilized only in limited and appropriate circumstances.**

Twelve (20%) cases processed were administratively closed during the performance period. One closed for "lack of jurisdiction", four closed because the Complainant "failed to cooperate", six were "withdrawn by the Complainant without resolution" and one was "withdrawn with resolution".

**i. Lack of Jurisdiction:**

1. Davis v. CCO Mortgage (04-08-0235-8) closed less than 100 days

**ii. Failure to Cooperate:**

1. Hughey v. Regions Bank (04-08-0149-8) closed in less than 100 days.

2. Moal v. AHEP Management Co. (04-08-0463-8) closed in less than 100 days
3. Bryant v. Bank of America (04-08-0377-8) closed in less than 50 days.
4. Kind v. Canterbury Apts. (04-08-0637-8) closed in less than 100 days.

**iii. Withdrawal with Resolution:**

1. Watson v. Columbiana Ridge Apts. (04-08-0439-8) closed in less than 150 days.

**iv. Withdrawal without Resolution:**

1. Wells v. Cambridge Investment (04-08-0031-8) closed in less than 100 days.
2. Stuckey v. Carroll (04-08-0671-8) closed in less than 100 days.
3. Urbi v. Young (04-08-0291-8) closed in less than 100 days.
4. Pinckey v. Ascot Homeowners (04-07-0759-8) closed in less than 130 days.
5. Silver v. Miller Pond HOA (04-07-1361-8) closed in less than 150 days.
6. Coletta v. Anderson/Forestridge Apts. (04-07-1124-8) closed in less than 200 days

- c. STANDARD 3: During the period beginning with the filing of a complaint and ending with the filing of a charge or dismissal, the agency will, to the extent feasible, attempt to conciliate the complaint.**

The Conciliation Agreements were all written to protect the public's interest and provided specified relief for the complainant(s). Of the 59 cases processed this performance period, six (10%) were successfully conciliated with settlement. Each case indicated that the complainant(s) were not coerced into signing the Conciliation Agreement.

The following cases were conciliated and reviewed for compliance:

- i. Gayle v. Colonial Villa (04-07-1304-8)
- ii. Cohen v. Alexander Realty (04-07-1419-8)
- iii. Jones v. Security Realty (04-08-0502-8)
- iv. Hugenin v. Drew/Bonnie's Mobile Home Park (04-07-1011-8)
- v. Nguyen v. Ravenwood (04-08-0063-8)
- vi. Friger v. Creekside Apts. (04-07-1207-8)

In the review of each case file, there was no indication the complainant(s) were not satisfied with the investigation and resolution of his/her complaint.

**d. STANDARD 4: The agency conducts compliance reviews of settlements, conciliation agreements and orders resolving discriminatory housing practices.**

i. The following conciliation agreements were reviewed for terms, conditions and application of authority to seek damages:

1. Grant v. TN Development (04-07-1173-8)
2. Rogers v. Eller (04-07-1225-8)
3. Addis V. McKenna Commons (04-07-1411-8)
4. Haughney v. Anchor Rentals (04-08-0086-8)
5. Koziarski V. Pal Harbor (04-08-0047-8)
6. Jones v. Security Realty (04-08-00478)

ii. **An assessment of the agency's procedures for conducting compliance reviews:**

The agency from time to time, reviews compliance with conciliation agreement, and, if necessary, recommends to the South Carolina Attorney General that a civil action be filed to seek the enforcement of the terms of the agreement.

**e. STANDARD 5: The agency must consistently and affirmatively seek and obtain the type of relief designed to prevent recurrences of discriminatory practices.**

i. **An assessment of types of relief sought.** The types of relief received for each reviewed conciliation is as follows:

1. Grant v. TN Development – (04-07-1173-8) Complainant received a reduction in rent and fees for total settlement of \$672.00.
2. Rogers v. Eller - (04-07-1225-8) Complainant able to maintain and keep lease agreement on a month to month basis.
3. Addis v. McKenna Commons - (04-07-1411-8) Respondent agrees to bear all cost of moving the handicap space from its existing location to over eight (8) spaces towards the center of the building.

4. Haughney v. Anchor Rentals. – (04-08-0086-8) Complainant security deposit refunded, \$707.00
5. Koziarski v. Palm Harbor Homes – (04-08-0047-8) Complainant received \$600.00 in refund of security deposit and rent amount reduced from \$650.00 per month to \$625.00.
6. Jones v. Security Realty. – (04-08-0528-8) Respondents agreed to refund Complainant's security deposit of \$460.00

The actions taken by the agency were appropriate in most of the cases that were reviewed. The agency negotiated and received relief for the complainants in all 15 conciliations settled by the agency. Relief and/or awards were sought in each case.

**f. STANDARD 6: The agency must consistently and affirmatively seek to eliminate all prohibited practices under its fair housing law.**

**i. Education and Outreach:**

The agency's fair housing staff conducted and/or assisted with conducting a total of 20 educational and outreach training sessions during this performance period. These educational and training sessions were presented to protected classes of individuals, housing providers, business owners, lenders, stakeholders and residents of the community at large. Topics covered a wide variety of information and issues regarding the Fair Housing Act and related housing industry concerns. The following are an example of some of the education, training and outreach efforts SCHAC staff performed this past performance period between July 1, 2007 and June 30, 2008:

Education and Outreach Activities	FHAP Personnel Conducting Event	Date of Event	Summary of Training
Outreach Attended Public Hearing Charleston, SC	Delaine Frierson	July 24, 2007 150 Attending Charleston, SC	Discussion of National Community Reinvestment Coalition (NCRC) report, which states Charleston area, is the worst in the nation for nonwhite buyers.
Training Property Management Staff Training for housing provider	Delaine Frierson	August 7, 2007 50 Attending Florence, SC	Training provided to apartment workers concerning discrimination.
Training PARTNERSHIP Property Management Company	Delaine Frierson	August 7, 2007 Columbia, SC 50 Attending	Fair Housing Requirements
Training/Outreach		August 10, 2007	Housing education strategies

William Thomas Academy	Jesse Washington	Sumter, SC 100 Attending	and Fair Housing Law
Outreach/Education and Seminar  US Civil Rights Commission, Regional Office	Jesse Washington	September 19, 2007 Columbia, SC 15 Attending	Fair Housing Laws and Rights of citizen therein
Outreach/Workshop  Greater Florence Chamber of Commerce.	Jesse Washington	January 28 , 2008 Florence, SC 100 attendees	Responsibilities of Business and Community under the Fair Housing Law.
Education/Outreach  Institute for Public Service & Policy	Jesse Washington	March 3, 2008 Columbia, SC SC USC 20 Persons Attending	Foundation and operation of the State and Federal Fair Housing Law.
Staff Training  Charleston Trident Assoc of Realtors	Delaine Frierson	March 14, 2008 Charleston, SC 35 Attendees	Training for apartment managers and other housing providers.
Outreach/Education  Contact person Angela Terry	Delaine Frierson	April 17, 2008 Orangeburg, SC Orangeburg Community Development Corporation 45 Attendees	Home Buyers Education Workshop - History of Fair Housing Act

ii. **Discussions:** Discussions were held with the agency's staff pertaining to their duties and responsibilities regarding the application and enforcement of both the federal and their state fair housing law. The agency did not identify any amendments, court decisions or other rulings or documentation that may affect the agency's ability to carry out provisions of its fair housing law.

g. **STANDARD 7: The agency must demonstrate that it receives and processes a reasonable number of complaints cognizable under both the federal Fair Housing Act and the agency's fair housing ordinance.**

- i. The population of the jurisdiction served by the SCHAC is 4,321,249.
- ii. The agency has participated in the FHAP for 11 years.
- iii. The agency has received and processed 187 cases over the past 3 years: 2005/2006 - 65 cases; 2006/2007-63 cases; and 2007/2008 – 59 cases.

Based on the above information, the agency receives and processes a reasonable number of complaints cognizable under the Fair Housing Act.

**h. STANDARD 8: The agency must report to HUD on the final status of all dual-filed complaints where a determination of reasonable cause was made.**

During this rating period, the agency did not process or report any 'cause' cases. However, a possible cause case was under investigation at the time of the onsite review.

**i. STANDARD 9: The agency must conform its performance to the provisions of any written agreements executed by the agency and the Department related to substantial equivalency certification.**

The agency conforms its performance to the written requirements of the MOU. There was no evidence of any deviations.

**II. ADDITIONAL REQUIREMENTS/DISCUSSIONS AND REVIEWS:**

**a. Budget**

Expenditures:	FY 06-07	FY 07-08	FY 08-09	FY 09-10 (EST.)
Salaries & Benefits	2,295,891	2,274,815	2,519,489	2,417,542
Other Operating Costs	482,133	473,671	454,395	470,543
<b>Total Expenditures</b>	<b>2,778,024</b>	<b>2,748,487</b>	<b>2,973,884</b>	<b>2,888,085</b>
<b>Funding:</b>				
State Appropriation	1,812,267	2,240,433	2,110,856	2,110,856
Federal Funds (HUD)	230,708	160,780	177,528	166,576
Federal Funds (EEOC)	659,191	336,883	685,500	610,653
Other:				
Capital Reserve	75,857	10,391		
<b>Total Funding</b>	<b>2,778,0274</b>	<b>2,748,487</b>	<b>2,793,884</b>	<b>2,888,085(est.)</b>

An audit of the agency was conducted this year. The process for releasing information to the public is through the Freedom of Information Act. Access to agency files, pertinent books, reports and records, is permitted to any duly authorized HUD official or duly authorized representatives of the agency.

The law administered by the agency has not changed. With the addition of three new investigators it is anticipated that all aged cases will be closed within the current performance year.

### III. FHAP AGENCY ADMINISTRATION AND ORGANIZATION:

#### a. Staffing:

SCHAC is staffed by a total of 40 full-time employees. The fair housing division is staffed with 10 full and part-time employees that perform duties in the state of South Carolina. Within the last year two investigators retired or left the agency; however, three investigators and a staff attorney have been added to the housing staff. A new intake assistant/administrative was also hired last year. The new investigators and other staff members are scheduled to receive fair housing training during September 2008 at the Fair Housing Training Academy in Washington, D.C. Although the new staff will be receiving fair housing training at the academy, additional training regarding the processing of complaints will be provided by the local FH&EO office.

NAME	POSITION
Delaine Frierson	Director, F H Division – full-time (18 years)
Herb Lanford	Executive Assistant – part-time (10 months)
Ralph Hale	Legal Counsel - part-time (18 years)
Octavia Wright	Staff Attorney - part-time (3 months)
Jessica White	Investigator/Conciliator – full-time (12 months)
Reginald Martin	Investigator/Conciliator – full-time (4 months)
Marvin Caldwell	Investigator/Conciliator – full-time (3 months)
Jawanda Moore	Administrative Assistant – part-time (12 months)
John Jones	Intake Director – part-time (8 months)
Don Frierson	Intake Consultant – part-time (17 years)

#### b. Training:

During the performance year staff did not attend any fair housing training at the NTHTA. A total of four staff members will be attending the NTHTA during September 2008.

Delaine Frierson, Fair Housing Director attended the IAOHRA and NAHRW Conference during September 2007 in Atlanta, Georgia.

#### c. Data Support Systems:

Each staff member has a Dell computer that runs on Window XP software. In addition to the TEAPOTS system the South Carolina Human Affairs Commission uses an Access-based system which allows the agency to do the following:

##### Complaints

- Add new complaints and input the jurisdictional information
- Look up cases by the year filed (This goes back to 1990.)
- Look up cases by SHAC #

Look up cases by the HUD #

**Generate the following reports:**

Aging Summary  
Closed Reports  
Closures between dates  
Closure Summary by Close Code

**HUD Reports**

FHAP Voucher Detail  
HUD Monthly Reports  
Transfers to HUD

**IV. CONCLUSIONS AND RECOMMENDATIONS:**

The agency's overall performance as an equivalent fair housing enforcement entity has positively impacted the attitudes of the constituency of the State of South Carolina. The agency is currently going through an adjustment period due to the departure of both of its senior investigators. However, the agency continues to illustrate a positive impact in the community with its strong effort to eliminate discrimination in South Carolina's housing industry, neighborhoods and communities.

Based upon the examination of the current practices and performance of the South Carolina Human Affairs Commission, it is recommended that the agency continues as a substantially equivalent agency under the Fair Housing Assistance Program.

SIGNATURE PAGE

Marshall L. Pendelton  
Marshall L. Pendelton  
Equal Opportunity Specialist, GTM  
Columbia Field Office  
Office of Fair Housing and Equal Opportunity

Date 9-30-08

Patricia W. Green  
Pat W. Green, FHEO Director  
Columbia Field Office  
Office of Fair Housing and Equal Opportunity

Date 9/30/08

Vicki A. Ray  
Vicki A. Ray  
Louisville FHEO Center Director/GTR  
Office of Fair Housing and Equal Opportunity

Date 9/30/2008

Vicki A. Ray for  
James N. Sutton  
FHEO Region IV Director  
Regional Office of Fair Housing and Equal Opportunity

Date 9/30/2008



U.S. Department of Housing and Urban Development

Georgia State Office  
Five Points Plaza  
40 Marietta Street  
Atlanta, GA 30303-2906

**CERTIFIED MAIL – RETURN RECEIPT REQUESTED**

SEP 30 2009

Mr. Jesse Washington  
Commissioner  
South Carolina Human Affairs Commission  
P. O. Box 4490  
Columbia, SC 29240

Dear Mr. Washington:

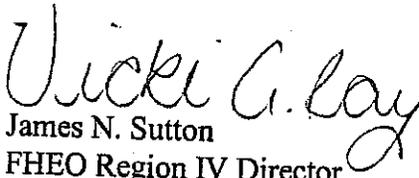
Subject: Fair Housing Assistance Program  
Performance Assessment  
South Carolina Human Affairs Commission

On September 23, 2009, Marshall Pendelton of the Columbia FHEO Office conducted a performance assessment of your agency. The assessment covered the period from July 1, 2008 through June 30, 2009. Based upon the practices, and performance of the agency at the time of the review, the U.S. Department of Housing and Urban Development (hereinafter, HUD) recommends that your agency receive continuing certification as a substantially equivalent agency under Section 810(f)(3) of the Fair Housing Act.

Enclosed is a copy of the performance assessment report for your information. Your attention is directed to the areas of concern that are noted in the report. Please ensure that they are addressed within the timeframes indicated. If you should have questions, please contact your Government Technical Monitor, Marshall Pendelton at (803) 253-3281.

We appreciate your cooperation during this assessment, and look forward to our continued partnership to insure equal housing opportunities for all our citizens.

Sincerely yours,

*for*   
James N. Sutton  
FHEO Region IV Director  
Regional Office of FHEO

Enclosure

cc:

Vicki A. Ray, Louisville FHEO Center Director

**United State Department of Housing and Urban Decvelopment  
Office of Fair Housing and Equal Opportunity  
Region IV**

**Performance Assessment Report**



**SOUTH CAROLINA HUMAN AFFAIRS COMMISSION**

**2611 Forest Drive, Suite 200  
Columbia, South Carolina 29240**

**Purpose:** To determine whether the South Carolina Human Affairs Commission (SCHAC) engages in timely, comprehensive, and thorough fair housing complaint investigation conciliation and enforcement activities and therefore warrants continued certification as a substantially equivalent agency. This determination is based on SCHAC's compliance with the performance standards and requirements set forth in regulations implementing the Fair Housing Assistance Program, at 24 C.F.R. Part 115.

**Period of performance:** **June 30, 2008-July 1, 2009**

**Date of Remote Assessment:** **September 23, 2009**

**HUD Reviewer:** **Marshall Pendelton  
Equal Opportunity Specialist/GTM**

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## I. Organizational Structure and Staffing

### Fair Housing Unit

The housing unit is a division of the South Carolina Human Affairs Commission (SCHAC). The division is staffed with 10 full time employees. There are three females and seven males within the unit and the racial composition of the unit consists of eight African Americans/blacks and two Caucasians/whites.

#### HOUSING STAFF:

NAME	RACE	SEX	POSITION	LENGTH OF TIME IN HOUSING UNIT
Delaine Frierson	B	F	Director	19 years
Herb Lanford	W	M	Executive Assistant	16 months (No longer with Agency)
Ralph Haile	B	M	Legal Counsel	19 years
Octavia Wright	B	F	Staff Attorney	1 year 3 months
Jessica White	W	F	Investigator	2 years
Reginald Martin	B	M	Investigator	16 months
Marvin Caldwell	B	M	Investigator	15 months
Jawanda Moore	B	F	Administrative Assistant	2 years
John Jones	B	M	Intake Director	17 months (No longer with Agency)
Don Frierson	B	M	Intake Consultant	17 years (No longer with Housing Division )

SCHAC utilizes HUD Handbook 8024.01 as guidance in processing all housing complaints. Responsibilities of the investigators include conducting fair housing investigations and negotiating conciliations as part of the investigative process. All investigative conclusions are reviewed by the fair housing director and staff attorney before the issuance of any determination or enforcement actions. All case closures are approved by the Commissioner of the agency.

## II. Performance Standards

- A. Performance Standard #1 (24 CFR 115.206(e)(1): Commence complaint proceedings, carry forward such proceedings, complete investigations, issue determinations, and make final administrative dispositions in a timely manner.**

The specific procedures the agency uses for processing complaints include: intake of complaint, determination of jurisdiction, identification of the issues in the complaint,

determination of approaches to resolution, investigation of complaint, composure of letters of findings and resolution, and development of settlement agreements.

The initial intake of the complainant is conducted by the intake personnel. Once the jurisdictional element of the complaint is established and notification letters have been sent to all parties involved, the complaint is forwarded to the director of housing, who in terms reviews the complaint and assigns it to one of the investigators for investigation. However, if the complaint is a HUD referral generated by TEAPOTS, the complaint is immediately assigned an investigator by the housing director.

### Thoroughness of Case Processing

The assessment of SCHAC's ability to process fair housing for the period of July 1, 2008 through June 30, 2009 was conducted remotely based upon information SCHAC placed into TEAPOTS. The review indicated SCHAC initiated contact with the complainant within 30 days or less in all except one instance for the cases reviewed. The agency used data request letters that were standardized to the investigation notifying the complainant and respondent that a complaint had been filed. In cases where SCHAC was not able to close or make a determination within 100 days, a letter was sent informing the parties of the reason (s) the investigation was not completed within that time period.

SCHAC closed a total of 86 cases during the review period from July 1, 2008 –June 30, 2009.

TYPE OF CASE CLOSURE	NUMBER OF CLOSURES	PERCENTAGE
No Cause Determination	47	55%
Cause Determination	1	1%
Conciliation	14	16%
Withdrawal with Settlement	0	0%
Administrative Closures	24	28%
<b>TOTAL</b>	<b>86</b>	<b>100%</b>

Number of Days	Number of Cases	Percentage
0-100	32	37%
101 to 150	28	33%
151 to 200	20	23%
201 to 250	3	3.5%
Over 250	3	3.5%
<b>TOTAL</b>	<b>86</b>	<b>100%</b>

SCHAC had a total of nine (9) cases reporting as over 300 days old.

04-08-0086-8: Crosby, Dawne M. v. Housing Authority of the City of Columbia (305 days)  
 04-08-1765-8: Houska, Sharon v. Wachovia Mortgage, Inc. (330 days)  
 04-08-1702-8: Henry, Marquita S. v. York, William J. (340 days)  
 04-08-1654-8: Gaymon, Kevin v. Lancaster Landing, Inc. (348 days)  
 04-08-1649-8: Gonzalez, Jose v. L & R Properties (349 days)  
 04-08-1383-8: Capers, Ernestine v. Dimension One Management (396 days)  
 04-08-0859-8: Wasson, Tara v. Fannie Ray (477 days)  
 04-08-0652-8: Brown, Ervin & Mary H. (516 days)  
 04-08-0146-: Hall, Carol L. v. The Biltmore (651 days)

**Conclusion: The performance standard has been met.**

**B. Performance Standard #2 (24 CFR 115.206 (e) (2): Administrative closures are utilized only in limited and appropriate circumstances.**

Administrative closures are defined as cases that are closed for the following reasons:

1. Complaint lacked jurisdiction
2. Agency was unable to locate the complainant
3. Complainant failed to cooperate with the investigation
4. Complaint withdrawn by the complainant without resolution
5. Inability to locate respondent
6. Trial already commenced
7. Unable to locate Respondent

Case Number	Case Name	Closure	Relief?	Age at closing
04-08-0501-8	Brown v. Craft	Failed to cooperate	N	130
04-08-0804-8	Kresch v. White Cables	Failed to cooperate	N	108
04-08-1838-8	Cantonwine v. Douglas	Failed to cooperate	N	68
04-08-0858-8	Ramey v. East Gate	Failed to cooperate	N	143
04-08-1557-8	Lindsey v. Tinsey Realty	Failed to cooperate	N	76
04-08-0478-8	Neal v. TDM	Withdrawal	N	176
04-09-0430-8	Rodas v. Pametto Palms	Failed to cooperate	N	57
04-09-0135-8	Ledford v. Pitts	Failed to cooperate	N	120
04-09-0528-8	Lincoln v. HA of Charleston	Failure to cooperate	N	34
04-09-0391-8	Kalu v. Henderson	Lack of jurisdiction	N	48

04-08-0495-8	Elias v. Oakview	Failed to cooperate	N	180
04-08-1027-8	Demaghaes v. Devito	Lack of jurisdiction	N	117
04-08-1375-8	Peak v. Clayton	Lack of jurisdiction	N	48
04-08-0813-8	Robles v. Rentz	Failed to cooperate	N	73
04-08-1392-8	Winderllyn v. Newbury Realty	Withdrawal	N	20
04-08-1276-8	Thomas v. Furman	Withdrawal	N	39
04-08-0361-8	Anderson v. Hudson	Withdrawal	N	191
04-08-1764-8	Wanamaker v. St. Andrews Apts.	Failed to cooperate	N	241
04-09-0609-8	Cruz v. Buckley	Withdrawal	N	112
04-09-0824-8	Twan v. Habor Handing Apts.	Withdrawal	N	83
04-09-0732-8	Osborne v. Tobin	Withdrawal	N	88
04-09-1057-8	Anderson v. Joab Dick	Failure to cooperate	N	69
04-09-0538-8	Howard v. Pinckney	Failure to cooperate	N	195
04-081546-8	McKay v. Thomas	Withdrawal	N	75

During the review period, SCHAC had 24 administrative closures, which represented 28% of all cases closed. It did not appear that SCHAC used the administrative closure process to keep from closing the cases on their merit.

**Conclusion:** The performance standard has been met.

- C. Performance Stand #3 (24 CFR 115.206(e)(3):** During the period beginning with the filing of a complaint and ending with filing a charge or dismissal, the agency, to the extent feasible, attempts to conciliate the complaint. After the charge has been issued, the agency, to the extent feasible, continues to attempt settlement until a hearing or a judicial proceeding has begun.

The conciliation discussion begins as soon as the complaint is processed for investigation. During the review period, SCHAC closed 14 (16%) of the cases through conciliation. Each agreement indicated that the complainant(s) were not coerced into signing the Conciliation Agreement.

Conciliation is attempted by the investigator with both parties throughout the investigation of the complaint. This performance period the amounts of settlements were considerable higher than previous performance periods.

**Conclusion: The performance standard has been met.**

**D. Performance Standard (24 CFR 115.206(e) (4): the agency conducts compliance reviews for settlements, conciliation agreements, and orders resolving discriminatory housing practices.**

SCHAC from time to time, reviews compliance with conciliation agreement, and if necessary, recommends to the South Carolina Attorney General that a civil action be filed to seek the enforcement of the terms of the agreement.

**Conclusion: The performance standard has been met.**

**E. Performance Standard #5 (24 CFR 115.206(e)(5): the agency must consistently and affirmatively seek and obtain the type of relief designed to prevent recurrences of discriminatory practices.**

SCHAC conciliated 14 cases during the review period with benefits to the complainant being actual monetary damages, reasonable accommodation and housing. Fair housing training is also included.

Case number	Case Name	Closure Code	Relief	Age at Closing
04-09-0369-8	McKnight v. Spring Hill Apts.	16	Retraction letter of curfew	78
04-08-1560-8	Smith v. Finley House	16	Reasonable Accommodation	21
04-08-0748-8	Davis v. Appian Way Apts.	16	Refund application fee \$35	254
04-08-0720-8	Bruce v. Pinehaven	16	\$830	130
04-09-0806-8	Miller v. Carothers	16	\$2,800	64
04-08-1452-8	Fairnot v. Chestnut Hill	16	Published community letter	195
04-09-0182-8	Olga v. Radcliffe	16		124
04-08-1220-8	Sanchez v. 1st. Choice Mtg.	16	\$4,450	188
04-08-0432-8	Youngblood v. Mills	16	\$575	187
04-09-0346-8	Fleming v. West Vista Apts.	16	\$400	111
04-09-0683-8	Greenleww V.	16	Housing	92

	Kingston Pointe			
04-09-0332-8	Kelly v. Smith	16		196
04-09-0054-8	Cyphers v. Foxwood	16	\$2,420.49	165
04-08-1449-8	McClintock v. First Palmetto Saving Bank	16	Re-review of loan application within 30 days	126

**Conclusion: The performance standard has been met.**

**F. Performance Standard #6 (24 CFR 115.206(e)(6): The agency must consistently and affirmatively seek to eliminate all prohibited practices under its housing law.**

The Agency's Fair Housing Staff conducted and or assisted with conducting 11 educational and outreach training sessions during this performance period. They were presented to protected classes, business owners, realtors, and residents of the community at large. Topics covered the history of the Fair Housing Act, and the community's rights and responsibilities under the Fair Housing Act and the South Carolina Fair Housing Law.

**Conclusion: The performance standard has been met.**

**G. Performance Standard #7 (24 CFR 115.206(e)(7): The agency must demonstrate that it receives and processes a reasonable number of complaints cognizable under both the Fair Housing Act and the agency's fair housing statute or ordinance.**

The TEAPOTS open case report dated 10/21/2008 beginning at the start of the Federal fiscal year, showed that SCHAC had 36 open cases. In the TEAPOTS closure report dated from 07/1/08 to 06/30/09, SCHAC closed 88 cases.

The regulations do not determine what constitutes a reasonable number of housing discrimination complaints that a given agency should receive and process, the Department conducts an agency-by agency analysis and makes a determination of what constitutes a reasonable number. The factors include, but are not limited to, the population of the jurisdiction, the length of time the agency participated in the FHAP program, and the number of complaints received and processed in the past.

**Cities/Counties**

Very Small	up to 60,000	2 complaints
Small	60,001-300,000	5 complaints
Medium	300,001-600,000	8 complaints
Large	600,001 -1,500,000	15 complaints

Very Large

1,500,001 and over

25 complaints

According to the 2000 U.S. Census Bureau Data, the population of the population of South Carolina is 4,321,249. Approximately 68% of the population is Caucasian/white, 29.9% are African American/black, 0.7% Native American, 1.1% Asian, and 2.4% Hispanic or Latino. The agency closed 88 cases during the review period. Therefore, SCHAC has processed a proper number of complaints during this review period.

**Conclusion:** The performance standard has been met.

**H. Performance Standard #8 (24 CFR 115.206(e)(8):** The agency must report to HUD on the final status of all dual-filed complaints where a determination of reasonable cause was made.

During the review period, SCHAC had 3 complaints in which it determined there was reasonable cause to believe that the Federal Fair Housing Act had been violated:

HUD Case Number	Case Name	Issue/Basis	Status
04-08-0416-8	Katy Lattice v. Allied Management Group	Disability	Closed 11/17/08 reactivated to HUD
04-08-0498-8	Adrian Cathcart v. Joe and Melodie Bowman	Rental/Race	Closed 8/18/08 settled for \$2,300
04-08-0271-8	Tammy Morton v. Pelican's Watch Condo Association	Disability/ Reasonable Accommodation	Closed 06/16/08 settled for \$4,450

**Conclusion:** The performance standard has been met.

**I. Performance Standard #9 (24 CFR 115.206(e)(9):** The agency must conform its performance to the provisions of any written agreements executed by the agency and HUD related to substantial equivalence certification, including but not limited interim agreement or MOU.

Under the Annual Performance Plan and the Management Plan, all FHAP agencies have the following performance measure to achieve during the 2009 HUD Fiscal Year of October 1, 2008 through September 30, 2009:

1. FHAP agencies will close 50% of fair housing complaints filed during the fiscal year within 100 days.
2. FHAP agencies will close or charge 95% of aged fair housing complaints within the fiscal year.

During the assessment period, SCHAC's performance against these performance measures was as follows:

### 50% Efficiency Goal

According to TEAPOTS, SCHAC closed 88 cases from 7/01/08 to 6/30/09, of which 32 (36%) were closed in less than 100 days. Therefore, SCHAC has not achieved this performance goal.

### 95% Aged Case Closure Goal

SCHAC had thirty-six (36) open cases on October 21, 2008, the beginning of the 2009 Federal Fiscal year. Of those, thirteen (13) were aged cases. According to the 06/30/09 TEAPOTS Closed Cases report, the agency closed all of the cases (100%) that were aged at the beginning of the FY. Therefore, the agency has met this goal.

**Conclusion: The performance standard has been partially met.**

### III. Budget and Finance

<u>Expenditures:</u>	<u>FY 06-07</u>	<u>FY 07-08</u>	<u>FY 08-09 (EST.)</u>	<u>FY 09-10</u>
Salaries & Benefits	2,295,891	2,470,070	2,535,602	2,088,903
Other Operating Costs	482,133	492,999	492,999	393,042
Total Expenditures	2,778,024	2,963,069	3,028,601	2,481,945

#### Funding:

State Appropriation	1,812,268	2,244,925	2,310,476	1,590,952
Federal Funds (HUD)	177,528	182,728	182,726	177,528
Federal Funds (EEOC)	69,246	535,397	535,937	685,500
Other:				27,965
Capital Reserve		134,214		
Total Funding	2,793,256	2,963,050	3,029,139	

- A. The agency provided annual certifications to HUD, confirming that the agency spends at least 20% of its total operating budget (not including FHAP funds) on fair housing activities as required at 24 CFR § 115.307(5).
- B. FHAP funds are segregated from the agency's and the state government's other funds, and must be used for the purpose that HUD provided the funds as required at 24 CFR § 115.307(6). The agency did not commingle any FHAP funds with other funds.
- C. FHAP funds were used for the purpose of investigating complaints, training under the Fair Housing Act, maintenance of data and information systems and creation and

maintenance of data and information systems, development and enhancement of fair housing education and outreach projects.

- D. The agency does draw down its funds in a timely manner as required at 24 CFR.
- E. Audit Report: The agency was not audited during this fiscal year.

**Conclusion: The performance requirement has been met.**

#### **IV. Reporting and Record Keeping Requirements**

- A. The agency maintains records demonstrating its financial administration of FHAP funds (24 CFR § 115.308(a)(1)).
- B. The agency maintains records of its performance under FHAP, including all past performance assessment reports, performance improvement plans and other documents relative to the agency's performance in the FHAP (24 CFR § 115.308(a)(2))
- C. The agency permits reasonable public access to its records as required at 24 CFR § 115.308(c) (i.e. are the records made available at the agency's office during normal working hours for public review)
- D. The Secretary of HUD, Inspector General of HUD, and Comptroller General of the United States, and any of their authorized representatives, has access to all the pertinent books, accounts, reports, files and other payments for surveys, audits, examinations, excerpts and transcripts as they relate to the agency's participation in FHAP (24 CFR § 115.308(d))
- E. All files are kept in such a fashion as to permit the audits under applicable Office of Management and Budget circulars, procurement regulations and guidelines, and the Single Audit requirements for state and local agencies (24 CFR § 115.308(e))

**Conclusion: The performance requirement has been met.**

#### ***V. Testing Requirements***

**Conclusion: This performance requirement is not applicable. The agency does not do testing.**

#### ***VI. Additional Requirements***

- A. **Training** (24 CFR 115.306 (b): Each agency must send staff to mandatory FHAP training sponsored by HUD, including, but not necessarily limited to, the National Fair Housing Training Academy and the National Fair Housing Policy Conference. In September 2009 five staff members attended training at the National Fair Housing Training Academy.

**B. Data Support System Requirement (24 CFR 115,307 (a)(3):**

Each staff member has a Dell computer that runs on Window XP software. In addition to the TEAPOTS system the South Carolina Human Affairs Commission uses an Access-based system which allows the agency to do the following:

*Complainants:*

1. Add new information and input the jurisdictional information
2. Look up cases by the year filed. This goes back to 1990.
3. Look up cases by SHAC #.
4. Look up cases by HUD #.

*Generate the following reports:*

1. Aging Summary
2. Closed Reports
3. Closures between dates
4. Closure summary by closure code

*HUD Reports:*

1. FHAP Voucher Detail
2. HUD Monthly Reports
3. Transfers to HUD

*Open Case Reports*

1. By Age
2. By Investigator

**Conclusion: The agency is in compliance with this requirement.**

**C. Changes Limiting Effectiveness of Agency's Law (24 CFR § 115.211):** If a state or local fair housing law that HUD deemed substantially equivalent to the Act is amended; or rules or procedures concerning the fair housing law are adopted; judicial or other authoritative interpretations of the fair housing law are issued, the interim certified or certified agency must inform the Assistant Secretary of such amendment, adoption or interpretation within 60 days of its discovery.

There have not been any changes to the law such as amendments, adoptions or interpretations of the agency's fair housing law that have not been reported to HUD within 60 days.

**Conclusion: The performance requirement is not applicable.**

**D. Civil Rights Requirements**

The agency is in compliance with all relevant federal civil rights laws, including Title VI of the Civil Rights Act of 1964, the Americans with Disabilities Act, Section 504

of the Rehabilitation Act of 1973, Section 508 of the Rehabilitation Act, and the standards of Section 3 of the Housing and Urban Development Act of 1968.

**Conclusion: The performance requirement has been met.**

**E. Subcontracting Requirement (24 CFR § 115.309):**

The agency does not

**Conclusion: The performance requirement is not applicable.**

**F. FHAP and the First Amendment**

The agency does not use funding made available under FHAP to investigate or prosecute any activity that may be protected by the First Amendment of the United States Constitution as prohibited at 24 CFR § 115.310.

**Conclusion: The performance requirement has been met.**

**VII. Conclusion and Any Corrective Actions**

The assessment of SCHAC's performance reveals that it has met the performance requirements in administering its law and has demonstrated its ability to continue to perform as a substantially equivalent agency. This report has included a detailed examination of SCHAC's performance which demonstrates that the agency produces work products that satisfy the requirements set forth in 24 CFR § 115.203.

Cases were investigated in an acceptable manner. Files contained logs, jurisdictional information, documents and statements from complainants and respondents, notification letters to all parties and closure letters. The agency adheres to requirements of the Cooperative Agreement and promptly takes administrative actions for each complaint.

It is recommended that the South Carolina Human Affairs Commission (SCHAC) maintain its certification as a substantially equivalent agency under the Fair Housing Assistance Program.

SCHAC has demonstrated the ability to comply with the performance standards, set forth in HUD regulations 24 CFR § 115.203, however, there was one concern and one finding noted for the agency to address.

1. **Concern:** Budget and Finance Requirements - Audits  
According to 24 CFR § 115.307(a)(10), "The agency must be audited and receive copies of the audit reports in accordance with applicable rules and regulations of the state and local government in which it is located." The review revealed that the agency did not have an audit during the assessment period.

**Recommended Corrective Action:** The agency should provide a copy of a current audit to HUD within 180 days. If this is impractical to do so, the agency is required to provide an explanation and a target submission date for receipt of the audit.

- G. **Finding:** During this review period, SCHAC closed 32 (36%) of its investigations within 100 days. FHAP agencies should be closing a minimum of 50% of their cases within 100 days.

**Recommended Corrective Action:** The agency must submit a plan of action within 30 days outlining steps that will be taken to improve their efficiency rate for closing cases within 100 days.

***VIII. Exhibits***

N/A

**SIGNATURE PAGE**

Marshall L. Pendelton

Marshall L. Pendelton  
Equal Opportunity Specialist, GTM  
Columbia Field Office  
Office of Fair Housing and Equal Opportunity

9-30-09  
Date

for Vicki A. Ray  
Pat W. Green, Acting FHEO Director, GTR  
Columbia Field Office  
Office of Fair Housing and Equal Opportunity

9/30/2009  
Date

Vicki A. Ray  
Vicki A. Ray  
Louisville FHEO Center Director  
Office of Fair Housing and Equal Opportunity

9/30/2009  
Date

for Vicki A. Ray  
James N. Sutton  
FHEO Region IV Director  
Regional Office of Fair Housing and Equal Opportunity

9/30/2009  
Date



U. S. Department of Housing and Urban Development  
Georgia State Office  
Five Points Plaza  
40 Marietta Street  
Atlanta, GA 30303-2806

SEP 27 2011

**CERTIFIED MAIL – RETURN RECEIPT REQUESTED**

Ralph H. Hale, Interim Commissioner  
State of South Carolina Human Affairs Commission  
2611 Forest Drive, Suite 200  
P. O. Box 4490  
Columbia SC 29240

Dear Mr. Hale:

Subject: Fair Housing Assistance Program  
Performance Assessment – FY 2011  
State of South Carolina Human Affairs Commission

On July 20-22, 2011, an on-site performance assessment of your agency was conducted. The assessment covered the period from July 1, 2010 through June 30, 2011. Based upon the practices and performance of the agency at the time of the review, the U.S. Department of Housing and Urban Development (hereinafter, HUD) recommends that your agency receive continuing certification as a substantially equivalent agency under Section 810(f) (3) of the Fair Housing Act.

Enclosed is a copy of the performance assessment report for your information. If you should have questions, please contact your Government Technical Monitor, Marshall L. Pendelton at (803) 253-3281. We appreciate your cooperation during this assessment, and look forward to our continued partnership to insure equal housing opportunities for all our citizens.

Sincerely,

Carlos Osegueda  
FHEO Region IV Director  
Regional Office of FHEO

Enclosure

cc: Natasha J. Watson, Louisville FHEO Center Director

**HUD's mission is to create strong, sustainable, inclusive communities  
and quality affordable homes for all.**

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**United State Department of Housing and Urban Decvelopment  
Office of Fair Housing and Equal Opportunity  
Region IV**

**Performance Assessment Report**

**SOUTH CAROLINA HUMAN AFFAIRS COMMISSION**  
**2611 Forest Drive, Suite 200**  
**Columbia, South Carolina 29240**

**Purpose:** To determine whether the South Carolina Human Affairs Commission (SCHAC) engages in timely, comprehensive, and thorough fair housing complaint investigation conciliation and enforcement activities and therefore warrants continued certification as a substantially equivalent agency. This determination is based on SCHAC's compliance with the performance standards and requirements set forth in regulations implementing the Fair Housing Assistance Program, at 24 C.F.R. Part 115.

**Period of Performance:** July 1, 2010 - June 30, 2011

**Date(s) of Onsite Assessment:** July 20 - 22, 2011

**HUD Reviewer:** Marshall Pendelton  
Civil Rights Analyst/Investigator (GTM)

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**I. Organizational Structure and Staffing**

**Fair Housing Unit**

The South Carolina Human Affairs Commission (SCHAC) housing division is presently staffed with only two full time employees. The State of South Carolina reduction in finance to the agency because of the economy and the state's hardship resulted in over a 60% reduction in staff from last year to two employees. However, from the period of October 1, 2010 until July 15, 2011 the two employees in the housing unit were considered full-time employees but furloughed to work only 26 hours a week. The investigators were required to investigate both employment and housing discrimination complaints. Under the current program year, the agency's funding has been increased and the housing division is again investigating only housing complaints and will be adding an additional investigator/staff employee. There is one male and one female within the unit and both are African American (Black):

**HOUSING STAFF:**

HOUSING STAFF					
NAME	RACE	SEX	POSITION	TITLE & GRADE	LENGTH OF TIME IN HOUSING UNIT
Delaine Frierson	B	F	Director		21 years
Reginald Martin	B	M	Investigator		3 years 3 months

HUD Handbook 8024.01 is utilized as guidance in processing all housing complaints. Responsibilities of the investigators include conducting fair housing investigations and negotiating conciliations as part of the investigative process of fair housing complaints filed with the agency and those referred by HUD. All investigative conclusions are reviewed by the fair housing director and staff attorney before the issuance of any determination or enforcement actions. All case closures are approved by the interim commissioner of the agency who was appointed in March 2011, after retirement of the former commissioner. The interim commissioner is also the agency's legal attorney.

**Board of Commissioners**

<u>Name</u>	<u>Term Expiration</u>	<u>Sex</u>	<u>Race</u>
John Oakland (Chair)	06/30/11	M	W
Wade Arnette	06/30/12	M	W
Cheryl Ludlam	06/30/11	F	H
Joe Fragale	06/30/11	M	W
Reverend Willie Thompson	06/12/12	M	B
Susan Davis Bowers	06/30/05	F	W

Although the term for four of the commissioners has expired, they remain on the board until the Governor names a replacement.

**II. Performance Standards**

- A. Performance Standard #1 (24 CFR 115.206(e)(1)): Commence complaint proceedings, carry forward such proceedings, complete investigations, issue determinations, and make final administrative dispositions in a timely manner.**

The initial intake of the complaint is conducted by the fair housing director or the investigator and notification letters are immediately sent to all parties once jurisdiction has been established. The complaint is then assigned to an investigator by the housing director for initiation of the investigation. However, if the complaint is a HUD referral generated by TEAPOTS, the complaint is immediately assigned an investigator by the housing director.

Once the complaint has been assigned to an investigator, the investigation is scheduled to be completed within 90 days and the housing director is notified that the case is ready for administrative review. If the investigation is not completed within 100 days, the complainant and respondent are notified by certified letter (100 day letter) the reason why the investigation has not been completed. After the housing director has reviewed the case file, it is then forwarded to legal and the commissioner for review and signature. If the commissioner or legal disagrees with the recommendation or type of closure, the parties will meet to discuss the case or if the decision is that the complaint needs further investigation, it is returned to the investigator. This process is utilized for all case closures, including "Cause" cases.

**Thoroughness of Case Processing**

During the review period the agency was monitored on an on-going bases to determine if investigations were initiated before the 30<sup>th</sup> day once jurisdiction was established. In over 97% of the 54 cases received for investigation by the agency, the investigation was initiated within 30 days. The agency closed 52 cases and the average number of days to close a case was 168 days. The cases were closed in the following manner:

<b>TYPE OF CASE CLOSURE</b>	<b>NUMBER OF CLOSURES</b>	<b>PERCENTAGE</b>
No Cause Determination	32	62%
Cause Determination	02	04%
Conciliation	06	12%
Complaint Withdrawn without Settlement	0	0%
Administrative Closures	12	22%
<b>TOTAL</b>	<b>52</b>	<b>100%</b>

Number of Days	Number of Cases	Percentage
0-100	14	27%
101 to 150	09	17.5%
151 to 200	09	17.5%
201 to 250	12	23 %
Over 250	08	15%

Based upon the TEAPOT report dated 8/3/10, two cases listed below were critically aged over 300 days at the beginning of the performance period, but both cases were closed during the performance period. Also during the performance period, one critically aged case was waived back to HUD for investigation:

1. 04-10-0144-8  
Wallace, P. v. Piedmont Construction Company (308 days-closed)
2. 04-09-1115-8  
Brown, P. v. Tom Kuhn, Caldwell United Realtors (432) days-closed)
3. 04-09-1190-8  
Ronald Crissey v. The Villages and Manor of White Knoll HOA (waived to HUD)

**Conclusion: The performance standard has been met.**

**B. Performance Standard #2 (24 CFR§115.206 (e) (2): Administrative closures are utilized only in limited and appropriate circumstances.**

Administrative closures are defined as cases that are closed for the following reasons:

1. Complaint lacked jurisdiction
2. Agency was unable to locate the complainant
3. Complainant failed to cooperate with the investigation
4. Complaint withdrawn by the complainant without resolution
5. Inability to locate respondent
6. Trial already commenced

During the review period, SCHAC had eleven administrative closures, which represented 21% of all cases closed. Based upon review of the cases, it did not appear that SCHAC used the administrative closure process to keep from closing the cases on its merit. The following cases were closed administratively:

Case Number	Case Name	Closure	Relief?	Age at closing
04-10-1026-8	Lavern Lincoln v. Housing Authority for the	Failed to Cooperate	N	53 days old

	City of Charleston			
04-10-1180-8	June Ridosh v. Clifford Sprouse	Failed to Cooperate	N	55 days old
04-10-1060-8	Charmis Green v. Farrow	Lack of Jurisdiction	N	124 days old
04-10-1413-8	Caran Lawrence v. Jim Runion	Failed to Cooperate	N	70 days old
04-10-1183-8	Crystal Davis v. Nancy Faye	Lack of Jurisdiction	N	167 days old
04-11-0318-8	Perrine McGraw v. Thadd Mays Rental, et al	Unable to Locate	N	88 days old
04-11-0699-8	Kristy Page v. Seven Farms	Failed to Cooperate	N	40 days old
04-10-1528-8	Sonja Carter v. Walter and Julie Fremont	Failed to Cooperate	N	245 days old
04-11-0589-8	Lisa Allen v. Debra Seitz	Lack of Jurisdiction	N	43 days old
04-11-0437-8	Charles Holloway v. General Greene, LLC et al	Failed to Cooperate	N	76 days old
04-10-1384-8	Lisa Perry v. Preferred Properties	Failed to Cooperate	N	70 days old

**Conclusion: Performance Standard – The performance standard has been met.**

- C. Performance Standard #3 (24 CFR §115.206(e)(3)): During the period beginning with the filing of a complaint and ending with filing a charge or dismissal, the agency, to the extent feasible, attempts to conciliate the complaint. After the charge has been issued, the agency, to the extent feasible, continues to attempt settlement until a hearing or a judicial proceeding has begun.**

The conciliation process is initiated at the start of the investigation; however, the agency conciliated less than 12% or 6 of the total cases processed for closure. Each executed conciliation agreement indicated that the complainant(s) was not coerced into signing the Conciliation Agreement. Conciliation is intended to be an on-going process with both complainant and respondent throughout the investigation of the complaint. A review of several cases indicated that conciliation was not always pursued or attempted with both parties. During the review period one case, Perry Wallace v. Piedmont Construction Company #04-10-0144-8 was conciliated as Post-Cause case.

**Conclusion: The performance standard has been met.**

- D. Performance Standard #4 (24 CFR §115.206(e) (4)): the agency conducts compliance reviews for settlements, conciliation agreements, and orders resolving discriminatory housing practices.**

SCHAC from time to time, reviews compliance with conciliation agreement, and if necessary, recommends to the South Carolina Attorney General that a civil action be filed to seek the enforcement of the terms of the agreement. No need of such action was indicated during the reporting period.

**Conclusion: The performance standard has been met**

- E. Performance Standard #5 (24 CFR §115.206(e)(5)): the agency must consistently and affirmatively seek and obtain the type of relief designed to prevent recurrences of discriminatory practices.**

- (a) The agency has the authority under the South Carolina Fair Housing Law to seek actual damages. This authority was used when the agency filed a case in court, *Joshua Harbin & Courtney Wright v. Jo McCall* (SAHC # H-3-03-0-30/HUD # 04-09-1629-8). The case is still pending.
- (b) The authority to seek and assess civil penalties or punitive damages comes from the South Carolina Fair Housing Law. The agency is seeking actual and punitive damages in the *Harbin* case. To protect the public interest, the agency has included training and agreements to cease the discriminatory actions.
- (c) The agency held no administrative hearings. No complainant chose to have an administrative hearing. One case has proceeded to judicial action: *Joshua Harbin & Courtney Wright v. Jo McCall* # 04-09-1629-8. (The determination was made during the last fiscal year, but it was filed in court this fiscal year.) The case has not been heard yet. In another cause case, *Spicer, Ashley vs. Billy Taylor, Hitchcock Rd. Mobile Home Park* #04-09-1547-8, the complainant chose to proceed in court with her own attorney.
- (d) The agency conciliated 6 cases with benefits to the complainant. The complainants received benefits of actual monetary damages and housing and the protection of public interest. The agency did not conciliate a case involving reasonable accommodation during the performance period. The relief obtained appeared to be appropriate.

Case number	Case Name	Closure Code	Relief	Age at Closing
04-10-0558-8	Mayren Enrique v. The Chatham Group dba Dorchester Village	16	Complainant to remain in unit with rent to own purchase agreement	223 days old
04-10-1688-8	Amy Green v. Forest Gardens Owners Association	16	Children will be allowed in pool with diapers	279 days old
04-11-0505-8	Angela Hogan v. Weatherford Landscaping	16	Payment of \$1,000 to complainant	97 days old
04-10-1191-8	Leonard Atkinson v. Graham Realty	16	Non-publication of discriminatory advertisements	102 days old
04-09-1666-8	Laura Jones v. Hinson Management	16	Payment of \$848.75 to complainant	309 days old
04-10-0944-8	Aaron and April Davis v. Haven at Berry Shoals	16	Refund of application fee: \$35	146 days old

**Conclusion: The performance standard has been met**

**F. Performance Standard #6 (24 CFR §115.206(e)(6)): The agency must consistently and affirmatively seek to eliminate all prohibited practices under its housing law.**

Education and Outreach:

The Agency's Fair Housing Staff conducted and/or assisted with conducting six educational and outreach training sessions during this performance period. They were presented to protected classes, business owners, realtors, and residents of the community at large. This included a webinar and articles to media concerning Fair Housing. The topics covered the history of the Fair Housing Act, and the community's rights and responsibilities under the Fair Housing Act and the South Carolina Fair Housing Law.

**Conclusion: The Performance standard has been met.**

**G. Performance Standard #7 (24 CFR §115.206(e) (7)): The agency must demonstrate that it receives and processes a reasonable number of complaints cognizable under both the Fair Housing Act and the agency's fair housing statute or ordinance.**

The agency's state fair housing statute does not specify how many cases must be received and processed to determine a reasonable number of fair housing complaints. HUD's regulations also do not state how many complaints constitute a reasonable number. However, factors such as the population of the jurisdiction, length of time of participation in program, number of complaints received and process in the past, and other factors are considered.

**States**

Very Small	up to 1, 500,000	15 complaints
Small	1,500,001 to 4, 500,000	25 complaints
Medium	4,500,001 to 9,000,000	50 complaints
Large	9,000,001 to 15,000,000	80 complaints
Very Large	15,000,001 and over	150 complains

The agency serves the state of South Carolina which has a total population of 4,321,249. It is estimated that Caucasian/white represent 68% of the population, African American/black 30%, Hispanic/Latino 2.5, Asian 1.1%, and Native American 0.7%. The agency has participated in the FHAP since 1995.

Within the last three performance periods the agency has closed/processed an average of 74 cases during each performance period. The agency received 54 cases and closed 52 cases during this review period. Therefore, SCHAC has processed a reasonable number of complaints during the review period.

**Conclusion: Performance Standard – The performance standard has been met**

**H. Performance Standard #8 (24 CFR §115.206(e) (8)): The agency must report to HUD on the final status of all dual –filed complaints where a determination of reasonable cause was made.**

Case Number	Case Name	Closure Date	FHAP Closure Date	Closure Type	Relief
#04-09-1547-8	Ashley Spicer v. Billy Taylor; HMH	06/23/11	08/11/10	Cause	\$350.00
#04-10-0144-8	Wallace Perry v. Piedmont	06/23/11	11/17/10	Cause	Judicial Dismissal

**Conclusion: The performance standard has been met.**

- I. **Performance Standard #9 (24 CFR §115.206(e) (9)):** The agency must conform its performance to the provisions of any written agreements executed by the agency and HUD related to substantial equivalence certification, including but not limited interim agreement or MOU.

Under the Performance Period, July 1, 2010 – June 30, 2011 all FHAP agencies have the following performance measure:

1. FHAP agencies will close 50% of fair housing complaints referred by HUD within 100 days, excluding recommended cause and systemic complaints.
2. FHAP agencies will close or charge 95% of aged fair housing complaints within the fiscal year.

**50% Efficiency Goal**

SCHAC processed 54 cases of which 14 or 27% were closed in less than 100 days. Therefore, the agency did not achieve this performance goal.

**95% Aged Case Closure Goal**

According to TEAPOTS open case Report dated 8/3/2010, the agency had eight aged cases at the beginning of the July 1, 2010 – June 30, 2011 performance period. The eight aged cases were all closed by the end of the performance period. Therefore, the agency achieves this performance goal.

**Conclusion: The performance standard has not been met**

**III. Budget and Finance**

Expenditures:	FY 08-09	FY 09-10	FY 10-11	FY 11-12
Salaries & Benefits	2,180,567	2,018,663	1,295,848	1,467,164
Other Operating Costs	383,596	391,034	286,416	370,195
<b>Total Expenditures</b>	<b>2,564,163</b>	<b>2,409,697</b>	<b>1,582,264</b>	<b>1,837,359</b>

Funding:

State Appropriation	1,737,474	1,459,286	658,536	1,248,731
Federal Funds (HUD)	170,161	207,727	179,873	177,528
Federal Funds (EEOC)	636,528	670,953	682,000	369,600
Other:	20,000	71,732	61,855	41,500
Capital Reserve				
<hr/> Total Funding	<hr/> 2,564,163	<hr/> 2,409,697	<hr/> 1,582,264	<hr/> 1,837,359

- A. The agency provided annual certifications to HUD, confirming that the agency spends at least 20% of its total operating budget (not including FHAP funds ) on fair housing activities as required at 24 CFR§115.307 (5).
- B. FHAP funds must be segregated from the agency's and the state government's other funds, and must be used for the purpose that HUD provided the funds as required at 24 CFR§115.307(6). The agency did not commingle any FHAP funds with other funds.
- C. The agency did not appear to unilaterally reduce the level of financial resources committed to fair housing activities as prohibited at 24CFR §115 307 (7).
- D. The agency does draw down its funds in a timely manner as required at 24 CFR§115.307(9).
- E. Audit Report: A copy of the last audit conducted in 2007 was provided. The agency is usually audited by the South Carolina's State Office of the Auditor every one-two years. However, due to financial hardship and severe reduction in staff within the state's agencies, SCHAC has not had a recent audit conducted.

**Conclusion: The performance standard has been met**

**IV. Reporting and Record Keeping Requirements**

- A. The agency maintains records demonstrating its financial administration of FHAP Funds (24 CFR§ 115.308(a) (1) –The accounting and reporting records of the S.C. Human Affairs Commission are maintained centrally by the Office of the Comptroller General for the State of South Carolina. Internal controls and procedures are in place at the Human Affairs Commission to insure the proper receipt and disbursement of funds by source, category and individual source requirements.

The S.C. Human Affairs Commission maintains all other documents relative to the administration of the Fair Housing Assistance Program grants. These records are available for examination.

- B. The agency maintains records of its performance under the FHAP, including all past performance assessment reports, performance improvement plans and other documents relative to the agency's performance in the FHAP(24 CFR§115.308(a)(2)) – The agency keeps a file of each year's performance assessment report, performance improvement plan, and other relevant documents.
- C. The agency permits reasonable public access to its records as required at 24CFR§115.308(c) (i.e. are the records made available at the agency's office during normal working hours for public review) – If someone makes a written request under the Freedom of Information Act, files which are allowable under the law are available to the public.
- D. The Secretary of HUD, Inspector General of HUD, and Comptroller General of the United State, and any of its authorized representatives, have access to all the pertinent books, accounts, reports, files and other payments for surveys, audits, examinations, excerpts and transcripts as it relates to the agency's participation in FHAP (24 CFR§115.308(d)) – As stated in item A above, accounting records are maintained centrally by the Office of the Comptroller General. These records may be accessed through the accounting system SCEIS, which is currently utilized by S. C. State Government. Any other records or information associated with the administration of the FHAP are available at the S. C. Human Affairs Commission. It is required that these records are maintained for three (3) fiscal years.
- E. All files are kept in such a fashion as to permit the audits under applicable Office of Management and Budget circulars, procurement regulations and guidelines, and the Single Audit requirements for state and local agencies (24 CFR§115.308(e)) - All records are available for audit and in compliance with Federal and State regulations.

**Conclusion: The performance standard has been met**

#### V. Testing Requirements

**Conclusion: This performance requirement is not applicable. The agency does not do testing.**

## VI. Additional Requirements

- A. Training Requirements (24 CFR §115.306 (b)):** Each agency must send staff to mandatory FHAP training sponsored by HUD, including , but not necessarily limited to, the National Fair Housing Training Academy and the National Fair Housing Policy Conference. In the past staff has attended training at the training academy, but staff did not attend during fiscal year 2010-2011. Staff will resume this fiscal year attending training at the academy. However all housing staff did attend the National Fair Housing Policy Conference in July 2010.
- B. Data Support System Requirement (24 CFR §115 307 (a) (3)):** The agency must use the Department's official complaint data information system and must input all relevant data and information into the system in a timely manner.

In addition to the TEAPOTS system, the South Carolina Human Affairs Commission uses an Access-based system which allows the Agency to do the following:

### *Complainants:*

1. Add new information and input the jurisdictional information
2. Look up cases by the year filed. This goes back to 1990.
3. Look up cases by SCHAC #.
4. Look up cases by HUD #.

### *Generate the following reports:*

1. Aging Summary
2. Closed Reports
3. Closures between dates
4. Closure summary by closure code

### *HUD Reports:*

1. FHAP Voucher Detail
2. HUD Monthly Reports
3. Transfers to HUD

### *Open Case Reports*

1. By Age
2. By Investigator

**Conclusion: The agency is in compliance with this requirement.**

**C. Changes Limiting Effectiveness of Agency's Law (24 CFR §115.211):**  
There has been no change in the state's law, during the current performance period.

**Conclusion: The performance standard has been met**

#### **D. Civil Rights Requirements**

The agency is in compliance with all relevant federal civil rights laws, including Title VI of the Civil Rights Act of 1964, the American with Disabilities Act, Section 504 of the Rehabilitation Act of 1973, Section 508 of the Rehabilitation Act, and the standards of Section 3 of the Housing and Urban Development Act of 1968. There was no evidence that any complaints were filed against the agency related to those laws.

**Conclusion: The requirement has been met.**

#### **E. Subcontracting Requirement (24 CFR § 115.309)**

The agency does not subcontract

#### **F. FHAP and the First Amendment**

The agency does not use FHAP funding to investigate any activity that may be protected by the First Amendment of the United States Constitution as prohibited at 24 CFR § 115.310.

**Conclusion: The requirement has been met.**

### **VII. Conclusion and Any Corrective Actions**

Based upon the above information, South Carolina Human Affairs Commission (SCHAC) has demonstrated the ability to comply with the performance standards, set forth in HUD regulations 24 CFR §115.206. Therefore, it is recommended that SCHAC maintain its certification as a substantially equivalent agency under the Fair Housing Assistance Program.

While over all the Commission has demonstrated the ability to comply with the performance standards set forth in the HUD regulations, 24 CFR §115.203, the following performance deficiencies will need to be addressed:

- a. **Performance Deficiency:** During the performance period SCHAC closed only 26% of its investigations within 100 days. FHAP agencies should be closing at a minimum 50% of its investigation within 100 days. The agency indicated that this is partly due to the close to 50% reduction of staff in the housing division, and 35% reduction in staff overall for the Commission that was subject to furlough and pay cut. However, the housing division has received additional funding this fiscal year and is committed to improving the agency's efficiency and attaining production goals.

**Recommended Corrective Action:** The agency must submit a plan of action within 30 days outlining steps that will be taken to improve the efficiency rate for closing cases within 100 days.

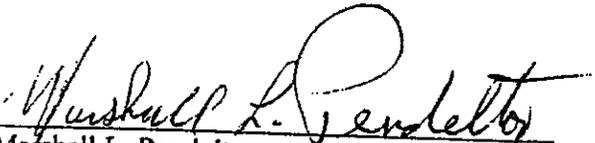
- b. **Concern:** The agency only conciliated 6 or 12% of the 52 cases that it closed during the performance period. Furthermore, during the review of closed cases it did not appear that a consistent strong effort was put forth in the conciliation of all cases during the process of investigation.

**Recommended Corrective Action:** Within 30 days the agency will submit a plan of action to illustrate that conciliation is initiated at the start of all investigations and followed through during the course of the investigation with both the complainant and respondent.

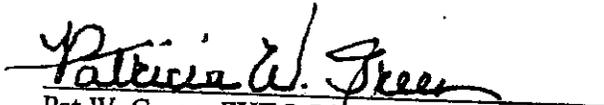
## **VIII. Exhibits**

### **A. State Auditor's Report – June 30, 2007**

SIGNATURE PAGE

  
Marshall L. Pendelton  
Equal Opportunity Specialist, GTM  
Columbia Field Office  
Office of Fair Housing and Equal Opportunity

8-12-11  
Date

  
Pat W. Green, FHEO Director, GTR  
Columbia Field Office  
Office of Fair Housing and Equal Opportunity

8/12/11  
Date

  
Natasha J. Watson  
Louisville FHEO Center Director  
Office of Fair Housing and Equal Opportunity

9/13/2011  
Date

  
Carlos Osegueda  
FHEO Region IV Director  
Regional Office of Fair Housing and Equal Opportunity

9/26/11  
Date



U.S. Department of Housing and Urban Development  
Georgia State Office  
Five Points Plaza  
40 Marietta Street  
Atlanta, GA 30303-2906

**CERTIFIED MAIL – RETURN RECEIPT REQUESTED**

Mr. Raymond Buxton, II  
Commissioner  
South Carolina Human Affairs Commission  
P. O. Box 4490  
Columbia, SC 29240

Dear Mr. Buxton:

Subject: Fair Housing Assistance Program  
Performance Assessment  
South Carolina Human Affairs Commission

On May 29-30, 2013, your Fair Housing Assistance Program (FHAP) monitor, Vicki Ray, conducted an on-site performance assessment of your agency. The assessment covered the period from July 1, 2012, through June 30, 2013. Based upon the practices and performance of the agency at the time of the review, the U. S. Department of Housing and Urban Development recommends that the South Carolina Human Affairs Commission receive continuing certification as a substantially equivalent agency under Section 810 (f) (3) of the Fair Housing Act.

Enclosed is a copy of the performance assessment report for your information. Your attention is directed to the concern and findings that are noted in the report. Please ensure that they are addressed within 30 days from receipt of this letter. If you should have questions, please contact your Government Technical Representative (GTR), Vicki Ray, at (502) 618-8150.

We appreciate your cooperation during this performance assessment, and look forward to our continued partnership to ensure equal housing opportunities for all our citizens.

Sincerely Yours,

A handwritten signature in black ink, appearing to read "Carlos Osegueda", written over a large, stylized circular flourish.

Carlos Osegueda  
FHEO Region IV Director  
Regional Office of FHEO

Enclosure

Internal HUD Distribution:						
Identification Lines:						
Correspondence Code	Originator 4IEP	Concurrence 4AEH	Concurrence	Concurrence	Concurrence	Concurrence
Name	Ray	Bello				
Date	6/28/2013					

United State Department of Housing and Urban Decvelopment  
Office of Fair Housing and Equal Opportunity  
Region IV

Performance Assessment Report

**SOUTH CAROLINA HUMAN AFFAIRS COMMISSION**

2611 Forest Drive, Suite 200  
Columbia, South Carolina 29240

**Purpose:** To determine whether the South Carolina Human Affairs Commission (SCHAC) engages in timely, comprehensive, and thorough fair housing complaint investigation conciliation and enforcement activities and therefore warrants continued certification as a substantially equivalent agency. This determination is based on SCHAC's compliance with the performance standards and requirements set forth in regulations implementing the Fair Housing Assistance Program, at 24 C.F.R. Part 115.

**Period of Performance:** July 1, 2012 – June 30, 2013

**Date(s) of Onsite Assessment:** May 29-30, 2013

**HUD Reviewer:** Vicki A. Ray  
Equal Opportunity Specialist/GTR

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**I. Organizational Structure and Staffing**

SCHAC has participated in the FHAP for numerous years and are scheduled for their next recertification on March 10, 2016. During the performance period, the following persons were responsible for enforcing and administering the fair housing law. Investigators identified as "cross-trained" investigate both housing and employment cases.

NAME	TITLE	RACE	SEX	ETHNICITY	DATE OF HIRE	DATE STARTED IN HOUSING UNIT
Raymond Buxton, II	Commissioner	Black	Male	Non-Hispanic	7/17/2012	N/A
Delaine Frierson	Fair Housing Director	Black	Female	Non-Hispanic	9/19/1988	9/01/1990
Octavia Wright	Staff Attorney	Black	Female	Non-Hispanic	5/05/2008	5/05/2008
Jessica Brown	Investigator	White	Female	Non-Hispanic	5/17/2013 (rehire)	5/17/2013
Connie Jenkins	Investigator	Black	Female	Non-Hispanic	3/02/1999	9/19/2011
Jesse Olivares	Outreach Coordinator	Black	Male	Hispanic	6/18/2012	6/18/2012
Deborah Thomas	Intake Investigator	Black	Female	Non-Hispanic	10/02/1996	3/01/2012
Larry McBride	Mediator	Black	Female	Non-Hispanic	6/08/1980	3/01/2013
Lori Dean	Finance Director	Black	Female	Non-Hispanic	1/02/2013	1/02/2013

The following persons were identified as Commissioners during the performance period:

NAME	RACE	ETHNICITY	SEX	APPOINTED	TERM EXPIRATION
John A. Oakland, Chairperson	White	Non-Hispanic	Male	06/25/2003 Reappointed 12/30/04	06/20/2011*
Wade C. Arnette	White	Non-Hispanic	Male	06/30/2006	06/30/2012*
Melanie G. Stith	White	Non-Hispanic	Female	06/30/2006	06/30/2014
Cheryl F. C. Ludlam	Asian	Filipino	Female	06/30/2005	06/30/2011*
Joe Fragale	White	Non-Hispanic	Male	05/05/2005	06/30/2011*
Susan Davis Bowers	White	Non-Hispanic	Female	03/14/2000 Reappointed 05/17/2002	06/30/2005*
Rev. Willie Albert Thompson	Black	Non-Hispanic	Male	04/01/2004	06/30/2012*

\*The Commissioners serve until they are replaced by the Governor.

## II. Performance Standards

### A. Performance Standard #1 (24 CFR 115.206(e)(1): Commence complaint proceedings, carry forward such proceedings, complete investigations, issue determinations, and make final administrative dispositions in a timely manner.

The specific procedures the agency uses for processing complaints include: intake of complaint, determine jurisdiction, identify the issues in the complaint, determine approaches to resolution, investigate complaint, compose letters of findings and resolution, and develop settlement agreements.

The initial intake of the complainant is conducted by the Fair Housing Director or the intake investigator and notification letters are immediately sent to all parties once jurisdiction has been established. The Fair Housing Director then assigns the case to an investigator for investigation. However, if the complaint is a HUD referral generated by TEAPOTS, the complaint is immediately assigned an investigator by the Fair Housing Director.

The monthly case reviews and the onsite review of closed case files confirmed that the processing of cases was initiated within 30 days of receipt of complaint.

Once the complaint has been assigned to an investigator, the investigator must complete the investigation within 90 days and notify the Fair Housing Director that the case is ready for administrative review. However, if the investigation is not completed with 100 days, the complainant and respondent are notified by certified letter the reason why the investigation has not been completed. After the Fair Housing Director has reviewed the entire case file, it is then forwarded to legal and the Commissioner for signature. If the Commissioner or legal disagrees with the recommendation or type of closure, the parties will meet to discuss the case or the case is returned to the investigator for further investigation. This process is utilized for all case closures, including "Cause" cases.

Final Investigative Reports (FIRs) and determinations were prepared, and submitted as part of the case closure packages for all cases.

Our records reveal that the agency closed a total of 40 cases between July 1, 2012 and June 19, 2013. The chart below depicts the types and number of closures for that same time period.

TYPE OF CASE CLOSURE	NUMBER OF CLOSURES	PERCENTAGE
No Cause	14	35%
Conciliation	15	38%
Complaint Withdrawn with Resolution	2	5%
Administrative Closures	9	23%
<b>TOTAL</b>	<b>40</b>	<b>100%</b>

\*Two of the conciliations were post-cause conciliations. See Performance Standard 8 for information related to the two cause cases.

Of the 40 cases closed between July 1, 2012 - June 19, 2013, a total of 23 (58%) were closed within 100 days of filing. A total of 17 (42%) of the 40 cases will receive reduced payments for timeliness. Also, no cases were over 365 days old at FHAP closure.

The chart below depicts the number of cases closed by age at FHAP closure.

NUMBER OF DAYS	NUMBER OF CASES	PERCENTAGE
0-100	23	58%
101-150	8	20%
151-200	5	13%
201-250	2	5%
Over 250	2	5%
<b>TOTAL</b>	<b>40</b>	<b>100%</b>

The June 19, 2013, MicroStrategy generated FHAP open cases report reflected that the agency had a total of 28 open cases on that date. Of that number, a total of 8 (29%) were aged over 100 days. The table below depicts the number of days open and number of cases in each category.

NUMBER OF DAYS	NUMBER OF CASES	PERCENTAGE
0-100	20	71%
101-150	8	29%
151-200	0	0
201-250	0	0
Over 250	0	0
<b>TOTAL</b>	<b>28</b>	<b>100%</b>

**Conclusion: The standard has been met.**

**B. Performance Standard #2 (24 CFR 115.206 (e) (2): Administrative closures are utilized only in limited and appropriate circumstances.**

Administrative closures are defined as cases that are closed for the following reasons:

1. The complaint lacked jurisdiction
2. The agency was unable to locate the complainant
3. The complainant failed to cooperate with the investigation
4. The complaint withdrawn by the complainant without resolution
5. Inability to locate respondent
6. Trial already commenced

The agency closed a total of 40 cases between July 1, 2012 and June 19, 2013. Of that number, a total of 9 (23%) were closed administratively. It did not appear that the agency used the administrative closure process to keep from closing the cases on their merit.

CASE NAME	HUD CASE NUMBERS	FHAP Closure Date	CLOSURE REASON	AGE
Johnson, Aqueelah v. Mallard Pointe Apartments; Saundra Harrison	04-12-0554-8	07/09/12	Withdrawal Without Resolution	98
Carter, Morrell & Anna v. Rental Homes and Villas Sales, LLC	04-12-0593-8	11/30/12	Complainant Failed to Cooperate	232
Crisp, Gary & Belinda v. Azalea Lakes; Shirley Fresh, HOA President	04-12-0741-8	07/09/12	Complainant Failed to Cooperate	47
Lawrence, Jermaine vs. Housing Auth. of the City of Columbia	04-12-0762-8	07/27/12	Complainant Failed to Cooperate	56
Lefler, Angela v. Vista Capital Management Group, Inc.	04-12-0843-8	12/18/12	Complainant Failed to Cooperate	174
Mulato, Canela & Vasquez Sanchez v. Walls, Gloria	04-12-0972-8	12/18/12	Complainant Failed to Cooperate	133
Ryan, Kathleen, v. Cypress Run Apartments; Debbie Rector	04-12-0990-8	11/15/12	Complainant Failed to Cooperate	91
Mullins, Gary & Yvonne v. Bay Meadows HOA, Inc., et. al.	04-13-0057-8	04/26/13	Withdrawal Without Resolution	186
Vanderslice, Jonathan & Heidi v. Marcliffe HOA; Helene Lacaille	04-13-0371-8	03/27/13	Complainant Failed to Cooperate	50

**Conclusion: The standard has been met.**

- C. Performance Stand #3 (24 CFR 115.206(e)(3): During the period beginning with the filing of a complaint and ending with filing a charge or dismissal, the agency, to the extent feasible, attempts to conciliate the complaint. After the charge has been issued, the agency, to the extent feasible, continues to attempt settlement until a hearing or a judicial proceeding has begun.**

SCHAC indicated that they attempt to conciliate all cases. In some instances, they begin the process during intake; however, the investigators are required to attempt conciliation, starting when the case is assigned to them and continuing throughout the investigation. They also use the agency's mediator in some instances. Their methods for conducting conciliation include in person, by phone, and email. In most cases, conciliation is ongoing. In a few cases, the complainant or respondent may be adamant about not wanting to conciliate. The conciliation attempts are documented in the conciliation section and the case chronology in TEAPOTS.

Further, when the agency issues a Cause determination, they attempt to conciliate after the determination is issued. During the performance period, the two Cause cases were conciliated post cause.

The review of TEAPOTS confirmed that SCHAC investigators consistently attempted conciliation, to the extent feasible, on cases that were investigated during the performance period.

See Performance Standard #5 for a list of cases that were conciliated/settled during the performance period.

Although the agency has met the requirements of this standard, there was some deficiencies noted related to proper documentation of the process in the case files. A review of the following case files revealed:

1. Downs, Loreyetta vs. Arbors Apartments: #04-12-1060-8 (NC)
  - a. There was no conciliation efforts noted under the conciliation section.
2. Zambrano, Armida & Indira Serrano vs. Lynn Pike (Brandywine Townhouses): #04-12-0679-8
  - a. There was no proof that the conditions of the agreement had been met.
3. Etheridge, Kenneth vs. Patton Property: #04-12-1057 (NC)
  - a. There was no conciliation efforts noted under conciliation section.
4. Deneau-Sheeley, Michele v. Ute Appleby, Anson Beckman, Agent Owned Realty: #04-12-0664-8 (Conciliation)
  - a. Copy of the receipt for \$1,000 was attached to a closure letter but just stuck in the case file. Not secured under the conciliation section.
  - b. There was no conciliation efforts noted under the conciliation section.
  - c. The executed conciliation agreement was just stuck in the file.
5. Deneau-Sheeley, Michele v. Anson Beckman, Agent Owned Realty: #04-12-0742-8 (Conciliation)
  - a. Same as companion case above.
6. Johnson, James v. Angelica Burton Christopher Towers: #04-12-0773-8 (Conciliation)
  - a. There was no evidence that the terms of the agreement had been met.
  - b. There was no conciliation efforts noted under conciliation section.
7. Fuller, Lakesha vs. John Furgess, Sr.: #04-13-0401-8 (NC)
  - a. There was no conciliation efforts noted under conciliation section.
8. Tucker, Thomas & Maria Manning vs. Island Realty; Ventura Villas HOA: #04-12-0775-8 (Conciliation)
  - a. Emails regarding conciliation were found under the correspondence from Respondent. (C2)
  - b. The conciliation agreement noted under the conciliation section was not fully executed. The fully executed version was on the inside front cover

of file 1 instead of under the conciliation section. Also, there was no conciliation efforts noted under conciliation section.

c. There was no evidence that the terms of the agreement had been met.

9. **Dance, James vs. Carolina Yacht Landing HOA, Inc.; The Noble Company of South Carolina, LLC: #04-12-0915-8 (Caused/settled post-cause)**

- a. The fully executed conciliation agreement and copies of the checks were attached to the inside front cover of the case file instead of under the conciliation section. There was no evidence that training had been completed; however, they had 6 months from execution of the agreement (4/08/2013) to complete.
- b. Emails regarding conciliation were noted in the evidentiary section of the files – Correspondence with the Complainant B2 and Correspondence with the Respondent C2.
- c. There was no conciliation efforts noted under conciliation section.

**Conclusion: The performance standard has been met.**

**D. Performance Standard (24 CFR 115.206(e) (4): the agency conducts compliance reviews for settlements, conciliation agreements, and orders resolving discriminatory housing practices.**

The agency conciliated a total of 15 (38%) cases between July 1, 2012 and June 19, 2013. All relief obtained in conciliations, pre and post cause, was adequate.

The agency indicated that they have not conducted conciliation compliance reviews even though they have the authority to do so. However, they indicated that if necessary, a recommendation would be made to the South Carolina Attorney General to file a civil action seeking the enforcement of the terms of agreements in the event a breach occurs. Nonetheless, based on information provided, the agency did not recommend enforcement by the Attorney General when a violation of an agreement was brought to their attention.

Tucker, Thomas, IV & Maria Manning v. Island Realty: #04-12-0775-8

SCHAC indicated that the complainant and her husband contacted them after the respondent failed to meet the provisions of the conciliation agreement in a timely manner. The investigator attempted to get the respondent to comply. The respondent eventually complied, but the complainant and her husband had already suffered harm and as a result, they filed a retaliation complaint. The retaliation complaint is still being investigated.

It should be noted that the breach of a conciliation agreement and retaliation are separate issues and should be handled differently and separately.

**Conclusion: The performance standard has not been met.**

**E. Performance Standard #5 (24 CFR 115.206(e)(5): the agency must consistently and affirmatively seek and obtain the type of relief designed to prevent recurrences of discriminatory practices.**

Of the 40 cases closed as of June 19, 2013, a total of 17 successful conciliation/settlements were obtained. The complainant received benefits of actual monetary damages, reasonable accommodations and housing. Additionally, relief sought by the agency included but was not limited to: training of respondents, requiring respondents to agree to consistently apply its policies and procedures to all applicants and residents in a nondiscriminatory manner and changes in policies. No cases proceeded to an administrative hearing during the performance cycle. No cases proceeded to judicial proceedings during the performance period.

CASE NAME	HUD CASE NUMBER	FHAP CLOSURE DATE	CLOSURE REASON	AGE
Broggi, Mario v. Wilson T. Baggett; Office of Real Property	04-12-0631-8	09/28/12	Conciliated/Settled	161
Deneau-Sheeley, Michele v. Ute Lisa Appleby; Anson Beckman; Age	04-12-0664-8	08/28/12	Conciliated/Settled	119
Zambrano, Armada & Serrano, Indira v. Lynn Pike; Brandywine Tow	04-12-0679-8	07/19/12	Conciliated/Settled	76
Deneau-Sheeley, Michele v. Anson Beckman; Agent Owned Realty	04-12-0742-8	08/28/12	Conciliated/Settled	97
Johnson, James E. & Aqueelah v. Christopher Towers; Angelica Bu	04-12-0773-8	07/09/12	Conciliated/Settled	45
Tucker, Thomas, IV & Maria Manning v. Island Realty	04-12-0775-8	08/07/12	Conciliated/Settled	74
Carlson, Lisa v. Palm Ridge; Dale Calvert	04-12-0836-8	03/29/13	Conciliated/Settled	276
Anders, Mary E. v. Pickens Affordable Housing, LLC, et al	04-12-0896-8	10/16/12	Withdrawn After Resolution	91
Dance, James v. The Nobel Community of South Carolina	04-12-0915-8	04/09/13	Conciliated/Settled	260
Johnson, Sabrina v. Francesca Schmiedl	04-12-1061-8	01/28/13	Withdrawn After Resolution	130
Wright, Anita Marie v. Mt. Zion AME Apts; Mr. Banks	04-12-1105-8	12/10/12	Conciliated/Settled	82
Massey, Dorothy v. Amy Anderson, Sage Point Apts; Powers Property	04-13-0093-8	03/04/13	Conciliated/Settled	125
White, Hezekiah v. Spanish Oaks Apts; Kymberly Mentz	04-13-0094-8	01/03/13	Conciliated/Settled	65
Greene, Ervin L. v Marshside Village, Inc; Malika Jamerson	04-13-0095-8	12/18/12	Conciliated/Settled	49
Moyd, Marshall & Vickie v. Vanderbilt Mtg. & Fin., Inc.	04-13-0253-8	05/31/13	Conciliated/Settled	155
Baker, Rosalind v. Oakview Townhouses, LP, et. al.	04-13-0268-8	03/27/13	Conciliated/Settled	78
Gray, Rebecca Sue vs. Westgate Apartment Homes	04-13-0398-8	03/27/13	Conciliated/Settled	44

The agency reported the following notable conciliations:

CASE NAME	HUD CASE NUMBER	RELIEF OBTAINED
Broggi, Mario v. Wilson T. Baggett; Office of Real Property	04-12-0631-8	The complaint alleged that he was denied the 4% tax rate on his home because he did not have a Social Security number to prove that he was a permanent resident. The case was conciliated, and the respondent agreed that the complainant would receive the 4% ratio on ad valorem property taxes. This was a yearly savings of \$3,359.00.
Dance, James v. The Nobel Community of South Carolina	04-12-0915-8	The complainant sought permission to install a lift on the outside of his condo. The respondent denied his request. He died before the determination was issued. However, the investigator was able to get \$5000 for the complaint's estate, and the respondent agreed to attend two hours of fair housing training provided by SCHAC.
Moyd, Marshall & Vickie v. Vanderbilt Mtg. & Fin., Inc.	04-13-0253-8	<p>The Complainants alleged Respondent VM used discriminatory terms and conditions and financing in order to foreclose on the dwelling and seize their land. Complainants said everyone they dealt with at Respondent VM sounded white over the phone.</p> <p>Complainants believed that if they were white, every effort would have been made by Respondent VM to correct the errors on their account as an alternative to quickly moving to secure their home and their land.</p> <ul style="list-style-type: none"> <li>• The Complainants received a forgiveness of a mortgage loan-\$89,337.25</li> <li>• Mortgage release reported to three major credit bureaus</li> <li>• Return of land to Complainants in the amount of \$28,000.00.</li> <li>• Cash settlement of \$2,500.00</li> </ul> <p>The total monetary amount was \$119,837.25.</p>

**Conclusion: The performance standard has been met.**

**F. Performance Standard #6 (24 CFR 115.206(e)(6): The agency must consistently and affirmatively seek to eliminate all prohibited practices under its housing law.**

The following chart depicts the agency's education and outreach activities for the performance period.

DATE	TYPE	PLACE	CONTACT PERSON
08/01/2012	Distribution of brochures	American Red Cross Columbia, SC	Pam Branton
	Mailed fair housing posters and brochures	Capital Senior Center-Columbia	Craig Sexton
	Distributed fair housing posters, and booklet about the fair housing law	Communities in Schools of the Midlands-Columbia	Jamie Bozardt
	Provided a description of the SC Fair Housing Law so they could add the agency to their directory	Disability Action Center, Inc. — Columbia	Gloria Prevost
08/06/2012	Mailed fair housing brochures to them to distribute	Easter Seals of South Carolina — Columbia	Hank Chardos
08/09/2012	Jessica Brown attended a Back to School Drive and provided information to the attendees about fair housing	Skateland USA - Elgin, SC	Tiesha Ogwin
08/14/2012	Mailed brochures to the center	Dickerson Center for Children	Ruth Pugh
	Mailed brochures to the agency	Florence Crittenton Programs of South Carolina — Florence, SC	Danielle Fowler
08/24/2012	Mailed brochures	Sistercare- Columbia, SC	Stacey Smith

09/26/2012	Conducted fair housing training for realty company. Training was required by their insurance company to maintain Errors & Omissions coverage, RE: fair housing issues.	Agent Owned Realty — Sheraton Hotel — Charleston, SC 180 attendees	Liz Loadholt (843) 884-7300
10/09/2012	Fair housing presentation, concentrating on disability.	Greenville County Human Relations Commission	Sharon Smathers, Executive Director 301 University Ridge, Suite 1600 Greenville, SC 29601 (864) 467-7095
10/10-21/2012	Distributed brochures and fair housing paraphernalia such as water, fans, pencils.	South Carolina State Fair — Columbia, SC	
11/28/2012	Fair housing training — disability issues as part of a conciliation agreement.	Spanish Oaks Apartments — Charleston, SC	Kathy Myrick, Regional Manager 1515 Ashley River Road, Charleston, SC
12/10/2012	Fair housing training — part of conciliation agreement	Marshside Properties — North Charleston, SC	Kathy Countin, Housing Resource Center, Inc. P. O. Box 53274 Atlanta, GS 30355 (404) 816-9770, ext. 325
01/18/2013	Fair housing training	Trainee came to the office Columbia, SC	Ogleretta Davis White, Marion County Grants Coordinator 1305 N. Main Street Marion, SC 29571 (843) 423-8203, ext. 120
03/12/2013	Fair housing training	Dillon, SC (Program covers North and South Carolina)	Gayle Fernandez, Executive Director, Robeson County Community Development Corporation, Inc., P. O. Box 816 Rowland, NC 28382 (Dillon, SC)

03/19/2013	Fair housing training	Partnership Property Management Employ Training- Florence, SC 80 attendees	Jason Buffkin, Special Projects Coordinator Partnership Property Management (335) 544-2300 ext. 257
03/23/2013	Fair housing training	Benedict-Allen Community Development Corporation Homeownership Workshop	Venus Sabb, Housing Coordinator, Benedict-Allen CDC 1600 Harden Street Columbia, SC 29204 (803) 705-4631
04/12/2013	Letter to the editor on fair housing	The State Newspaper— Columbia, SC	Cindi Ross Scoppe, Associate Editor, The State Newspaper, Columbia, SC (803) 771-8571 <a href="http://thestate.com/scope">thestate.com/scope</a>
04/13/2013	Wrote article about fair housing	Burns Connection — Francis Burns United Methodist Church Newsletter- Circulation - 300	Lynn Harris
04/18/2013	Guest on the Urban Scene radio talk show WGCV 620 AM	Columbia, SC — listening audience covers metropolitan Columbia (population 130,500), Elgin (population 1,300), and Orangeburg, SC (population 13,800),	Don Frierson (no relation) (803) 376-6127
04/19/2013	Letter to the editor on fair housing	The Aiken Standard- circulation - 20,000	
04/19/2013	Panelist for fair housing celebration	Florence, SC	Retha Brown, Community Development Specialist, City of Florence, 180 N. Irby Street, Florence, SC 29501(843) 665-3175

04/23/13	Letter to the editor on fair housing	<a href="http://GoUpstate.com">GoUpstate.com</a> Covers upstate South Carolina, Spartanburg and Greenville, SC	
04/25-26/2013	Distributed brochures on fair housing	Palmetto Affordable Housing Forum	Sponsored by the S.C. State Housing Finance and Development Authority Columbia Metropolitan Convention Center 1101 Lincoln Street,
04/29/2013	Training on fair housing issues for property managers	Carolinas Council for Affordable Housing, Myrtle Beach Marriott Grande Dunes Resort, Myrtle Beach, SC	Mike Holoman, Chairman, CCAH Annual Meeting Committee
05/18/2013	Distribution of fair housing brochures and fair housing paraphernalia	Black Expo Columbia Colonial Life Arena 5000 attendees	Darren Thomas 1806 Washington Street (803)254-6404

The agency further indicated that their web site includes a fair housing page and fair housing brochures. People can contact the agency through the web page. The agency is updating its webpage, and it should go live within the next two weeks. It will include more information about the protected classes, links to HUD and other fair housing related sites.

The agency indicated that after they participate in various events, they measure effectiveness by whether or not they receive calls, inquiries, requests for information, or complaints. On radio talk shows, they gauge effectiveness by the response of the call-in audience or comments from people who tuned in.

When people file complaints, they measure effectiveness based on how they heard about the Fair Housing Act and the agency. As a result of their outreach, they have had an increase in the number of complaints and inquiries from Hispanics. All of them do not result in fair housing complaints; some of them are employment related, but they mention that they heard about the agency because of their brochures.

**Conclusion: The performance standard has been met.**

- G. Performance Standard #7 (24 CFR 115.206(e)(7): The agency must demonstrate that it receives and processes a reasonable number of complaints cognizable under both the Fair Housing Act and the agency's fair housing statute or ordinance.**

The agency's state fair housing statute does not specify how many cases must be received and processed to determine a reasonable number of fair housing complaints. HUD's regulations also do not state how many complaints constitute a reasonable number. However, factors such as the population of the jurisdiction, length of time of participation in program, number of complaints received and process in the past, and other factors are considered.

States

Very Small	up to 1, 500,000	15 complaints
Small	1,500,001 to 4, 500,000	25 complaints
Medium	4,500,001 to 9,000,000	50 complaints
Large	9,000,001 to 15,000,000	80 complaints
Very Large	15,000, 0001 and over	150 complains

According to the 2012 Census estimates, the population of South Carolina is 4,723,723.

RACE/ETHNICITY	PERCENTAGE
White persons	68.4%
Black persons	28.1%
American Indian and Alaska Native persons	0.5%
Asian persons	1.4%
Native Hawaiian and Other Pacific Islander persons	0.1%
Persons of Hispanic or Latino Origin	5.3%

The agency filed a total of 36 new cases since the beginning of the performance period, and closed a total of 40 between July 1, 2012 and June 19, 2013. Therefore, based on the framework above, the agency has processed a reasonable number of cases during the performance period.

**Conclusion: The performance standard has been met.**

**H. Performance Standard #8 (24 CFR 115.206(e)(8): The agency must report to HUD on the final status of all dual –filed complaints where a determination of reasonable cause was made.**

The agency caused a total of two (2) dual-filed cases between July 1, 2012 and June 19, 2013. The chart below lists the cases.

CASE NUMBER AND NAME	CAUSE DATE	FHAP CLOSURE	CLOSURE REASON	RELIEF
04-12-0836-8 Carlson, Lisa v. Palm Ridge; Dale Calvert	3/08/2013	3/29/2013	Conciliated/Settled	Respondent agreed to revise the discriminatory service dog rules and regulations.  Respondent agreed to reimburse Complainant for her damages in the amount of \$2500.00.

					<p>Respondent agreed to waive the two fines for a total of \$200 that were imposed for having a service animal in common areas.</p> <p>Respondent agreed to receive two hours of fair housing training from SCHAC within six months from the date of the signed agreement.</p>
04-12-0915-8	Dance, James v. The Noble Community of South Carolina	3/13/2013	4/09/2013	Conciliated/Settled	<p>Respondent agreed to pay the sum of \$5,000 to the Estate of James Dance.</p> <p>A representative of the Noble Company and a representative of the HOA agreed to receive two hours of fair housing training from SCHAC within six months from the date of the signed agreement.</p>

In order to be in compliance with this performance standard, the agency must keep HUD updated on the final status of all dual-filed reasonable cause complaints. The agency must report on when such complaints were resolved, in what forum they were resolved, and what types and amounts of relief were obtained. The agency must report this information to HUD via TEAPOTS.

**Conclusion: The performance standard has been met.**

- I. Performance Standard #9 (24 CFR 115.206(e)(9): The agency must conform its performance to the provisions of any written agreements executed by the agency and HUD related to substantial equivalence certification, including but not limited interim agreement or MOU.**

Conformance with provisions of the MOU not contemplated elsewhere in the report:

- a. Paragraph IV.C. Initial Contact Date

Requirement: The MOU requires the agency to use the Initial Contact Date field in TEAPOTS to record the actual date on which the complainant first contacts the

agency or FHEO to inquire about filing a housing discrimination complaint, or to report an alleged discriminatory housing practice.

Conclusion: The agency is in compliance with this requirement.

b. Performance Measures

FHAP agencies will close 50% of fair housing complaints referred by HUD within 100 days, excluding recommended cause and systemic complaints;

FHAP agencies will close or charge 95% of its aged fair housing complaints within the fiscal year.

**50% Efficiency Goal**

The agency received a total of 39 cases that could have aged over 100 days during the fiscal year through June 19, 2013. The agency closed 23 (59%) of those cases in 100 days or fewer.

**95% Aged Case Closure Goal**

At the beginning of the performance period, the agency had no aged open cases

**Conclusion: The requirements have been met.**

**III. Budget and Finance**

- A. The agency provided annual certifications to HUD, confirming that the agency spends at least 20% of its total operating budget (not including FHAP funds ) on fair housing activities as required at 24 CFR§115.307 (5).
- B. FHAP funds must be segregated from the agency's and the state government's other funds, and must be used for the purpose that HUD provided the funds as required at 24CFR§115.307(6). The agency did not commingle any FHAP funds with other funds.
- C. FHAP funds were used for the purpose of investigation complaints, training under the Fair Housing Act, maintenance of data and information systems and creation and maintenance of data and information systems, development and enhancement of fair housing education and outreach projects.
- D. The agency draws down its funds in a timely manner as required at 234 CFR.
- E. Audit Report: It appears that a full audit of the agency has not been conducted in several years due to Office of the State Auditor staffing shortages. However, a State Auditor's Report was issued June 30, 2010 by the State of South Carolina Office of the State Auditor. A copy of the report was provided to us for our records. The report did not reflect any deficiencies and/or findings.

**Conclusion: The requirement has been met.**

#### **IV. Reporting and Record Keeping Requirements**

- A. The agency maintains records demonstrating its financial administration of FHAP funds (24 CFR§ 115.308(a)-(1). The agency also utilizes the South Carolina Enterprise Information System (SCEIS) for financial reporting. However, see conclusions below.
- B. The agency maintains records of its performance under the FHAP, including all past performance assessment reports, performance improvement plans and other documents relative to the agency's performance in the FHAP (24 CFR§115.308(a)(2)).
- C. The agency permits reasonable public access to its records as required at 24CFR§115.308(c) (i.e. are the records made available at the agency's office during normal working hours for public review).
- D. The Secretary of HUD, Inspector General of HUD, and Comptroller General of the United States, and any of their authorized representatives, has access to all the pertinent books, accounts, reports, files and other payments for surveys, audits, examinations, excerpts and transcripts as they relate to the agency's participation in FHAP (24 CFR§115.308(d)).
- E. All files are not kept in such a fashion as to permit the audits under applicable Office of Management and Budget circulars, procurement regulations and guidelines, and the Single Audit requirements for state and local agencies (24CFR§115.308(e)).

**Conclusion: The requirements have not been fully met.**

**Although the agency has used FHAP funds for the designated purposes based on the attached budget spreadsheet (Exhibit A), it does not appear that records/receipts were maintained for all activities. Additionally, the records that were maintained were not done so in a manner that would allow for an easy review. The reviewer was unable to readily identify whether receipts/supporting documentation was for routine investigative activities paid from Case Processing/AC Funds/Training Funds or for activities paid from the Partnership Funds Projects.**

**It should be noted that the new Financial Director has developed and implemented the use of spreadsheets for the various types of FHAP funds as a first step in remedying the deficiencies and establishing an easy tracking system, and has updated the filing system.**

#### **V. Testing Requirements**

The agency does not do testing as part of their routine operations; however, they proposed to begin a testing program as part of the Partnership Funds Projects. They are currently in the process of soliciting bids from vendors for tester training which will

include assistance with developing their Testing Methodology so they can conduct at least six tests under their Partnership Funds Projects.

**VI. Additional Requirements**

**A. Training (24 CFR 115.306 (b):** Each agency must send staff to mandatory FHAP training sponsored by HUD, including, but not necessarily limited to, the National Fair Housing Training Academy and the National Fair Housing Policy Conference.

DATE	COURSE	PERSONS ATTENDING	TITLE
October 23-26, 2013	NFHTA Week Four: Briefing Techniques for Complaint Investigations Writing Cases/FIRs Using TEAPOTS Fair Housing Investigation Review and Application	Octavia Wright	Staff Attorney
May 6-10, 2013	NFHTA Week Three: Standards for Testing Cases Reasonable Accommodations and Modifications The Psychological Impact of Discrimination Negotiation Skills /Conciliation for Investigators	Jessica Brown Larry McBride	Investigator Mediator

Delaine Frierson has completed the core curriculum and advanced courses. Jessica Brown and Larry McBride plan to attend Week Four in August. Connie Jenkins and Deborah Thomas joined the division last year, have completed Week One and plan to attend Week Two in July. Jesse Olivares is a new employee and plans to attend Week One in September.

DATE	COURSE	PERSONS ATTENDING	TITLE
January 28-31, 2013	Region IV FHAP Training Conference - Charlotte, NC	Raymond Buxton Delaine Frierson Octavia Wright Jessica Brown Connie Jenkins	Commissioner Fair Housing Director Staff Attorney Investigator

**Conclusion: The requirement has been met.**

**B. Data Support System Requirement (24 CFR 115,307 (a)(3):** The agency must use the Department's official complaint data information system and must input all relevant data and information into the system in a timely manner.

The agency utilizes TEAPOTS appropriately.

**Conclusion: The requirement has been met.**

**C. Changes Limiting Effectiveness of Agency's Law (24 CFR 115.211):**

There were no changes to the agency's law during the performance period.

**Conclusion: The requirement has been met.**

**D. Civil Rights Requirements**

The agency is in compliance with all relevant federal civil rights laws, including Title VI of the Civil Rights Act of 1964, the Americans with Disabilities Act, Section 504 of the Rehabilitation Act of 1973, Section 508 of the Rehabilitation Act, and the standards of Section 3 of the Housing and Urban Development Act of 1968. There was no evidence that any complaints were filed against the agency related to those laws. The agency also hired a Hispanic Outreach Coordinator through one of their Partnership Funds Projects who assists Spanish-speaking LEP clients.

**Conclusion: The requirement has been met.**

**E. Subcontracting Requirement (24 CFR § 115.309)**

SCHAC does not subcontract to a public or private organization of any activity for which it receives FHAP funds.

**Conclusion: The requirement is not applicable.**

**F. FHAP and the First Amendment**

The agency does not use funding made available under FHAP to investigate or prosecute any activity that may be protected by the First Amendment of the United States Constitution as prohibited at 24 CFR § 115.310.

**Conclusion: The requirement has been met.**

**VII. Conclusion and Any Corrective Actions**

The assessment of the SCHAC's performance reveals that the agency has met the majority of the performance requirements in administering its law. As a result, we believe SCHAC has demonstrated its ability to perform as a substantially equivalent agency and recommend that the agency maintains its certification as a substantially equivalent agency under the Fair Housing Assistance Program.

However, the following concern and findings noted during the performance assessment will need to be addressed within 30 days from receipt of the report. Please see below for specifics.

**A. Performance Standard #3**

Concern: Although the agency has met the requirements of this standard, there was some deficiencies noted related to proper documentation of the process in the case files.

Corrective Action: Staff should be retrained on the proper way to document conciliation efforts in their case files. All case files processed during the performance cycle should be revisited to ensure that they are documented in accordance with

guidance provided in Chapter 10, Preparation of the Case File, of HUD Handbook 8024.01. Further, the agency should ensure that all future case files are properly documented as well.

#### **B. Performance Standard #4**

Finding: The agency indicated that they have not conducted conciliation compliance reviews even though they have the authority to do so. However, regulations require that FHAPs conduct compliance reviews of settlements, conciliation agreements, and orders to confirm whether or not the parties have satisfied the requirements of the agreements.

Corrective Action: SCHAC must develop and implement procedures for conducting compliance reviews and submit a copy to HUD.

#### **C. VI. Reporting and Record Keeping Requirements**

Finding: Although the agency has used FHAP funds for the designated purposes based on the attached budget spreadsheet (Exhibit A), it does not appear that records/receipts were maintained for all activities. Additionally, the records that were maintained were not done so in a manner that would allow for an easy review. The reviewer was unable to readily identify whether receipts/supporting documentation was for routine investigative activities paid from Case Processing/AC Funds/Training Funds or for activities paid from the Partnership Funds Projects.

Corrective Action: The agency should conduct an internal review of all records related to FHAP funds and their current practices. SCHAC must also develop and implement sound business practices for submitting, monitoring and maintaining those records. The plan must be submitted to HUD. It is noted that the new Financial Director has developed and implemented the use of spreadsheets for the various types of FHAP funds as a first step in remedying the deficiencies and establishing an easy tracking system, and has updated the filing system.

#### **D. Legal Reviews on Cause Cases**

Finding: The agency's legal staff is slow to cause/charge cases. During the performance cycle, it came to the attention of the GTM that the agency legal staff was hesitant to cause/charge at least two cases where the evidence clearly supported cause. Additionally, the cause determinations were agreed upon by the investigator, Fair Housing Director and Commissioner.

- a. Carlson, Lisa v. Palm Ridge; Dale Calvert: #04-12-0836-8
- b. Dance, James v. The Nobel Community of South Carolina: #04-12-0915-8

Both cases eventually conciliated successfully; however unfortunately Mr. Dance died before a resolution could be reached. His estate received the settlement.

Corrective Action: The agency must indicate their process for dealing with these situations and provide a corrective plan of action for addressing this issue so that it will not continue. It should be noted that the Commissioner indicated during the

onsite that they were in the process of hiring additional legal staff as one step in that direction.

#### **E. Partnership Funds Projects**

The grantee received two Partnership Funds Project grants during the performance cycle for a combined total of \$143,000. The agency proposed to conduct education/outreach in Richland County to address concerns raised in their AI (\$49,000). Additionally, they proposed to provide education/outreach (including media campaign) to and investigate complaints from LEP persons across the State through the hiring of a bilingual staff person (\$94,000).

The agency had made significant progress on their goals at the time of the onsite. The grant periods for both projects were to end May 31, 2013; however, the agency requested an extension through December 31, 2013 to complete all of their tasks. The formal request was approved on June 25, 2013. The agency's status reports are attached (Exhibit B).

SIGNATURE PAGE

Vicki A. Ray  
Vicki A. Ray, GTR  
Office of Fair Housing and Equal Opportunity

6/28/2013  
Date

Valecia L. Bello  
Valecia L. Bello  
Grants Management and Contracts Branch Chief  
Regional Office of Fair Housing and Equal Opportunity

7/10/13  
Date

Carlos Osegueda  
Carlos Osegueda  
FHEO Region IV Director  
Regional Office of Fair Housing and Equal Opportunity

7/10/13  
Date



U.S. Department of Housing and Urban Development  
Georgia State Office  
Five Points Plaza  
40 Marietta Street  
Atlanta, GA 30303-2906

**CERTIFIED MAIL – RETURN RECEIPT REQUESTED**

September 30, 2014

Mr. Raymond Buxton, II  
Commissioner  
South Carolina Human Affairs Commission  
1026 Sumter Street, Suite 101  
Columbia, South Carolina 29204

Dear Mr. Buxton:

Subject: Fair Housing Assistance Program  
Performance Assessment  
South Carolina Human Affairs Commission

On July 30 – 31, 2014, your Fair Housing Assistance Program (FHAP) monitor, Vicki Ray, and Isabel Torres-Davis, Program Analyst, conducted an on-site performance assessment of your agency. The assessment covered the period from July 1, 2013, through June 30, 2014. Based upon the practices and performance of the agency at the time of the review, the U. S. Department of Housing and Urban Development recommends that the South Carolina Human Affairs Commission receive continuing certification as a substantially equivalent agency under Section 810 (f) (3) of the Fair Housing Act.

Enclosed is a copy of the performance assessment report for your information. Your attention is directed to the concern and findings that are noted in the report. Please ensure that they are addressed within 30 days from receipt of this letter. If you should have questions, please contact your Government Technical Representative (GTR), Vicki Ray, at (502) 618-8150.

We appreciate your cooperation during this performance assessment, and look forward to our continued partnership to ensure equal housing opportunities for all our citizens.

Sincerely Yours,

Carlos Osegueda  
FHEO Region IV Director  
Regional Office of FHEO

Enclosure

***HUD's mission is to create strong, sustainable, inclusive communities and quality, affordable homes for all.***

[www.hud.gov](http://www.hud.gov) [espanol.hud.gov](http://espanol.hud.gov)

United State Department of Housing and Urban Decvelopment  
Office of Fair Housing and Equal Opportunity  
Region IV

Performance Assessment Report

SOUTH CAROLINA HUMAN AFFAIRS COMMISSION

1026 Sumter Street, Suite 101  
Columbia, South Carolina 29204

**Purpose:** To determine whether the South Carolina Human Affairs Commission (SCHAC) engages in timely, comprehensive, and thorough fair housing complaint investigation conciliation and enforcement activities and therefore warrants continued certification as a substantially equivalent agency. This determination is based on SCHAC's compliance with the performance standards and requirements set forth in regulations implementing the Fair Housing Assistance Program, at 24 C.F.R. Part 115.

**Period of Performance:** July 1, 2013 – June 30, 2014

**Date(s) of Onsite Assessment:** July 30 – 31, 2014

**HUD Reviewer:** Vicki A. Ray, Equal Opportunity Specialist/GTR  
Isabel Torres-Davis, Program Analyst (HQ)

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**I. Organizational Structure and Staffing**

SCHAC has participated in the FHAP for numerous years and are scheduled for their next recertification on March 10, 2016. During the performance period, the following persons were responsible for enforcing and administering the fair housing law.

NAME	TITLE	RACE	SEX	ETHNICITY	DATE OF HIRE	DATE STARTED IN HOUSING UNIT
Raymond Buxton, II	Commissioner	Black	Male	Non-Hispanic	7/17/2012	7/17/2012
Delaine Frierson	Fair Housing Director	Black	Female	Non-Hispanic	9/19/1988	9/01/1990
Lee Wilson	Staff Attorney	White	Female	Non-Hispanic	7/02/2013	7/02/2013
Joshua Barr	Staff Attorney	Black	Male	Non-Hispanic	10/17/2013	10/17/2013
Connie Jenkins	Investigator	Black	Female	Non-Hispanic	3/02/1999	9/19/2011
Jessica Brown	Investigator	White	Female	Non-Hispanic	5/17/2013	5/17/2013
Jesse Olivares	Outreach Coordinator	Black	Male	Hispanic	6/18/2012	6/18/2012
Deborah Thomas	Intake Investigator	Black	Female	Non-Hispanic	10/02/1996	3/01/2012
Larry McBride	Mediator	Black	Female	Non-Hispanic	6/08/1980	3/01/2013
Lori Dean	Finance Director	Black	Female	Non-Hispanic	1/02/2013	1/02/2013
John Wilson	Enforcement Manager	White	Male	Non-Hispanic	1985	1/24/2014

The following persons were identified as Commissioners during the performance period:

NAME	RACE	ETHNICITY	SEX	APPOINTED	TERM EXPIRATION
John A. Oakland, Chair	White	Non-Hispanic	Male	12/30/2004	06/20/2011*
Wade C. Arnette	White	Non-Hispanic	Male	06/30/2006	06/30/2012*
Melanie G. Stith	White	Non-Hispanic	Female	06/30/2006	06/30/2014
Cheryl F. C. Ludlam	Asian	Filipino	Female	06/30/2005	06/30/2011*
Joe Fragale	White	Non-Hispanic	Male	05/05/2005	06/30/2011*
Susan Davis Bowers	White	Non-Hispanic	Female	05/17/2002	06/30/2005*
Rev. Willie Albert Thompson	Black	Non-Hispanic	Male	04/01/2004	06/30/2012*

\*The Commissioners serve until they are replaced by the Governor.

## II. Performance Standards

### A. Performance Standard #1 (24 CFR 115.206(e)(1): Commence complaint proceedings, carry forward such proceedings, complete investigations, issue determinations, and make final administrative dispositions in a timely manner.

The specific procedures the agency uses for processing complaints include: intake of complaint, determine jurisdiction, identify the issues in the complaint, determine approaches to resolution, investigate complaint, compose letters of findings and resolution, and develop settlement agreements.

The initial intake of the complainant is conducted by the Fair Housing Director or the intake investigator and notification letters are immediately sent to all parties once jurisdiction has been established. The Fair Housing Director then assigns the case to an investigator for investigation. However, if the complaint is a HUD referral generated by TEAPOTS, the complaint is immediately assigned an investigator by the Fair Housing Director.

The monthly case reviews and the onsite review of closed case files confirmed that the processing of cases was initiated within 30 days of receipt of complaint.

Once the complaint has been assigned to an investigator, the investigator must complete the investigation within 90 days and notify the Fair Housing Director that the case is ready for administrative review. However, if the investigation is not completed within 100 days, the complainant and respondent are notified by certified letter the reason why the investigation has not been completed. After the Fair Housing Director has reviewed the entire case file, it is then forwarded to legal and the Commissioner for signature. If the Commissioner or legal disagrees with the recommendation or type of closure, the parties will meet to discuss the case or the case is returned to the investigator for further investigation. This process is utilized for all case closures, including "Cause" cases.

Final Investigative Reports (FIRs) and determinations were prepared, and submitted as part of the case closure packages for all cases.

Our records reveal that the agency closed a total of 47 cases between July 1, 2013 and June 30, 2014. The chart below depicts the types and number of closures for that same time period.

TYPE OF CASE CLOSURE	NUMBER OF CLOSURES	PERCENTAGE
No Cause	18	38%
Cause	2	4%
Conciliation	20	43%
Complaint Withdrawn with Resolution	0	0%
Administrative Closures	7	15%
<b>TOTAL</b>	<b>47</b>	<b>100%</b>

\*One cause case resulted in a post-cause conciliation so it was only counted as cause. See Performance Standard 8 for information related to the cause cases.

Of the 47 cases closed between July 1, 2013 - June 30, 2014, a total of 16 (34%) were closed within 100 days of filing. A total of 31 (66%) of the 47 cases will receive reduced payments for timeliness. Also, no cases were over 365 days old at FHAP closure.

The chart below depicts the number of cases closed by age at FHAP closure.

NUMBER OF DAYS	NUMBER OF CASES	PERCENTAGE
0-100	16	34
101-150	13	28
151-200	8	17
201-250	8	17
Over 250	2	4
<b>TOTAL</b>	<b>47</b>	<b>100%</b>

The TEAPOTS generated FHAP open cases report reflected that the agency had a total of 51 open cases as of 6/30/2014. Of that number, a total of 25 (49%) were aged over 100 days. The table below depicts the number of days open and number of cases in each category.

NUMBER OF DAYS	NUMBER OF CASES	PERCENTAGE
0-100	26	51%
101-150	11	22%
151-200	4	8%
201-250	5	10%
Over 250	5	10%
<b>TOTAL</b>	<b>51</b>	<b>100%</b>

**Conclusion: The standard has been met.**

**B. Performance Standard #2 (24 CFR 115.206 (e) (2): Administrative closures are utilized only in limited and appropriate circumstances.**

Administrative closures are defined as cases that are closed for the following reasons:

1. The complaint lacked jurisdiction
2. The agency was unable to locate the complainant
3. The complainant failed to cooperate with the investigation
4. The complaint withdrawn by the complainant without resolution
5. Inability to locate respondent
6. Trial already commenced

The agency closed a total of 47 cases between July 1, 2013 and June 30, 2014. Of that number, a total of 7 (15%) were closed administratively. It did not appear that the agency used the administrative closure process to keep from closing the cases on their merit.

Case Name	HUD Case Number	FHAP Closure Date	Closure Reason	Age
Tucker, Thomas, IV & Maria Manning v. Island Realty; Ashley Bos	04-13-0387-8	07/25/13	Complainant Failed to Cooperate	167
Cave, Ernest v. Thomas and Paula Gaston	04-13-0597-8	07/18/13	Complainant Failed to Cooperate	99
Ricardo, Loida v. Twin Lakes Estates; Susan & Church Kewin, DRS	04-13-0774-8	09/12/13	Complainant Failed to Cooperate	100
Rodriguez, Bibiana & Julio Infante v. Twin Lakes Estates;	04-13-0775-8	01/21/14	Withdrawal Without Resolution	231
Myers, Robert v. Bolchoz, Carolyn	04-13-0906-8	11/25/13	Complainant Failed to Cooperate	137
Jimenez, Cristina Perez Vs. Twin Lakes Estates	04-14-0073-8	01/20/14	Complainant Failed to Cooperate	76
Riley & Green v Heddy, Amanda L., et al	04-14-0122-8	02/07/14	Withdrawal Without Resolution	78

**Conclusion: The standard has been met.**

- C. Performance Stand #3 (24 CFR 115.206(e)(3): During the period beginning with the filing of a complaint and ending with filing a charge or dismissal, the agency, to the extent feasible, attempts to conciliate the complaint. After the charge has been issued, the agency, to the extent feasible, continues to attempt settlement until a hearing or a judicial proceeding has begun.**

SCHAC indicated that they attempt to conciliate all cases. In some instances, they begin the process during intake; however, the investigators are required to attempt conciliation, starting when the case is assigned to them and continuing throughout the investigation. They also use the agency's mediator in some instances. Their methods for conducting conciliation include in person, by phone, and email. In most cases, conciliation is ongoing. In a few cases, the complainant or respondent may be adamant about not wanting to conciliate. The conciliation attempts are documented in the conciliation section and the case chronology in TEAPOTS.

Further, when the agency issues a cause determination, they attempt to conciliate after the determination is issued. During the performance period, one caused case was conciliated post cause.

The review of TEAPOTS confirmed that SCHAC investigators consistently attempted conciliation, to the extent feasible, on cases that were investigated during the performance period.

See Performance Standard #5 for a list of cases that were conciliated/settled during the performance period.

**Conclusion: The performance standard has been met.**

**D. Performance Standard (24 CFR 115.206(e) (4): the agency conducts compliance reviews for settlements, conciliation agreements, and orders resolving discriminatory housing practices.**

The agency conciliated a total of 20 (43%) cases between July 1, 2013 and June 30, 2014. All relief obtained in conciliations, pre and post cause, was adequate.

The agency indicated that if necessary, a recommendation would be made to the South Carolina Attorney General to file a civil action seeking the enforcement of the terms of agreements in the event a breach occurs. There were no breaches noted during the performance period.

**Conclusion: The performance standard has been met.**

**E. Performance Standard #5 (24 CFR 115.206(e)(5): the agency must consistently and affirmatively seek and obtain the type of relief designed to prevent recurrences of discriminatory practices.**

Of the 47 cases closed as of June 30, 2014, a total of 20 successful conciliation/settlements were obtained. The complainant received benefits of actual monetary damages, reasonable accommodations and housing. Additionally, relief sought by the agency included but was not limited to: training of respondents, requiring respondents to agree to consistently apply its policies and procedures to all applicants and residents in a nondiscriminatory manner and changes in policies. No cases proceeded to an administrative hearing during the performance cycle. No cases proceeded to judicial proceedings during the performance period.

Case Name	HUD Case Number	FHAP Closure Date	Closure Reason	Age
Johnson, Robert and Donna v. Ray Watts; Apex Homes, Inc.; Apex	04-13-0481-8	09/25/13	Conciliated/Settled	204
Smith, Deandra v. Jennifer Kemp; The Biltmore, Arruth Associate	04-13-0596-8	09/09/13	Conciliated/Settled	152
Williams, Cecilia v. Intermark Associates, et. al.	04-13-0649-8	10/21/13	Conciliated/Settled	181
Lyles, Karen v. Carolina Crossing LLC, et al	04-13-0750-8	01/22/14	Conciliated/Settled	245
Alonso, Rafaela v. Twin Lakes Estates; Susan & Chuck Kewin; D.R	04-13-0768-8	09/11/13	Conciliated/Settled	99
Lopez, Jaime v. Twin Lakes Estates; Susan & Chuck Kewin; D.R.S.	04-13-0769-8	09/11/13	Conciliated/Settled	99
Mariano, Francis v. Twin Lakes Estates; Susan & Chuck Kewin; D.	04-13-0770-8	09/11/13	Conciliated/Settled	99
Miramontes, Erika v. Twin Lakes Estates	04-13-0771-8	09/11/13	Conciliated/Settled	99
Alonso, Perla & Armando Renteria v. Twin Lakes Estates; et al	04-13-0773-8	09/11/13	Conciliated/Settled	99
Garduza, Noelia vs. Twin Lakes Estate, et al	04-13-0776-8	10/21/13	Conciliated/Settled	139
Mejia, Martha v Twin Lakes, et al	04-13-0779-8	10/21/13	Conciliated/Settled	139
Acosta, Fernando v Twin Lakes	04-13-0817-8	09/09/13	Conciliated/Settled	83
Alvarado, Maria Vs. Twin Lakes Estate	04-13-0818-8	10/21/13	Conciliated/Settled	125

Smith, Lonnie v. Ashley Guy; The Corners Apartments; PRG Manage	04-13-0982-8	10/25/13	Conciliated/Settled	78
Leon, Manuel Olvera and Diaz, Prisca Vs. Twin Lakes Estates	04-13-1027-8	12/16/13	Conciliated/Settled	111
Bowman, Jillian v. Parkway Village, LP, et. al	04-13-1126-8	02/04/14	Conciliated/Settled	134
Jones, Kathleen v. Hartsville Garden, LLC, et.al	04-14-0071-8	06/25/14	Conciliated/Settled	232
Montgomery, Rita v Florence Housing Authority	04-14-0082-8	03/27/14	Conciliated/Settled	140
Montgomery, Rita v Kirby, Dewey Jr. & Margaret & Dewey III	04-14-0139-8	04/08/14	Conciliated/Settled	132
Anderson, Martha v. CompassRock Real Estate, LLC, et al.	04-14-0203-8	02/11/14	Conciliated/Settled	53
Gadsden, Krystale vs. Oakridge Townhouses	04-14-0243-8	05/15/14	Conciliated/Settled	114

The agency reported the following notable conciliations:

CASE NAME	HUD CASE NUMBER	RELIEF OBTAINED
Cecilia Williams v. WRH Realty Services	04-13-0649-8	Respondents agreed to pay complainant \$5,000 in compensation and attend fair housing training.
Twin Lakes Estate Cases (Systemic Cases)	Various (See above)	Respondents agreed to reimburse all complainants for rent charged per child. Respondents agreed to revise the code of conduct rules for children to reflect a neutral policy that applies to all residents of the community. Respondents agreed to attend fair housing training.
Jones, Kathleen v. Hartsville Garden	04-14-0071-8	Respondents agreed to pay complainant \$4,632 in out of pocket rent payment expenses, from February 2013 – April 2014. Respondents granted complainant's reasonable accommodation request for a ground floor unit. Respondents agreed to attend fair housing training.

**Conclusion: The performance standard has been met.**

**F. Performance Standard #6 (24 CFR 115.206(e)(6): The agency must consistently and affirmatively seek to eliminate all prohibited practices under its housing law.**

The chart depicting the agency's education and outreach activities for the performance period is attached as **Exhibit 1**. The agency indicated that after they participate in various events, they measure effectiveness by whether or not they receive calls, inquiries, requests for information, or complaints. On radio talk shows, they gauge effectiveness by the response of the call-in audience or comments from people who tuned in.

When people file complaints, they measure effectiveness based on how they heard about the Fair Housing Act and the agency. As a result of their outreach, they have had an increase in the number of complaints and inquiries from Hispanics. All of them do not result in fair housing complaints; some of them are employment related, but they mention that they heard about the agency because of their brochures.

**Conclusion: The performance standard has not been fully met. SCHAC concentrated the majority of its education and outreach efforts in and around the Columbia area. However, as the state agency, SCHAC is responsible for conducting education and outreach activities throughout the State of South Carolina.**

- G. Performance Standard #7 (24 CFR 115.206(e)(7): The agency must demonstrate that it receives and processes a reasonable number of complaints cognizable under both the Fair Housing Act and the agency's fair housing statute or ordinance.**

The agency's state fair housing statute does not specify how many cases must be received and processed to determine a reasonable number of fair housing complaints. HUD's regulations also do not state how many complaints constitute a reasonable number. However, factors such as the population of the jurisdiction, length of time of participation in program, number of complaints received and process in the past, and other factors are considered.

States

Very Small	up to 1, 500,000	15 complaints
Small	1,500,001 to 4, 500,000	25 complaints
Medium	4,500,001 to 9,000,000	50 complaints
Large	9,000,001 to 15,000,000	80 complaints
Very Large	15,000, 0001 and over	150 complains

According to the 2012 Census estimates, the population of South Carolina is 4,723,723.

RACE/ETHNICITY	PERCENTAGE
White persons	68.4%
Black persons	28.1%
American Indian and Alaska Native persons	0.5%
Asian persons	1.4%
Native Hawaiian and Other Pacific Islander persons	0.1%
Persons of Hispanic or Latino Origin	5.3%

The agency received a total of 71 new complaints for investigation and closed a total of 47 between July 1, 2013 and June 30, 2014. Therefore, based on the framework above, the agency has processed a reasonable number of cases during the performance period.

**Conclusion: The performance standard has been met.**

**H. Performance Standard #8 (24 CFR 115.206(e)(8): The agency must report to HUD on the final status of all dual-filed complaints where a determination of reasonable cause was made.**

The agency caused a total of two (2) dual-filed cases between July 1, 2013 and June 30, 2014. The chart below lists the cases.

CASE NUMBER AND NAME	CAUSE DATE	FHAP CLOSURE	CLOSURE REASON	RELIEF
04-14-0243-8 Gadsden, Krystale vs. Oakridge Townhouses	4/25/2014	5/15/2014	Conciliated/Settled	Respondents agreed to pay complainant a total of \$1,381.34 which is the difference of the Complainant's commute between the home which the complainant inquired about through the respondents and the property the complainant was forced to occupy.
04-13-1174-8 Manfredini, Maddington Pl. Prop. Owners Assoc., Inc., et al	6/05/2014	Open	Open	N/A

In order to be in compliance with this performance standard, the agency must keep HUD updated on the final status of all dual-filed reasonable cause complaints. The agency must report this information to HUD via TEAPOTS.

During the performance period, the agency failed to notify HUD of the status of a previously caused as required. HUD was notified by the complainant that her case was being dismissed by the agency after they had filed a civil action on her behalf and sought HUD's intervention to stop the dismissal. The matter was reviewed by the GTR and Isabel Torres-Davis, Program Analyst (HQ). It was determined that HUD would not take any further action related to the complaint. The complainant retains the option of pursuing the civil action with private counsel.

CASE NUMBER AND NAME	CAUSE DATE
04-13-0397-8 Crotty, Elizabeth v. Windjammer Village	6/28/2013

**Conclusion: The performance standard has not been fully met.**

**I. Performance Standard #9 (24 CFR 115.206(e)(9): The agency must conform its performance to the provisions of any written agreements executed by the agency and HUD related to substantial equivalence certification, including but not limited interim agreement or MOU.**

Conformance with provisions of the MOU not contemplated elsewhere in the report:

a. Paragraph IV.C. Initial Contact Date

Requirement: The MOU requires the agency to use the Initial Contact Date field in TEAPOTS to record the actual date on which the complainant first contacts the agency or FHEO to inquire about filing a housing discrimination complaint, or to report an alleged discriminatory housing practice.

Conclusion: The agency is in compliance with this requirement.

b. Performance Measures

FHAP agencies will close 50% of fair housing complaints referred by HUD within 100 days, excluding recommended cause and systemic complaints;

FHAP agencies will close or charge 95% of its aged fair housing complaints within the fiscal year.

**50% Efficiency Goal**

The agency received a total of 71 cases that could have aged over 100 days during the performance period through June 30, 2014. Of that number, a total of 14 were systemic cases and one was a cause case. As a result, the total number of closed cases used for calculation purposes of this goal is 56. The agency closed 16 (29%) of those cases in 100 days or fewer. Therefore, the efficiency goal has not been met.

**95% Aged Case Closure Goal**

At the beginning of the performance period, the agency had a total of four (4) aged open cases. The agency closed all four of them during the performance period. Therefore the aged case closure goal has been met.

HUD Case Number	Case Name	HUD Date Filed	Age at 7/01/2013	FHAP Closure Date
04-13-0387-8	Tucker, Thomas, IV & Maria Manning v. Island Realty; Ashley Bos	02/08/2013	143	7/25/2013
04-13-0481-8	Johnson, Robert and Donna v. Ray Watts; Apex Homes, Inc.; Apex	03/05/2013	118	9/25/2013
04-13-0509-8	Thompson, John & Kombert, Marie v. G & C Housing, LP. et al	03/12/2013	111	7/31/2013
04-13-0535-8	Smith, Lesroy v. Wyndham Pointe, LP, et al	03/19/2013	104	9/24/2013

**Conclusion: The requirements have not been fully met.**

### III. Budget and Finance

- A. The agency did not provide an annual certifications to HUD, confirming that the agency spends at least 20% of its total operating budget (not including FHAP funds ) on fair housing activities as required at 24 CFR§115.307 (5). However, the agency provided documentation to demonstrate that the requirement has been met.
- B. FHAP funds must be segregated from the agency's and the state government's other funds, and must be used for the purpose that HUD provided the funds as required at 24CFR§115.307(6). The agency did not commingle any FHAP funds with other funds.
- C. FHAP funds were used for the purpose of investigation complaints, training under the Fair Housing Act, maintenance of data and information systems and creation and maintenance of data and information systems, development and enhancement of fair housing education and outreach projects.
- D. The agency draws down its funds in a timely manner as required at 24 CFR.
- E. Audit Report: The agency received a total of \$300,864 from HUD during FY 2013. As a result, they did not reach the threshold for an audit. However, a financial report of SCHAC was issued October 28, 2013 by the State of South Carolina Office of the State Auditor for the period ending June 30, 2012. A copy of the report was provided to us for our records. The report did not reflect any deficiencies and/or findings related to FHAP.

**Conclusion: The requirement has been met. The budgets and financial report are attached as Exhibit 2.**

### IV. Reporting and Record Keeping Requirements

- A. The agency maintains records demonstrating its financial administration of FHAP funds (24 CFR§ 115.308(a) (1). The agency also utilizes the South Carolina Enterprise Information System (SCEIS) for financial reporting.
- B. The agency maintains records of its performance under the FHAP, including all past performance assessment reports, performance improvement plans and other documents relative to the agency's performance in the FHAP (24 CFR§115.308(a)(2)).
- C. The agency permits reasonable public access to its records as required at 24CFR§115.308(c) (i.e. are the records made available at the agency's office during normal working hours for public review).
- D. The Secretary of HUD, Inspector General of HUD, and Comptroller General of the United States, and any of their authorized representatives, has access to all the pertinent books, accounts, reports, files and other payments for surveys, audits, examinations, excerpts and transcripts as they relate to the agency's participation in FHAP (24 CFR§115.308(d)).

- E. All files are kept in such a fashion as to permit the audits under applicable Office of Management and Budget circulars, procurement regulations and guidelines, and the Single Audit requirements for state and local agencies (24CFR§115.308(e)).

**Conclusion: The requirements have been met. The agency's record keeping and financial management has shown significant improvement since the last performance assessment. The Business Manager is to be commended for this level of performance.**

## V. Testing Requirements

The agency does not do testing as part of their routine operations; however, they proposed to begin a testing program as part of the Partnership Funds Projects. They conducted six tests under their Partnership Funds Projects during the performance period.

## VI. Additional Requirements

- A. **Training** (24 CFR 115.306 (b): Each agency must send staff to mandatory FHAP training sponsored by HUD, including, but not necessarily limited to, the National Fair Housing Training Academy and the National Fair Housing Policy Conference.

The agency staff attended courses at the NFHTA as required. The chart depicting the specific trainings and staff is attached as **Exhibit 3**.

**Conclusion: The requirement has been met.**

- B. **Data Support System Requirement** (24 CFR 115,307 (a)(3): The agency must use the Department's official complaint data information system and must input all relevant data and information into the system in a timely manner.

The agency utilizes TEAPOTS appropriately.

**Conclusion: The requirement has been met.**

- C. **Changes Limiting Effectiveness of Agency's Law** (24 CFR 115.211):

There were no changes to the agency's law during the performance period.

**Conclusion: The requirement has been met.**

- D. **Civil Rights Requirements**

The agency is in compliance with all relevant federal civil rights laws, including Title VI of the Civil Rights Act of 1964, the Americans with Disabilities Act, Section 504 of the Rehabilitation Act of 1973, Section 508 of the Rehabilitation Act, and the standards of Section 3 of the Housing and Urban Development Act of 1968. There was no evidence that any complaints were filed against the agency related to those laws. The agency

also hired a Hispanic Outreach Coordinator through one of their Partnership Funds Projects who assists Spanish-speaking LEP clients.

**Conclusion: The requirement has been met.**

**E. Subcontracting Requirement (24 CFR § 115.309)**

SCHAC does not subcontract to a public or private organization of any activity for which it receives FHAP funds.

**Conclusion: The requirement is not applicable.**

**F. FHAP and the First Amendment**

The agency does not use funding made available under FHAP to investigate or prosecute any activity that may be protected by the First Amendment of the United States Constitution as prohibited at 24 CFR § 115.310.

**Conclusion: The requirement has been met.**

**VII. Conclusion and Any Corrective Actions**

The assessment of the SCHAC's performance reveals that the agency has met the majority of the performance requirements in administering its law. As a result, we believe SCHAC has demonstrated its ability to perform as a substantially equivalent agency and recommend that the agency maintains its certification as a substantially equivalent agency under the Fair Housing Assistance Program.

However, the following concern and findings noted during the performance assessment will need to be addressed within 30 days from receipt of the report. Please see below for specifics.

**A. Performance Standard #1**

Concern: Though SCHAC has met the requirements of this standard, it should be noted that the agency should implement a plan now to address the high number of open aged cases. These cases will count towards the aged case closure performance goal during the FY 2014-2015 performance period.

**B. Performance Standard #6**

Finding: SCHAC concentrated the majority of its education and outreach efforts in and around the Columbia area. However, as the state agency, SCHAC is responsible for conducting education and outreach activities throughout the State of South Carolina.

Corrective Action: The agency must develop and implement a statewide education and outreach plan. The agency must provide a copy of the plan to HUD.

**C. Performance Standard #8**

Finding: During the performance period, SCHAC failed to notify HUD of the status of a previously caused case as required. HUD was notified by the complainant that her case was being dismissed by the agency after a civil action had been filed on her behalf and sought HUD's intervention to stop the dismissal. The matter was reviewed by the GTR and Isabel Torres-Davis, Program Analyst (HQ). It was determined that HUD would not take any further action related to the complaint. The complainant retains the option of pursuing the civil action with private counsel.

Corrective Action: SCHAC must ensure that HUD is updated as required via TEAPOTS.

**D. Performance Standard #9**

Finding: FHAP agencies are required to close 50% of fair housing complaints referred by HUD within 100 days, excluding recommended cause and systemic complaints. The agency received a total of 71 cases that could have aged over 100 days during the fiscal year through June 30, 2014. Of that number, a total of 14 were systemic cases and one was a cause case. As a result, the total number of closed cases used for calculation purposes is 56. The agency closed 16 (29%) of those cases in 100 days or fewer. Therefore, the efficiency goal has not been met.

Corrective Action: The agency must develop and implement a plan to meet this goal during the FY 2014-2015 performance period. The agency must provide a copy of the plan to HUD.

**E. Partnership Funds Projects**

The grantee received two Partnership Funds Project grants during the FY 2013 performance period for a combined total of \$143,000. The agency proposed to conduct education/outreach in Richland County to address concerns raised in their AI (\$49,000). Additionally, they proposed to provide education/outreach (including media campaign) to and investigate complaints from LEP persons across the State through the hiring of a bilingual staff person (\$94,000).

The agency had completed both projects at the time of the onsite. However, the agency had excess funds from both. As a result, they are required to provide a plan for use of the funds to the GTR for review. This plan is to be submitted within 30 days from receipt of this report. The final outcome reports are attached as **Exhibit 4**.

Project	Original Funding	Balance
Richland County Outreach	\$49,000.00	\$14,859.00
Hispanic Outreach	\$94,000.00	\$16,032.57
<b>TOTAL</b>	<b>\$143,000.00</b>	<b>\$30,891.57</b>

## **VIII. Exhibits**

1. Education and Outreach Activities
2. Budgets and Financial Report
3. NFHTA Training Activities
4. Partnership Funds Project Final Outcome Reports

**SIGNATURE PAGE**

*Vicki A Ray*

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Vicki A. Ray, GTR  
Office of Fair Housing and Equal Opportunity

8/26/2014  
Date

*Carlos Osegueda*

\_\_\_\_\_  
Carlos Osegueda  
FHEO Region IV Director  
Regional Office of Fair Housing and Equal Opportunity

9/30/2014  
Date

FAIR HOUSING OUTREACH 2013-2014			
Date	Type of Outreach	Description	Contact Information
July 25, 2014	Radio Talk Show	Delaine Frierson was a guest on <i>The Urban Scene 620AM Radio</i> . Listeners called in with housing questions.	Don Frierson WGCV
September 26, 2013	South Carolina Community Development Corporation	Delaine Frierson made a presentation about fair housing at the conference in Charleston.	
October 9-18, 2013	South Carolina State Fair	The Housing Division had a booth at the fair and distributed brochures and other fair housing	
October 17, 2013	Radio Talk Show	Delaine Frierson was a guest on <i>The Urban Scene 620AM Radio</i> . Listeners called in with housing questions.	Don Frierson
December 5, 2013	Radio Talk Show	Delaine Frierson was a guest on <i>The Urban Scene 620AM Radio</i> . Listeners called in with housing questions.	Don Frierson
December 2013	SC Black Pages	The Fair Housing division bought an ad in the <i>SC Black Pages</i> . This is a publication by McCants media in which advertisers market to the minority community in South Carolina. It is distributed statewide. The division was also given a page to write information about housing discrimination.	Darren Thomas McCants Media 1806 Washington Street Columbia, SC 29201 (803) 254-6404 Blackexposouth.com
March 11, 2014	Columbia Stakeholders	This was a meeting at	Larry Knightner

	Meeting	HUD to discuss the needs of Columbia concerning housing how the HUD office can better serve those who work with HUD.	Columbia HUD Office Assembly Street
March 12, 2014	Hispanic Ministry	Jesse Olivares spoke to Hispanic members of St. Peters Catholic Church about fair housing.	María Smoak, Hispanic Ministry Director St. Peters Catholic Church 1529 Assembly Street Columbia, SC 29201 (803) 779-0942
March 15, 2014	Lexington Health Fair	The Housing Division distributed brochures at the health fair. Marvin Caldwell answered questions and informed people how to contact the agency.	
March 21, 2014	Distribution of brochures	Jesse Olivares spoke with the owner of The Dominican Blowout, a Hispanic salon. He provided information about fair housing.	Jose The Dominican Blowout 7364 Two Notch Road Columbia, SC (803) 233-9626
April 16, 2014	Fair Housing Seminar	Delaine Frierson and Connie Jenkins attended a forum for Sumter County Realtors. Delaine made a presentation about fair housing.	Linda Johnson
April 16, 2014	South Carolina Housing Center	Marvin Caldwell met with representatives from Richland and Lexington Counties, the SC Housing Center, and Legal Aid to discuss creative ways to do Fair Housing outreach	Tina Brown
April 17, 2014	The Greater Columbia Community Relations Council	Delaine Frierson made a presentation about the state of Fair Housing in Richland County. Other	Henrietta Baskins Greater Columbia Community Relations Council 930 Richland Street Columbia, SC 29202

		participants who work in housing also made presentations.	(803) 733-1130
April 22, 2014	Outreach	Jesse Olivares presented information about fair housing to the ESL class at the Lexington-Batesburg Adult Education Center.	Sandy Butler (803) 532-2141 (803) 920-8208
April 23, 2014	Palmetto Affordable Housing Forum	Delaine Frierson made a presentation about the state of Fair Housing in Richland County. Other participants who work in housing also made presentations.	
April 24, 2014	National Association of Hispanic MBAs	Jesse Olivares attended a gathering of Hispanic MBAs and professionals at the Blue Marlin in Columbia and distributed fair housing brochures.	Lorenzo Bocanegra National Society of Hispanics MBAs (956) 453-3101
April 26, 2014	Disaster Awareness Day	Jesse Olivares and Delaine Frierson attended the Disaster Awareness Day in Columbia. The Fair Housing Division distributed brochures to the attendees.	Johnny Williams First Nazareth Baptist Church 2351 Gervais Street Columbia, SC 29204 (803) 719-7070
April 29, 2014	Letter to the Editor	Delaine Frierson wrote a letter to the editor in <i>The State</i> newspaper about housing discrimination.	www.thestate.com
May 3, 2014	Sweet Potato Festival	Connie Jenkins and Delaine Frierson distributed fair housing brochures at this festival.	Hopkins, SC
May 4, 2014	Cinco de Mayo Festival	The Cinco de Mayo Festival was held at	Gustavo (803) 765-0560

		the South Carolina State Museum. Jesse Olivares distributed 300 fair housing brochures	
May 5, 2014	Cinco de Mayo Celebration	Jesse Olivares distributed 30 brochures at the Batesburg-Leesville Branch Library. They held the event to celebrate Hispanic culture.	Maria Arroyo Batesburg-Leesville Branch Library 203 Armory Street Batesburg, SC 29006 (803) 532-9223 marroyo@lexington.net
May 6, 2014	PASOs	Jesse Olivares attend the PASOs event which promotes healthy Latino families in the Midlands.	PASOs Julie Smithwick, Executive Director 730 Devine Street Suite 108 Columbia, SC (803) 777-5466
May 14, 2014	Alianza Latina	Jesse Olivares attended the monthly meeting of Alianza Latina. The group consists of Hispanic Liaisons and coordinators throughout the South Carolina workforce.	Julie Smithwick, Executive Director 730 Devine Street Suite 108 Columbia, SC (803) 777-5466
May 17, 2014	Black Expo	Marvin Caldwell, Jesse Olivares, and Connie Jenkins attended. Black Expo is an annual statewide event where vendors from that state provide information about the services they provide. The housing division distributed brochures and gave away a basket with fair housing information.	Darren Thomas McCants Media 1806 Washington Street Columbia, SC 29201 (803) 254-6404 Blackexposouth.com
April 24, 2014	Webinar sponsored by Coastal Carolina Realtors	Delaine Frierson presented "Know Your Fair Housing Rights	Kathleen Williams, e-PRO Vice President of Professional & Business Development

		and Responsibilities." This webinar was for member of the Coastal Carolina Realtors. They were able to ask questions about fair housing.	Coastal Carolinas Association of REALTORS® 951 Shine Avenue Myrtle Beach, SC 29577 843-839-8061 <a href="http://www.ccarsc.org">www.ccarsc.org</a>
May 2014	Article in <i>The Advocate</i>	Delaine Frierson wrote an article for <i>The Advocate</i> , a publication of the South Carolina Methodist Conference on treating others fairly, including making sure people's fair housing rights are not violated.	
May 2014	Human Affairs Commission newsletter	Delaine Frierson provided information for the agency's newsletter about Fair Housing. The newsletter will be uploaded to the agency's website.	
June 11, 2014	Alianza Latina	Jesse Olivares attended the monthly meeting of Alianza Latina. The group consists of Hispanic Liaisons and coordinators throughout the South Carolina workforce.	Julie Smithwick, Executive Director 730 Devine Street Suite 108 Columbia, SC (803) 777-5466
June 13, 2014	Tri-County Housing Summit	Jesse Olivares attended the annual Tri-County Housing Summit at Trident Technical College in North Charleston, SC.	Michelle Winters Trident Technical College 7000 Rivers Avenue North Charleston, SC
June 19, 2014	Home Ownership Month Forum	Jesse Olivares and Deborah Thomas distributed brochures and answered questions about fair	DeAnna Bookert Red Bank Crossing 1070 South Lake Drive Lexington, SC (803) 733-1124

		housing	
June 19, 2014	Training for Property Managers	Fair Housing training for Charleston Area Property Managers	Judy Wolk 147 Wappo Creek Drive Suite 103 Charleston, SC 29412 (843) 737-0173 (w) (843) 696-8403 (c)
June 23, 2014	Home Ownership Market Update Forum	Marvin Caldwell attended the forum and distributed housing information	Earlwood Park 111 Parkside Drive Columbia, SC The Greater Columbia Community Relations Council
June 25, 2014	Training for Property Managers	Delaine Frierson made a presentation to the property managers about fair housing, concentrating on disability discrimination. This was in Florence, and it was attended by property manager from North and South Carolina.	Jason Buffkin, Director Partnership Property Management P.O. Box 26405 Greensboro, NC 27404 P 336.544.2300 x257 F 336.387.8400 <a href="http://www.partnershippm.com/">http://www.partnershippm.com/</a>
June 25, 2014	Newberry College	Jesse Olivares attended a meeting at Newberry College to discuss diversity. He spoke about the service of the Fair Housing Division.	Dr. Peggy Winter Newberry College College Street Newberry, SC (793) 832-8163
June 28, 2014	Post-Homeownership Workshop	This was an event held at the Home Depot during Home Ownership month. Delaine Frierson made a presentation on their fair housing rights.	Jocelyn Jennings Richland County Community Development jennkinsj@rcgov.us
June 28, 2014	Fair Housing Forum	Delaine Frierson made a presentation about housing discrimination.	Venue Sabb, Housing Coordinators Benedict-Allen Community Development Corporation Benedict College Business Development Center 2601 Read Street Columbia, SC 29203

July 2014	Certification from South Carolina Department of Labor, Licensing and Regulation, Real Estate Commission	Delaine Frierson has met all of the requirements of the Real Estate Commission for approval as a real estate provider. This is to provide continuing education units to real estate agents when teaching about fair housing.	Joi Middleton LLR South Carolina Real Estate Commission Synergy Business Park, Kingstree Building 110 Centerview Drive Columbia, SC 29211-1847 (803) 896-4425
July 9, 2014	Alianza Latina	Jesse Olivares attended the monthly meeting of Alianza Latina. The group consists of Hispanic Liaisons and coordinators throughout the South Carolina workforce.	Julie Smithwick, Executive Director 730 Devine Street Suite 108 Columbia, SC (803) 777-5466
July 11, 2014	Outreach	Jesse Olivares distributed 30 brochures at the Monterrey Restaurant.	Miguel Gnate Monterrey Mexican Restaurant 199 Knox Abbott Drive Columbia, SC (803) 794-3974 (803) 629-5535
July 18-19, 2014	Outreach	Jesse Olivares distributed 232 brochures to Hispanics who were seeking help from the Mexican Consulate.	Freddy Rivera Fuente de Vida Church 101 Carol Ann Drive Columbia, SC 29223 (803) 509-2510
July 25-26, 2014	Outreach	Jesse Olivares distributed 265 brochures to Hispanics who were seeking help from the Mexican Consulate.	Freddy Rivera Fuente de Vida Church 101 Carol Ann Drive Columbia, SC 29223 (803) 509-2510

**Personnel Pd by HUD FUNDS and Salary & Fringe Amounts PD**

	Salaries	Fringe
Delaine Frierson	\$ 55,068	\$ 19,824.48
Jessica Brown	\$ 16,959	\$ 6,105.24
Connie Jenkins	<u>\$ 37,754</u>	<u>\$ 13,591.44</u>
	\$ 109,781	\$ 39,521.16

**Total FY13/14 Salaries & Fringe pd by HUD Funds** **\$ 149,302.16**

FY 13/14

Salary	Jessie Olivares		41000
Fringe	Jessie Olivares		14760
Salary	Jessica Brown	7/1-4/21 Pd 50% state & 50% Federal	16959
Fringe	Jessica Brown	7/1-4/21	6105.24
Salary	Marvin Caldwell		33987
Fringe	Marvin Caldwell		12235.32
Salary	Deborah Thomas		44469
Fringe	Deborah Thomas		16008.84
Salary	Tamiko Johnson	2/17-6/30	9207
Fringe	Tamiko Johnson	2/17-6/30	3314.52

**TOTAL SALARY & FRINGE**

**\$ 198,045.92**

Workers Compensation Yearly Premium	1145.8
Unemployment Compensation	1500.6
Insurance Reserve Fund	404
AT&T - Phone Service	4190.28
ID's For Staff	30
Best Buy (1/2 of costs for 1st floor Wi-Fi)	58.3
Div of Technology (Web hosting & Internet Usage)	9564.72
Copy Pick-up (Binding of Agency Training Manuals)	75.6
Corrections - Printing (Name Plates & Holders)	70.5
Corrections - Printing (Business Cards)	200
Corrections - Printing (Envelopes)	163.52
Replacement Memory (For Computers)	302
Office Supplies	900
Joshua Barr - John Marshall Law School Training	650
Midlands Tech (Business Writing Class-Jessica, Jesse, & Marvin)	266
Pitney Bowes (Yearly Lease)	1245
Pitney Bowes (Yearly Postage - Calculations only from Sept to June)	3974.02
Building Rent (Old & New Locations)	19469.3
Post Office Box Rental	81.2
Fair Housing Coach - Subscription	277
Xerox - Copiers	2845
State Fleet (State Cars)	3500
Spirit Communicatons - Long Distance Telephone Service	2052

**Total Expenditures paid toward Fair Housing Activities**

**\$ 251,010.76**

**Total 2013/2014 Budget**

**\$ 2,043,236.00**

**% of Total Operating Budget Spent on Fair Housing Activities  
(please note funds were not received until 9/30/13)**

**12.2850%**

FY 2013 HUD FUNDS  
FUNDS DESIGNATION

<u>HOW FUNDS WERE ALLOCATED</u>		<u>Remaining Balance</u>
\$ 96,282.00	Case Processing	\$ 55,282.00
\$ 1,000.00	Cause Case Bonus	\$ 1,000.00
\$ 16,000.00	Training Funds	\$ 493.89
\$ 20,000.00	Administrative Costs	\$ -
<u>\$ 133,282.00</u>		<u>\$ 56,775.89</u>

41K of 61K taken from Case processing to cover salaries thru FYE  
not used as of today  
\$15,506.11  
\$61K used to cover shortage in salaries, employer contributions, & other operating funds thru FYE

Name	Dates	Purpose	Total	\$ 16,000.00
Marvin Caldwell	5/4-5/9/14	NFHTA Training	\$ 1,044.00	Travel Advance
Marvin Caldwell	5/4-5/9	NFHTA Training	\$ 479.80	
	5/4-5/9 (Air Fare)	NFHTA Training	\$ 534.50	
Jessica Brown	4/13-4/18	NFHTA Training	\$ 1,140.80	Travel Advance
Jessica Brown	4/13-4/18	NFHTA Training	\$ 450.60	
Joshua Barr	11/17-11/22	NFHTA Training - DC	\$ 876.80	Did not attend, but ticket was pd
Joshua Barr	1/29-2/1	Attorney Litigation Training	\$ 443.98	Travel Advance
Joshua Barr	1/29-2/1	Attorney Litigation Training	\$ 244.69	
Joshua Barr	1/29-2/1	Attorney Litigation -Air Fare	\$ 630.80	
Lee Wilson	8/4-8/9	NFHTA Training	\$ 922.04	Travel Advance
Lee Wilson	8/4-8/9	NFHTA Training	\$ 379.04	
Lee Wilson	8/4-8/9 (Air Fare)	NFHTA Training - DC	\$ 692.20	
Delaine Frierson	25-Jun	Florence (Training)	\$ 79.04	
Delaine Frierson	19-Jun	Charleston (Training)	\$ 143.36	
Delaine Frierson	9/8-9/13	Tampa FL (Training)	\$ 874.30	
Delaine Frierson	9/8-9/13 (Air Fare)	Tampa FL (Training)	\$ 687.44	
Delaine Frierson	9/25-9/26	Charleston (Training)	\$ 173.50	
Jessica Brown	9/8-9/13	Tampa FL (Training)	\$ 820.80	
	9/8-9/13 (Air Fare)	Tampa FL (Training)	\$ 687.44	
Marvin Caldwell	9/8-9/13	Tampa FL (Training)	\$ 825.80	
	9/8-9/13 (Air Fare)	Tampa FL (Training)	\$ 687.44	
Larry McBride	9/8-9/13	Tampa FL (Training)	\$ 838.30	
	9/8-9/13 (Air Fare)	Tampa FL (Training)	\$ 687.44	
Connie Jenkins	7/6-7/11	NFHTA Training -Air Fare	\$ 581.00	
Deborah Thomas	7/6-7/11	NFHTA Training -Air Fare	\$ 581.00	
		<b>Total Spent</b>	<b>\$ 15,506.11</b>	
		<b>Remaining</b>	<b>\$ 493.89</b>	

# FY 2013 FHAP PARTNERSHIP FUNDS BUDGETS

**Hispanic Outreach**

	Delaine's Totals	Lori's Totals
<b>Jesse's Salary</b>	<b>35,961.17</b>	<b>40014.11</b>

**Advertising**

Ads/Promo (P&B)	1,056.63	Inv 1745	1106.63 1/2 of total
Ads/Promo (P&B)	1,115.47	Inv 1701	1115.47 1/2 of total
Motor Vehicle Network	5,985.00	Inv 47710	5985
<b>2012 State Fair Rental-Admission</b>	<b>152.50</b>		<b>152.5</b>
<b>2012 State Fair Rental- Booth Rental</b>			<b>615</b>
<b>2012 State Fair Rental- Exhibitor Space</b>			<b>50</b>
<b>Displays Unlimited (Table &amp; Skirt for 2012 Fair)</b>			<b>144.45</b>
Latin Festival	144.45		600
2013 Booth Rental (State Fair)	400.00		
Black Pages		2500	1250 1/2 of total
Promotional Items (P&B)	2,500.00	Inv 1782	2515.28
Booth Rental (AME Church)	150.00		150
SC Network Hispanic Radio Ads	2,190.00		2990
Blak Expo I Rental - May 2014	189.00		175
Promotional Items (P&B)		Inv 1694	1178.87 1/2 of total
Forms & Supply (Chairs)		138.24	69.12 1/2 of total
<b>Total</b>	<b>13,883.05</b>		<b>18097.32</b>

**Printing**

Copy Picku (Brochures)	909.50	1819	909.5 1/2 of total
Copy Picku (Brochures)		1284	642 1/2 of total
1000 Brochures (Dept Of Correct	530.04		530.04
Laser Print Plus		642	321 1/2 of total
<b>Total</b>	<b>1,439.54</b>		<b>2402.54</b>

**Equipment**

3 iPads	1,887.00		2019.09
Apple Care for 3 iPads	297.00		317.79
2 Wireless Keyboards & Cases	299.98		232.58
1 Wireless Keyboard & Case	121.70		94.71
3 SIM Cards	113 6/25		111.76 2 SIMS Cards
2 Screen Protectors	29.99		32.38
Verizon Wireless (Internet - Jesse, Delaine, Jessica)			1279.68
<b>Total</b>	<b>2,748.91</b>		<b>4087.99</b>

**Printers**

2 Printers @ 179	358.00		386.64
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Ink Cartridges	85.96	92.84
<b>Total</b>	<b>443.96</b>	
<b>1 Scanner</b>	<b>79.99</b>	<b>86.39</b>
<b>1/2 of Shipping Costs for Printers, Cartridges, &amp; Scanners</b>		<b>92.5</b>
		<b>658.37</b>

**Travel**

Columbia to Aiken	72.32	72.32
Columbia to Charleston (3 people	1,111.00	1136.04
State Car Expenditures (Jesse's Outreach)		5925.3
<b>Total</b>	<b>1,183.32</b>	<b>7133.66</b>

**Testing**

Tester Training	2,499.00	Inv#121313	2499	
John Marshall Travel Reimbursen	605.74		605.24	1/2 of total
Background Checks for Testers	225.00		250	1/2 of total
Funds paid to Testers	775.00		1075	1/2 of total
Airfare (10/28-10/29 John Marshall Testers)		1009.5	504.6	1/2 of total
Airfare (12/9-11 John Marshall Testers)		1279.2	639.6	1/2 of total
<b>Total</b>	<b>4,104.74</b>		<b>5573.44</b>	

<b>Total of all categories</b>	<b>59,844.68</b>	<b>77,967.43</b>
<b>Total Grant</b>		<b>94000</b>
<b>Total Remaining</b>		<b>16,032.57</b>

**Richland County Outreach**

P & B Promotional material	1,056.63	Inv 1745	1106.62	1/2 of total
P & B Promotional material	1,178.87	Inv 1694	1178.88	1/2 of total
Booth Rental (State Fair)	152.50			
P & B Promotional material	1,115.47	Inv 1701	1115.48	1/2 of total
Motor Vehicle Network - ads	2,565.00	Inv 47710	2565	1/2 of total
Palmetto Classic Ad	1,500.00		1500	
<b>2013 Booth Rental (State Fair)</b>	<b>400.00</b>		<b>875</b>	
<b>Displays Unlimited (Table &amp; Skirt 2013 Fair)</b>			<b>171.2</b>	
<b>Sponsor Source (2013 Fair-Parking &amp; Exhibitor Passes)</b>			<b>485</b>	
<b>Delaine (Reim for Basket Giveaway 2013 Fair)</b>			<b>48.55</b>	
Black Pages		2500	1250	1/2 of total
P & B Promotional items	2,500.00	Inv 1781	2497.5	
Booth Rental AME Church	150.00		150	
WWDM Radio Ad	2,156.76		1997	

Summit Communications Radio A	1,841.40		1705
Glory Communications Radio Ads	680.40		630
Cumulus Radio Ads - Florence	1,144.80		1480
Cumulus Radio Ads - Charleston	1,134.00		1390
Cumulus - Myrtle Beach			1060
Black Expo Booth Rental - May 20	189.00		175
Forms & Supply (Chairs)		138.24	69.12 1/2 of total
<b>Total</b>	<b>17,764.83</b>		<b>21449.35</b>

#### Printing

Copy Pickup (Brochures)	1,887.00	1819	909.5 1/2 of total
Copy Pickup (Brochures)		1284	642 1/2 of total
3000 Brochures (Dept of Correcti	591.68		591.68
Laser Print Plus		642	321 1/2 of total
<b>Total</b>	<b>2,478.68</b>		<b>2464.18</b>

#### Equipment

3 iPads	1,887.00		1917.38
3 Apple Care Protection	297.00		318.78
3 Wireless Keyboards & Cases	449.97		348.88
3 SIM Cards	113.97		167.64
3 Screen Protectors	44.97		48.57
Verizon Wireless (Internet - Marvin, Connie, Deborah)			954.62
<b>Total</b>	<b>2,792.91</b>		<b>3755.87</b>

#### Printers

3 Printers @ 179	537.00		579.96
Ink Cartridges	128.94		139.26
<b>Total</b>	<b>665.94</b>		

<b>1 Scanner</b>	<b>79.99</b>		<b>86.39</b>
<b>1/2 of Shipping Costs for Printers, Cartridges, &amp; Scanners</b>			<b>92.5</b>
			<b>898.11</b>

#### Testing

Tester Training	2,499.00	Inv#121613	2499
John Marsahh Travel Reimbursen	605.74		605.24 1/2 of total
Background Checks for Testers	225.00		250 1/2 of total
Funds paid to Testers	975.00		1075 1/2 of total
Airfare (10/28-10/29 John Marshall Testers)		1009.5	504.6 1/2 of total

Airfare (12/9-11 John Marshall Testers)		1279.2	639.6 1/2 of total
<b>Total</b>	<b>4,304.74</b>		<b>5573.44</b>
<b>Total of all categories</b>	<b>28,087.09</b>	<b>34,140.95</b>	
<b>Total Grant</b>		<b>49000</b>	
<b>Total Remaining</b>		<b>14,859.05</b>	

**SOUTH CAROLINA  
HUMAN AFFAIRS COMMISSION  
COLUMBIA, SOUTH CAROLINA**

**STATE AUDITOR'S REPORT**

**JUNE 30, 2012**

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# State of South Carolina



## Office of the State Auditor

1401 MAIN STREET, SUITE 1200  
COLUMBIA, S.C. 29201

RICHARD H. GILBERT, JR., CPA  
DEPUTY STATE AUDITOR

(803) 253-4160  
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### INDEPENDENT ACCOUNTANT'S REPORT ON APPLYING AGREED-UPON PROCEDURES

October 28, 2013

The Honorable Nikki R. Haley, Governor  
and  
Members of the Commission  
South Carolina Human Affairs Commission  
Columbia, South Carolina

We have performed the procedures described below, which were agreed to by the governing body and management of the South Carolina Human Affairs Commission (the Commission), solely to assist you in evaluating the performance of the Commission for the fiscal year ended June 30, 2012, in the areas addressed. The Commission's management is responsible for its financial records, internal controls and compliance with State laws and regulations. This agreed-upon procedures engagement was conducted in accordance with attestation standards established by the American Institute of Certified Public Accountants. The sufficiency of these procedures is solely the responsibility of the specified parties in this report. Consequently, we make no representation regarding the sufficiency of the procedures described below either for the purpose for which this report has been requested or for any other purpose.

The procedures and the associated findings are as follows:

1. **Cash Receipts and Revenues**
  - We inspected selected recorded receipts to determine if these receipts were properly described and classified in the accounting records in accordance with the agency's policies and procedures and State regulations.
  - We inspected selected recorded receipts to determine if these receipts were recorded in the proper fiscal year.
  - We made inquiries and performed substantive procedures to determine if revenue collection and retention or remittance were supported by law.
  - We compared current year recorded revenues at the subfund and general ledger code level from sources other than State General Fund appropriations to those of the prior year. We investigated changes in the general, earmarked and federal funds to ensure that revenue was classified properly in the agency's accounting records. The scope was based on agreed upon materiality levels (\$400 - general fund, \$6,400 - earmarked fund, and \$5,400 - federal fund) and  $\pm 10$  percent.

The Honorable Nikki R. Haley, Governor  
and  
Members of the Commission  
South Carolina Human Affairs Commission  
October 28, 2013

The individual transactions selected were chosen randomly. Our finding as a result of the procedures is presented in Account Coding in the Accountant's Comments section of this report.

**2. Non-Payroll Disbursements and Expenditures**

- We inspected selected recorded non-payroll disbursements to determine if these disbursements were properly described and classified in the accounting records in accordance with the agency's policies and procedures and State regulations, were bona fide disbursements of the Commission, and were paid in conformity with State laws and regulations; if the acquired goods and/or services were procured in accordance with applicable laws and regulations.
- We inspected selected recorded non-payroll disbursements to determine if these disbursements were recorded in the proper fiscal year.
- We compared current year expenditures at the subfund and general ledger account code level to those of the prior year. We investigated changes in the general, earmarked and federal funds to ensure that expenditures were classified properly in the agency's accounting records. The scope was based on agreed upon materiality levels (\$13,800 – general fund, \$6,200 – earmarked fund, and \$3,800 – federal fund) and  $\pm 10$  percent.

The individual transactions selected were chosen randomly. Our finding as a result of the procedures is presented in Account Coding in the Accountant's Comments section of this report.

**3. Payroll Disbursements and Expenditures**

- We inspected selected recorded payroll disbursements to determine if the selected payroll transactions were properly described, classified, and distributed in the accounting records; persons on the payroll were bona fide employees; payroll transactions, including employee payroll deductions, were properly authorized and were in accordance with existing legal requirements and processed in accordance with the agency's policies and procedures and State regulations.
- We inspected payroll transactions for selected new employees and those who terminated employment to determine if the employees were added and/or removed from the payroll in accordance with the agency's policies and procedures, that the employee's first and/or last pay check was properly calculated and that the employee's leave payout was properly calculated in accordance with applicable State law.
- We compared current year payroll expenditures at the subfund and major object code level to those of the prior year. We investigated changes in the general, earmarked and federal funds to ensure that expenditures were classified properly in the agency's accounting records. The scope was based on agreed upon materiality levels (\$13,800 – general fund, \$6,200 – earmarked fund, and \$3,800 – federal fund) and  $\pm 10$  percent.
- We compared the percentage change in recorded personal service expenditures to the percentage change in employer contributions; and computed the percentage distribution of recorded fringe benefit expenditures by fund source and compared the computed distribution to the actual distribution of recorded payroll expenditures by fund source. We investigated changes of  $\pm 10$  percent to ensure that payroll expenditures were classified properly in the agency's accounting records.

The Honorable Nikki R. Haley, Governor  
and  
Members of the Commission  
South Carolina Human Affairs Commission  
October 28, 2013

The individual transactions selected were chosen randomly. We found no exceptions as a result of the procedures.

4. **Journal Entries and Appropriation Transfers**

- We inspected selected recorded journal entries and appropriation transfers to determine if these transactions were properly described and classified in the accounting records; they agreed with the supporting documentation, the purpose of the transactions was documented and explained, the transactions were properly approved, and were mathematically correct; and the transactions were processed in accordance with the agency's policies and procedures and State regulations.

The individual journal entry transactions selected were chosen randomly. We found no exceptions as a result of the procedures.

5. **Appropriation Act**

- We inspected agency documents, observed processes, and/or made inquiries of agency personnel to determine the Commission's compliance with Appropriation Act general and agency specific provisions.

Our finding as a result of these procedures is presented in Personal Property Inventory in the Accountant's Comments section of this report.

6. **Reporting Packages**

- We obtained copies of all reporting packages as of and for the year ended June 30, 2012, prepared by the Commission and submitted to the State Comptroller General. We inspected them to determine if they were prepared in accordance with the Comptroller General's Reporting Policies and Procedures Manual requirements and if the amounts reported in the reporting packages agreed with the supporting workpapers and accounting records.

Our finding as a result of these procedures is presented in Reporting Packages in the Accountant's Comments section of this report.

7. **Schedule of Federal Financial Assistance**

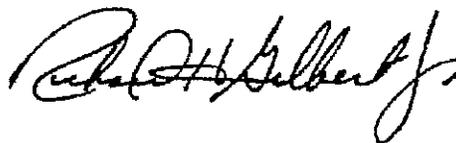
- We obtained a copy of the schedule of federal financial assistance for the year ended June 30, 2012, prepared by the Commission and submitted to the State Auditor. We inspected it to determine if it was prepared in accordance with the State Auditor's letter of instructions; if the amounts agreed with the supporting workpapers and accounting records.

We found no exceptions as a result of the procedures.

The Honorable Nikki R. Haley, Governor  
and  
Members of the Commission  
South Carolina Human Affairs Commission  
October 28, 2013

We were not engaged to and did not conduct an audit, the objective of which would be the expression of an opinion on the specified elements, accounts, or items. Accordingly, we do not express such an opinion. Had we performed additional procedures, other matters might have come to our attention that would have been reported to you.

This report is intended solely for the information and use of the Governor and of the governing body and management of the South Carolina Human Affairs Commission and is not intended to be and should not be used by anyone other than these specified parties.



Richard H. Gilbert, Jr., CPA  
Deputy State Auditor

**ACCOUNTANT'S COMMENTS**

## **VIOLATIONS OF STATE LAWS, RULES OR REGULATIONS**

Management of each State agency is responsible for establishing and maintaining internal controls to ensure compliance with State Laws, Rules or Regulations. The procedures agreed to by the agency require that we plan and perform the engagement to determine whether any violations of State Laws, Rules or Regulations occurred.

The conditions described in this section have been identified as violations of State Laws, Rules or Regulations.

## REPORTING PACKAGES

Section 1.7 of the Comptroller General's Reporting Policies and Procedures Manual states, "Each agency's executive director and finance director are responsible for submitting to the Comptroller General's Office reporting packages and/or financial statements that are: Accurate and prepared in accordance with instructions, complete, and timely." Our testing of the Commission's reporting packages disclosed the following exceptions:

The Commission submitted four of its reporting packages several days to several weeks after their respective due dates.

Although no additional errors or omissions were noted as a result, two answers on the Master Reporting Checklist, form 2.0.1, were answered inaccurately. This was also the case for one question on the capital assets questionnaire, form 3.8.1.

Our testing of the Grants and Contributions Revenue Reporting Package revealed two grant numbers reported incorrectly on the grants activity form, 3.3.1. Also, although the details are included on the grants activity form, no amounts for grants receivable or deferred revenue were reported on the summary form, 3.3.2, in accordance with the reporting package instructions.

On the Refund Receivables Reporting Package no amounts were reported on the refund receivables and related accounts summary form, 3.5.2, even though the responses on the refunds collected and related transactions form, 3.5.1, indicate reportable refunds receivable.

## ACCOUNT CODING

In our testing of revenue and expenditure transactions we found the following coding exceptions: A receipt received to reimburse the Commission for a vehicle lease (account 5051540000) was recorded as in-state auto mileage (account 50500400000).

A disbursement transaction for a copier contingent rental payment (account 5040050000) was posted to the copying equipment service account (account 5020020000).

For another disbursement, the supporting documentation shows that the disbursement was to reimburse a firm for an overcharge of a photocopying fee (account 4380050000), but the disbursement was recorded as copying equipment supplies (account 5030020000).

Effective internal controls require safeguards to ensure that transactions are properly recorded. Expenditures and revenues reimbursed in the same fiscal year that the expenditure or revenue occurred should be recorded in the account that the transaction was originally charged. The Comptroller General's Office Policies and Procedures include the specific definitions for coding transactions to the proper revenue and expenditure accounts.

We recommend that the Commission strengthen its internal controls over the recording of financial transactions. The Commission should ensure that the person reviewing and approving accounting transactions verify that the preparer used the proper account code.

## PERSONAL PROPERTY INVENTORY

Section 10-1-140 of the South Carolina Code of Laws, as amended, states, "The head of each department, agency or institution of this state is responsible for all personal property under his supervision and each fiscal year shall make an inventory of all such property under his supervision, except expendables."

The Commission was unable to demonstrate compliance with Section 10-1-140 because it could not provide documentation supporting the performance of the inventory.

We recommend the Commission implement procedures to include documenting the performance of a property inventory to demonstrate compliance with Section 10-1-140.

**MANAGEMENT'S RESPONSE**

STATE OF SOUTH CAROLINA  
HUMAN AFFAIRS COMMISSION

Raymond Buxton, II  
Commissioner

1026 Sumter Street, Columbia SC (29201)  
Post Office Box 4490  
Columbia, South Carolina 29240-4490  
(803) 737-7800 FAX: (803) 253-4191

To file complaints dial (803) 737-7800  
or 1-800-521-8725 (In-State Only)

November 25, 2013

Mr. Richard H. Gilbert, Jr. CPA  
1401 Main Street, Suite 1200  
Columbia, SC 29201

RE: Report Release Authorization

Dear Mr. Gilbert:

In response to the preliminary drafted copy of the SC Human Affairs Audit, we would like to submit the following responses to violations of State Laws, Rules or Regulations.

**Reporting Packages**

At the time reporting packages were due in 2012, the Agency's Budget Director was forced to retire due to illness. Therefore, the Senior Accountant was left to complete the 2012 Reporting Packages. The Senior Accountant had never completed these packages and with the workload of the daily operations of the Agency, she was unable to process them in a timely manner.

**Accounting Codes**

The incorrect use of accounting codes was clerical errors that should have been caught during processing. In the future, the SC Human Affairs Commission's Business Manager will closely monitor coding.

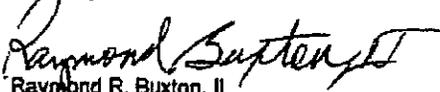
**Personal Property Inventory**

Again, because the Senior Accountant was the only financial person on staff, she was unable to perform inventory for that fiscal year. The SC Human Affairs Commission's Business Manager will ensure yearly property inventory is completed to demonstrate compliance with Section 10-1-140.

Per this letter we are giving our written release authorization of the 2012 SC Human Affairs Commission's State Auditor's Report. As requested, we are also attaching a current list of our Commission members and their mailing and email addresses.

Please contact me or our Business Manager, Lori Dean, should you have additional questions or concerns.

Sincerely,

  
Raymond R. Buxton, II  
Commissioner

4 copies of this document were published at an estimated printing cost of \$1.43 each, and a total printing cost of \$5.72. Section 1-11-125 of the South Carolina Code of Laws, as amended requires this information on printing costs be added to the document.

<b>HOUSING DIVISION TRAINING</b>			
<b>DATE</b>	<b>COURSE</b>	<b>PERSONS ATTENDING</b>	<b>TITLE</b>
August 5-9, 2013	NFHTA Fair Housing Enforcement for Public Sector Attorney	Lee Wilson	Staff Attorney
September 9-13, 2014	NFHTA Fair Housing in a Nutshell	Delaine A. Frierson Jessica Brown Larry McBride Marvin Caldwell	Housing Director Investigator Mediator Investigator
September 16-20, 2013	NFHTA Taught Advanced Intake	Delaine A. Frierson	Housing Director
October 28, 2013	Webinar sponsored by the National Fair Housing Alliance Training Condominium, Cooperatives and Homeowners' Associations	Marvin Caldwell	Investigator
January 20 – February 1, 2014	John Marshall School of Law Fair Housing Legal Support Center & Clinic, 22 <sup>nd</sup> Annual Litigation Skills Training Program	Joshua Barr	Staff Attorney
January 2014	NFHTA Week One Online Fair Housing Law and Ethics Effective Fair Housing Intake and Introduction to TEAPOTS Critical Thinking and Investigation including Interview Techniques	Lee Wilson Jesse Olivares	Staff Attorney Investigator
April 2014	NFHTA Week Two Online Theories of Proof and Data Analysis Discovery Techniques and Evidence	Jesse Olivares	Investigator
April 7-8, 2014	NFHTA Taught Advance Intake	Delaine A. Frierson	Housing Director
April 14-18, 2014	NFHTA Week Four Fair Housing Investigation Review and Application Writing cases/FIRs Using TEAPOTS Briefing Techniques for Complaint Investigations	Jessica Brown	Investigator
May 5-9, 2014	NFHTA Week Two	Marvin Caldwell	Investigator
July 7-11, 2014	NFHTA Week Two	Connie Jenkins Deborah Thomas	Investigator

Fair Housing Assistance Program Partnership Funds Projects Using 2011 Funds  
Final Report

FHAP Agency	Partner(s)	Amount Received For Partnership Project	Amount Spent on Partnership Project
South Carolina Human Affairs Commission (SCHAC)	Hispanic Liaison	\$94,000.00	\$77,967.43
Project Completion Date	Description of Project	What was the outcome of this project? (How did this project further HUD's national priorities, how did this project further fair housing, etc.)	What was the numerical output of this project? (How many people were served, how many cases were investigated, how many tests were conducted, etc.)
June 30, 2014	<p>SCHAC hired a bilingual individual, Jesse Olivares, to provide fair housing outreach to LEP individuals, outreach in the Hispanic community, and to investigate fair housing cases. With this project, SCHAC targeted the 11 counties with the highest percentage of Hispanics by conducting outreach, developing and providing brochures, and appearing on talk shows, and producing PSAs. The targeted counties were:</p> <ol style="list-style-type: none"> <li>1. Beaufort</li> <li>2. Berkeley</li> <li>3. Charleston</li> <li>4. Dorchester</li> <li>5. Greenville</li> </ol>	<p>This projects furthered HUD's national priorities by making the Hispanic residents of South Carolina more aware of their fair housing rights. It is an on-going process wherein trust has been established in some areas. They know who to call in case they had fair housing issues. There has been an increase in complaints filed by Hispanic residents. There has also been an increase in inquiries. Some of the Hispanic residents are still afraid to come forward, but information has been made available for them via brochures, ads, and PSAs. It is our goal to continue to build trust so that Hispanics will not be afraid to</p>	<p>We served the residents of South Carolina in the following ways:</p> <ol style="list-style-type: none"> <li>1. 42 cases investigated</li> <li>2. 5138 brochures distributed</li> <li>3. 48 workshops/events</li> <li>4. 3 ads in the Department of Motor Vehicles</li> <li>5. Radio ads with a market of 863,679 people</li> <li>6. Advertisement in SC Black Pages with a market of over 100,000</li> <li>7. We conducted 6 fair housing tests.</li> </ol>

Fair Housing Assistance Program Partnership Funds Projects Using 2011 Funds  
Final Report

	<p>6. Horry          7. Lexington          8. Newberry          9. Richland          10. Saluda          11. Spartanburg</p>	<p>file complaints.           Because of the agency's presence, different entities know that they can refer Hispanics to the agency for assistance.</p>	
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**Fair Housing Assistance Program Partnership Funds Projects Using 2011 Funds  
Final Report**

FHAP Agency	Partner(s)	Amount Received For Partnership Project	Amount Spent on Partnership Project
South Carolina Human Affairs Commission (SCHAC)	Richland County Community Development Division of Richland County	\$49,000.00	\$34,140.95
<b>Project Completion Date</b>  June 30, 2014	<b>Description of Project</b>  SCHAC partnered with the Richland County Community Development Division of Richland County to provide fair housing outreach and education, addressing concerns raised in the County's Analysis of Impediments to Fair Housing Choice, which was completed in September 20, 2011. SCHAC worked with Richland County to disseminate fair housing brochures, provide training and seminars, and increase awareness of fair housing issues.	<b>What was the outcome of this project? (How did this project further HUD's national priorities, how did this project further fair housing, etc.)</b>  The agency addressed concerns raised in Richland County's Analysis to Impediments to Fair Housing Choice (AI), which was completed on September 20, 2011.  The goal was to address residents in ethnic and minority areas, apartment and property managers, homeowners associations.  <i>To affirmatively further fair housing, the housing division partnered with Richland County to:</i>  1. Conduct workshops on	<b>What was the numerical output of this project? (How many people were served, how many cases were investigated, how many tests were conducted, etc.)</b>  We served the residents of South Carolina in the following ways:  1. 18 cases investigated 2. 1435 brochures distributed 3. 5 workshops/events 4. 1 ad in the Department of Motor Vehicles 5. Radio ads with a total market of 863,679 people 6. Advertisement in SC Black Pages with a market of over 100,000 7. We conducted 6 fair housing tests

Fair Housing Assistance Program Partnership Funds Projects Using 2011 Funds  
Final Report

		<p>fair housing and first-time homebuyers workshops</p> <ol style="list-style-type: none"> <li>2. Recognize Fair Housing Month with a County Council Resolution</li> <li>3. Participate in the Greater Columbia Community Relations Council (GCCRC) Poster Contest. This contest involves elementary and middle school students and introduces them to fair housing principles</li> <li>4. Serve on the housing committee of the GCCRC and the training sub-committee</li> <li>5. Run fair housing PSAs in Richland County</li> <li>6. Run fair housing ads in Richland County</li> <li>7. Distribute fair housing literature, brochures and other paraphernalia at events.</li> </ol>	
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**Fair Housing Assistance Program Partnership Funds Projects Using 2011 Funds  
Final Report**

		<p><i>In response to Impediment One – Discrimination in the Housing Market Recommendations:</i></p> <ol style="list-style-type: none"> <li>1. We continued to provide fair housing literature and training</li> <li>2. We provided education material in English and Spanish</li> <li>3. We conducted fair housing testing of rental properties</li> <li>4. We worked with the Benedict-Allen CDC to provide first-time homebuyers training</li> </ol> <p><i>In response to Impediment Two – Fair Housing Advocacy and Outreach:</i></p> <p>The fair housing division provided on-going education, awareness, and outreach by distributing brochures, attending community organization meetings, updating our webpage, and appearing on radio talk shows</p>	
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U.S. Department of Housing and Urban Development  
Georgia State Office  
Five Points Plaza  
40 Marietta Street  
Atlanta, GA 30303-2906

**CERTIFIED MAIL — RETURN RECEIPT REQUESTED**

December 11, 2015

Mr. Raymond Buxton, II  
Commissioner  
South Carolina Human Affairs Commission  
1026 Sumter Street, Suite 101  
Columbia, South Carolina 29204

Dear Commissioner Buxton:

Subject: Fair Housing Assistance Program; Performance Assessment  
South Carolina Human Affairs Commission

On July 22-23, 2015, your Fair Housing Assistance Program (FHAP) monitor, Adoniram Vargas conducted an on-site performance assessment of your agency for the period from July 1, 2014 through June 30, 2015.

Based upon the practices and performance of the agency at the time of the review, the U. S. Department of Housing and Urban Development recommends that the South Carolina Human Affairs Commission receive continuing certification as a substantially equivalent agency under Section 810 (f) (3) of the Fair Housing Act.

Enclosed is a copy of the performance assessment report for your information. Your attention is directed to the report's concerns and recommendations. Please address them within 30 days from receipt of this letter. If you should have questions, please contact your Government Technical Representative (GTR), Don Vargas, at (305) 520-5031.

We appreciate your cooperation during this performance assessment, and look forward to our continued partnership to ensure equal housing opportunities for all our citizens.

Sincerely Yours,

Carlos Osegueda  
FHEO Region IV  
Director Regional  
Office of FHEO

Enclosure

**United State Department of Housing and Urban Development  
Office of Fair Housing and Equal Opportunity  
Region IV**

**Performance Assessment Report**

**FHAP Agency:** South Carolina Human Affairs Commission  
**Address:** 1026 Sumter Street, # 101  
Columbia, South Carolina 29204  
**Commissioner:** Raymond Buxton, II  
**Commissioner's phone #:** 803-737-7826  
**Commissioner's email:** [rbuxton@schac.sc.gov](mailto:rbuxton@schac.sc.gov)

**Assessment Purpose:** To determine whether the South Carolina Human Affairs Commission engages in timely, comprehensive, and thorough fair housing complaint investigation, conciliation and enforcement activities, and therefore warrants continued certification as a participant in the Fair Housing Assistance Program. This determination is based on the South Carolina Human Affairs Commission's compliance with the performance standards and requirements set forth in regulations implementing the Fair Housing Assistance Program, at 24 CFR part 115 and the Criteria for Processing.

**Performance Period:** July 1, 2014-June 30, 2015

**Date of Assessment:** July 22-23, 2015

On-Site  Remote

**HUD Reviewer(s):** Adoniram Vargas, Equal Opportunity Specialist/GTM

**Recommended for certification or recertification:** Yes  No

**Recommendation must be made by Region Director both here and in conclusion narrative.**

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**I. Organizational Structure and Staffing<sup>1</sup>**

The South Carolina Human Affairs Commission (SCHAC) was created by the General Assembly in 1972 to encourage fair treatment, eliminate and prevent unlawful discrimination, and foster mutual understanding and respect among all people in the state. Based on the tenets of Title VII of the 1964 federal Civil Rights Act, the Age Discrimination in Employment Act, and the Americans with Disability Act, the South Carolina General Assembly declared that the practice of discrimination within the state because of a person's race, religion, color, sex, age, national origin, or disability to be unlawful, and in conflict with the ideals of the State of South Carolina and the nation.

SCHAC strives to alleviate these problems of discrimination through the enforcement of the South Carolina Human Affairs Law, the South Carolina Fair Housing Law, and the South Carolina Equal Enjoyment and Privileges to Public Accommodations Law. Additionally, the General Assembly mandated that the Commission would be responsible with the monitoring of South Carolina state government agency Affirmative Action Plans. The Commission also seeks to establish Community Relations Councils throughout the state to foster more effective community relations, goodwill and mutual understanding, and respect among the residents of South Carolina.

SCHAC has participated in the FHAP for numerous years and is scheduled for their next recertification on May 25, 2015. During the performance period, the following persons were responsible for enforcing and administering the fair housing law.

<i>NAME</i>	<i>TITLE</i>	<i>DATE OF HIRE</i>	<i>DATE STARTED IN HOUSING DIVISION</i>
<i>Raymond Buxton, II</i>	<i>Commissioner</i>	<i>07/17/2012</i>	<i>07/17/2012</i>
<i>Joshua V. Barr</i>	<i>Staff Attorney/Director</i>	<i>10/17/2013</i>	<i>10/17/2013</i>
<i>Lee Ann W. Rice</i>	<i>Staff Attorney</i>	<i>11/02/2014</i>	<i>11/02/2014</i>
<i>Marvin Caldwell</i>	<i>Investigator</i>	<i>08/02/2013 (rehire)</i>	<i>08/02/2013</i>
<i>Connie Jenkins</i>	<i>Investigator</i>	<i>03/02/1999</i>	<i>09/19/2011</i>
<i>Jesse Olivares</i>	<i>Outreach Coordinator/Intake</i>	<i>06/18/2012</i>	<i>06/18/2012</i>
<i>Deborah Thomas</i>	<i>Intake Investigator</i>	<i>10/02/1996</i>	<i>03/01/2012</i>
<i>Larry McBride</i>	<i>Mediator</i>	<i>7/1/2014</i>	<i>03/01/2013</i>
<i>Tamiko Johnson</i>	<i>Administrative Assistant</i>	<i>8/2/2011</i>	<i>03/01/2014</i>

Delaine Frierson, not included on table above, was the agency's Fair Housing Manager until January 30, 2015, date in which Commissioner Raymond Buxton dismissed her. Joshua Barr was appointed Fair Housing Director for the remaining of the performance period. On October 6, 2015 Mr. Barr accepted a new position as the Executive Director of the Des Moines, Iowa Civil and Human Rights Commission. Mr. Marvin Caldwell is the newly appointed Fair Housing Manager as of the date of this report.

<sup>1</sup> Exhibit 1 – SCHAC Organizational Chart

## II. Performance Standards

### **A. Performance Standard #1: Commence complaint proceedings, carry forward such proceedings, complete investigations, issue determinations, and make final administrative dispositions in a timely manner. [24 C.F.R. § 115.206(e)(1)]**

As an ongoing practice in monitoring SCHAC, on December 5, 2014 HUD communicated to SCHAC its concerns about the agency's poor performance<sup>2</sup>.

In answering FY 2014 PAR, SCHAC informed HUD that the majority of the aged cases would be closed in November, 2014. However, SCHAC's inventory aging trend continued. Eleven open cases older than 100 days on June 30, 2014 had aged to an average of 339 days on November 26, 2014. And eighteen cases that were between 6 and 89 days old on June 30, 2014 had aged to an average of 196 days on November 26, 2014. Of the total SCHAC open cases on June 30, 2014, 62% continued to age. On November 26, 2014 SCHAC's open case inventory showed 35 cases (81%) with an average age of 228 days. Only 8 cases (18%) on SCHAC's inventory were aged below 100 days<sup>3</sup>.

HUD advised SCHAC that urgent and effective actions were needed immediately and it expected within the following 60 days SCHAC would implement measures to stop the aging trend. HUD further stated by January 31, 2015 SCHAC should provide a full update on the results achieved toward a more age-balanced inventory. Additionally, HUD indicated should SCHAC have difficulties on managing its case inventory by January 31, 2015, HUD would consider placing SCHAC under a performance improvement plan (PIP). A PIP would require SCHAC to submit a written plan detailing the projected closure dates for all open cases in its pending inventory, with special emphasis on the aged cases. A detailed action plan to address the timeliness of the complaints also would be required

On January 30, 2015 SCHAC's Commissioner Raymond Buxton, II emailed HUD communicating the replacement of the Fair Housing Division Director<sup>4</sup>. Subsequently, SCHAC underwent an overhaul in operations to improve its intake and investigations. SCHAC's ability to process cases in a timely manner improved drastically. Mandatory meetings with the newly appointed Director on days 21, 42, 63, and 84 were adopted for all investigations<sup>5</sup>.

A review of the closures submitted during the case processing year shows that the agency consistently begins the processing of fair housing complaints within 30 days of receipt.

During the period of performance SCHAC investigated and closed 82<sup>6</sup> cases with an average age of 184 days. See table below.

<sup>2</sup> Exhibit 2 – RD's letter to SCHAC 12/5/14

<sup>3</sup> Exhibit 3 – SCHAC inventory 11/26/14

<sup>4</sup> Exhibit 4 – SCHAC replaces Fair Housing Division Director

<sup>5</sup> Exhibit 5 – State of Fair Housing Division Address 2015

<sup>6</sup> Exhibit 6 – List of cases processed by SCHAC during FY 2015

During the period of performance the agency processed 22 (27%) of its cases before 100 days. Twenty four cases (29%) were processed between 100 and 200 days. Twenty two cases (27%) were processed between 200 and 300 days. And 14 cases (17%) were processed after they aged to 300 days.

Days	100 <	<101 - 150<	<151 - 200<	<201 - 250<	<251 - 300<	<301	Total
# of Cases	22	10	14	15	7	14	82
Average days	61	120	174	226	267	346	184
% of all cases	27%	12%	17%	18%	9%	17%	100%

The next table depicts all processed cases by closure type.

Closure Type	Total closures	%
Cause	5	6.1%
No Cause	49	59.8%
Conciliation	14	17.1%
Withdrawn w/res	11	13.4%
Administrative	3	3.7%
Total	82	100.0%

An additional analysis of all the cases filed and investigated after January 30, 2015—which is a subset of the 82 cases processed in the year—date in which SCHAC adopted corrective staffing decisions, shows that 94% of all cases were closed before they reached 100 days.

Days	100 <	<101 - 150<	<151 - 200<	<201 - 250<	<251 - 300<	<301	Total
# of Cases	17	1	0	0	0	0	18
Average days	57	103	0	0	0	0	59
% of all cases	94%	6%	0%	0%	0%	0%	100%

By June 30, 2015 SCHAC's inventory showed 15 open cases<sup>7</sup>, as the next table shows. The oldest one—Coley v. Greenville Housing Authority—was originally closed on day # 273 as cause, following GTM's advise. However, a subsequent review of the 504 OA file ended up being no cause and SCHAC rendered a new Title VIII determination—no cause. Eighty per cent of all cases were processed under 100 days, with an average age of 44 days.

Days	100 <	<101 - 150<	<151 - 200<	<201 - 250<	<251 - 300<	<301	Total
# of Cases	12	1	0	0	1	1	15
Average days	44	126	0	0	266	390	88
% of all cases	80%	7%	0%	0%	7%	7%	100%

Three months later—October 7, 2015—only four of the cases that were opened on June 30, 2015 were still opened<sup>8</sup>, showing an even healthier average age of 31 days, as the next table shows.

<sup>7</sup> Exhibit 7 - Open case inventory 30 June 2015

<sup>8</sup> Exhibit 8 - Open case inventory 30 June 2015 still open 7 Oct 2015

Days	100 <	<101 - 150<	<151 - 200<	<201 - 250<	<251 - 300<	<301	Total
# of Cases	4	0	0	0	0	0	4
Average days	31	0	0	0	0	0	31
% of all cases	100%	0%	0%	0%	0%	0%	100%

SCHAC provides GTM periodic updates and it is actively working on these four cases.

SCHAC's FY 2015 review shows two distinctive periods: before and after January 30, 2015. Before January 30, 2015 SCHAC was lagging significantly in producing determinations of cause, or no cause within 100 days or beyond. Only 27% of all investigations were closed within 100 days, which greatly impacted the overall yearly performance. After SCHAC made staffing changes, 94% of all investigations have been closed before 100 days.

SCHAC's determinations are based on investigations with enough considerations of the parties' evidence and sufficiently documented in TEAPOTS. The review also confirmed that the hardcopy files contain all the required documentation. When cases submitted for review and approval have lacked TEAPOTS documentation, SCHAC has responded rapidly in correcting minor deficiencies.

SCHAC rendered cause determinations in five cases during the current year. In four of the five cause cases SCHAC filed charges in civil court. In addition, another case caused in the previous year (Manfredini) was taken to court on behalf of CP during this year.

Cause cases - court filing	
Hagoood, Mara vs Signature Pointe Apartments	04-13-0081-8
Manfredini v. Maddington	04-13-1174-8
Engelmann, Suzanne v. The Summit HOA	04-14-0229-8
Woods, Stacy vs. Chen, Zeyi & Yang, Zhirong	04-14-0292-8
Bentley, Dolores v. Kenneth W. Dunn	04-14-0444-8

The fifth case caused during the year—Kline v. Belle Hall Apts., 04-14-0072-8—is still under SCHAC's consideration and preparation for court filing.

Records of all court filings are found in TEAPOTS' deliberative tab.

Customarily SCHAC offers an election of remedies or civil action in all charged cases, with specific language included in the closing letters.

All complaints reviewed during the year have complete and final investigative reports. In addition, all final determinations are sent to all parties at case final closing time, and appropriate records are kept on file demonstrating that such documents were properly mailed out. Final investigative reports include all the required information.

**Conclusion:** SCHAC experienced two distinctive phases throughout the period of performance. Between July 1, 2014 and January 30, 2015 the agency's performance was not acceptable. As a result of HUD's actions, including formal analyses and communication of deficiencies, timely and repeated technical assistance, and SCHAC's

adopted actions to remedy the deficiencies after January 30, 2015, we conclude that SCHAC met all of the requirements of 24 C.F.R. § 115.206(e)(1). HUD's GTM onsite visit confirmed that SCHAC is on the right path to continue fulfilling the requirements of Performance Standard # 1.

**B. Performance Standard #2: Administrative closures are utilized only in limited and appropriate circumstances. [24 CFR § 115.206(e)(2)]**

SCHAC closed three cases (4%) administratively during the case processing year. The reasons for the administrative closures are all fully documented and justified. GTM, however, call SCHAC's attention to the fact that two of the cases—Fabrizio, 197 days; and Corona, 160 days—aged unnecessarily and they could have been closed much earlier. Sanchez was closed on day number 43.

Case Name	HUD Case Number	Closure Reason	Comments
Fabrizio, Sarah v. McDonald, Kristye	04-14-0581-8	Complainant Failed to Cooperate	Fully documented
Sanchez, Naimi v. Ziegler, Tom and Betty	04-15-0500-8	Lack of Jurisdiction	The case came to the FHAP from HUD Intake and there was no indication of LOJ. However, FHAP discovered that RP own 3 properties only, including his own residence, thus LOJ payment is authorized
Corona, Ana and Garcia, Francisco Vs. Twin Lakes Estates	04-14-0537-8	Withdrawal Without Resolution	Paid by HUD as WW/Res as opposed to FHAP's WWR. There was no resolution. CP just decided to withdraw and no remedy was afforded to CP.

**Conclusion:** SCHAC met the standard required of 24 CFR § 115.206(e)(2).

**C. Performance Standard #3: During the period beginning with the filing of a complaint and ending with filing a charge or dismissal, the agency, to the extent feasible, attempts to conciliate the complaint. After the charge has been issued, the agency, to the extent feasible, continues to attempt settlement until a hearing or a judicial proceeding has begun. [24 CFR § 115.206(e)(3)]**

SCHAC indicated that they attempt to conciliate all cases as soon as the investigator contacts the Respondent, based on what the Complainant would accept to redress the alleged discrimination. The investigator also asks the parties whether they would accept mediation. All conciliation steps are recorded in TEAPOTS and GTM reviewed all records throughout the year.

SCHAC's attorneys continually seek settlement throughout the litigation process in all the cases that reach civil court. This is particularly important since the litigation process in the South Carolina Court System is slow, which further delays justice for complainants. The agency sets forth the terms of acceptance at the beginning of the case and work toward the acceptance of such terms throughout litigation.

To facilitate conciliation agreements, SCHAC determines what each side agrees to and the investigator drafts the conciliation agreement. The agreement is then reviewed by Legal Counsel to determine if the conciliation agreement is sufficient and addresses all issues in the complaint. After any necessary revisions the conciliation is forwarded to all parties for signature.

The review of TEAPOTS and the case files sampled (18, 22%) confirmed that SCHAC investigators consistently attempted conciliation, to the extent feasible, in all the cases that were investigated during the performance period.

**Conclusion:** The performance standard has been met.

**D. Performance Standard #4: The agency conducts compliance reviews for settlements, conciliation agreements, and orders resolving discriminatory housing practices. [24 CFR § 115.206(e)(4)]**

The agency conciliated 14 cases (17%) between July 1, 2014 and June 30, 2015. All relief obtained in conciliations was adequate.

The agency indicated that if necessary, a recommendation would be made to the South Carolina Attorney general to file a civil action seeking the enforcement of the terms of agreements in the event a breach occurs. There were no breaches noted during the performance period.

Each investigator is responsible for compliance review of conciliation agreements. Currently, the agency is working on a review process to have a compliance officer determine if Respondents are abiding by their conciliation agreements and court orders. Once this process is finalized the agency will update HUD on the adopted policies.

**Conclusion:** While the agency does not customarily conduct compliance reviews for settlements, conciliation agreements, and orders resolving discriminatory housing practices the agency monitors most of the agreements through the submission of documents to the agency and required confirmation of participation in fair housing training or RP's policy changes as each agreement requires. While there is no formal procedure for conducting compliance reviews the agreements customarily include provisions for ensuring compliance. The agency met the standard requirements.

**E. Performance Standard #5: The agency must consistently and affirmatively seek and obtain the type of relief designed to prevent recurrences of discriminatory practices. [24 CFR § 115.206(e)(5)]**

In all cases where the agency finds cause, the agency analyzes actual damages and includes them in the damages amount for conciliation purposes. For cases that move to litigation, the agency maintains the actual damages sought for the complainant. In those cases submitted for litigation it is up to the courts to determine if they will assess punitive damages, but the agency asks for them in the complaint. The agency does not have the authority to assess civil penalties.

The agency customarily includes public interest provision in all conciliations. Most times they include training and redrafting of policies. In one case (04-14-0014-8), conciliated at the end of the previous year, and as a follow up on the agreement, the agency assisted the Respondent during this performance period to rewrite their policies in a neutral tone that

did not discriminate against families with children. In all instances, remedies included on each agreement directly redress the alleged discriminatory harm.

During this performance period the agency did not have any cases proceeding to an administrative hearing.

At the time of the onsite review, the agency had five cases filed in court. However, no outcome or settlement has been reached yet.

Cause cases - court filing	
Hagood, Mara vs Signature Pointe Apartments	04-15-0981-8
Manfredini v. Maddington	04-13-1174-8
Engelmann, Suzanne v. The Summit HOA	04-14-0229-8
Woods, Stacy vs. Chen, Zeyi & Yang, Zhirong	04-14-0292-8
Bentley, Dolores v. Kenneth W. Dunn	04-14-0444-8

On a sixth caused case—04-13-0397-8—filed in court in the previous performance period, the court dismissed SCHAC from the case and allowed the complainant to pursue the case on their own behalf.

The next table shows the cases conciliated during the year.

Case Name	HUD Case Number	Relief
Atkins, Rochelle vs. Dogwood Crossing Circle	04-14-0450-8	RA - Parking space
Son, Ann v. BBF Corporation, et al	04-14-0457-8	Letter of apology
McAfee, Susan J. v. Wuccama Management, LLC	04-14-0709-8	RA - Parking space - \$150
Mulliney, Barbara v. Loris Garden Apartments	04-14-0747-8	RP training - \$480
Woods, Stacy v. Springhouse Apartments	04-14-0749-8	Lease extended - Full deposit return - \$550
Kelly, Laqueta & Hunter, Quansuela v. Roper Mountain Woods Apts	04-14-0981-8	Carpet cleaned at no cost to CP
Christopher, Tonja v. Julia Lee; The Reserve at Cavalier	04-15-0020-8	\$305
Proteau, Nerin v. Housing Authority of the City of Charleston	04-15-0021-8	Housing accommodation provided as requested by CP
Edmond, Perry & Raquel v. Columbia Housing Authority, et al	04-15-0259-8	Past due rent forgiven - \$3,485
Grose, Brenda v. CAP Community Assistance Provider, et al	04-15-0341-8	Deposit reimbursement - \$500
Jones-Carter, Bernita & Carter, Detrick v. Alright Agency, Inc.	04-15-0405-8	Training - Rental renewal
McPeake, Bonnie v. Maisons-sur-Mer COA, Inc.	04-15-0485-8	ESA - Penalties waived - \$5,000
Lessons, Gary v. Atlantic Appraisal, LLC, et al	04-15-0495-8	New property appraisal - Small claims court dropped
Jones, Janice v. Greenville Housing Authority	04-15-0501-8	Upgrade to 2- bedroom unit - \$350

**Conclusion:** The agency's practices include diverse kinds of relief to remedy the alleged harm and public interest relief that affirmatively prevents recurrences of discrimination. The agency met the standard requirements.

**F. Performance Standard #6: The agency must consistently and affirmatively seek to eliminate all prohibited practices under its fair housing law. [24 CFR § 115.206(e)(6)]**

In an attempt to reach out to a larger variety of audiences, SCHAC produced a formal Marketing and Outreach Strategy to guide its education and outreach efforts in the State of South Carolina<sup>9</sup>. The agency also made formal presentations and participated in

<sup>9</sup> See Exhibit 9 – SCHAC Marketing and Outreach Strategy

several events throughout the year<sup>10</sup>. Two events for all audiences reached hundreds of persons. Seventeen events targeting Hispanics reached 714 persons. Four events for African Americans reached 545 persons. And nine events for all audiences reached 772 persons.

Agency managers and staff interviewed explained in full detail some of the efforts undertaken by the agency to reach out to a variety of audiences and make them aware on their rights under both the Fair Housing Act and South Carolina's Fair Housing Statute.

**Conclusion:** SCHAC has met the requirements of 24 CFR § 115.206(e)(6).

**G. Performance Standard #7: The agency must demonstrate that it receives and processes a reasonable number of complaints cognizable under both the Fair Housing Act and the agency's fair housing statute or ordinance. [24 CFR § 115.206(e)(7)]**

With an estimated 2014 population of 4,832,000 in the State of South Carolina, SCHAC is expected to process at least 50 complaints a year. The agency processed 82 complaints, that is 32 (64%) above the minimum threshold

**Conclusion:** The agency has exceeded the standards required of 24 CFR § 15.206(e)(7).

**H. Performance Standard #8: The agency must report to HUD on the final status of all dual-filed complaints where a determination of reasonable cause was made. [24 CFR § 115.206(e)(8)]**

At the time of the onsite review, the agency had five cases filed in civil court. However, no outcome or settlement has been reached yet.

Cause cases - court filing	
Hagood, Mara vs Signature Pointe Apartments	04-13-0981-8
Manfredini v. Maddington	04-13-1174-8
Engelmann, Suzanne v. The Summit HOA	04-14-0229-8
Woods, Stacy vs. Chen, Zeyi & Yang, Zhifong	04-14-0292-8
Bentley, Dolores v. Kenneth W. Dunn	04-14-0444-8

On a sixth caused case—04-13-0397-8—filed in court in the previous performance period, the court dismissed SCHAC from the case and allowed the complainant to pursue the case on their own behalf.

TEAPOTS has been properly updated on each case.

**Conclusion:** The agency has met the standards of 24 CFR § 115.206(e)(8).

<sup>10</sup> See exhibit 10 – Outreach and Education reports

**I. Performance Standard #9: The agency must conform its performance to the provisions of any written agreements executed by the agency and HUD related to substantial equivalence certification, including but not limited to the interim agreement or MOU. [24 CFR § 115.206(e)(9)]**

Conformance with provisions of the MOU not contemplated elsewhere in the report:

a. Paragraph IV.C. Initial Contact Date

Requirement: The MOU requires the agency to use the Initial Contact Date field in TEAPOTS to record the actual date on which the complainant first contacts the agency or FHEO to inquire about filing a housing discrimination complaint, or to report an alleged discriminatory housing practice.

Conclusion: The agency is in compliance with this requirement.

b. Performance Measures

FHAP agencies will close 50% of fair housing complaints referred by HUD within 100 days, excluding recommended cause and systemic complaints;  
FHAP agencies will close or charge 95% of its aged fair housing complaints within the fiscal year.

**50% Efficiency Goal**

The agency processed a total of 82 cases that could have aged over 100 days during the performance period through June 30, 2015. Of that number, 5 were cause cases. As a result, the total number of closed cases used for calculation purposes of this goal is 77. The agency closed 22 (29%) of those cases in 100 days or fewer. Therefore, the efficiency goal has not been met.

**95% Aged Case Closure Goal**

At the beginning of the performance period, the agency had a total of eleven (11) aged open cases. The agency closed all of them during the performance period. Therefore the aged case closure goal has been met

Conclusion: The agency partially met the requirements of 24 CFR § 115.206(e)(9).

**III. Budget and Finance Requirements [24 CFR § 115.307]**

SCHAC does not spend at least 20% of the agency's total operating budget (not including fair housing funds) on fair housing activities. Commissioner Buxton offered an explanation to RD in which he clearly stated that SCHAC will not be able to meet this

requirement any time soon due to very specific structural financial conditions of his agency<sup>11</sup>.

SCHAC does not comingle any FHAP funds with any other funds as the onsite reviewer confirmed.

All FHAP funds were used for the purpose of investigating complaints, training under the Fair Housing Act, maintenance of data and information systems, development of fair housing education and outreach projects, and salaries and fringe benefits of the fair housing staffs.

During the performance period the agency did not unilaterally reduced the level of financial resources committed to fair housing assistance.

The agency draws down its funds in a timely manner following HUD directions,

The latest financial report issued in October 2013 by the State of South Carolina Office of the State Auditor for the period ending June 30, 2013 did not reflect any deficiencies or findings related to FHAP.

**Conclusion:** The agency partially met the standard requirements.

#### **IV. Reporting and Record Keeping Requirements [24 CFR § 115.308]**

The agency maintains records demonstrating its financial administration of FHAP funds (24 CFR§ 115.308(a) (1). The agency also utilizes the South Carolina Enterprise Information System (SCEIS) for financial reporting.

The agency maintains records of its performance under the FHAP, including all past performance assessment reports, performance improvement plans and other documents pertaining to the agency's performance in the FHAP (24 CFR§115.308(a)(2)).

The agency permits reasonable public access to its records as required at 24CFR§115.308(c) (i.e. are the records made available at the agency's office during normal working hours for public review).

The Secretary of HUD, Inspector General of HUD, and Comptroller General of the United States, and any of their authorized representatives, have access to all the pertinent books, accounts, reports, files and other payments for surveys, audits, examinations, excerpts and transcripts as they relate to the agency's participation in FHAP (24 CFR§115.308(d)).

All files are kept in such a fashion as to permit the audits under applicable Office of Management and Budget circulars, procurement regulations and guidelines, and the Single Audit requirements for state and local agencies (24CFR§115.308(e)).

**Conclusion:** The requirement has been met.

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<sup>11</sup> Exhibit 11 - Financials

**V. Testing Requirements [24 CFR § 115.311]**

The agency has not engaged in testing activities during the performance period.

**VI. Training Requirement [24 CFR § 115.306(b)]**

The agency staff attended training courses as follows.

<i>Staff name</i>	<i>Training attended</i>	<i>Dates</i>	<i>Location</i>
Deborah Thomas	Week 2 NFHTA	July 7 – 11, 2014	Washington, DC
Connie Jenkins	Week 2 NFHTA	July 7 – 11, 2014	Washington, DC
Joshua Barr	Attorney Training	August 4 -8, 2014	Washington, DC
Joshua Barr	Week 1 NFHTA	January 25 – 30, 2015	Washington, DC
Lee Ann Rice	Week 1 NFHTA	January 25 – 30, 2015	Washington, DC
Anthony Sellers	Week 1 NFHTA	January 25 – 30, 2015	Washington, DC
Tamiko Johnson	Week 1 NFHTA	February 2 -6, 2015	Washington, DC
Joshua Barr	Accessibility for Investigators Training	March 8 – 10, 2015	Washington, DC
Marvin Caldwell	Accessibility for Investigators Training	March 8 – 10, 2015	Washington, DC
Deborah Thomas	Week 3 NFHTA	May 10 - 15, 2015	Washington, DC
Connie Jenkins	Week 3 NFHTA	May 10 - 15, 2015	Washington, DC

No member of the staff has completed all 5 weeks of the NFHTA training. The agency plans to continue the NFHTA training in the following year.

There was no HUD approved training offered to the staff through the year.

**Conclusion:** The requirement has been met.

**VII. Data Support Systems Requirement [24 CFR § 115.307(a)(3)]**

The agency consistently uses the Department's complaint data information system, TEAPOTS. The agency uses TEAPOTS to enter cases for dual filing requests, investigative activities as well as conciliation-related discussion.

The agency routinely inputs relevant data and information into TEAPOTS timely with few exceptions in cases not involving a reasonable cause determination.

**Conclusion:** The requirement has been met.

**VIII. Changes Limiting Effectiveness of Agency's Law: [24 CFR § 115.211]**

As of the date of the review there have been no changes to the state fair housing law.

**Conclusion:** The requirement has been met.

## IX. Civil Rights Requirement

There have been no complaints against the agency alleging violations of civil rights laws prohibiting discrimination by recipients of federal funding. At the time of the review the agency had two bi-lingual (English-Spanish) staffs that conduct intake, investigations, education and outreach and provide technical assistance in cases involving Spanish speaking parties. The agency's offices in Columbia are fully accessible to disabled persons.

On June 22, 2015 the former director of Fair Housing—dismissed on January 30, 2015—filed a complaint with the EEOC alleging race, age, sex, retaliation and equal pay as factors in her being dismissed from the agency.

**Conclusion:** The requirement has been met.

## X. Subcontracting Requirement [24 CFR § 115.309]

The agency does not subcontract any of its work.

**Conclusion:** N/A

## XI. FHAP and the First Amendment [24 CFR § 115.310]

A review of the case files and financial records did not show any activity that may be protected by the First Amendment.

**Conclusion:** The requirement has been met.

## XII. Summary of Performance / Corrective Actions

### A. Organizational Structure and Staffing

**Concern:** SCHAC experienced significant staffing changes during the period of performance, which led the agency to achieve significant improvements on the second semester. Two months after the onsite review, additional changes took place as a result of the newly appointed Fair Housing Manager accepting a new position with a different agency. This new change provided the opportunity to promote another experienced staffer within the agency to become the latest Fair Housing Division Manager.

**Recommendation:** The agency is encouraged to continue working closely with the GTM to make sure that all adopted changes continue making positive impacts on next year's results.

### B. Performance Standard # 1

**Concern:** Between July 1, 2014 and January 30, 2015 the agency paid very little attention to the processing of all cases in a timely and effective manner. The changes adopted by the agency beginning on January 30, 2015 made a significant impact in the overall yearly results. In fact, while the overall yearly rate of case processing only reached 27% of all cases processed under 100 days, the second semester reached a full 94% of all cases closed under 100 days.

**Recommendation:** The agency is encouraged to sustain the progress reached in the second semester of the performance period by paying permanent close attention to its inventory aging, and discussing with GTM any case that requires processing beyond 100 days as soon as the agency learns about it.

#### C. Performance Standard # 2

**Concern:** While it is a positive fact that only 3 (4%) of all cases processed in the year were closed administratively, the agency's attention is called about the fact that two of those cases were closed at 160 and 197 days. The payment forms indicate that the three cases should have been closed no later than 30, 60, and 75 days after filing date.

**Recommendation:** The agency must make all possible efforts to follow the recommended closure timeframes for all cases closed administratively as indicated on each payment form.

#### D. Performance Standard # 4

**Concern:** The agency does not have a written protocol or policy about compliance review for settlements or conciliation agreements, and it relies on a reactive mode by which settlements are reviewed only if it is brought to the agency's attention that any of the parties has breached the signed conciliation.

**Recommendation:** The agency is encouraged to discuss with GTM the efforts currently underway to adopt written policies for the customary review of settlements or conciliation agreements' Furthermore, the agency is encouraged to share with the GTM the full policy one it is formally adopted.

#### E. Budget and Finance Requirements

**Concern:** The agency has formally communicated HUD that its financial structure and budget size is an impediment for the agency to spend at least 20% of the total operating budget (not including fair housing funds) on fair housing activities.

**Recommendation:** The agency is advised to continue seeking options to reach the 20% threshold, even if this effort takes more than one year.

### **XIII. Conclusion and Recommendations**

The South Carolina Human Affairs Commission has demonstrated a strong willingness to be a valuable fair housing partner. Following on HUD's notice on an impending Performance Improvement Plan (PIP) due to the agency's poor performance during the first five months of the year, SCHAC made difficult and significant staffing changes that radically improved the direction and results under the Fair Housing Assistance Program.

The onsite visit, which included the review of a significant number of file cases and other documentation, as well as interviews with staffs and managers, revealed an agency fully committed to ensuring fair housing rights for all and a willingness to quickly respond to any performance matters identified or best practices suggested.

The onsite review conducted July 22-23, 2015 has found the South Carolina Human Affairs Commission in substantial compliance with the requirements of the Fair Housing Assistance Program (FHAP). The concerns noted above only complement the agency's already adopted decisions, and once addressed, they will contribute to a farther strengthening of SCHAC's results as a FHAP partner.

Within thirty days of receipt of this report, the agency should submit a formal answer addressing the concerns and recommendations identified above.

Therefore, based on the practices and performance of the agency, the United States Department of Housing and Urban Development recommends the South Carolina Human Relations Commission for continuing certification as a substantially equivalent agency under Section 810(f)(3) of the Fair Housing Act. The Atlanta FHEO Regional Office will continue to provide technical assistance to the agency as needed in support of its efforts to maintain a high level of performance in achieving program standards and requirements.

### **XIV. Exhibits**

1. Organizational Chart
2. Regional Director letter to SCHAC 12/5/14
3. Inventory 11/26/14
4. SCHAC replacement of Fair Housing Division Director
5. State of Fair Housing Division Address 2015
6. List of cases processed by SCHAC during FY 2015
7. Open case inventory 6/30/15
8. Open case inventory 6/30/15 still open on 10/7/15
9. SCHAC Marketing and Outreach Strategy
10. Outreach and Education Reports
11. Financials

**XV. Signature Page**

**South Carolina Human Affairs Commission**

**Performance Assessment Review July 22-23, 2015**

**Signature Page**



October 23, 2015

**FHEO Government Technical Monitor**

**Date**

**FHEO Government Technical Representative**

**Date**



**FHEO Region Director**

10/11/15

**Date**



Raymond Buxton, II  
Commissioner

# STATE OF SOUTH CAROLINA HUMAN AFFAIRS COMMISSION

1026 Sumter Street, Suite 101  
Columbia, South Carolina 29201  
(803) 737-7800 (803) 737-7835 Fax



www.schac.sc.gov  
1-800-521-0725

January 7, 2016

Mr. Carlos Osegueda  
FHEO Region IV Director  
U.S. Department of Housing and Urban Development  
Five Points Plaza  
40 Marietta Street  
Atlanta, GA 30303-2906

**SUBJECT:** Fair Housing Assistance Program Performance Assessment  
South Carolina Human Affairs Commission

Dear Mr. Osegueda:

Enclosed is our response to the areas of concern noted in the 2015 Assessment Report. As a result of the Agency's restructuring, significant progress has been made to remedy our case management process.

We appreciate and value our partnership with you and HUD and look forward to continuing to serve the people of South Carolina.

Should you have any questions, please do not hesitate to contact me.

Sincerely,

  
Raymond Buxton, II  
Commissioner

Enclosure

c: Mr. Kirk Ashmeade  
EOS/Program Analyst

Marvin Caldwell  
Interim Housing Director

*Our mission is to eliminate and prevent unlawful discrimination in employment, housing and public accommodations.*

## **XII. Summary of Performance / Corrective Actions**

### **A. Organizational Structure and Staffing**

**Concern:** SCHAC experienced significant staffing changes during the period of performance, which led the agency to achieve significant improvements on the second semester. Two months after the onsite review, additional changes took place as a result of the newly appointed Fair Housing Manager accepting a new position with a different agency. This new change provided the opportunity to promote another experienced staffer within the agency to become the latest Fair Housing Division Manager.

**Recommendation:** The agency is encouraged to continue working closely with the GTM to make sure that all adopted changes continue making positive impacts on next year's results.

**Response:** The Interim Director and GTM have had communication within the past week and the Director ensures that he will continue to work closely and establish a working relationship with the GTM.

### **B. Performance Standard # 1**

**Concern:** Between July 1, 2014 and January 30, 2015 the agency paid very little attention to the processing of all cases in a timely and effective manner. The changes adopted by the agency beginning on January 30, 2015 made a significant impact in the overall yearly results. In fact, while the overall yearly rate of case processing only reached 27% of all cases processed under 100 days, the second semester reached a full 94% of all cases closed under 100 days.

**Recommendation:** The agency is encouraged to sustain the progress reached in the second semester of the performance period by paying permanent close attention to its inventory aging, and discussing with GTM any case that requires processing beyond 100 days as soon as the agency learns about it.

**Response:** A procedure with the former Director of Housing has been established in which the Director meets with each investigator on the 21<sup>st</sup>, 42<sup>nd</sup>, 63<sup>rd</sup>, 84<sup>th</sup>, and 100<sup>th</sup> day. The Interim Director will continue with that procedure and meet with the investigator weekly after it is over 100 days. The Director will discuss and stay abreast in cases over 100 days with the GTM.

### **C. Performance Standard # 2**

**Concern:** While it is a positive fact that only 3 (4%) of all cases processed in the year were closed administratively, the agency's attention is called about the fact that two of those cases were closed at 160 and 197 days. The payment forms

indicate that the three cases should have been closed no later than 30, 60, and 75 days after filing date.

**Recommendation:** The agency must make all possible efforts to follow the recommended closure timeframes for all cases closed administratively as indicated on each payment form.

**Response:** The Fair Housing Division will make all possible efforts to make administrative closures as soon as it is detected that the case needs to be closed administratively. The meetings on the 21<sup>st</sup>, 42<sup>nd</sup>, 63<sup>rd</sup>, and 84<sup>th</sup> day should resolve that issue.

#### **D. Performance Standard # 4**

**Concern:** The agency does not have a written protocol or policy about compliance review for settlements or conciliation agreements, and it relies on a reactive mode by which settlements are reviewed only if it is brought to the agency's attention that any of the parties has breached the signed conciliation.

**Recommendation:** The agency is encouraged to discuss with GTM the efforts currently underway to adopt written policies for the customary review of settlements or conciliation agreements' Furthermore, the agency is encouraged to share with the GTM the full policy once it is formally adopted.

**Response:** The agency has not had agreements in which there was a need for a compliance review. If an Agreement contains a public interest requirement for Fair Housing training, the agency schedules and completes the training as well as issues certificates for the training. There have been times in the past in which the agency reviewed and approved a respondent's revised policy. The agency also requests proof of the change when the respondents make their tenants aware of the policy change.

The agency will work with GTM to construct a written protocol or policy about compliance reviews so there will be one in place when there is a need to have a compliance review.

#### **E. Budget and Finance Requirements**

**Concern:** The agency has formally communicated HUD that its financial structure and budget size is an impediment for the agency to spend at least 20% of the total operating budget (not including fair housing funds) on fair housing activities.

**Recommendation:** The agency is advised to continue seeking options to reach the 20% threshold, even if this effort takes more than one year.

**Response:** The Agency continues to seek additional funds from the state legislature to cover growing expenses as well as this particular requirement.

## Agency Internal Changes and Law Recommendations

### INTERNAL CHANGES

#### Internal Change # 1

- Internal Change: Update and modernize regulation 65-2 related to the South Carolina Human Affairs Law, which would eliminate the need for notarization on the Complaint Form in order to reflect the less stringent statutory requirement of a “sworn statement”
- Stage of Change Analysis (i.e., idea, analyzing feasibility, plan for implementation set, etc.): Regulation change has been submitted to the General Assembly and the Agency’s Legal Department has been testifying before the respective subcommittees and committees
- Performance Measures Impacted and predicted impact: More cases will be accepted which result in more case closures and high rate of compensation from the EEOC
- Objective Costs Impacted and anticipated impact: Objective 3.2 – increase will likely be \$2,100-\$3,500
- Where (i.e., specific objective(s)) agency plans to utilize additional available funds: to be given back to the general fund
- Anticipated Implementation Date: July 2017

#### Internal Change # 2

- Internal Change: Update and modernize regulation 65-3 related to the South Carolina Human Affairs Law, which would shorten the time that a party has to respond to the Agency’s request for information in an employment investigation
- Stage of Change Analysis (i.e., idea, analyzing feasibility, plan for implementation set, etc.): Regulation change has been submitted to the General Assembly and the Agency’s Legal Department has been testifying before the respective subcommittees and committees
- Performance Measures Impacted and predicted impact: Case processing time will shorten overall because the parties in an investigation will not have as many ways of unnecessarily prolonging the Agency’s investigation. The Human Affairs Law states that cases should be investigated in under 180 days, but the average case processing time currently exceeds 200 days, which is due in part to the multitudinous steps found solely in the regulations.
- Objective Costs Impacted and anticipated impact: Objective 1.2.1 – revenue from case completion would increase based on the number of cases completed
- Where (i.e., specific objective(s)) agency plans to utilize additional available funds: payment of salary/fringe for staff and operating costs utilized by earmarked funds
- Anticipated Implementation Date: July 2017

#### Internal Change # 3

- Internal Change: Update and modernize the Agency’s employee handbook
- Stage of Change Analysis (i.e., idea, analyzing feasibility, plan for implementation set, etc.): The Management team will present the new handbook to the Board for approval at the upcoming board meeting and then will distribute to staff
- Performance Measures Impacted and predicted impact: Performance by agency staff will remain consistently high, or improve
- Objective Costs Impacted and anticipated impact: N/A

- Where (i.e., specific objective(s)) agency plans to utilize additional available funds: N/A
- Anticipated Implementation Date: August 2017

#### Internal Change # 4

- Internal Change: Hold administrative hearings for all ‘reasonable cause cases’ under S.C. Code Ann. §1-13-90(c) and S.C. Code Ann. §31-21-130
- Stage of Change Analysis (i.e., idea, analyzing feasibility, plan for implementation set, etc.): A plan has been implemented and the Commission Board has been trained, so that a hearing can be held in May 2017
- Performance Measures Impacted and predicted impact: Agency will be upholding its statutory duty
- Objective Costs Impacted and anticipated impact: Objective 3.1.2 – The cost will likely be less than litigation in court, but is unknown at this time and is always case-specific
- Where (i.e., specific objective(s)) agency plans to utilize additional available funds: EEOC and HUD contract payments
- Anticipated Implementation Date: May 2017

#### Internal Change # 5

- Internal Change: Secure other physical locations available for scheduling mediations
- Stage of Change Analysis (i.e., idea, analyzing feasibility, plan for implementation set, etc.): The agency is analyzing the feasibility of implementing
- Performance Measures Impacted and predicted impact: Agency will be able to offer more flexibility of times for parties engaging in mediation
- Objective Costs Impacted and anticipated impact: Objective 3.1.3 – More files will likely be closed earlier, saving the agency money on an undetermined amount of cases
- Where (i.e., specific objective(s)) agency plans to utilize additional available funds: The funds will be used on mediators
- Anticipated Implementation Date: Agency has not fully analyzed the feasibility of idea

#### Internal Change # 6

- Internal Change: Litigate all ‘reasonable cause cases’ under the Human Affairs Law and the Fair Housing Law
- Stage of Change Analysis (i.e., idea, analyzing feasibility, plan for implementation set, etc.): The agency is analyzing the feasibility of implementing
- Performance Measures Impacted and predicted impact: Agency will be able to offer free legal services to individuals who have been unlawfully discriminated against
- Objective Costs Impacted and anticipated impact: Objective 3.1.1 – The resulting costs will likely be covered, in part, in penalties assessed on violators through litigation; however, there are litigation expenses that will need to be fronted by the Agency, and there is no guarantee that all costs will be covered in a favorable settlement, Order, or jury verdict
- Where (i.e., specific objective(s)) agency plans to utilize additional available funds: The funds will be used to cover the costs of litigation

- Anticipated Implementation Date: Agency has not fully analyzed the feasibility of idea

#### Internal Change # 7

- Internal Change: Provide greater enforcement for viable complaints of Public Accommodations discrimination.
- Stage of Change Analysis (i.e., idea, analyzing feasibility, plan for implementation set, etc.): The agency is analyzing the feasibility of implementing
- Performance Measures Impacted and predicted impact: Agency will be able to offer free legal services to individuals who have been unlawfully discriminated against
- Objective Costs Impacted and anticipated impact: Objective 3.2.1 – Unknown, but additional staff would be needed
- Where (i.e., specific objective(s)) agency plans to utilize additional available funds: The funds will be used to cover the costs of investigations and administrative hearings
- Anticipated Implementation Date: Agency has not fully analyzed

### LAW RECOMMENDATIONS

#### Law Recommendation # 1

- Law: SC Code Section 1-13-70 (i)
- Summary of current statutory requirement: The Agency shall issue subpoenas or subpoenas duces tecum to compel the attendance of witnesses or the production of evidence in employment investigations, and the Commission shall enforce subpoenas through a court of competent jurisdiction.
- Recommendation and Rationale for Recommendation: While Section 1-13-90(d) clearly articulates that the Agency has the power to subpoena non-state Agency employers, the language in 1-13-70 (i) has not been updated to reflect the agency's jurisdiction.
- Law Wording: (i) To require from any ~~employer state agency or department or local subdivisions of a state agency or department~~ such reports and information at such times as it may deem reasonably necessary to effectuate the purposes of this chapter.
- Other Agencies Impacted: None

#### Law Recommendation # 2

- Law: SC Code Section 1-13-90 (c)(16)
- Summary of current statutory requirement: The Commission shall hold an administrative hearing before a panel of three commission members, and shall render a decision related to the claims, when an employment investigation against a state agency has resulted in a reasonable cause determination.
- Recommendation and Rationale for Recommendation: State and Federal Courts, as well as the Agency's federal counterpart, award broader damages to aggrieved parties in employment discrimination litigation, and state law should contemplate the full range of damage awards available to a prevailing party. Language similar to the proposed wording below is found in Tennessee and Kentucky code sections.
- Law Wording: (16) If upon all the evidence at the hearing the panel shall find that the respondent has engaged in any unlawful discriminatory practice, it shall state its findings of fact

and serve upon the respondent in the name of the Commission an opinion and order requiring the Respondent to cease and desist from the discriminatory practice and to take such affirmative action as in the judgment of the commission will carry out the purposes of this chapter. A copy of the order shall be delivered to the respondent, the complainant, and to such public officers and persons as the commission deems proper. Affirmative action ordered under this section may include, but is not limited to:

- (a) Hiring, reinstatement or upgrading of employees with or without back pay. Interim earnings or amounts earnable with reasonable diligence by the person or persons discriminated against shall operate to reduce the back pay otherwise allowable;
  - (b) Admission or restoration of individuals to union membership, admission to, or participation in, a guidance program, apprenticeship, training program, on-the-job training program, or other occupational training or retraining program, and the utilization of objective criteria in the admission of individuals to such programs;
  - (c) Reporting as to the manner of compliance;
  - (d) Posting notices in conspicuous places in the respondent's place of business in the form prescribed by the commission and inclusion of such notices in advertising material;
  - (e) Payment to the complainant of damages for an injury, including humiliation and embarrassment, caused by the discriminatory practice, and cost, including a reasonable attorney's fee; and
  - (f) Such other remedies as shall be necessary and proper to eliminate all the discrimination identified by the evidence submitted at the hearing or in the record. ~~that such unlawful discriminatory practice be discontinued and requiring such other action including, but not limited to, hiring, reinstatement or upgrading of employees, with or without back pay to the persons aggrieved by such practice as, in the judgment of the panel, will effectuate the purposes of this chapter. Back pay liability shall not accrue from a date more than two years prior to the filing of a charge with the Commission. The Commission may retain jurisdiction of any such case until it is satisfied of compliance by the respondent with its order.~~
- Other Agencies Impacted: Any agency that unlawfully discriminates against an employee or potential employee

### Law Recommendation # 3

- Law: SC Code Section 1-13-90 (d)(6)
- Summary of current statutory requirement: The Commission shall, at the completion of an employment investigation regarding a non-state agency employer, either order that the matter be dismissed despite evidence that reasonable cause exists to believe discrimination occurred; order that the complaint be dismissed for no reasonable cause; or recommend that a lawsuit be filed in equity in circuit court against the respondent due to a cause determination.
- Recommendation and Rationale for Recommendation: Complainants may be thrown out of court, despite abiding by all the necessary deadlines, when a complainant brings a civil suit following an investigation by the Agency, if the EEOC has waived the case to the Agency. For example, if the EEOC accepted a charge 300 days after the date of harm (the EEOC's deadline for acceptance), then subsequently waived the case immediately the Agency, the Agency would not be able to issue a Notice of Right to Sue to the Complainant until 480 days after the date of harm. Currently, the statute states that a lawsuit must be filed within a year from the date of harm, if it is earlier than the 180 days the Agency has to investigate the case.
- Law Wording: (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.

- Other Agencies Impacted: Any agency against which an employment discrimination lawsuit is brought

#### Law Recommendation # 4

- Law: SC Code Section 1-13-100
- Summary of current statutory requirement: The Commission may contract and cooperate with Federal Equivalent Agencies (like the EEOC and HUD) in furthering the joint missions of the Agencies. The Human Affairs Law is to be construed as a law which parallels Title VII of the Civil Rights Act of 1964, as amended, 42 U. S. C. Section 2000e et seq.; the Age Discrimination in Employment Act of 1967, as amended, 29 U. S. C. Section 621 et seq.; and the Americans with Disabilities Act of 1990, as amended, Public Law 101-336.
- Recommendation and Rationale for Recommendation: In addition to limiting the types of civil causes of action that can be brought under the Human Affairs Law, a similar limitation to the relief awarded should also be established.
- Law Wording: Nothing in this chapter may be construed to create a cause of action other than those specifically described in Section 1-13-90 of this chapter. Nothing in this chapter may be construed to create a cause of action against a person not covered by Title VII of the Civil Rights Act of 1964, as amended, 42 U. S. C. Section 2000e et seq., if the cause of action arises from discrimination on the basis of race, color, religion, sex, or national origin. Nothing in this chapter may be construed to create a cause of action against a person not covered by the Age Discrimination in Employment Act of 1967, as amended, 29 U. S. C. Section 621 et seq., if the cause of action arises from discrimination on the basis of age. Nothing in this chapter may be construed to create a cause of action against a person not covered by the Americans with Disabilities Act of 1990, as amended, Public Law 101-336. Nothing in this chapter may be construed to award relief greater than Title VII of the Civil Rights Act of 1964, as amended, 42 U. S. C. Section 2000e et seq., the Age Discrimination in Employment Act of 1967, as amended, 29 U. S. C. Section 621 et seq., or the Americans with Disabilities Act of 1990, as amended, Public Law 101-336.
- Other Agencies Impacted: None

#### Law Recommendation # 5

- Law: SC Code Section 1-13-90 (c)
- Summary of current statutory requirement: The Agency shall accept and investigate formal complaints against employers that state the employer has engaged in unlawful employment discrimination, based on race, religion, color, sex, age, national origin, or disability.
- Recommendation and Rationale for Recommendation: Similar to the Office of Human Resources in holding Grievance Committee Hearings and in South Carolina Circuit Courts, State Agencies and complainants should be required to engage in a preliminary mediation at the Agency.

- Law Wording: (c) For complaints asserting expressly or in substance a violation by a state agency or department or local subdivisions of a state agency or department of Section 1-13-80 the procedure shall be as follows:
  - (1) Within sixty days of the complainant's filing of the complaint, the commissioner shall assign one or more of his employees or agents to hold a mandatory mediation conference. The mandatory mediation conference may not be used as a fact-finding conference. The mediator may hold additional mediation conferences to accommodate settlement discussions.
  - (2) If the complaint is not resolved after the mandatory mediation conference, the complainant or the respondent may request the commission to hold additional mediation conferences.
  - (3) The commission may dismiss the complaint if a complainant, after notice and without good cause, fails to attend a mandatory mediation conference, or the respondent has eliminated the discriminatory practice complained of, taken steps to prevent a like occurrence in the future, and offered full relief to the complainant, even though the complainant has refused the relief.
  - (4) If the complaint is not resolved after the mandatory mediation conference, the commissioner shall assign one or more of the agency's employees or agents within fifteen days after the mandatory mediation conference to investigate the complaint as the designated investigator in charge of the complaint. Information gathered during an investigation under this item shall not be made public by the commission, its officers, or employees, except for information made public as a result of being offered or received into evidence in an action brought under this chapter.
  - (5) The chairman of the commission or, upon the request of the chairman, the commissioner shall designate a member of the commission to supervise the processing of the complaint.
  - (6) The complaint may be resolved at any time before a hearing by conference, conciliation, or persuasion, with the complainant and the respondent. The resolution must be embodied in a conciliation agreement, which shall include an agreement by the respondent to refrain from committing unlawful discriminatory practices in the future, and which may contain those further provisions as are agreed upon by the complainant and the respondent. No conciliation agreement may be considered an effective resolution by the commission unless the supervisory commission member has reviewed and approved the terms of the agreement. Positions taken by a witness in connection with these efforts toward conciliation shall not be made public or used against the interest of the witness in a subsequent proceeding.
  - (7) In undertaking its investigation of a complaint, the commission shall have the authority:
    - (a) to issue a subpoena or subpoena duces tecum and thereby compel attendance of witnesses or production for examination of books, papers, and records, whenever it is considered necessary to compel the attendance of witnesses, or the production for examination of any books, payrolls, personnel records, correspondence, documents, papers, or any other evidence relating to any matter under investigation or in question before the commission. This authority may be exercised only by the joint action by the chairman of the commission and the commissioner;
    - (b) to require any party or witness to answer interrogatories at any time after the complaint is filed;
    - (c) to take depositions of witnesses including any party pursuant to a complaint or investigation made by the commission;
    - (d) pursuant to subitems (a), (b), (c), if a person fails to permit access, fails to comply with a subpoena, refuses to have his deposition taken, refuses to answer interrogatories, or

otherwise refuses to allow discovery, the commission may request an order of a court of competent jurisdiction requiring discovery and other related good faith compliance.

(8) If not sooner resolved, the investigator shall upon completion of his investigation submit to the supervisory commission member a statement of the facts disclosed by his investigation and recommend either that the complaint be dismissed or that a panel of commission members be designated to hear the complaint. The supervisory commission member, after review of the case file and the statement and recommendation of the investigator, shall issue an order either of dismissal or for a hearing, which order is not subject to judicial or other further review.

(9) If the order is for dismissal, the supervisory commission member shall mail a copy of the order to the complainant and the respondent at their last known addresses.

(10) If the order is for a hearing, the supervisory commission member shall attach to the order a notice and a copy of the complaint and require the respondent to answer the complaint at a hearing at a time and place specified in the notice and shall serve upon the respondent a copy of the order, the complaint, and the notice.

(11) At any time before a hearing a complaint may be amended by the supervisory commission member upon the request of the investigator, complainant, or respondent. Complaints may be amended during a hearing only upon a majority vote of the panel of commission members for the hearing.

(12) Upon request by any party, the commissioner shall issue appropriate subpoenas or subpoenas duces tecum to any witnesses or other custodians of documents desired to be present at the hearing, or at prehearing depositions, unless the commissioner determines that issuance of the subpoenas or subpoenas duces tecum would be unreasonable or unduly burdensome.

(13) Upon notification by any party that any party or witness has failed to permit access, failed to comply with a subpoena or subpoena duces tecum, refused to have his deposition taken, refused to answer interrogatories, or otherwise refused to allow discovery, the commission, upon notice to the party or witness, shall apply to a court of competent jurisdiction for an order requiring discovery and other good faith compliance unless the commission determines that the discovery would be unreasonably or unduly burdensome.

(14) Upon request by the supervisory commission member, the chairman of the commission shall designate a panel of three members of the commission to sit as the commission to hear the complaint; provided, that no member of the commission may be a member of a panel to hear a complaint for which he has been a supervisory commission member.

(15) At any hearing held pursuant to this subsection, the case in support of the complaint shall be presented before the panel by one or more of the commission's employees or agents, and, with consent of the panel, by legal representatives of the complaining party; provided, that attempts at conciliation by the investigator must not be received into evidence nor otherwise made known to the members of the panel.

(16) The respondent shall submit a written answer to the complaint and appear at the hearing in person or by counsel and may submit evidence. The respondent shall have the power reasonably and fairly to amend his answer.

(17) The complainant is permitted to be present and submit evidence.

(18) These proceedings are subject to the Administrative Procedures Act and in case of conflict between the provisions of this chapter and the Administrative Procedures Act, the Administrative Procedures Act shall govern. A recording of the proceedings shall be made, which may be subsequently transcribed upon request and payment of a reasonable fee by the complainant or the respondent. The fee must be set by the commission or upon motion of the

panel, in which case copies of this transcription shall be made available to the complainant or the respondent upon request and payment of a reasonable fee to be set by the commission.

(19) If upon all the evidence presented at the hearing the panel shall find that the respondent has engaged in any unlawful discriminatory practice, it shall state its findings of fact and serve upon the respondent in the name of the commission an opinion and order requiring that the unlawful discriminatory practice be discontinued and requiring such other action including, but not limited to, hiring, reinstating or upgrading of employees, with or without back pay to the persons aggrieved by the practice as, in the judgment of the panel, shall effectuate the purposes of this chapter. Back pay liability shall not accrue from a date more than two years prior to the filing of the complaint with the commission. The commission may retain jurisdiction of any such case until it is satisfied of compliance by the respondent with its order.

(20) If upon all the evidence at the hearing the panel shall find that the respondent has not engaged in any unlawful discriminatory practice, the panel shall state its findings of fact and serve upon the complainant and the respondent an opinion and order dismissing the complaint as to the respondent.

(21) A copy of the opinion and order of the commission shall be delivered to the Attorney General and to those other public officers as the commission deems proper. Copies of the opinion and order shall be available to the public for inspection upon request, and copies shall be made available to any person upon payment of a reasonable fee set by the commission.

(22)(a) If an application for review is made to the commission within fourteen days from the date of the opinion and order of the commission, the commission, for good cause shown, shall review the opinion and order, the evidence, receive further evidence, rehear the parties or their representatives, and, if justified, amend the opinion and order.

(b) The opinion and order of the commission as provided in item (19), if not reviewed in due time, or an opinion and order of the commission upon review, as provided for in subitem (a), is conclusive and binding as to all questions of fact unless clearly erroneous in view of the reliable, probative, and substantive evidence in the whole record. Either party to the dispute, within thirty days after receipt of the opinion and order, may appeal the decision of the commission to the Administrative Law Court as provided in Chapter 23, Title 1. In case of an appeal from the decision of the commission, the appeal operates as a supersedeas for thirty days only, unless otherwise ordered by the administrative law judge, and the respondent is required to comply with the order involved in the appeal until the questions at issue are fully determined in accordance with the provisions of this chapter.

(c) The commission may institute a proceeding for enforcement of its order issued under item (19) or its amended order issued under subitem (a) after thirty days from the date of the order, unless otherwise prevented by the administrative law judge under subitem (b) above, by filing a request for enforcement in the court of common pleas of the county in which the hearing occurred, or where the person who is the subject of the commission's order resides or transacts business.

A decree of the court for enforcement of the order may be granted upon a showing that a copy of the petition for enforcement was served upon the party subject to the dictates of the commission's order."

~~(1) The Commissioner shall assign one or more of his employees or agents to investigate the complaint, in which case one shall be designated the investigator in charge of the complaint. Information gathered during an investigation under this subsection shall not be made public by the Commission, its officers or employees, except for information made public as a result of being offered or received into evidence in an action brought under this subsection.~~

~~(2) The Chairman of the Commission or, upon the request of the Chairman, the Commissioner~~

shall designate a member of the Commission to supervise the processing of the complaint.

(3) The complaint may be resolved at any time before a hearing by conference, conciliation and persuasion with the complainant and the respondent, such resolution to be embodied in a conciliation agreement, which shall include an agreement by the respondent to refrain from committing unlawful discriminatory practices in the future, and which may contain such further provisions as are agreed upon by the complainant and the respondent. No conciliation agreement shall be deemed an effective resolution by the Commission unless the supervisory commission member shall have reviewed and approved the terms thereof. Positions taken by a witness in connection with such efforts toward conciliation shall not be made public or used against the interest of the witness in a subsequent proceeding.

(4) In undertaking its investigation of a complaint the Commission shall have the authority:

(i) To issue a subpoena or subpoena duces tecum and thereby compel attendance of witnesses or production for examination of books, papers, and records, whenever it is deemed necessary to compel the attendance of witnesses, or the production for examination of any books, payrolls, personnel records, correspondence, documents, papers or any other evidence relating to any matter under investigation or in question before the Commission. The power may be exercised only by the joint action by the Chairman of the Commission and the Commissioner.

(ii) To require any party or witness to answer interrogatories at any time after the complaint is filed.

(iii) To take depositions of witnesses including any party pursuant to a complaint or investigation made by the Commission.

(iv) Pursuant to subitems (i), (ii), (iii), above, if a person fails to permit access, fails to comply with a subpoena, refuses to have his or her deposition taken, refuses to answer interrogatories, or otherwise refuses to allow discovery, the Commission may request an order of a court of competent jurisdiction requiring discovery and other related good faith compliance.

(5) If not sooner resolved, the investigator shall upon completion of his investigation submit to the supervisory commission member a statement of the facts disclosed by his investigation and recommend either that the complaint be dismissed or that a panel of commission members be designated to hear the complaint. The supervisory commission member, after review of the case file and the statement and recommendation of the investigator shall issue an order either of dismissal or for a hearing, which order shall not be subject to judicial or other further review.

(6) If the order be of dismissal, the supervisory commission member shall mail a copy of the order to the complainant and the respondent at their last known addresses.

(7) If the order be for a hearing, the supervisory commission member shall annex thereto a notice and a copy of the complaint and require the respondent to answer the complaint at a hearing at a time and place specified in the notice and shall serve upon the respondent a copy of the order, the complaint, and the notice.

(8) At any time before a hearing a complaint may be amended by the supervisory commission member upon the request of the investigator or of the complainant or of the respondent. Complaints may be amended during a hearing only upon a majority vote of the panel of commission members for such hearing.

(9) Upon request by any party, the Commissioner shall issue appropriate subpoenas or subpoenas duces tecum to any witnesses or other custodians of documents desired to be present at the hearing, or at prehearing depositions, unless the Commissioner determines that issuance of the subpoenas or subpoenas duces tecum would be unreasonable or unduly burdensome.

(10) Upon notification by any party that any party or witness has failed to permit access, failed to comply with a subpoena or subpoena duces tecum, refused to have his or her deposition

~~taken, refused to answer interrogatories, or otherwise refused to allow discovery, the Commission, shall, upon notice to the party or witness, apply to a court of competent jurisdiction for an order requiring discovery and other good faith compliance unless the Commission determines that the discovery would be unreasonably or unduly burdensome.~~

~~(11) Upon request by the supervisory commission member, the Chairman of the Commission shall designate a panel of three members of the Commission to sit as the Commission to hear the complaint; provided, that no member of the Commission shall be a member of a panel to hear a complaint for which he has been a supervisory commission member.~~

~~(12) At any hearing held pursuant to this subsection, the case in support of the complaint shall be presented before the panel by one or more of the commission's employees or agents, and, with consent of the panel, by legal representatives of the complaining party; provided, that endeavors at conciliation by the investigator shall not be received into evidence nor otherwise made known to the members of the panel.~~

~~(13) The respondent shall submit a written answer to the complaint and appear at such hearing in person or by counsel and may submit evidence. The respondent shall have the power reasonably and fairly to amend his answer.~~

~~(14) The complainant shall be permitted to be present and submit evidence.~~

~~(15) Proceedings under this section shall be subject to the Administrative Procedures Act, Sections 1-23-310 through 1-23-400 of the Code of Laws of South Carolina, 1976, as amended, and in case of conflict between the provisions of this chapter and the Administrative Procedures Act, the Administrative Procedures Act shall govern. A recording of the proceedings shall be made, which may be subsequently transcribed upon request and payment of a reasonable fee by the complainant or the respondent. The fee shall be set by the Commission or upon motion of the panel, in which case copies of such transcription shall be made available to the complainant or the respondent upon request and payment of a reasonable fee to be set by the Commission.~~

~~(16) If upon all the evidence at the hearing the panel shall find that the respondent has engaged in any unlawful discriminatory practice, it shall state its findings of fact and serve upon the respondent in the name of the Commission an opinion and order requiring that such unlawful discriminatory practice be discontinued and requiring such other action including, but not limited to, hiring, reinstatement or upgrading of employees, with or without back pay to the persons aggrieved by such practice as, in the judgment of the panel, will effectuate the purposes of this chapter. Back pay liability shall not accrue from a date more than two years prior to the filing of a charge with the Commission. The Commission may retain jurisdiction of any such case until it is satisfied of compliance by the respondent with its order.~~

~~(17) If upon all the evidence at the hearing the panel shall find that the respondent has not engaged in any such unlawful discriminatory practice, the panel shall state its findings of fact and serve upon the complainant and the respondent an opinion and order dismissing the complaint as to the respondent.~~

~~(18) A copy of the opinion and order of the Commission shall be delivered in all cases to the Attorney General and to such other public officers as the Commission deems proper. Copies of the opinion and order shall be available to the public for inspection upon request, and copies shall be made available to any person upon payment of a reasonable fee set by the Commission.~~

~~(19)(i) If an application for review is made to the commission within fourteen days from the date the order of the commission is given, the commission, for good cause shown, shall review the order and evidence, receive further evidence, rehear the parties or their representatives, and, if proper, amend the order.~~

~~(ii) The order of the commission, as provided in item (16) of subsection (c) of this section, if not~~

reviewed in due time, or an order of the commission upon review, as provided for in subitem (i) of item (19) of this subsection, is conclusive and binding as to all questions of fact unless clearly erroneous in view of the reliable, probative, and substantive evidence in the whole record. Either party to the dispute, within thirty days after receipt of notice to be sent by registered mail of the order may appeal the decision of the commission to the Administrative Law Court as provided in Sections 1-23-380(B) and 1-23-600(D). In case of an appeal from the decision of the commission, the appeal operates as a supersedeas for thirty days only, unless otherwise ordered by the administrative law judge, and the respondent is required to comply with the order involved in the appeal or certification until the questions at issue are fully determined in accordance with the provisions of this chapter.

(iii) The commission may institute a proceeding for enforcement of its order of item (16) of subsection (c) of this section, or its amended order of subitem (i) of item (19) of this subsection after thirty days from the date of the order, by filing a notice of appeal in the court of common pleas of the county in which the hearing occurred, or where a person required in the order to cease and desist from a practice which is the subject of the commission's order, or to take other affirmative action, resides, or transacts business.

If no appeal pursuant to subitem (ii) of item (19) of this subsection is initiated, the commission may obtain a decree of the court for enforcement of its order upon a showing that a copy of the petition for enforcement was served upon the party subject to the dictates of the commission's order.

- Other Agencies Impacted: Any state agency against which a charge is filed

#### Law Recommendation # 6

- Law: SC Code Section 31-21-70 (G)
- Summary of current statutory requirement: The Agency shall accept and investigate (within 100 days) formal complaints against housing providers contending that a provider has engaged in unlawful discrimination based on race, color, religion, sex, disability, familial status, or national origin.
- Recommendation and Rationale for Recommendation: Disability discrimination related to modifications, accommodations and construction deficiencies in a housing investigation may involve the terms and conditions of a sale or rental of a dwelling, in addition to the denial of a dwelling.
- Law Wording: (G) For purposes of Section 31-21-40(6) and 31-21-40(7), discrimination includes:
  - (1) a refusal to permit, at the expense of the handicapped person, reasonable modifications of existing premises occupied or to be occupied by the person if the modifications are necessary to afford that person full enjoyment of the premises, except that in the case of a rental, the landlord, where it is reasonable to do so, may condition permission for a modification on the renter agreeing to restore the interior of the premises to the condition that existed before the modification, reasonable wear and tear excepted;
  - (2) a refusal to make reasonable accommodations in rules, policies, practices, or services when such accommodations may be necessary to afford the person equal opportunity to use and enjoy a dwelling; or
  - (3) in connection with the design and construction of covered multi-family dwellings for first occupancy after the date that is thirty months after the date of enactment of the Fair Housing Amendments Act of 1988, a failure to design and construct those dwellings in such a manner that:
    - (a) the public use and common use portions of such dwelling are readily accessible to and usable by handicapped persons;

(b) all the doors designed to allow passage into and within all premises within such dwellings are sufficiently wide to allow passage by handicapped persons in wheelchairs; and

(c) all premises within these dwellings contain the following features of adaptive design:

(i) an accessible route into and through the dwelling;

(ii) light switches, electrical outlets, thermostats, and other environmental controls in accessible locations;

(iii) reinforcements in the bathroom walls to allow later installation of grab bars; and

(iv) usable kitchens and bathrooms that an individual in a wheelchair can maneuver about the space.

- Other Agencies Impacted: None

#### Law Recommendation # 7

- Law: SC Code Section 31-21-120 (B)
- Summary of current statutory requirement: The Agency shall accept and investigate (within 100 days) formal complaints against housing providers contending that a provider has engaged in unlawful discrimination based on race, color, religion, sex, disability, familial status, or national origin.
- Recommendation and Rationale for Recommendation: The Agency and its Federal Counterpart agency (the Department of Housing and Urban Development) no longer require that a complaint or answer be verified, only that they be under oath. The Commission may contract and cooperate with Federal Equivalent Agencies (like the EEOC and HUD) in furthering the joint missions of the Agencies.
- Law Wording: (B) A complaint under subsection (A) must be filed within one hundred eighty days after the alleged discriminatory housing practice occurred. The complaint must be in writing and shall state the facts upon which the allegations of a discriminatory housing practice are based. A complaint may be reasonably and fairly amended at any time. A respondent may file an answer to the complaint against him, not later than ten days after receipt of notice, and may be amended reasonably and fairly by the respondent at any time. ~~Both complaint and answer must be verified.~~
- Other Agencies Impacted: None

#### Law Recommendation # 8

- Law: SC Code Section 45-9-10 (A)
- Summary of current statutory requirement: After receiving a complaint from the Attorney General or an investigation from SLED, a three-commissioner panel shall conduct a review of the investigation to determine whether there is reasonable cause to believe a place of public accommodations has discriminated against an individual due to race, color, religion or national origin, and the Agency shall attempt to conciliate the complaint received.
- Recommendation and Rationale for Recommendation: In recent years, the Attorney General and SLED have not engaged in any investigations related to public accommodation discrimination and instead all complaints are brought to the Human Affairs Commission for processing through conciliation efforts only. The Commission seeks to have the General Assembly encourage our partner Agencies to work with SCHAC in adjudicating allegations of public accommodation discrimination. Alternatively, SCHAC seeks that the statutes be changed to empower SCHAC with processing complaints. The language in the law, and new process, mirrors the Tennessee Human Rights Commission, which is substantially similar to the South Carolina Human Affairs Commission.
- Law Wording: (A) All persons shall be entitled to the full and equal enjoyment of the goods, services, facilities, privileges, advantages, and accommodations of any place of public accommodation, as defined in Article 1 of this chapter, without discrimination or segregation on the ground of race, color, religion, ~~or~~ national origin, ~~or sex, though nothing in this part shall prohibit segregation on the basis of sex of bathrooms, health clubs, rooms for sleeping or changing clothes, or other places of public accommodation the commission specifically exempts on the basis of bona fide considerations of public policy.~~
- Other Agencies Impacted: Office of the Attorney General and SLED

## Law Recommendation # 9

- Law: SC Code Section 45-9-40
- Summary of current statutory requirement: After receiving a complaint from the Attorney General or an investigation from SLED, a three-commissioner panel shall conduct a review of the investigation to determine whether there is reasonable cause to believe a place of public accommodations has discriminated against an individual due to race, color, religion or national origin, and the Agency shall attempt to conciliate the complaint received.
- Recommendation and Rationale for Recommendation: In recent years, the Attorney General and SLED have not engaged in any investigations related to public accommodation discrimination and instead all complaints are brought to the Human Affairs Commission for processing through conciliation efforts only. The Commission seeks to have the General Assembly encourage our partner Agencies to work with SCHAC in adjudicating allegations of public accommodation discrimination. Alternatively, SCHAC seeks that the statutes be changed to empower SCHAC with processing complaints. The language in the proposed wording, and new process, mirrors the Tennessee Human Rights Commission, which is substantially similar to the South Carolina Human Affairs Commission.
- Law Wording: Section 45-9-40. Processing of ~~charges~~ complaints; review by State Human Affairs Commission; complaint by ~~Commission Attorney General~~.  
Whenever the ~~State Human Affairs Commission Attorney General~~ receives a ~~charge~~ complaint and has cause to believe that a person or group of persons is engaged in a pattern or practice of resistance to the full enjoyment of any of the rights secured by the provisions of Article 1, and that the pattern or practice is of a nature so as to deny the full exercise of the rights described in the provisions of Article 1, the ~~Commission Attorney General~~ shall notify the State Law Enforcement Division which shall conduct an investigation. The results of this investigation must be reported to a panel of the Board of the Commission ~~the State Human Affairs Commission~~. A panel of not fewer than three commission members, designated by the chairman, shall determine if there is reasonable cause to believe that the facts alleged, based upon the results of this investigation, are sufficient to state a violation of Article 1 by a pattern or practice of discrimination or segregation.  
If this panel finds reasonable cause, ~~they shall inform the chairman~~ the chairman shall inform the Attorney General, and the ~~Commission Attorney General or his designee~~ shall begin an action by ~~filing a complaint with the commission and~~ serving a complaint and Order for hearing, by certified mail, return receipt requested, on the parties named in the complaint. The commission members which serve on this panel may not serve on the panel conducting a hearing on the allegations contained in the complaint if a license revocation proceeding is initiated. If a person alleged to have violated the provisions of Article 1 by a pattern or practice of discrimination or segregation is an employee or agent of an establishment as defined in Section 45-9-10, the ~~Commission Attorney General~~ shall make a diligent effort to include in the complaint the name of the employer, principal, or a third party who may be the holder of a license or permit under which the establishment or an agent of the establishment operates. The complaint must set forth a description of the charges, including the facts pertaining to the pattern or practice of discrimination or segregation and a listing of those licenses or permits which are sought to be revoked under the provisions of this article and must state clearly the remedy or penalty available pursuant to Sections 45-9-60 and 45-9-80 if the allegations are found to be true.
- Other Agencies Impacted: Office of the Attorney General and SLED

## Law Recommendation # 10

- Law: SC Code Section 45-9-60
- Summary of current statutory requirement: The Commission may establish rules and procedures for public accommodations hearings, to include permitting intervention by parties, and the Commission may revoke a business license from an establishment if it has violated the law.
- Recommendation and Rationale for Recommendation: In recent years, the Attorney General and SLED have not engaged in any investigations related to public accommodation discrimination and instead all complaints are brought to the Human Affairs Commission for processing through conciliation efforts only. The Commission seeks to have the General Assembly encourage our partner Agencies to work with SCHAC in adjudicating allegations of public accommodation discrimination. Alternatively, SCHAC seeks that the statutes be changed to empower SCHAC with processing complaints. The language in the proposed wording, and new process, mirrors the Tennessee Human Rights Commission, which is substantially similar to the South Carolina Human Affairs Commission.
- Law Wording: SECTION 45-9-60. State Human Affairs Commission may establish rules of procedure for hearings; subpoenas; rights of persons charged; rules of evidence; scope of hearing; deliberations of panel; remedies for violation.

The commission may establish rules of procedure for the conduct of the panel hearings as provided in this article and is not governed by the Administrative Procedures Act in establishing these rules or in the conduct of panel hearings. The commissioner, upon request of the panel conducting a hearing, may issue subpoenas and subpoenas duces tecum to allow the panel to interview any person it deems necessary and review any document it deems relevant.

A person or group of persons charged in the complaint with engaging in a pattern or practice of discrimination or segregation in violation of Article 1 shall have the right in the hearing to present physical and documentary evidence, the testimony of witnesses, and other relevant information. In procuring the testimony of witnesses, such persons shall have the benefit of the commissioner's subpoena power. Such persons shall have the right to appear before the panel and be represented by an attorney, to call witnesses, to confront and cross examine adverse witnesses, and to make oral and written legal arguments.

All testimony given must be under oath in the presence of a court reporter who shall record the proceedings. The rules of evidence applicable in circuit court shall be used in all hearings. Except to the extent necessary to establish a pattern or practice of discrimination or segregation or to allow for the participation of those intervenors as may be allowed by Section 45-9-70, the panel conducting the hearing must limit the scope of the hearing to the items delineated in the description of the charges or in the allegations in the complaint.

Notwithstanding any other provision of law to the contrary, all deliberations and votes of the panel may be conducted in executive session. The deliberations, findings, and conclusions of the panel are confidential and may not be disclosed by any person until the final order or determination is made public as provided in this article.

Except as otherwise provided by this article, if it is determined that the rights and privileges secured by Article 1 have been violated by a pattern or practice of discrimination or segregation by an owner of an establishment, an employee of an establishment, or an agent of an establishment, the panel shall grant the relief authorized in Section 45-9-80. The panel may further order any persons found to have violated the provisions of Article 1 by a pattern or practice of discrimination or segregation to reimburse the State for the actual costs incurred in conducting the hearing, including reasonable attorney's fees. Additionally, the Panel's Order shall be public and may require:

- (1) Admission of individuals to a place of public accommodation, resort or amusement;
  - (2) The extension to all individuals of the full and equal enjoyment of the advantages, facilities, privileges and services of the respondent;
  - (3) Reporting as to the manner of compliance;
  - (4) Posting notices in conspicuous places in the respondent's place of business in the form prescribed by the commission and inclusion of such notices in advertising material;
  - (5) Payment to the complainant of damages for an injury, including humiliation and embarrassment, caused by the discriminatory practice, and cost, including a reasonable attorney's fee;
  - (6) Such other remedies as shall be necessary and proper to eliminate all the discrimination identified by the evidence submitted at the hearing or in the record.
- Other Agencies Impacted: Office of the Attorney General

#### Law Recommendation # 11

- Law: SC Code Section 45-9-80
- Summary of current statutory requirement: The Commission may establish rules and procedures for public accommodations hearings, to include permitting intervention by parties, and the Commission may revoke a business license from an establishment if it has violated the law.
- Recommendation and Rationale for Recommendation: In recent years, the Attorney General and SLED have not engaged in any investigations related to public accommodation discrimination and instead all complaints are brought to the Human Affairs Commission for processing through conciliation efforts only. The Commission seeks to have the General Assembly encourage our partner Agencies to work with SCHAC in adjudicating allegations of public accommodation discrimination. Alternatively, SCHAC seeks that the statutes be changed to empower SCHAC with processing complaints. The language in the proposed law, and new process, mirrors the Tennessee Human Rights Commission, which is substantially similar to the South Carolina Human Affairs Commission.
- Law Wording: SECTION 45-9-80. ~~Commission Attorney General~~ to notify permitting, regulatory, or licensing authority of violations; immediate revocation of license or permit; enforcement of panel's decision; violators not to obtain license or permit for three years. Notwithstanding any other provision of law or ordinance to the contrary, if the panel determines that the provisions of Article 1 have been violated by a pattern or practice of discrimination or segregation by the owner of an establishment, an employee of an establishment, or an agent of an establishment of public accommodations as defined in Section 45-9-10, the ~~Commission Attorney General~~ must immediately notify the appropriate state or local permitting, regulatory, or licensing authority that those licenses or permits so designated in the panel's order must be revoked immediately, notwithstanding the provisions of Section 1-23-380(C), upon expiration of the time allowed for an appeal if no appeal has been filed. After appeals, if the panel's order is not reversed, the license or permit must be revoked as provided in this article.  
If necessary, a writ of mandamus may be sought by the ~~Commission Attorney General~~ or any individual to effectuate the provisions of this section. Nothing in this section shall be construed as requiring the issuance of a writ of mandamus, and no civil action shall lie against any regulatory or licensing official acting pursuant to an order of the panel.  
If the Commission notifies the appropriate state or local permitting, regulatory, or licensing authority that those licenses or permits so designated in the panel's order must be revoked immediately, the owner of an establishment, employee of an establishment, or agent of an

establishment who is found to have violated the provisions of Article 1 by a pattern or practice of discrimination or segregation shall not obtain a license or permit from the same regulatory or licensing entity or seek the reissuance of a revoked license or permit within three years from the date of the panel's order or a final determination of a court of competent jurisdiction, whichever is later.

- Other Agencies Impacted: Office of the Attorney General

#### Law Recommendation # 12

- Law: Regulation 65-2
- Summary of current statutory requirement: The Agency shall accept and investigate formal complaints against employers that state the employer has engaged in unlawful employment discrimination, based on race, religion, color, sex, age, national origin, or disability.
- Recommendation and Rationale for Recommendation: The regulation should be changed to eliminate the unnecessary requirement of notarization on the Complaint Form, and should instead reflect the statutory requirement of a statement that is made under oath or affirmation. The proposed amendment parallels the requirements of the Agency's federal counterpart, the Equal Employment Opportunity Commission, thereby making the respective practices of the two entities substantially similar, which is required by the *Worksharing Agreement* between the Agency and the Equal Employment Opportunity Commission.
- Law Wording: B. Complaint Form.  
The complaint shall be in writing on a form provided by the Commission for this purpose. The complaint must be signed and sworn under oath or affirmation. ~~before a notary public or other person duly authorized by law to administer oaths and take acknowledgements. Notarial service shall be furnished without charge by the Commission.~~
- Other Agencies Impacted: None

#### Law Recommendation # 13

- Law: Regulation 65-3
- Summary of current statutory requirement: The Agency shall accept and investigate formal complaints against employers that state the employer has engaged in unlawful employment discrimination, based on race, religion, color, sex, age, national origin, or disability. The Agency shall issue subpoenas or subpoenas duces tecum to compel the attendance of witnesses or the production of evidence in employment investigations, and the Commission shall enforce subpoenas through a court of competent jurisdiction. The Agency shall make certain portions of employment investigation files available to the parties involved in the investigation.
- Recommendation and Rationale for Recommendation: The regulation should be changed to decrease the timeframe for subpoena enforcement from 30 days to 14 days, additionally the timeframe to request a motion to quash and request for additional time are removed. The regulation should further provide Complainants and Respondents with equal access to the Agency's investigative files in order to be substantially equivalent to the EEOC, and the citation for the Freedom of Information Act is wrong and should be corrected. .
- Law Wording: 65-3. Investigation and Production of Evidence.  
A. Investigation.  
(1) Investigator. The investigation of complaint shall be conducted by one or more investigators from the Commission's staff who shall be appointed by the Commissioner. If more

than one investigator is appointed, one of the investigators shall be designated the “investigator in charge” and shall direct the investigation.

(2) Duties of the Investigator. Investigators shall do those things necessary and proper to thoroughly investigate a complaint, but shall limit their investigations to their proper scope as described in Subsection 65-3A(5) herein. Investigators assigned to investigate complaints filed pursuant to Section 1-13-90(c) of the Act (State agencies or departments and their local subdivisions) shall upon completion of their investigations submit to the supervisory commission member a statement of the facts disclosed by their investigations and recommend to the supervisory commission member that the complaint be dismissed or that a panel of commission members be designated to hear the complaint. In complaints arising under Section 1-13-90(d) of the Act (employers, employment agencies or labor organizations, including municipalities, counties, special purpose districts, school districts and local governments), investigators shall upon completion of their investigation submit to the Commissioner a statement of the facts disclosed by the investigation and recommend either that the complaint be dismissed or that the Commission endeavor to formally conciliate the matter.

(3) Supervisory Commission Members. If the complaint under investigation is brought pursuant to Section 1-13-90(c) of the Act, the Chairman of the Commission, or upon the request of the Chairman, the Commissioner shall designate a member of the Commission to supervise the processing of the complaint who shall be known as the supervisory commission member. The supervisory commission member shall review the results of the investigation conducted by the investigator and review the investigator’s recommendations for dismissal or other action.

(4) Commencement of the Investigation. The investigation shall commence immediately upon service by the Commission of a copy of the complaint or notice of complaint upon the respondent.

(5) Scope of Investigation. Insofar as practicable, the investigation shall be limited to a determination of the facts relating to the unlawful employment practice or practices under investigation or in question before the commission. alleged in the complaint and to the individual harm alleged to have been suffered by the complaining party. The investigator’s inquiry for relevant facts shall be restricted to the relevant immediate environment in which the complaining party allegedly suffered harm such as a department or similar organizational structure of a respondent employer which is within the decision-making authority of a single person.

(6) Conduct of the Investigation.

(a) The investigator shall make a prompt and complete investigation of the allegations in the complaint which meet the standards of R.65-2.

(b) As part of each investigation the investigator:

(i) Will accept as evidence any statement of position and/or evidence concerning the allegations of the complaint which the complainant or respondent wishes to voluntarily submit.

(ii) Shall require the complainant or respondent to provide any evidence, including statements and documents, ~~if any, in his/her possession~~ which are relevant to the complaint, as well as, any information which is necessary to establish actual damages or to establish the date on which the alleged damages occurred.

(c) The investigator may require the complainant to provide a detailed statement which includes, but is not limited to:

(i) a statement of each specific harm that the complainant has allegedly suffered, and the date on which each alleged harm occurred;

(ii) for each alleged harm, a statement specifying the act, policy or practice of the respondent which is alleged to be unlawful; and

(iii) for each act, policy or practice alleged to have harmed the complainant a statement of the facts which lead the complainant to believe that the act, policy or practice is unlawfully discriminatory.

(d) During the investigation of a complaint, the investigator may conduct a fact-finding conference with the parties. The purpose of the conference shall be to clearly define the issues to determine which elements of the matter under investigation are undisputed, to resolve those issues that can be resolved and to determine whether there is any likelihood for a negotiated no-fault settlement of the complaint as described in Section 65-5A. Discussions during a fact-finding conference are confidential. Any conciliation efforts during the conference are also confidential and are considered conciliation attempts within the meaning of the Act.

#### B. Production of Evidence.

~~(1) Investigator's Informal Request for Information. An investigator may, at any reasonable time after service of complaint, informally request access to records and documents in the possession of any person being investigated which are relevant to the complaint for purposes of inspection and copying.~~

~~(2)(1) Investigator's Formal Request for Information. An investigator may, at any reasonable time after service of complaint, formally request access to or production of records and documents in the possession of any person being investigated which are relevant to the complaint for purposes of inspection and copying. The investigator shall make the formal request for documents in writing by certified mail, transmitted to the person being investigated. If any person refuses to comply with an investigator's informal request for access to documents and records, the investigator shall demand access to the documents in writing by certified mail, transmitted to the person being investigated. The written demand shall notify the person that the investigator may apply to the Commission for a subpoena if access to or production of the documents and records is not permitted within thirty (30) days from the receipt of the investigator's written demand.~~

~~(3)(2) Investigator's Application for Subpoena Duces Tecum. If any person fails to comply with an investigator's formal written demand for information within thirty (30) days after receipt of the written demand, the investigator may apply to the Commission for a subpoena duces tecum by presenting to the Commission the investigator's written demand and the response of the person to whom the demand was made denying access to the information requested or, if no response was made, the investigator's affidavit that no response was received from the party to whom the demand for information was sent.~~

~~(4)(3) Issuance of Subpoena Duces Tecum. To effectuate the purpose of the Act, upon a showing by an investigator that a person has not complied with a written demand for information relevant to the complaint which was transmitted to the person by certified mail, the Chairman of the Commission and the Commissioner shall acting jointly have the authority to sign and issue a subpoena requiring:~~

- ~~(a) the production of evidence including but not limited to books, papers, records, correspondence or documents in the possession or under the control of the person subpoenaed;~~
- ~~(b) access to evidence for purposes of examination and the right to copy; and~~
- ~~(c) under Section 1-13-90(c) of the Act, attendance at hearings or at prehearing depositions.~~

~~(5)(4) Form and Content of Subpoenas.~~

- ~~(a) A subpoena issued by the Commission shall:~~

- (i) state the name and address of its issuer;
- (ii) briefly and clearly state the cause of issuance;
- (iii) identify the person to whom and the place, date and time at which the subpoena is returnable;
- (iv) identify the person or evidence subpoenaed with reasonable clarity, specificity and particularity to readily enable the person receiving the subpoena to identify the named person or evidence;
- (v) state the date and time access is requested if a subpoena ~~duces tecum~~ is issued.

(b) A subpoena shall only be returnable to a duly authorized investigator of the Commission of the Commissioner.

(c) Neither the complainant nor the respondent shall have the right to demand that an investigative subpoena be issued.

~~(6)~~(5) Petitions to Revoke Subpoena. Within ~~fourteen (14) thirty (30)~~ days after a subpoena is issued, the person served with the subpoena may petition the Commission by mail to revoke or modify the subpoena and shall serve a copy of the petition upon the investigator who originally demanded the information. The petition shall separately identify the portion of the subpoena with which the petitioner does not intend to comply and shall state with respect to each portion, the grounds upon which the petitioner relies. A copy of the subpoena shall be attached to the petition and shall be designated "Attachment A". Within ten (10) days after receipt of the petition or as soon thereafter as practicable, the Commission shall review the petition and make a written determination upon the petition stating in detail the reasons for the Commission's determination and shall serve a copy of the determination upon the petitioner and the investigator demanding the information. When a petition to revoke a subpoena is served upon the Commission, no enforcement of a subpoena shall be sought until the Commissioner has made a determination on the petition and served the petitioner with the determination.

~~(7)~~(6) Applications For Enforcement.

(a) Failure to Comply and Enforcement. A person who receives a subpoena may refuse to comply by failing to respond to the subpoena or by affirmatively stating that he/she will not respond; it is not necessary for the person to serve a petition to revoke the subpoena. If a person fails to comply with a subpoena, the Commission may, after ~~fourteen (14) thirty (30)~~ days, apply to any state court of competent jurisdiction for an order requiring the person to comply with the subpoena as provided by the Act.

(b) Notice of Hearing. Any person against whom an order is sought shall be given at least four (4) days notice (excluding Saturdays, Sundays, and state holidays) of the time and place of the hearing, and may oppose the granting of the order.

~~(c) Requests for Additional Time. Except in extraordinary circumstances the Commission will not oppose requests for additional time not to exceed ten (10) days, to prepare for the hearing, if the request is made to the court and served upon the Commission at least two days before the scheduled hearing.~~

~~(d) Motions to Quash. As provided by the Act, any person may move before a court of competent jurisdiction for an order quashing a subpoena after giving the Commission four (4) days notice (excluding Saturdays, Sundays and state holidays).~~

~~(8)~~(7) Interrogatories and Depositions.

(a) A party or witness may be required to answer written interrogatories relevant to a complaint under investigation under Section 1-13-90(c) and (d) of the Act at any time after such complaint is served.

(b) At least ten (10) days written notice (excluding Saturdays, Sundays and state holidays) shall be furnished to any party or witness sought to be deposed.

(c) The scope of discovery shall be governed by the relevance to the content of the complaint under investigation as described in Subsection 65-3A(5) of these Regulations.

~~(9)~~(8) Petitions to Revoke Interrogatories and Depositions. If a person refuses to have his/her deposition taken or refuses to answer interrogatories, the person may petition to revoke the notice to take deposition or revoke the interrogatories within five (5) days after receipt of the notice to take deposition or within thirty (30) days after receipt of interrogatories. The petition shall be mailed to the Commission and shall be served upon the investigator who originally demanded the information. The petition shall separately identify each portion of the interrogatories with which the petitioner does not intend to comply and shall state, with respect to each such portion, the grounds upon which the petitioner relies. A copy of the notice to take deposition or the interrogatories, as the case may be, shall be attached to the petition and designated as "Attachment A". Within five (5) days after receipt of the petition or as soon thereafter as practicable, the Commission shall make a determination upon the petition stating in detail the reasons for its determination and shall serve a copy of its determination upon the petitioner. When a petition to revoke is served upon the Commission, no enforcement of a notice to take deposition or interrogatories shall be sought until the Commission has made its determination on the petition and served the petitioner.

~~(10)~~(9) Applications for Enforcement.

(a) Failure to Comply and Enforcement. A person who receives interrogatories or a notice to take deposition may refuse to comply by failing to respond or by affirmatively stating that he/she will not respond; it is not necessary for the person to serve a petition to revoke. If a person fails to comply with the notice to take deposition, the Commission may after ten (10) days apply to any state court of competent jurisdiction for an order requiring the person to comply as required by the Act. If a person fails to answer interrogatories the Commission may after thirty (30) days apply to any state court of competent jurisdiction for an order requiring the person to answer the interrogatories as provided by the Act.

(b) Notice of Hearing. Any person against whom an order is sought shall be given at least four (4) days notice (excluding Saturdays, Sundays and state holidays) of the time and place of the hearing, and may oppose the granting of the order.

~~(c) Requests for Additional Time. Except in extraordinary circumstances, the Commission will not oppose requests for additional time not to exceed ten (10) days to prepare for the hearing if the requests are made to the court and served upon the Commission at least two days before the scheduled hearing.~~

~~(d) Motions to Quash. Any person may move before a court of competent jurisdiction for an order quashing a motion to take depositions or interrogatories after giving the Commission four (4) days notice (excluding Saturdays, Sundays and state holidays).~~

~~(11)~~(10) Confidentiality.

(a) Public Access to Commission Files or Information Gathered During an Investigation. As provided in Sections 1-13-90(c)(1) and 1-13-90(d)(2) of the Act, information gathered during an investigation conducted under Section 1-13-90 of the Act, shall not be made public by the Commission, its officers or employees, unless and until that information is offered or received into evidence at a Commission hearing or court proceeding brought in accordance with the Act. In view of the prohibitions against making information public contained in Sections 1-13-90(c)(1) and 1-13-90(d)(2) of the Act, information gathered by the Commission during investigations and internal memoranda assessing evidence, discussing complaints or recommending action on complaints shall not be deemed "public records" within the meaning

of the Code of Laws of South Carolina Section ~~30-4-20~~ ~~30-3-20~~. The provisions of this Subsection apply whether the Commission's investigative file is open for an ongoing investigation or closed after a matter is completely concluded.

(b) Public Access to Final Opinions and Orders and Determinations. The public shall have access to the Commission's final opinion and order concerning a complaint under Section 1-13-90(c) of the Act or the Commission's determination on whether to dismiss a complaint or sue in the state circuit court under Section 1-13-90(d) of the Act.

(c) Commission Requests for Information from Investigators. If the Commission requires reports on investigations or on the progress of investigations, the investigator's report shall be given to the Commission while the Commission sits in executive session with member of the public excluded.

(d) Access to Information by Complainant and Respondent.

(i) Information Provided by the Parties Themselves. The complainant may at all times have access to any information which the complainant has furnished the Commission. The respondent may at all times have access to any information which the respondent has furnished the Commission. However, neither the complainant nor the respondent shall have information furnished by the other party, except that this Subsection does not apply to disclosure to the parties or their attorneys where the disclosure is limited to matters necessary for determining appropriate relief and/or negotiating settlements or making conciliation offers and except that this Subsection does not apply to the complainant's or respondent's access to Commission files after a complaint against the respondent has been served as provided in subitem (ii), following.

(ii) Information Available to the Parties in a Proceeding. ~~a Respondent before a Hearing or Court Procedure.~~ If an action is brought against a respondent in accordance with the Act, either before the Commission pursuant to Section 1-13-90(c) of the Act or in a court of competent jurisdiction pursuant to Sections 1-13-90(c) and (d) of the Act, the complainant and respondent shall from the time the complaint is served be granted access to the investigative file of the Commission which shall include access to statements, affidavits or depositions of the complainant and ~~complainant's~~ witnesses, whether or not the complainant and the ~~complainant's~~ witnesses are employees of the respondent at the time the request for access is made. The complainant and respondent shall also have access to all other facts and data gathered by the Commission during its investigation, provided however that neither shall the respondent shall not have access to deliberative memoranda, working papers, drafts and other work products of the Commission relating to a complaint and further provided that deletions may be made where necessary to protect the personal privacy of an affiant or an individual named in a document to insure the anonymity of confidential sources or information, and to protect the confidentiality of trade secrets, confidential financial information and the like.

(iii) Copy of the Complaint. A copy of the complaint will be served in all cases upon the respondent unless a complaint received pursuant to a federal contract expressly requires that the original complaint not be served. In the event that a copy of the complaint is not provided, the respondent shall be served with a notice of the complaint within ten (10) days of receipt. The notice of complaint shall include the place, circumstances and identity of the person filing the complaint, a description of the violations of the Act alleged to have been committed by the respondent and the date of the alleged violation.

(e) Reports and Compilations. The Commission may publish abstracts of data derived from its closed investigative files in a form which does not reveal the identity of the

parties, trade secrets, financial information or competitive commercial information or processes.

(f) Sharing Information Between Agencies. The Commission shall not provide information to any state or federal agency which does not have written regulations providing essentially the same protection against unauthorized disclosure as provided in these regulations.

- Other Agencies Impacted: None

#### Law Recommendation # 14

- Law: Regulation 65-9
- Summary of current statutory requirement: The Commission shall issue an order at the completion of an employment investigation regarding a state agency employer, either that the matter be dismissed or that a panel of commission members be designated to hear the matter. The Commission shall, at the completion of an employment investigation regarding a non-state agency employer, either order that the matter be dismissed despite evidence that reasonable cause exists to believe discrimination occurred; order that the complaint be dismissed for no reasonable cause; or recommend that a lawsuit be filed in equity in circuit court against the respondent due to a cause determination.
- Recommendation and Rationale for Recommendation: The Regulation should be changed to reflect the One Hundred Twenty (120) day statutory deadline for filing a lawsuit. This deadline is found in South Carolina Code Section 1-13-90(d)(6).
- Law Wording: (3) Content of Notice of Right to Sue. The notice of right to sue shall include:
  - (a) authorization to the complainant to bring a civil action pursuant to Section 1-13-90(d) of the Act within one hundred twenty (120) ninety (90) days from issuance of such authorization by the Commission to the complainant, his/her attorney of record, or, in those instances covered by 65-2J(2)(d) hereof, from the date of mailing to the complainant's last known address;
  - (b) advice concerning the institution of such civil action by the complainant, where appropriate;
  - (c) a copy of the complaint;
  - (d) the Commission's decision, determination, or dismissal as appropriate.
- Other Agencies Impacted: None

#### Law Recommendation # 15

- Law: Regulation 65-22
- Summary of current statutory requirement: The Commission may adopt bylaws, publish reports and policies, and promulgate regulations to further the mission of the Agency, and deter discrimination in housing and employment across the state.
- Recommendation and Rationale for Recommendation: Regulation 65-22 may confuse state agencies and may lead an agency to understand that records need only be retained for a period of six months, when in fact, federal recordkeeping obligations require longer retention periods for state agencies and other employers, specifically those found in 29 C.F.R. § 1602.
- Law Wording: ~~65-22. Employment Records to be Retained for Six Months. Each State Agency, department and local subdivision thereof shall preserve and retain any personnel or employment record made or kept by them, including but not necessarily limited to~~

application forms submitted by applicants and other records having to do with hiring, promotion, demotion, transfer, layoff or termination, rates of pay or other terms of compensation, and selection for training or apprenticeship, for a period of six (6) months from the date of the making of the record or the personnel action involved, whichever occurs later. In the case of involuntary termination of an employee, the personnel records of the individual terminated shall be kept for a period of six (6) months from the date of termination. However, in no event is the six-month record keeping requirement to be construed or interpreted as permitting the destruction of personnel records, after the expiration of the six-month period, whenever a charge of discrimination has been filed and currently pending against a State Agency, department or local subdivision thereof. Repealed.

- Other Agencies Impacted: None

#### Law Recommendation # 16

- Law: Regulation 65-22
- Summary of current statutory requirement: The Agency shall accept and investigate formal complaints against employers that state the employer has engaged in unlawful employment discrimination, based on race, religion, color, sex, age, national origin, or disability.
- Recommendation and Rationale for Recommendation: The law should apply to all employers, labor organizations, and employment agencies which are in the process of being investigated by the Human Affairs Commission. The regulation should clarify that charges originating with the Commission's federal counterpart, the Equal Employment Opportunity Commission, have the same requirement. Additionally, the Human Affairs Commission should have the right to infer that, if an employer, labor organization, or employment agency fails to retain personnel records which are relevant evidence to an investigation, such evidence may have adversely affected the party's position.
- Law Wording: 65-23. Preservation of Records in Event of Charge of Discrimination. When a charge of discrimination has been filed with the Commission or its federal equivalent, or if an action brought by either entity is pending the Commission, the employer, labor organization, or employment agency respondent State Agency, department or local subdivision, shall preserve all personnel or employment records relevant to the charge or action until final disposition of the charge or the action. Failure to retain relevant personnel or employment records may result in an adverse inference against the party during the course of an investigation.
- Other Agencies Impacted: None

#### Law Recommendation # 17

- Law: Regulation 65-223
- Summary of current statutory requirement: The Agency shall accept and investigate (within 100 days) formal complaints against housing providers contending that a provider has engaged in unlawful discrimination based on race, color, religion, sex, disability, familial status, or national origin.
- Recommendation and Rationale for Recommendation: The law should clarify that certain file contents may be protected from disclosure.
- Law Wording: (3) Notwithstanding the prohibitions and requirements with respect to disclosure of information contained in 65-225.F., the Commission will make information derived from an

investigation, including the final investigative report, available to the aggrieved person and the respondent, provided however that neither shall have access to deliberative memoranda, working papers, drafts and other work products of the Commission relating to a complaint and further provided that deletions may be made where necessary to protect the personal privacy of an affiant or an individual named in a document to insure the anonymity of confidential sources or information, and to protect the confidentiality of trade secrets, confidential financial information and personal identifiable information under S.C. Code 30-2-30, or those items exempt from disclosure under S.C. Code 30-4-30. Additionally, any records requested by a party or a non-party to an investigation under S.C. Code 30-4-30 will be assessed on a case by case basis. Following the completion of investigation, the Commission shall notify the aggrieved person and the respondent that the final investigation report is completed and will be provided upon request.

- Other Agencies Impacted: None

#### Law Recommendation # 18

- Law: Regulation 65-227
- Summary of current statutory requirement: The Commission shall hold an expeditious administrative hearing before a panel of three commission members, and shall render a decision related to the claims, in the event that a fair housing investigation results in a reasonable cause determination, and after conciliation has failed, provided that no party has elected to have the matter be litigated in circuit court.
- Recommendation and Rationale for Recommendation: The law needs to consistently and clearly use different terms when referring to different documents in an investigation deemed to be a 'reasonable cause' case.
- Law Wording: 65-227. Issuance of Reasonable Cause Determination-Complaint
  - A . Reasonable cause determination.
    - (1) If a conciliation agreement has not been executed by the complainant and the respondent, and approved by the Commissioner, within the time limits set forth in paragraph (3)(a) of this section, the Commission shall determine whether, based on the totality of the factual circumstances known at the time of the decision, reasonable cause exists to believe that a discriminatory housing practice has occurred or is about to occur. The reasonable cause determination will be based solely on the facts concerning the alleged discriminatory housing practice, provided by complainant and respondent and otherwise, disclosed during the investigation.
      - (a) In all cases
        - (i) If the Commission determines that reasonable cause exists the Commission will immediately issue a reasonable cause determination ~~complaint~~ on behalf of the aggrieved person, and shall notify the aggrieved person and the respondent of this determination by certified mail or personal service.
        - (ii) If the Commission determines that no reasonable cause exists, the Commission shall: issue a short and plain written statement of the facts upon which the Commission has based the no reasonable cause determination; dismiss the complaint; notify the aggrieved person and the respondent of the dismissal (including the written statement of facts) by certified mail or personal service; and make public disclosure of the dismissal. Public disclosure of the dismissal may be by issuance of a press release except that the respondent may request that no release be made. Notwithstanding a respondent's request that no press

release be issued, the fact of the dismissal, including the names of the parties, shall be public information available on request.

(2) The Commission may not issue a reasonable cause determination ~~complaint~~ under paragraph (1) of this section regarding an alleged discriminatory housing practice, if an aggrieved person has commenced a civil action seeking relief with respect to the alleged discriminatory housing practice, and the trial in the action has commenced. If a complaint may not be issued because of the commencement of such a trial, the Commission will so notify the aggrieved person and the respondent by certified mail or personal service.

(3)(a) The Commission shall make a reasonable cause determination within 100 days after filing of the original complaint (or where the Commission has reactivated a complaint, within 100 days after service of the notice of reactivation), unless it is impracticable to do so.

(b) If the Commission is unable to make the determination within the 100 day period specified in paragraph (3)(a) of this section, the Commission will notify the aggrieved person and the respondent, by certified mail or personal service, of the reasons for the delay.

#### B. Issuance of Administrative Pleading-Complaint.

(1) An administrative pleading-complaint:

(a) Shall consist of a short and plain written statement of the facts upon which the Commission has found reasonable cause to believe that a discriminatory housing practice has occurred or is about to occur.

(b) Shall be based on the final investigative report; and

(c) Need not be limited to facts or grounds that are alleged in the original complaint if the record of the investigation demonstrated that the respondent has been given notice and an opportunity to respond to the allegation.

(2) Within three business days after the issuance of the reasonable cause determination ~~complaint~~ the Commission shall:

(a) Set a time and place for hearing;

(b) File the administrative pleading complaint along with the required notifications, with the Chairman; and

(c) Serve the administrative pleading complaint and notifications in accordance with the Act.

#### C. Election of civil action or provision of administrative proceeding.

(1) If an administrative pleading-complaint is issued under 65-227.B., a complainant, a respondent, or an aggrieved person on whose behalf the complaint is filed may elect, in lieu of an administrative proceeding, to have the claims asserted in the complaint decided in a civil action.

(2) The election must be made no later than twenty days after the receipt of service of the reasonable cause determination. complaint. The notice of the election must be filed with the Commission, the respondent, and the aggrieved persons on whose behalf the complaint was filed. The notification will be filed and served in accordance with the procedures established under Article 3.

(3) If an election is not made under this section, the Commission will maintain an administrative proceeding based on the administrative pleading complaint in accordance with the procedures under Article 3.

(4) If an election is made under this section, the Commission shall cause to be commenced and maintained a civil action seeking relief as provided by the Fair Housing Law on behalf of the aggrieved person in the appropriate Court of Common Pleas.

- Other Agencies Impacted: None

### Law Recommendation # 19

- Law: Regulation 65-233
- Summary of current statutory requirement: The Commission shall hold an expeditious administrative hearing before a panel of three commission members, and shall render a decision related to the claims, in the event that a fair housing investigation results in a reasonable cause determination, and after conciliation has failed, provided that no party has elected to have the matter be litigated in circuit court.
- Recommendation and Rationale for Recommendation: The citation in this regulation is confusing, so clarity is needed.
- Law Wording: ~~Discovery.~~

~~K. A.~~ Either party may cause to be taken the depositions of witnesses within or without the State. Such depositions shall be taken in accordance with and subject to the same provisions, conditions and restrictions as apply to the taking of like depositions in civil actions at law in the courts of common pleas of this State; and the same rules with respect to the giving of notice to the opposite party, the taking and transcribing of testimony, the transmission and certification thereof and matters of practice relating thereto shall apply.

~~L.B.~~ The Chief Hearing Commissioner shall on its own behalf, or, upon request, on behalf of any other party to the case, issue in the name of the Commission subpoenas for the attendance and testimony of witnesses and the production and examination of books, papers and records.

~~M.C.~~ The Court of Common Pleas shall, on application of the Commission, enforce by proper proceedings the attendance and testimony of witnesses and the production and examination of books, papers and records and shall have the power to punish as for contempt of court, by a fine or imprisonment or both, the unexcused failure or refusal to attend and give testimony or produce books, papers and records as may have been required in any subpoena issued by the Commission.

~~N.D.~~ If a party fails to comply with discovery, the hearing panel may:

- (1) Draw an inference in favor of the requesting party with regard to the information sought;
- (2) Prohibit the party failing to comply from introducing evidence or otherwise relying upon, testimony relating to the information sought;
- (3) Permit the requesting party to introduce secondary evidence concerning the information sought;
- (4) Strike any appropriate part of the pleadings or other submissions of the party failing to comply with such order; or
- (5) Take such other action as may be appropriate.

Other Agencies Impacted: None

*Chair Wm. Weston J. Newton*

*First Vice-Chair:  
Laurie Slade Funderburk*

## **Legislative Oversight Committee**



*Katherine E. (Katie) Arrington  
Gary E. Clary  
MaryGail K. Douglas  
Phyllis J. Henderson  
Joseph H. Jefferson Jr.  
Mandy Powers Norrell  
J. Todd Rutherford  
Tommy M. Stringer  
Bill Taylor*

*William K. (Bill) Bowers  
Neal Collins  
Raye Felder  
William M. "Bill" Hixon  
Robert L. Ridgeway III  
James E. Smith Jr.  
Edward R. Tallon Sr.  
Robert Q. Williams*

**South Carolina House of Representatives**

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*Charles L. Appleby IV  
Legal Counsel*

*Carmen J. McCutcheon Simon  
Research Analyst/Auditor*

June 27, 2017

Chairman John Oakland  
Commissioner Raymond Buxton, II  
South Carolina Human Affairs Commission  
1026 Sumter Street  
Columbia, SC 29201

Dear Chairman Oakland and Commissioner Buxton:

On behalf of the entire Economic Development, Transportation, and Natural Resources Subcommittee, we thank you and your staff for your presentation to the Subcommittee on June 22, 2017. In preparation for the next meeting scheduled for July 10, 2017, at 2:00 p.m., the Subcommittee seeks additional information from the agency. To allow the Subcommittee time to review the information prior to the next meeting, please provide the information requested below on or before Friday, July 7, 2017.

### *Discrimination Complaints*

For calendar years 2016 and 2017, please provide a statistical breakdown, each month statewide and by county of the complaints the agency has received through its intake division including: (a) category of alleged discrimination, (b) number of cases dismissed without investigation overall and by category of alleged discrimination, and (c) number of cases investigated overall and by category of alleged discrimination. For the number of cases investigated, please note how many have resulted in a finding and how many are still under investigation. Please coordinate with Committee staff to determine an appropriate format to provide this information.

### *Interaction with Federal Government*

- What percentage of the agency's budget is federal funds?
- Please explain how the agency is reimbursed by the federal government for both housing and employment cases.

Chairman Oakland  
Commissioner Buxton  
June 27, 2017

- Please provide a list of agencies required to provide the state with an affirmative action plan and annotate this list to indicate which agencies are required to provide the federal government with an affirmative action plan.

*Finances*

- Please provide the Subcommittee with the amount of the agency's carryforward funds for fiscal year 2016-17.

If the agency has any concerns about the format of these questions yielding answers that do not provide an accurate reflection of the agency, please express those concerns, prior to the meeting, in a written letter to me with a copy to Committee staff. In your responses to these questions, please provide the Subcommittee with any relevant, necessary context information. As a reminder, testimony during meetings and written information from agencies are considered sworn testimony and subject to S.C. Code of Laws Sections 2-2-70 through 2-2-120. Thank you for your service to the citizens of South Carolina and for your cooperation with the legislative oversight process.

Sincerely,



Laurie Slade Funderburk  
Committee First Vice-Chair

cc: Economic Development, Transportation, and Natural Resources Subcommittee Members



Raymond Buxton, II  
Commissioner

# STATE OF SOUTH CAROLINA HUMAN AFFAIRS COMMISSION

1026 Sumter Street, Suite 101  
Columbia, South Carolina 29201  
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www.schac.sc.gov  
1-800-521-0725 In-State

July 7, 2017

**VIA EMAIL TO JENNIFER DOBSON AND CHARLES APPELBY**

Hon. Neal A. Collins, Hon. Mandy Powers Norrell,  
Hon. Robert L. Ridgeway, III, and  
Hon. Laurie Slade-Funderburk  
S. C. House Legislative Oversight Committee  
Economic Development, Transportation, and  
Natural Resources Subcommittee  
PO Box 11867  
Columbia, SC 29211

**RE: *South Carolina Human Affairs Commission – Supplemental Requests for Information***

Dear Honorable Members of the Subcommittee:

On June 27, 2017, your Subcommittee presented our Agency with various questions that arose from our presentation on June 22, 2017. Thereafter, on June 28, I, along with Fair Housing Department Director Marvin Caldwell, and Staff Counsel Lee Ann Rice met with Committee staff members Jennifer Dobson (Director of Research), and Charles Appleby (Chief Counsel). Later that day, Ms. Dobson alerted our Agency that the Honorable Chair of the Subcommittee had granted an “extension in providing the statistical information to the Subcommittee.” Furthermore, Mr. Appleby posed additional questions via email to the meeting participants on June 30, 2017.

Herein, please find our responses to currently pending questions, in anticipation of our presentation on July 10, 2017. As noted below, some data is still in the process of being researched, pursuant to the June 28<sup>th</sup> extension.

**Question - Discrimination Complaints**

**“For calendar years 2016 and 2017, please provide a statistical breakdown, each month statewide and by county of the complaints the Agency has received through its intake division including: (a) category of alleged discrimination, (b) number of cases dismissed without investigation overall and by category of alleged discrimination, and (c) number of cases investigated overall and by category of alleged discrimination. For the number of cases investigated, please note how many have resulted in a finding and how many are still under investigation. Please coordinate with Committee staff to determine an appropriate format to provide this information.”**

*Our mission is to eliminate and prevent unlawful discrimination in employment, housing and public accommodations.*

**Answer-** Please see the attached spreadsheets entitled Housing Intake Data 2016-2017, Housing Investigation Data 2016-2017, EEO Enforcement Intake Data 2016-2017, EEO Enforcement Investigation Data 2016-2017, and Public Accommodations and 90e Data 2016-2017. The Agency has reached out to our Federal counterparts for the information requested by the Subcommittee as it relates to the breakdown by county. As such, we seek an extension until July 31 to provide final data as to county of origin for each complaint received or investigated. If the Agency were to undertake a manual review of this data, it would likely take one staff member several weeks to gather. It is important to note that complaints may originate from individuals outside of South Carolina, if they sought housing or employment in the state. Additionally, while our Agency has attempted to work with Committee staff to determine an appropriate format for this information, should the Honorable Members of the Subcommittee need clarification, please let the Agency know.

**Question - Interaction with Federal Government**

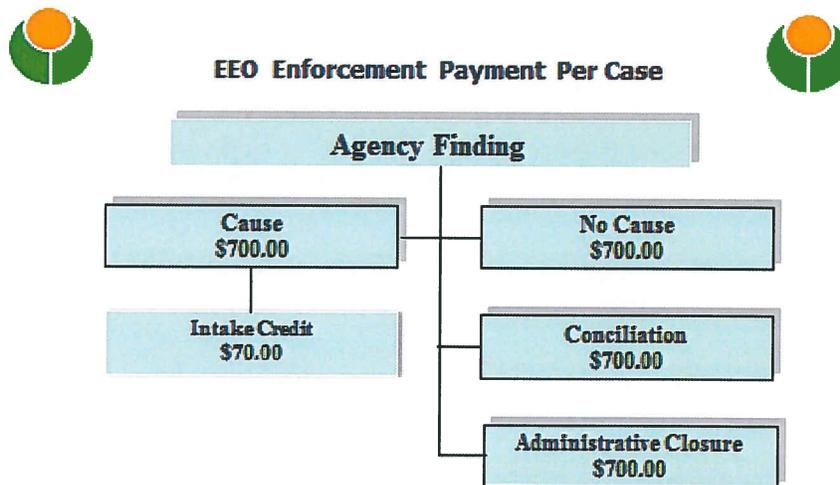
**“What percentage of the Agency’s budget is federal funds?”**

**Answer** – 31 %

**Question - Interaction with Federal Government**

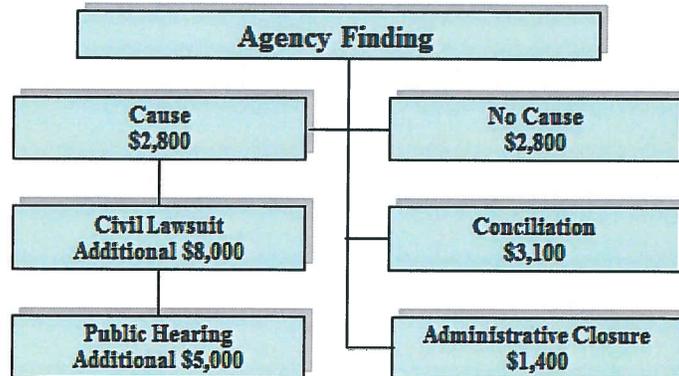
**“Please explain how the Agency is reimbursed by the federal government for both housing and employment cases.”**

**Answer** – Please see below:





### Housing Payment per Case



**Question** - *Interaction with Federal Government*

**“Please provide a list of agencies required to provide the state with an affirmative action plan and annotate this list to indicate which agencies are required to provide the federal government with an affirmative action plan.”**

**Answer** – Please see attached Excel Spreadsheet entitled Percentage of Goal Attainment (Alphabetical Order) FY 2015-2016.

**Question** - *Finances*

**“Please provide the Subcommittee with the amount of the Agency’s carryforward funds for fiscal year 2016-17.”**

**Answer** – The carryforward for 2015-2016 was \$186,651 and the carryforward for 2016-2017 is projected to be \$180,026.

**Question** – *From Charles Appleby related to Investigation Processes*

**“Can the Agency please review these documents [flow charts attached to the email] and let us know of any revisions needed to ensure they are accurate?”**

**Answer** – Please see the attached revised flow charts (Flow Chart SCHAC Fair Housing and Flow Chart SCHAC Employment). Additionally, the “reasonable cause determined prior to the Conciliation Effort” is a determination by the Commission that a hearing should be held due to the facts uncovered during investigation. An Order is issued in conjunction with the Commission’s reasonable cause determination. This is not a judgment – rather it is a determination on the allegations contained in the charge. No judgment is rendered until a hearing is held before a panel of the Commission’s Board members.

During the meeting among Agency personnel and Committee staff on June 28, Mr. Appleby asked about the actual costs of investigation, based on processing times. Attempting to average case processing costs is incredibly challenging, given the many variables for each case closure. We have roughly calculated the average costs for various closures, based on average hours on a matter by specific personnel, and the average salaries of staff members performing the work. This chart was created by staff members and not a Budget Analyst.

Type of Case – Employment*	Estimated Cost	Total # of Closures for Calendar Years 2016-Current
Successful Mediation that Results in a Case Closure	\$545.21	118 (112 Withdrawn with Settlement)
Investigation when no Mediation has been held	\$1,083.88	1,311
Investigation after Unsuccessful Mediation	\$1,300.62	57

Type of Case – Housing*	Estimated Cost	Total # of Closures for Calendar Years 2016-Current
Conciliation	\$3,346.21	56
Investigation	\$3,089.35	47

\*Certain withdrawals and administrative closures vary too greatly to be captured in these charts

The Committee staff also asked for our Intake Officers’ referral sheet, which is attached and entitled SCHAC Referral Listings.

We have also included, as attachments, letters of support from the South Carolina Bar and South Carolina State Chamber of Commerce.

Finally, we appreciate the leadership that your subcommittee has shown in undertaking this study of our Agency. We sincerely hope that this process will shine light on our Agency’s mission, while also identifying solutions to current obstacles. We welcome the Subcommittee’s feedback and look forward to continuing to work with you and your staff in the months to come.

Sincerely Yours,



Raymond Buxton, II  
Commissioner

cc: John A. Oakland, Chairman  
SCHAC’s Board of Commissioners

**Attachments:**

Housing Intake Data 2016-2017 (Excel)  
Housing Investigation Data 2016-2017 (Excel)  
EEO Enforcement Intake Data 2016-2017 (Excel)  
EEO Enforcement Investigation Data 2016-2017 (Excel)  
Public Accommodations Data 2016-2017 (Excel)  
Percentage of Goal Attainment (Alphabetical Order) FY 2015-2016 (Excel)  
Flow Chart SCHAC Fair Housing (Word)  
Flow Chart SCHAC Employment (Word)  
SCHAC Referral Listings (PDF)  
South Carolina Bar letter (PDF)  
South Carolina State Chamber of Commerce letter (PDF)

Fair Housing Intake - 2016

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	YTD
Calls	9	11	26	8	16	9	17	14	14	15	13	12	164
Questionnaires Received	0	3	8	10	19	17	9	12	9	10	15	13	125
Complaints Prepared	3	7	11	6	1	8	4	4	4	4	7	13	72
Referred to HUD	0	1	0	1	3	0	0	0	0	0	0	0	5
Dismissed	0	3	0	4	1	0	0	0	0	1	0	0	9

Fair Housing Intake - 2017

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	YTD
Calls		13	14	8	7	9	21						72
Questionnaires Received		14	10	13	14	34	26						111
Complaints Prepared		8	5	9	13	14	34						83
Referred to HUD		0	0	0	1	2	1						4
Dismissed		3	0	1	1	0	4						9

## HOUSING - 2016

## HOUSING - 2016

	Jan-16	Feb-16	Mar-16	Apr-16	May-16	Jun-16	Jul-16	Aug-16	Sep-16	Oct-16	Nov-16	Dec-16	TOTAL
<b>1 Active Complaints Brought Forward</b>	19	17	22	24	23	26	20	22	18	17	21	27	
<b>2 Complaints Received</b>	3	10 (1 RET)	6 (1 RET)	8	6 (1 RET)	8	3	3	6	6	9	7	53
By Protected Class:													
Race	0	3	1	0	0	2	0	1	1	1	3	1	13
Color	0	0	0	0	0	0	0	0	0	0	0	0	0
Religion	0	0	0	0	0	0	0	0	0	0	0	0	0
Sex	0	0	1	2	0	0	0	0	0	1	0	0	4
Handicap	2	3	1	5	3	2	2	1	4	4	6	5	38
Familial Status	0	0	0	0	1	1	0	0	1	0	0	0	3
National Origin	0	0	0	1	0	0	1	1	0	0	0	0	3
Multiple	1	3	2	0	1	3	0	0	0	0	0	1	11
<b>3 Total (Line 1 + Line 2)</b>	22	27	28	32	29	34	23	25	24	23	30	34	
<b>4 Investigation Completed</b>	5	4	5 (1 RET)	9	3	14 (1 RET)	1	7 (1 RET)	7	2	3	6	40
By Protected Class:													
Race	3	1	0	2	0	3	0	0	3	0	0	1	13
Color	0	0	0	0	0	0	0	0	0	0	0	0	0
Religion	0	0	0	0	0	0	0	0	0	0	0	0	0
Sex	0	0	0	0	1	2	0	0	0	0	0	0	3
Handicap	2	1	1	6	2	4	1	6	2	1	3	3	32
Familial Status	0	0	0	0	0	0	0	0	0	1	0	0	1
National Origin	0	1	0	0	0	1	0	0	0	0	0	1	3
Multiple	0	1	3	1	0	3	0	0	1	0	0	1	10
<b>5 Final Action Taken</b>	5	4	5	9	3	14	1	7	7	2	3	6	66
Categories:													
Administrative Closure	3	0	1	2	1	0	1	0	0	0	0	0	8
Conciliation/Settlement	0	3	1	6	1	7	0	4	4	0	3	3	32
No Cause	2	1	3	1	1	7	0	3	3	2	0	3	26
Closed with Cause	0	0	0	\$0	0	0	0	1	0	0	0	0	1
Monetary Value of Settlement	\$ -	\$ 6,150	\$ -	\$ 6,000		\$ 12,960	\$ -	\$ 3,355	\$ 11,871	\$ -	\$ 1,424	\$ 1,333	\$ 43,093
<b>6 Active Complaints on Hand (Line 3 - Line 5)</b>	17	23	24	23	26	20	22	18	17	21	27	28	
Status:													
Under Investigation	17	23	24	23	26	20	22	18	17	21	27	28	
Pending Hearing	0	0	0	0	0	0	0	1	1	1	1	1	

HOUSING - 2017

	Jan-17	Feb-17	Mar-17	Apr-17	May-17	Jun-17	Jul-17	Aug-17	Sep-17	Oct-17	Nov-17	Dec-17	TOTAL
<b>1 Active Complaints Brought Forward</b>	28	28	31	34	39	35							
<b>2 Complaints Received</b>	6	10	8	13	9	21							67
By Protected Class:													
Race	1	3	0	1	1	1							7
Color	0	0	0	0	0	0							0
Religion	0	0	0	0	0	0							0
Sex	0	1	1	0	0	0							2
Handicap	5	5	5	8	5	19							47
Familial Status	0	0	1	0	0	0							1
National Origin	0	1	0	1	0	1							3
Multiple	0	0	1	3	3	0							7
<b>3 Total (Line 1 + Line 2)</b>	34	38	39	47	48	56	0	0	0	0	0	0	
<b>4 Investigation Completed</b>	6	7	5	8	13	9							48
By Protected Class:													
Race	1	1	2	2	3	0							9
Color	0	0	0	0	0	0							0
Religion	0	0	0	0	0	0							0
Sex	0	0	0	0	0	1							1
Handicap	3	6	2	4	8	7							30
Familial Status	2	0	0	0	0	0							2
National Origin	0	0	0	0	1	0							1
Multiple	0	0	1	2	1	1							5
<b>5 Final Action Taken</b>	6	7	5	8	13	9							48
Categories:													
Administrative Closure	1	0	0	1	0	2							4
Conciliation/Settlement	3	6	3	3	7	2							24
No Cause	2	1	2	4	6	4							19
Closed with Cause	0	0	0	0	0	1							1
Monetary Value of Settlement	\$ 2,450	\$ 4,200	\$ 2,250	\$ 2,925	\$ 3,000	\$ 1,750							\$ 16,575
<b>6 Active Complaints on Hand (Line 3 - Line 5)</b>	28	31	34	39	35	47	0	0	0	0	0	0	
Status:													
Under Investigation	28	31	34	39	35	47							
Pending Hearing	1	1	1	1	0	1							

**INTAKE - 2016**

	Jan-16	Feb-16	Mar-16	Apr-16	May-16	Jun-16	Jul-16	Aug-16	Sep-16	Oct-16	Nov-16	Dec-16	TOTAL
<b>1 Intake Total Contacts</b>	466	487	564	581	596	571	494	718	572	525	498	404	6476
<b>2 Initial Inquiries Received</b>	252	279	300	298	322	327	267	452	333	282	285	228	3625
<b>3 Referrals to Other Agencies</b>	19	17	17	23	17	14	23	32	20	25	17	19	243
<b>4 Referrals to SC Bar Association LRS</b>	4	6	3	4		1	3	2	4	4	3	1	35
<b>5 Complaints Received</b>	78	108	88	105	112	82	81	127	113	84	62	82	1122
<b>6 Dismissals</b>	14	23	30	31	17	15	22	33	26	21	23	21	276
<b>7 Charges Prepared</b>	72	53	71	63	119	69	84	65	76	63	47	78	860
<b>8 Non-Employment Charges Prepared</b>	12	1	7	1		5	2	2	3	2		5	40

**INTAKE - 2017**

	Jan-17	Feb-17	Mar-17	Apr-17	May-17	Jun-17	Jul-17	Aug-17	Sep-17	Oct-17	Nov-17	Dec-17	TOTAL
<b>1 Intake Total Contacts</b>	513	480	460	447	428	486							2814
<b>2 Initial Inquiries Received</b>	307	297	309	292	289	302							1796
<b>3 Referrals to Other Agencies</b>	25	25	18	18	21	23							130
<b>4 Referrals to SC Bar Association LRS</b>	4	7	3	2	2	4							22
<b>5 Complaints Received</b>	105	66	93	85	84	100							533
<b>6 Dismissals</b>	24	24	14	24	18	21							125
<b>7 Charges Prepared</b>	63	54	67	52	93	69							398
<b>8 Non-Employment Charges Prepared</b>	1	1	2	3		2							9

**COMPLIANCE PROGRAMS MONTHLY ACTIVITY REPORT**

For the Month of		A	B	C	D
January 2016		15/16	14/15	YTD 15/16	YTD 14/15
1	Active Complaints Brought Forward	471	563	*622	682
2	Complaints Received	79	43	506	416
<b>BY PROTECTED CLASS:</b>					
	Race	14	11	115	99
	Sex	9	6	58	54
	Age	7	2	45	36
	Religion	1	1	5	6
	National Origin	0	0	2	2
	Race & Sex/Multiple	31	15	188	153
	Retaliation	3	0	18	4
	Color	0	0	0	0
	Disability/ADA	14	8	75	62
3	Total (Line 1 + Line 2)	550	606	1,128	1,098
4	Complaints Waived to EEOC	9	4	51	32
<b>BY PROTECTED CLASS :</b>					
	Race	1	1	8	10
	Sex	1	0	9	5
	Age	0	1	5	3
	Religion	1	0	3	0
	National Origin	0	0	0	0
	Race & Sex/ Multiple	4	2	17	9
	Retaliation	0	0	1	1
	Color	0	0	0	0
	Disability/ADA	2	0	8	4
5	Total Complaints Accepted (Line 3 – Line 4)	541	602	1,077	1,066
6	Adjustments/Transfers for Prior Months	0	0	7	4
7	Total Complaints (Line 5 – Line 6)	541	602	1,070	1,062
8	<b>INVESTIGATIONS COMPLETED</b>	83	55	612	515
<b>BY PROTECTED CLASS :</b>					
	Race	29	11	139	133
	Sex	9	7	75	83
	Age	11	6	45	39
	Religion	2	2	11	6
	National Origin	0	1	5	5
	Race & Sex/Multiple	18	21	215	154
	Retaliation	4	2	22	13
	Color	0	0	0	0
	Disability/ADA	10	5	100	82
9	<b>FINAL ACTIONS TAKEN</b>	83	55	612	515
<b>BY CATEGORIES:</b>					
	Administrative Closures	17	8	139	73
	No Causes	58	39	402	377
	Conciliations/Settlements	8	7	71	64
	Monetary Value of Settlements	\$115,083	\$154,190	\$758,871	\$480,565
	Unsuccessful Conciliations	0	1	0	1
	Orders Issued	0	0	0	0
	<b>ACTIVE CASES ON HAND</b>	458	547	458	547
<b>STATUS:</b>					
	Under Investigation	458	547	458	547
	Pending Conciliation	0	0	0	0
	Pending Hearing	0	0	0	0

Column A - Indicates complaint monthly activity current fiscal year.

Column B - Indicates complaint activity same month prior fiscal year.

Column C - Indicates cumulative complaint activity from July 1, 2015 to date. (YTD)

Column D - Indicates cumulative complaint activity year to date (YTD) prior to fiscal year.

\* - Indicates number of complaints on hand as of July 1, 2015.

**COMPLIANCE PROGRAMS MONTHLY ACTIVITY REPORT**

For the Month of February 2016		A 15/16	B 14/15	C YTD 15/16	D YTD 14/15
1	Active Complaints Brought Forward	458	547	*622	682
2	Complaints Received	90	66	596	482
<b>BY PROTECTED CLASS:</b>					
	Race	23	12	138	111
	Sex	5	5	63	59
	Age	7	6	52	42
	Religion	0	1	5	7
	National Origin	2	1	4	3
	Race & Sex/Multiple	43	25	231	178
	Retaliation	3	1	21	5
	Color	0	0	0	0
	Disability/ADA	7	15	82	77
3	Total (Line 1 + Line 2)	548	613	1,218	1,164
4	Complaints Waived to EEOC	13	14	64	46
<b>BY PROTECTED CLASS :</b>					
	Race	4	3	12	13
	Sex	1	1	10	6
	Age	0	3	5	6
	Religion	0	0	3	0
	National Origin	0	0	0	0
	Race & Sex/ Multiple	6	4	23	13
	Retaliation	0	0	1	1
	Color	0	0	0	0
	Disability/ADA	2	3	10	7
5	Total Complaints Accepted (Line 3 – Line 4)	535	599	1,154	1,118
6	Adjustments/Transfers for Prior Months	0	1	7	5
7	Total Complaints (Line 5 – Line 6)	535	598	1,147	1,113
8	<b>INVESTIGATIONS COMPLETED</b>	72	35	684	550
<b>BY PROTECTED CLASS :</b>					
	Race	13	6	152	139
	Sex	10	6	85	89
	Age	6	4	51	43
	Religion	0	0	11	6
	National Origin	0	0	5	5
	Race & Sex/Multiple	28	12	243	166
	Retaliation	4	1	26	14
	Color	0	0	0	0
	Disability/ADA	11	6	111	88
9	<b>FINAL ACTIONS TAKEN</b>	72	35	684	550
<b>BY CATEGORIES:</b>					
	Administrative Closures	18	6	157	79
	No Causes	41	18	443	395
	Conciliations/Settlements	13	11	84	75
	Monetary Value of Settlements	\$141,965	\$118,037	\$900,836	598,602
	Unsuccessful Conciliations	0	0	0	1
	Orders Issued	0	0	0	0
	<b>ACTIVE CASES ON HAND</b>	463	563	463	563
<b>STATUS:</b>					
	Under Investigation	463	563	463	563
	Pending Conciliation	0	0	0	0
	Pending Hearing	0	0	0	0

Column A - Indicates complaint monthly activity current fiscal year.

Column B - Indicates complaint activity same month prior fiscal year.

Column C - Indicates cumulative complaint activity from July 1, 2015 to date. (YTD)

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\* - Indicates number of complaints on hand as of July 1, 2015.

**COMPLIANCE PROGRAMS MONTHLY ACTIVITY REPORT**

For the Month of March 2016		A 15/16	B 14/15	C YTD 15/16	D YTD 14/15
1	Active Complaints Brought Forward	463	563	*622	682
2	Complaints Received	58	212	654	694
<b>BY PROTECTED CLASS:</b>					
	Race	14	43	152	154
	Sex	6	35	69	94
	Age	2	13	54	55
	Religion	1	3	6	10
	National Origin	0	1	4	4
	Race & Sex/Multiple	26	73	257	251
	Retaliation	2	11	23	16
	Color	0	0	0	0
	Disability/ADA	7	33	89	110
3	Total (Line 1 + Line 2)	521	775	1,276	1,376
4	Complaints Waived to EEOC	7	12	71	58
<b>BY PROTECTED CLASS :</b>					
	Race	1	4	13	17
	Sex	1	2	11	8
	Age	0	1	5	7
	Religion	0	0	3	0
	National Origin	0	0	0	0
	Race & Sex/ Multiple	4	4	27	17
	Retaliation	0	0	1	1
	Color	0	0	0	0
	Disability/ADA	1	1	11	8
5	Total Complaints Accepted (Line 3 – Line 4)	514	763	1,205	1,318
6	Adjustments/Transfers for Prior Months	1	4	8	9
7	Total Complaints (Line 5 – Line 6)	513	759	1,197	1,309
8	<b>INVESTIGATIONS COMPLETED</b>	76	47	760	597
<b>BY PROTECTED CLASS :</b>					
	Race	11	7	163	146
	Sex	12	13	97	102
	Age	4	4	55	47
	Religion	0	1	11	7
	National Origin	0	1	5	6
	Race & Sex/Multiple	32	16	275	182
	Retaliation	3	0	29	14
	Color	0	0	0	0
	Disability/ADA	14	5	125	93
9	<b>FINAL ACTIONS TAKEN</b>	76	47	760	597
<b>BY CATEGORIES:</b>					
	Administrative Closures	18	8	175	87
	No Causes	43	28	486	423
	Conciliations/Settlements	15	11	99	86
	Monetary Value of Settlements	\$218,480	\$72,600	\$1,119,316	\$671,202
	Unsuccessful Conciliations	0	0	0	1
	Orders Issued	0	0	0	0
	<b>ACTIVE CASES ON HAND</b>	437	712	437	712
<b>STATUS:</b>					
	Under Investigation	437	712	437	712
	Pending Conciliation	0	0	0	0
	Pending Hearing	0	0	0	0

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**COMPLIANCE PROGRAMS MONTHLY ACTIVITY REPORT**

For the Month of April 2016		A 15/16	B 14/15	C YTD 15/16	D YTD 14/15
1	Active Complaints Brought Forward	437	712	*622	682
2	Complaints Received	71	144	725	838
<b>BY PROTECTED CLASS:</b>					
	Race	6	18	158	172
	Sex	8	11	77	105
	Age	4	14	58	69
	Religion	1	3	7	13
	National Origin	1	3	5	7
	Race & Sex/Multiple	42	61	299	312
	Retaliation	1	6	24	22
	Color	0	0	0	0
	Disability/ADA	8	28	97	138
3	Total (Line 1 + Line 2)	508	856	1,347	1,520
4	Complaints Waived to EEOC	15	12	86	70
<b>BY PROTECTED CLASS :</b>					
	Race	0	0	13	17
	Sex	0	1	11	9
	Age	2	1	7	8
	Religion	1	0	4	0
	National Origin	1	0	1	0
	Race & Sex/ Multiple	9	7	36	24
	Retaliation	0	1	1	2
	Color	0	0	0	0
	Disability/ADA	2	2	13	10
5	Total Complaints Accepted (Line 3 – Line 4)	493	844	1,261	450
6	Adjustments/Transfers for Prior Months	0	1	8	10
7	Total Complaints (Line 5 – Line 6)	493	843	1,253	1,440
<b>8 INVESTIGATIONS COMPLETED</b>					
<b>BY PROTECTED CLASS :</b>					
	Race	13	15	176	161
	Sex	5	3	102	105
	Age	5	5	60	52
	Religion	0	0	11	7
	National Origin	1	0	6	6
	Race & Sex/Multiple	37	21	312	203
	Retaliation	2	1	31	15
	Color	0	0	0	0
	Disability/ADA	10	12	135	105
<b>9 FINAL ACTIONS TAKEN</b>					
<b>BY CATEGORIES:</b>					
	Administrative Closures	14	8	189	
	No Causes	49	38	535	461
	Conciliations/Settlements	10	10	109	96
	Monetary Value of Settlements	\$33,750	\$150,488	\$1,153,066	\$821,690
	Unsuccessful Conciliations	0	1	0	2
	Orders Issued	0	0	0	0
<b>ACTIVE CASES ON HAND</b>					
<b>STATUS:</b>					
	Under Investigation	420	786	420	786
	Pending Conciliation	0	0	0	0
	Pending Hearing	0	0	0	0

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**COMPLIANCE PROGRAMS MONTHLY ACTIVITY REPORT**

For the Month of May 2016		A	15/16	B	14/15	C	D	YTD
						YTD 15/16		14/15
1	Active Complaints Brought Forward		420		786	*622		682
2	Complaints Received		91		70	816		908
<b>BY PROTECTED CLASS:</b>								
	Race		20		13	178		185
	Sex		12		12	89		117
	Age		9		5	67		74
	Religion		1		0	8		13
	National Origin		1		0	6		7
	Race & Sex/Multiple		30		25	329		337
	Retaliation		2		1	26		23
	Color		0		0	0		0
	Disability/ADA		16		14	113		152
3	Total (Line 1 + Line 2)		511		856	1,438		1,590
4	Complaints Waived to EEOC		22		9	108		79
<b>BY PROTECTED CLASS :</b>								
	Race		4		0	17		17
	Sex		3		2	14		11
	Age		0		2	7		10
	Religion		0		0	4		0
	National Origin		0		0	1		0
	Race & Sex/ Multiple		10		4	46		28
	Retaliation		1		0	2		2
	Color		0		0	0		0
	Disability/ADA		4		1	17		11
5	Total Complaints Accepted (Line 3 – Line 4)		489		847	1,330		1,511
6	Adjustments/Transfers for Prior Months		0		1	8		11
7	Total Complaints (Line 5 – Line 6)		489		846	1,322		1,500
8	<b>INVESTIGATIONS COMPLETED</b>		108		138	941		792
<b>BY PROTECTED CLASS :</b>								
	Race		25		28	201		189
	Sex		10		17	112		122
	Age		11		11	71		63
	Religion		2		1	13		8
	National Origin		1		4	7		10
	Race & Sex/Multiple		42		49	354		252
	Retaliation		3		3	34		18
	Color		0		0	0		0
	Disability/ADA		14		25	149		130
9	<b>FINAL ACTIONS TAKEN</b>		108		138	941		792
<b>BY CATEGORIES:</b>								
	Administrative Closures		17		19	206		114
	No Causes		79		104	614		565
	Conciliations/Settlements		12		15	121		111
	Monetary Value of Settlements	\$81,	\$81,895		\$290,128	\$1,234,961		1,111,818
	Unsuccessful Conciliations		0		0	0		2
	Orders Issued		0		0	0		0
	<b>ACTIVE CASES ON HAND</b>		381		708	381		708
<b>STATUS:</b>								
	Under Investigation		381		708	381		708
	Pending Conciliation		0		0	0		0
	Pending Hearing		0		0	0		0

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**COMPLIANCE PROGRAMS MONTHLY ACTIVITY REPORT**

For the Month of June 2016		A 15/16	B 14/15	C YTD 15/16	D YTD 14/15
1	Active Complaints Brought Forward	381	708	*622	682
2	Complaints Received	122	69	938	977
<b>BY PROTECTED CLASS:</b>					
	Race	41	10	219	195
	Sex	13	11	102	128
	Age	6	7	73	81
	Religion	0	1	8	14
	National Origin	0	0	6	7
	Race & Sex/Multiple	42	23	371	360
	Retaliation	3	3	29	26
	Color	0	0	0	0
	Disability/ADA	17	14	130	166
3	Total (Line 1 + Line 2)	503	777	1,560	1,659
4	Complaints Waived to EEOC	9	9	117	88
<b>BY PROTECTED CLASS :</b>					
	Race	3	1	20	18
	Sex	2	4	16	15
	Age	0	0	7	10
	Religion	0	0	4	0
	National Origin	0	0	1	0
	Race & Sex/ Multiple	4	1	50	29
	Retaliation	0	1	2	3
	Color	0	0	0	0
	Disability/ADA	0	2	17	13
5	Total Complaints Accepted (Line 3 – Line 4)	494	768	1,443	1,571
6	Adjustments/Transfers for Prior Months	2	0	10	11
7	Total Complaints (Line 5 – Line 6)	492	768	1,433	1,560
8	<b>INVESTIGATIONS COMPLETED</b>	62	146	1003	938
<b>BY PROTECTED CLASS :</b>					
	Race	15	26	216	215
	Sex	6	21	118	143
	Age	3	14	74	77
	Religion	0	1	13	9
	National Origin	0	1	7	11
	Race & Sex/Multiple	23	52	377	304
	Retaliation	3	2	37	20
	Color	0	0	0	0
	Disability/ADA	12	29	161	159
9	<b>FINAL ACTIONS TAKEN</b>	62	146	1,003	938
<b>BY CATEGORIES:</b>					
	Administrative Closures	11	30	217	
	No Causes	42	100	656	665
	Conciliations/Settlements	9	16	130	127
	Monetary Value of Settlements	\$148,500	\$191,672	\$1,383,461	1,304,428
	Unsuccessful Conciliations	0	0	0	2
	Orders Issued	0	0	0	0
	<b>ACTIVE CASES ON HAND</b>	430	622	430	622
<b>STATUS:</b>					
	Under Investigation	430	622	430	622
	Pending Conciliation	0	0	0	0
	Pending Hearing	0	0	0	0

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**COMPLIANCE PROGRAMS MONTHLY ACTIVITY REPORT**

For the Month of		July 2016		A	B	C	D
		16/17	15/16	YTD 16/17	YTD 15/16		
1	Active Complaints Brought Forward	430	622	*430	622		
2	Complaints Received	203	77	203	77		
<b>BY PROTECTED CLASS:</b>							
	Race	55	21	55	21		
	Sex	20	9	20	9		
	Age	10	3	10	3		
	Religion	0	1	0	1		
	National Origin	2	0	2	0		
	Race & Sex/Multiple	70	32	70	32		
	Retaliation	4	0	4	0		
	Color	0	0	0	0		
	Disability/ADA	42	11	42	11		
3	Total (Line 1 + Line 2)	633	699	633	699		
4	Complaints Waived to EEOC	12	5	12	5		
<b>BY PROTECTED CLASS :</b>							
	Race	1	0	1	0		
	Sex	2	0	2	0		
	Age	2	0	2	0		
	Religion	0	1	0	1		
	National Origin	0	0	0	0		
	Race & Sex/ Multiple	6	3	6	3		
	Retaliation	0	0	0	0		
	Color	0	0	0	0		
	Disability/ADA	1	1	1	1		
5	Total Complaints Accepted (Line 3 – Line 4)	621	694	621	694		
6	Adjustments/Transfers for Prior Months	0	0	0	0		
7	Total Complaints (Line 5 – Line 6)	621	694	621	694		
<b>8 INVESTIGATIONS COMPLETED</b>							
	<b>BY PROTECTED CLASS :</b>						
	Race	14	22	14	22		
	Sex	8	12	8	12		
	Age	4	2	4	2		
	Religion	0	0	0	0		
	National Origin	0	1	0	1		
	Race & Sex/Multiple	32	24	32	24		
	Retaliation	2	3	2	3		
	Color	0	0	0	0		
	Disability/ADA	9	3	9	3		
<b>9 FINAL ACTIONS TAKEN</b>							
	<b>BY CATEGORIES:</b>						
	Administrative Closures	7	24	7	24		
	No Causes	48	43	48	43		
	Conciliations/Settlements	14	10	14	10		
	Monetary Value of Settlements	\$201,462	\$94,461	\$201,462	\$94,461		
	Unsuccessful Conciliations	0	0	0	0		
	Orders Issued	0	0	0	0		
<b>ACTIVE CASES ON HAND</b>							
	<b>STATUS:</b>						
	Under Investigation	552	617	552	617		
	Pending Conciliation	0	0	0	0		
	Pending Hearing	0	0	0	0		

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**COMPLIANCE PROGRAMS MONTHLY ACTIVITY REPORT**

For the Month of August 2016		A 16/17	B 15/16	C YTD 16/17	D YTD 15/16
1	Active Complaints Brought Forward	552	617	*430	622
2	Complaints Received	106	111	309	188
<b>BY PROTECTED CLASS:</b>					
	Race	19	28	74	49
	Sex	15	8	35	17
	Age	4	10	14	13
	Religion	0	0	0	1
	National Origin	1	1	3	1
	Race & Sex/Multiple	37	43	107	75
	Retaliation	3	4	7	4
	Color	0	2	0	0
	Disability/ADA	27	17	69	28
3	Total (Line 1 + Line 2)	658	728	739	810
4	Complaints Waived to EEOC	7	6	19	11
<b>BY PROTECTED CLASS :</b>					
	Race	0	1	1	1
	Sex	3	2	5	2
	Age	0	1	2	1
	Religion	0	0	0	1
	National Origin	0	0	0	0
	Race & Sex/ Multiple	2	1	8	4
	Retaliation	1	0	1	0
	Color	0	0	0	0
	Disability/ADA	1	1	2	2
5	Total Complaints Accepted (Line 3 – Line 4)	651	722	720	799
6	Adjustments/Transfers for Prior Months	0	7	0	7
7	Total Complaints (Line 5 – Line 6)	651	715	720	792
8	<b>INVESTIGATIONS COMPLETED</b>	144	174	213	251
<b>BY PROTECTED CLASS :</b>					
	Race	39	31	53	53
	Sex	12	24	20	36
	Age	13	10	17	12
	Religion	0	7	0	7
	National Origin	1	2	1	3
	Race & Sex/Multiple	53	60	85	84
	Retaliation	5	8	7	11
	Color	0	0	0	0
	Disability/ADA	21	32	30	45
9	<b>FINAL ACTIONS TAKEN</b>	144	174	213	251
<b>BY CATEGORIES:</b>					
	Administrative Closures	17	31	24	
	No Causes	106	132	154	175
	Conciliations/Settlements	21	11	35	21
	Monetary Value of Settlements	\$164,100	\$79,972	\$365,562	\$174,433
	Unsuccessful Conciliations	0	0	0	0
	Orders Issued	0	0	0	0
	<b>ACTIVE CASES ON HAND</b>	507	541	507	541
<b>STATUS:</b>					
	Under Investigation	507	541	507	541
	Pending Conciliation	0	0	0	0
	Pending Hearing	0	0	0	0

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**COMPLIANCE PROGRAMS MONTHLY ACTIVITY REPORT**

For the Month of      September 2016		<b>A</b> <b>16/17</b>	<b>B</b> <b>15/16</b>	<b>C</b> <b>YTD 16/17</b>	<b>D</b> <b>YTD 15/16</b>
1	Active Complaints Brought Forward	507	541	*430	622
2	Complaints Received	44	50	353	238
<b>BY PROTECTED CLASS:</b>					
	Race	8	9	82	58
	Sex	8	11	43	28
	Age	2	3	16	16
	Religion	0	1	0	2
	National Origin	0	0	3	1
	Race & Sex/Multiple	15	14	122	89
	Retaliation	1	1	8	5
	Color	0	0	0	0
	Disability/ADA	10	11	79	39
3	Total (Line 1 + Line 2)	551	591	783	860
4	Complaints Waived to EEOC	8	6	27	17
<b>BY PROTECTED CLASS :</b>					
	Race	2	1	3	2
	Sex	3	2	8	4
	Age	0	0	2	1
	Religion	0	1	0	2
	National Origin	0	0	0	0
	Race & Sex/ Multiple	2	1	10	5
	Retaliation	0	0	1	0
	Color	0	0	0	0
	Disability/ADA	1	1	3	3
5	Total Complaints Accepted (Line 3 – Line 4)	543	585	756	843
6	Adjustments/Transfers for Prior Months	0	0	0	7
7	Total Complaints (Line 5 – Line 6)	543	585	756	836
<b>8 INVESTIGATIONS COMPLETED</b>					
<b>BY PROTECTED CLASS :</b>					
	Race	32	24	85	77
	Sex	7	15	27	51
	Age	5	10	22	22
	Religion	1	2	1	9
	National Origin	2	1	3	4
	Race & Sex/Multiple	27	54	112	138
	Retaliation	0	5	7	16
	Color	0	0	0	0
	Disability/ADA	14	29	44	74
<b>9 FINAL ACTIONS TAKEN</b>					
<b>BY CATEGORIES:</b>					
	Administrative Closures	12	36	36	91
	No Causes	66	93	220	268
	Conciliations/Settlements	10	11	45	32
	Monetary Value of Settlements	\$109,280	\$155,469	\$474,842	\$329,902
	Unsuccessful Conciliations	0	0	0	0
	Orders Issued	0	0	0	0
<b>ACTIVE CASES ON HAND</b>					
<b>STATUS:</b>					
	Under Investigation	455	445	455	445
	Pending Conciliation	0	0	0	0
	Pending Hearing	0	0	0	0

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### COMPLIANCE PROGRAMS MONTHLY ACTIVITY REPORT

For the Month of October 2016		A 16/17	B 15/16	C YTD 16/17	D YTD 15/16
1	Active Complaints Brought Forward	455	445	*430	622
2	Complaints Received	73	34	426	272
<b>BY PROTECTED CLASS:</b>					
	Race	20	9	102	67
	Sex	8	3	51	31
	Age	5	5	21	21
	Religion	1	1	1	3
	National Origin	1	0	4	1
	Race & Sex/Multiple	21	11	143	100
	Retaliation	1	0	9	5
	Color	0	0	0	0
	Disability/ADA	16	5	95	44
3	Total (Line 1 + Line 2)	528	479	856	894
4	Complaints Waived to EEOC	8	5	35	22
<b>BY PROTECTED CLASS :</b>					
	Race	0	2	3	4
	Sex	1	1	9	5
	Age	0	1	2	2
	Religion	0	0	0	2
	National Origin	0	0	0	0
	Race & Sex/ Multiple	2	1	12	6
	Retaliation	0	0	1	0
	Color	0	0	0	0
	Disability/ADA	5	0	8	3
5	Total Complaints Accepted (Line 3 – Line 4)	520	474	821	872
6	Adjustments/Transfers for Prior Months	0	0	0	7
7	Total Complaints (Line 5 – Line 6)	520	474	821	865
8	<b>INVESTIGATIONS COMPLETED</b>	124	70	425	461
<b>BY PROTECTED CLASS :</b>					
	Race	28	22	113	99
	Sex	14	8	41	59
	Age	8	6	30	28
	Religion	0	0	1	9
	National Origin	1	1	4	5
	Race & Sex/Multiple	47	25	159	163
	Retaliation	3	2	10	18
	Color	1	0	1	0
	Disability/ADA	22	6	66	80
9	<b>FINAL ACTIONS TAKEN</b>	124	70	425	461
<b>BY CATEGORIES:</b>					
	Administrative Closures	8	18	44	109
	No Causes	98	44	318	312
	Conciliations/Settlements	18	8	63	40
	Monetary Value of Settlements	\$119,690	\$44,476	\$594,532	\$374,378
	Unsuccessful Conciliations	0	0	0	0
	Orders Issued	0	0	0	0
	<b>ACTIVE CASES ON HAND</b>	396	404	396	404
<b>STATUS:</b>					
	Under Investigation	396	404	396	404
	Pending Conciliation	0	0	0	0
	Pending Hearing	0	0	0	0

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\* - Indicates number of complaints on hand as of July 1, 2016.

## COMPLIANCE PROGRAMS MONTHLY ACTIVITY REPORT

For the Month of		November 2016		A	B	C	D
		16/17	15/16	YTD 16/17	YTD 15/16		
1	Active Complaints Brought Forward	396	404	*430	622		
2	Complaints Received	66	43	492	315		
<b>BY PROTECTED CLASS:</b>							
	Race	14	6	116	73		
	Sex	5	4	56	35		
	Age	3	9	24	30		
	Religion	2	0	3	3		
	National Origin	0	0	4	1		
	Race & Sex/Multiple	33	17	176	117		
	Retaliation	1	1	10	6		
	Color	0	0	0	0		
	Disability/ADA	8	6	103	50		
3	Total (Line 1 + Line 2)	462	447	922	937		
4	Complaints Waived to EEOC	8	10	43	32		
<b>BY PROTECTED CLASS :</b>							
	Race	0	0	3	4		
	Sex	1	2	10	7		
	Age	0	2	2	4		
	Religion	0	0	0	2		
	National Origin	0	0	0	0		
	Race & Sex/ Multiple	4	3	16	9		
	Retaliation	0	1	1	1		
	Color	0	0	0	0		
	Disability/ADA	3	2	11	5		
5	Total Complaints Accepted (Line 3 – Line 4)	454	437	879	905		
6	Adjustments/Transfers for Prior Months	0	0	0	7		
7	Total Complaints (Line 5 – Line 6)	454	437	879	898		
8	<b>INVESTIGATIONS COMPLETED</b>	66	44	491	505		
<b>BY PROTECTED CLASS :</b>							
	Race	14	7	127	106		
	Sex	5	3	46	62		
	Age	6	4	36	32		
	Religion	0	0	1	9		
	National Origin	1	0	5	5		
	Race & Sex/Multiple	23	24	182	187		
	Retaliation	2	0	12	18		
	Color	0	0	1	0		
	Disability/ADA	15	6	81	86		
9	<b>FINAL ACTIONS TAKEN</b>	66	44	491	505		
<b>BY CATEGORIES:</b>							
	Administrative Closures	5	8	49	117		
	No Causes	51	21	369	333		
	Conciliations/Settlements	10	15	73	55		
	Monetary Value of Settlements	\$92,000	\$149,557	\$686,532	523,935		
	Unsuccessful Conciliations	0	0	0	0		
	Orders Issued	0	0	0	0		
	<b>ACTIVE CASES ON HAND</b>	388	393	388	393		
<b>STATUS:</b>							
	Under Investigation	388	393	388	393		
	Pending Conciliation	0	0	0	0		
	Pending Hearing	0	0	0	0		

Column A - Indicates complaint monthly activity current fiscal year.

Column B - Indicates complaint activity same month prior fiscal year.

Column C - Indicates cumulative complaint activity from July 1, 2016 to date. (YTD)

Column D - Indicates cumulative complaint activity year to date (YTD) prior to fiscal year.

\* - Indicates number of complaints on hand as of July 1, 2016.

## COMPLIANCE PROGRAMS MONTHLY ACTIVITY REPORT

For the Month of		December 2016		A	B	C	D
		16/17	15/16	YTD 16/17	YTD 15/16		
1	Active Complaints Brought Forward	388	393	*430	622		
2	Complaints Received	61	112	553	427		
<b>BY PROTECTED CLASS:</b>							
	Race	10	28	126	101		
	Sex	5	14	61	49		
	Age	12	8	36	38		
	Religion	0	1	3	4		
	National Origin	0	1	4	2		
	Race & Sex/Multiple	30	40	206	157		
	Retaliation	0	9	10	15		
	Color	0	0	0	0		
	Disability/ADA	4	11	107	61		
3	Total (Line 1 + Line 2)	449	505	983	1,049		
4	Complaints Waived to EEOC	6	10	49	42		
<b>BY PROTECTED CLASS :</b>							
	Race	1	3	4	7		
	Sex	0	1	10	8		
	Age	1	1	3	5		
	Religion	0	0	0	2		
	National Origin	0	0	0	0		
	Race & Sex/ Multiple	4	4	20	13		
	Retaliation	0	0	1	1		
	Color	0	0	0	0		
	Disability/ADA	0	1	11	6		
5	Total Complaints Accepted (Line 3 – Line 4)	443	495	934	1,007		
6	Adjustments/Transfers for Prior Months	0	0	0	7		
7	Total Complaints (Line 5 – Line 6)	443	495	934	1,000		
8	<b>INVESTIGATIONS COMPLETED</b>	75	24	566	529		
<b>BY PROTECTED CLASS :</b>							
	Race	15	4	142	110		
	Sex	7	4	53	66		
	Age	4	2	40	34		
	Religion	1	0	2	9		
	National Origin	0	0	5	5		
	Race & Sex/Multiple	36	10	218	197		
	Retaliation	2	0	14	18		
	Color	0	0	1	0		
	Disability/ADA	10	4	91	90		
9	<b>FINAL ACTIONS TAKEN</b>	75	24	566	529		
<b>BY CATEGORIES:</b>							
	Administrative Closures	8	5	57	122		
	No Causes	52	11	421	344		
	Conciliations/Settlements	15	8	88	63		
	Monetary Value of Settlements	\$151,600	\$119,853	\$838,132	\$643,788		
	Unsuccessful Conciliations	0	0	0	0		
	Orders Issued	0	0	0	0		
	<b>ACTIVE CASES ON HAND</b>	368	471	368	471		
<b>STATUS:</b>							
	Under Investigation	368	471	368	471		
	Pending Conciliation	0	0	0	0		
	Pending Hearing	0	0	0	0		

Column A - Indicates complaint monthly activity current fiscal year.

Column B - Indicates complaint activity same month prior fiscal year.

Column C - Indicates cumulative complaint activity from July 1, 2016 to date. (YTD)

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### COMPLIANCE PROGRAMS MONTHLY ACTIVITY REPORT

For the Month of January 2017		A 16/17	B 15/16	C YTD 16/17	D YTD 15/16
1	Active Complaints Brought Forward	368	471	*430	622
2	Complaints Received	192	79	745	506
<b>BY PROTECTED CLASS:</b>					
	Race	38	14	164	115
	Sex	24	9	85	58
	Age	11	7	47	45
	Religion	1	1	4	5
	National Origin	3	0	7	2
	Race & Sex/Multiple	73	31	279	188
	Retaliation	7	3	17	18
	Color	0	0	0	0
	Disability/ADA	35	14	142	75
3	Total (Line 1 + Line 2)	560	550	1,175	1,128
4	Complaints Waived to EEOC	18	9	67	51
<b>BY PROTECTED CLASS :</b>					
	Race	3	1	7	8
	Sex	0	1	10	9
	Age	2	0	5	5
	Religion	0	1	0	3
	National Origin	0	0	0	0
	Race & Sex/ Multiple	10	4	30	17
	Retaliation	0	0	1	1
	Color	0	0	0	0
	Disability/ADA	3	2	14	8
5	Total Complaints Accepted (Line 3 – Line 4)	542	541	1,108	1,077
6	Adjustments/Transfers for Prior Months	1	0	1	7
7	Total Complaints (Line 5 – Line 6)	541	541	1,107	1,070
<b>8 INVESTIGATIONS COMPLETED</b>					
<b>BY PROTECTED CLASS :</b>					
	Race	6	29	148	139
	Sex	7	9	60	75
	Age	2	11	42	45
	Religion	0	2	2	11
	National Origin	1	0	6	5
	Race & Sex/Multiple	25	18	243	215
	Retaliation	1	4	15	22
	Color	0	0	1	0
	Disability/ADA	12	10	103	100
<b>9 FINAL ACTIONS TAKEN</b>					
<b>BY CATEGORIES:</b>					
	Administrative Closures	12	17	69	139
	No Causes	33	58	454	402
	Conciliations/Settlements	9	8	97	71
	Monetary Value of Settlements	\$29,954	\$115,083	\$868,068	758,871
	Unsuccessful Conciliations	0	0	0	0
	Orders Issued	0	0	0	0
<b>ACTIVE CASES ON HAND</b>					
<b>STATUS:</b>					
	Under Investigation	487	458	487	458
	Pending Conciliation	0	0	0	0
	Pending Hearing	0	0	0	0

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**COMPLIANCE PROGRAMS MONTHLY ACTIVITY REPORT**

For the Month of February 2017		A 16/17	B 15/16	C YTD 16/17	D YTD 15/16
1	Active Complaints Brought Forward	487	458	*430	622
2	Complaints Received	111	90	856	596
<b>BY PROTECTED CLASS:</b>					
	Race	24	23	188	138
	Sex	16	5	101	63
	Age	9	7	56	52
	Religion	0	0	4	5
	National Origin	3	2	10	4
	Race & Sex/Multiple	33	43	312	231
	Retaliation	3	3	20	21
	Color	0	0	0	0
	Disability/ADA	23	7	165	82
3	Total (Line 1 + Line 2)	598	548	1,286	1,218
4	Complaints Waived to EEOC	7	13	74	64
<b>BY PROTECTED CLASS :</b>					
	Race	2	4	9	12
	Sex	1	1	11	10
	Age	0	0	5	5
	Religion	0	0	0	3
	National Origin	0	0	0	0
	Race & Sex/ Multiple	3	6	33	23
	Retaliation	0	0	1	1
	Color	0	0	0	0
	Disability/ADA	1	2	15	10
5	Total Complaints Accepted (Line 3 – Line 4)	591	535	1,212	1,154
6	Adjustments/Transfers for Prior Months	0	0	1	7
7	Total Complaints (Line 5 – Line 6)	591	535	1,211	1,147
<b>8 INVESTIGATIONS COMPLETED</b>					
<b>BY PROTECTED CLASS :</b>					
	Race	30	13	178	152
	Sex	10	10	70	85
	Age	6	6	48	51
	Religion	0	0	2	11
	National Origin	0	0	6	5
	Race & Sex/Multiple	21	28	264	243
	Retaliation	2	4	17	26
	Color	0	0	1	0
	Disability/ADA	14	11	117	111
<b>9 FINAL ACTIONS TAKEN</b>					
<b>BY CATEGORIES:</b>					
	Administrative Closures	15	18	84	157
	No Causes	53	41	507	443
	Conciliations/Settlements	15	13	112	84
	Monetary Value of Settlements	\$69,489	\$141,965	\$937,557	900,836
	Unsuccessful Conciliations	0	0	0	0
	Orders Issued	0	0	0	0
<b>ACTIVE CASES ON HAND</b>					
<b>STATUS:</b>					
	Under Investigation	508	463	508	463
	Pending Conciliation	0	0	0	0
	Pending Hearing	0	0	0	0

Column A - Indicates complaint monthly activity current fiscal year.

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Column C - Indicates cumulative complaint activity from July 1, 2016 to date. (YTD)

Column D - Indicates cumulative complaint activity year to date (YTD) prior to fiscal year.

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**COMPLIANCE PROGRAMS MONTHLY ACTIVITY REPORT**

For the Month of		A	B	C	D
March 2017		16/17	15/16	YTD 16/17	YTD 15/16
1	Active Complaints Brought Forward	508	463	*430	622
2	Complaints Received	112	58	968	654
<b>BY PROTECTED CLASS:</b>					
	Race	25	14	213	152
	Sex	8	6	109	69
	Age	7	2	63	54
	Religion	1	1	5	6
	National Origin	0	0	10	4
	Race & Sex/Multiple	49	26	361	257
	Retaliation	1	2	21	23
	Color	1	0	1	0
	Disability/ADA	20	7	185	89
3	Total (Line 1 + Line 2)	620	521	1,398	1,276
4	Complaints Waived to EEOC	18	7	92	71
<b>BY PROTECTED CLASS :</b>					
	Race	3	1	12	
	Sex	1	1	12	11
	Age	1	0	6	5
	Religion	0	0	0	3
	National Origin	0	0	0	0
	Race & Sex/ Multiple	8	4	41	27
	Retaliation	1	0	2	1
	Color	0	0	0	0
	Disability/ADA	4	1	19	11
5	Total Complaints Accepted (Line 3 – Line 4)	602	514	1,306	1,205
6	Adjustments/Transfers for Prior Months	0	1	1	8
7	Total Complaints (Line 5 – Line 6)	602	513	1,305	1,197
8	<b>INVESTIGATIONS COMPLETED</b>	69	76	772	760
<b>BY PROTECTED CLASS :</b>					
	Race	14	11	192	163
	Sex	6	12	76	97
	Age	11	4	59	55
	Religion	0	0	2	11
	National Origin	0	0	6	5
	Race & Sex/Multiple	25	32	289	275
	Retaliation	2	3	19	29
	Color	0	0	1	0
	Disability/ADA	11	14	128	125
9	<b>FINAL ACTIONS TAKEN</b>	69	76	772	760
<b>BY CATEGORIES:</b>					
	Administrative Closures	6	18	90	
	No Causes	56	43	563	486
	Conciliations/Settlements	7	15	119	99
	Monetary Value of Settlements	\$33,250	\$218,480	\$970,807	\$1,119,316
	Unsuccessful Conciliations	0	0	0	0
	Orders Issued	0	0	0	0
	<b>ACTIVE CASES ON HAND</b>	533	437	533	437
<b>STATUS:</b>					
	Under Investigation	533	437	533	437
	Pending Conciliation	0	0	0	0
	Pending Hearing	0	0	0	0

Column A - Indicates complaint monthly activity current fiscal year.

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Column C - Indicates cumulative complaint activity from July 1, 2016 to date. (YTD)

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**COMPLIANCE PROGRAMS MONTHLY ACTIVITY REPORT**

For the Month of April 2017		A 16/17	B 15/16	C YTD 16/17	D YTD 15/16
1	Active Complaints Brought Forward	533	437	*430	622
2	Complaints Received	85	71	1,053	725
<b>BY PROTECTED CLASS:</b>					
	Race	24	6	237	158
	Sex	20	8	129	77
	Age	3	4	66	58
	Religion	0	1	5	7
	National Origin	0	1	10	5
	Race & Sex/Multiple	23	42	384	299
	Retaliation	3	1	24	24
	Color	0	0	1	0
	Disability/ADA	12	8	197	97
3	Total (Line 1 + Line 2)	618	508	1,483	1,347
4	Complaints Waived to EEOC	9	15	101	86
<b>BY PROTECTED CLASS :</b>					
	Race	1	0	13	13
	Sex	1	0	13	11
	Age	1	2	7	7
	Religion	0	1	0	4
	National Origin	0	1	0	1
	Race & Sex/ Multiple	4	9	45	36
	Retaliation	0	0	2	1
	Color	0	0	0	0
	Disability/ADA	2	2	21	13
5	Total Complaints Accepted (Line 3 – Line 4)	609	493	1,382	1,261
6	Adjustments/Transfers for Prior Months	0	0	1	8
7	Total Complaints (Line 5 – Line 6)	609	493	1,381	1,253
8	<b>INVESTIGATIONS COMPLETED</b>	73	73	845	833
<b>BY PROTECTED CLASS :</b>					
	Race	16	13	208	176
	Sex	8	5	84	102
	Age	4	5	63	60
	Religion	1	0	3	11
	National Origin	0	1	6	6
	Race & Sex/Multiple	33	37	322	312
	Retaliation	2	2	21	31
	Color	0	0	1	0
	Disability/ADA	9	10	137	135
9	<b>FINAL ACTIONS TAKEN</b>	73	73	845	833
<b>BY CATEGORIES:</b>					
	Administrative Closures	20	14	110	189
	No Causes	36	49	599	535
	Conciliations/Settlements	17	10	136	109
	Monetary Value of Settlements	\$105,543	\$33,750	\$1,076,350	1,153,066
	Unsuccessful Conciliations	0	0	0	0
	Orders Issued	0	0	0	0
	<b>ACTIVE CASES ON HAND</b>	536	420	536	420
<b>STATUS:</b>					
	Under Investigation	536	420	536	420
	Pending Conciliation	0	0	0	0
	Pending Hearing	0	0	0	0

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**COMPLIANCE PROGRAMS MONTHLY ACTIVITY REPORT**

For the Month of May 2017		A 16/17	B 15/16	C YTD 16/17	D YTD 15/16
1	Active Complaints Brought Forward	536	420	*430	622
2	Complaints Received	72	91	1,125	816
<b>BY PROTECTED CLASS:</b>					
	Race	16	20	253	178
	Sex	18	12	147	89
	Age	5	9	71	67
	Religion	0	1	5	8
	National Origin	0	1	10	6
	Race & Sex/Multiple	29	30	413	329
	Retaliation	0	2	24	26
	Color	0	0	1	0
	Disability/ADA	4	16	201	113
3	Total (Line 1 + Line 2)	608	511	1,555	1,438
4	Complaints Waived to EEOC	11	22	112	108
<b>BY PROTECTED CLASS :</b>					
	Race	0	4	13	17
	Sex	8	3	21	14
	Age	0	0	7	7
	Religion	0	0	0	4
	National Origin	0	0	0	1
	Race & Sex/ Multiple	3	10	48	46
	Retaliation	0	1	2	2
	Color	0	0	0	0
	Disability/ADA	0	4	21	17
5	Total Complaints Accepted (Line 3 – Line 4)	597	489	1,443	1,330
6	Adjustments/Transfers for Prior Months	0	0	1	8
7	Total Complaints (Line 5 – Line 6)	597	489	1,442	1,322
8	<b>INVESTIGATIONS COMPLETED</b>	95	108	940	941
<b>BY PROTECTED CLASS :</b>					
	Race	23	25	231	201
	Sex	15	10	99	112
	Age	4	11	67	71
	Religion	2	2	5	13
	National Origin	1	1	7	7
	Race & Sex/Multiple	26	42	348	354
	Retaliation	0	3	21	34
	Color	0	0	1	0
	Disability/ADA	24	14	161	149
9	<b>FINAL ACTIONS TAKEN</b>	95	108	940	941
<b>BY CATEGORIES:</b>					
	Administrative Closures	19	17	129	206
	No Causes	60	79	659	614
	Conciliations/Settlements	16	12	152	121
	Monetary Value of Settlements	\$144,579	\$81,895	\$1,220,929	\$1,234,951
	Unsuccessful Conciliations	0	0	0	0
	Orders Issued	0	0	0	0
	<b>ACTIVE CASES ON HAND</b>	502	381	502	381
<b>STATUS:</b>					
	Under Investigation	502	381	502	381
	Pending Conciliation	0	0	0	0
	Pending Hearing	0	0	0	0

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**90e and Public Accommodation Investigation Statistics**

	Jan-16	Feb-16	Mar-16	Apr-16	May-16	Jun-16	Jul-16	Aug-16	Sep-16	Oct-16	Nov-16	Dec-16	TOTAL
<b>1 Complaints Received</b>	4	2	2	2	1	1	2	3	0	3	1	1	22
<b>2 Complaints Closed -Unable to Resolve</b>	1	2	0	5	0	0	0	1	2	0	1	0	12
<b>3 Complaints Closed - Settled with Benefit</b>	0	0	0	0	0	0	0	0	0	0	1	1	2

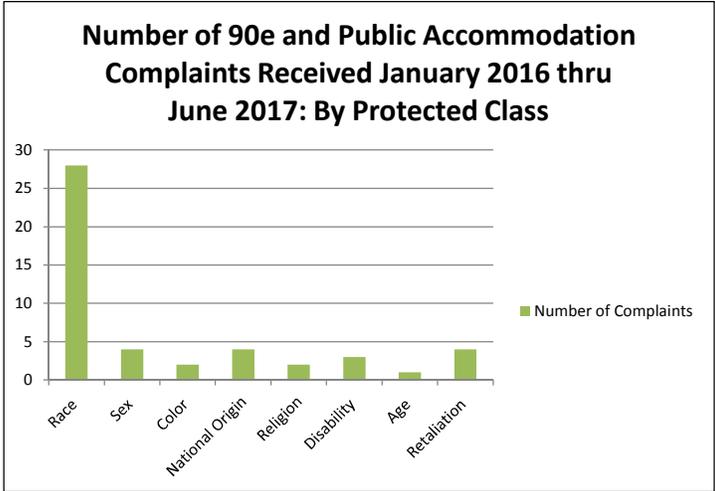
\*\*\*Settled with Benefit may include, but is not limited to, gift card given, letter of apology written, monetary compensation received, and/or corrective action taken by Respondent to eliminate any future discrimination.\*\*

**90e and Public Accommodation Investigation Statistics**

	Jan-17	Feb-17	Mar-17	Apr-17	May-17	Jun-17	TOTAL
<b>1 Complaints Received</b>	4	0	1	1	2	2	10
<b>2 Complaints Closed -Unable to Resolve</b>	2	2	0	2	3	0	9
<b>3 Complaints Closed - Settled with Benefit</b>	0	1	0	2	2	0	5

\*\*\*Settled with Benefit may include, but is not limited to, gift card given, letter of apology written, monetary compensation received, and/or corrective action taken by Respondent to eliminate any future discrimination.\*\*\*

Number of 90e and Public Accommodation Complaints Received January 2016 thru June 2017: By Protected Class	
Basis	Number of Complaints
Race	28
Sex	4
Color	2
National Origin	4
Religion	2
Disability	3
Age	1
Retaliation	4



\*\*\*Number of Complaints Received by protected class may exceed the actual number of complaints received due to cases having multiple bases.\*\*\*

**Agencies who Report to SCHAC**  
**Alphabetical Order**  
**Chart C (Page 1 of 2)**

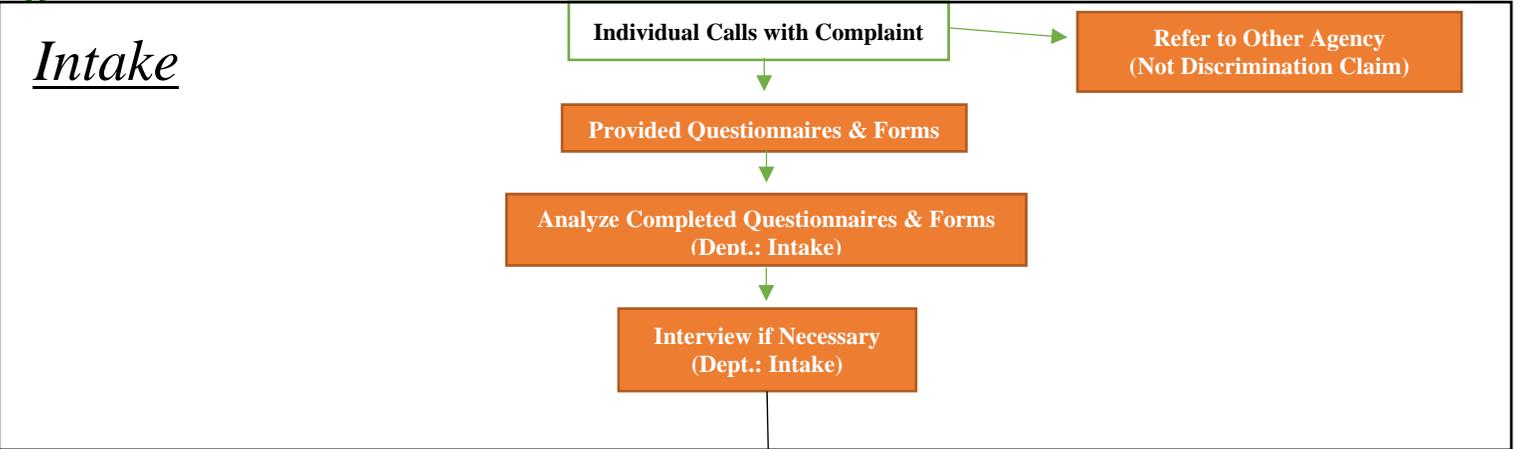
RANKING	AGENCY	PERCENT	RANKING	AGENCY	PERCENT
54	Accident Fund, State	82.4	48	Florence-Darlington Technical College	83.4
51	Adjutant General's Office	83.1	58	Forestry Commission	80.2
36	Administration, Department of	85.9	67	Francis Marion University	73.6
65	Agriculture, Department of	75.4	21	Governor's School for Arts & Humanities	91.7
20	Aiken Technical College	91.8	57	Governor's School for Science & Math	81.0
28	Alcohol and other Drug Abuse Services	88.4	25	Greenville Technical College	89.7
15	Archives and History, Department of	92.8	29	Health and Environmental Control	88.0
1	Arts Commission	100.0	22	Health and Human Services, Department	91.5
27	Attorney General's Office	88.5	1	Higher Education, Commission on	100.0
64	Auditor's Office, State	76.8	19	Horry-Georgetown Technical College	91.9
32	Blind, Commission for the	86.8	45	Indigent Defense	84.4
30	Central Carolina Technical College	87.9	44	Insurance, Department of	84.5
72	Citadel, The	67.5	53	John de la Howe School	82.5
70	Clemson University	71.0	52	Juvenile Justice, Department of	83.0
57	Coastal Carolina University	81.0	7	Labor, Licensing and Regulation, Dept.	96.4
40	College of Charleston	85.4	71	Lander University	69.8
13	Commerce, Department of	93.6	35	Law Enforcement Division, State	86.3
17	Comptroller General's Office	92.2	34	Library, State	86.4
38	Consumer Affairs, Office of	85.7	59	Lieutenant Governor's Office	80.0
38	Corrections, Department of	85.7	50	Medical University Hospital	83.2
49	Criminal Justice, Academy	83.3	52	Medical University of South Carolina	83.0
26	Deaf and Blind, School of	89.3	46	Mental Health, Department of	83.9
66	Denmark Technical College	75.2	9	Midlands Technical College	95.8
18	Disabilities & Special Needs, Dept. of	92.0	11	Motor Vehicles, Department of	94.4
14	Education, Department of	93.2	1	Museum Commission	100.0
11	Education Lottery, South Carolina	94.4	60	Natural Resources, Department of	79.2
5	Educational Television Commission	96.9	66	Northeastern Technical College	75.2
17	Election Commission, State	92.2	6	Orangeburg-Calhoun Technical College	96.7
16	Employment and Workforce	92.6	63	Parks, Recreation & Tourism, Dept. of	77.4
52	Financial Institutions, SC Board of	83.0	68	Patriot's Point	73.4
56	Fiscal Accountability Authority, State	82.2	12	Piedmont Technical College	94.2

**Agencies who Report to SCHAC**  
**Alphabetical Order**  
**Chart C (Page 2 of 2)**

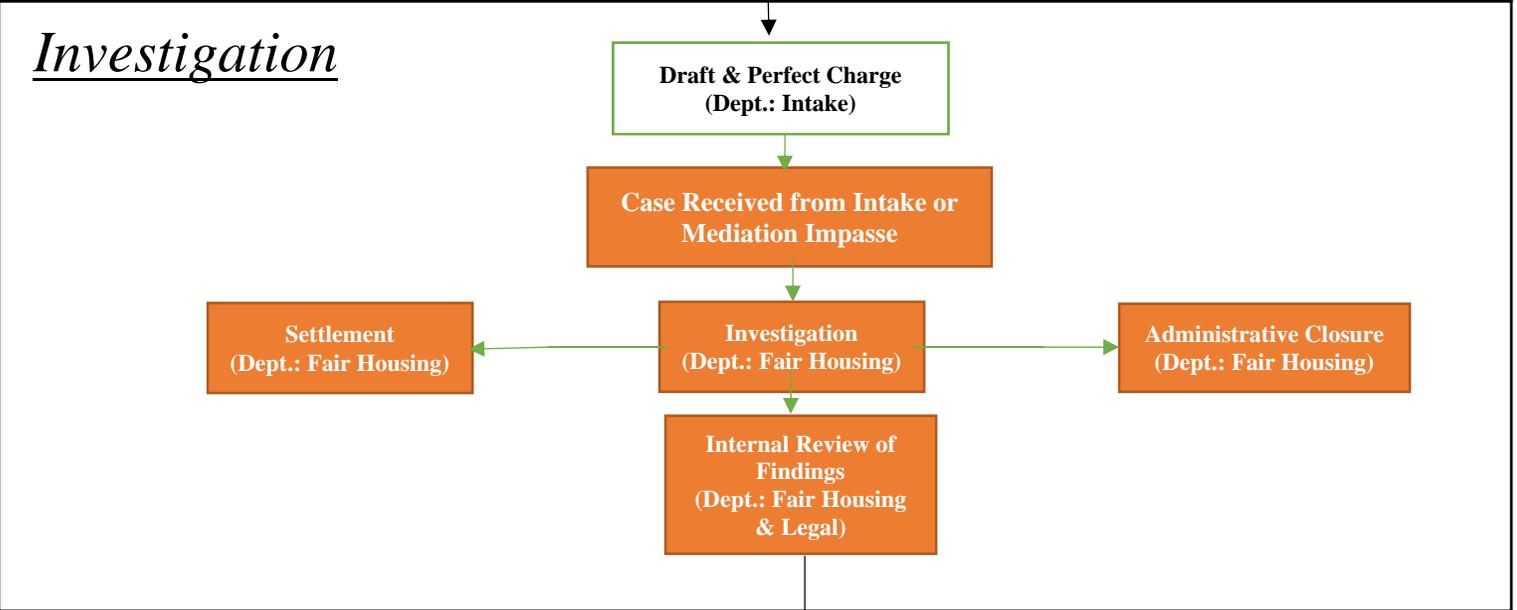
RANKING	AGENCY	PERCENT	RANKING	AGENCY	PERCENT
62	Ports Authority, State	77.8		*Housing, Finance and Development	<i>Exempt</i>
55	Probation, Pardon and Parole Department c	82.3			
31	Public Employee Benefit Authority	87.6			
37	Public Safety, Department of	85.8			
23	Public Service Commission	90.9			
33	Regulatory Staff, Office of	86.5			
37	Retirement Systems	85.8			
10	Revenue, Department of	95.4			
54	Revenue and Fiscal Affairs	82.4			
3	Santee Cooper	98.5			
1	Secretary of State	100.0			
12	Social Services, Department of	94.2			
69	South Carolina State University	71.3			
22	Spartanburg Community College	91.5			
39	Technical College of the Low Country	85.5			
42	Technical and Comprehensive	84.8			
61	Transportation, Department of	78.3			
24	Treasurer's Office, State	89.8			
43	Tri-County Technical College	84.7			
2	Trident Technical College	99.0			
58	University of South Carolina	80.2			
9	Vocational Rehabilitation, Department of	95.8			
4	Williamsburg Technical College	97.2			
41	Wil Lou Gray Opportunity School	84.9			
47	Winthrop University	83.5			
46	Workers' Compensation	83.9			
8	York Technical College	96.1			

\* Those highlighted are Federal Contractors

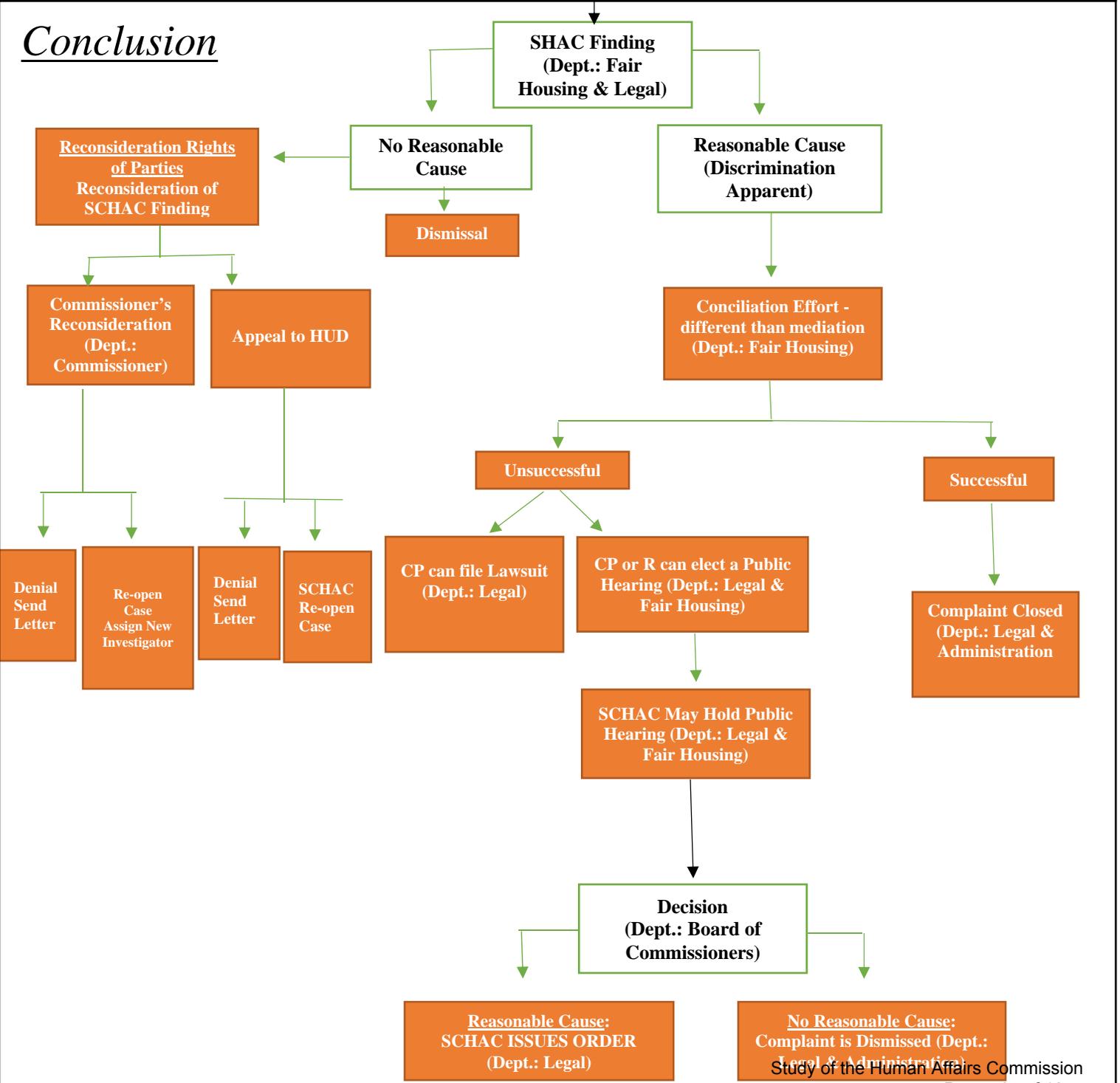
Intake



Investigation



Conclusion



## Intake

Individual Calls with Complaint

Refer to Different Agency  
(Not Discrimination Claim)

Provided Questionnaires & Forms

Analyze Completed Questionnaires & Forms  
(Dept.: Intake)

Interview if Necessary  
(Dept.: Intake)

## Investigation

Draft & Perfect Charge  
(Dept.: Intake & Legal)

Other Required Intake 90 (e)  
(Not Discrimination Claim)

Dual File with EEOC  
(Dept.: Intake & EEO Enforcement)

Investigator works to conciliate;  
failure to conciliate results in dismissal

Waive to EEOC  
(Dept.: EEO Enforcement)

Refer for Mediation  
(Dept.: EEO Enforcement)

Investigation  
(Dept.: EEO Enforcement)

Mediation Successful

Mediation  
(Dept.: Mediation)

Not Successful

State Agency Case?

Settlement

Administrative Closure  
(Dept.: EEO Enforcement)

Settlement  
(Dept.: EEO Enforcement)

Investigation  
(Dept.: EEO Enforcement)

Internal Review of Findings  
(Dept.: EEO Enforcement & Legal)

State Agency Case?

Review by Supervisory Commission Member  
(Dept.: Board of Commissioners)

## Conclusion

SCHAC Finding (Dept.: EEO Enforcement & Legal)

No Reasonable Cause

Reasonable Cause  
(Discrimination Apparent)  
And an Order for Hearing

Reconsideration Rights of Parties  
Reconsideration of SCHAC Finding

Dismissal  
(Notice of Right to Sue Issued)

Conciliation Effort - different than mediation  
(Dept.: EEO Enforcement)

Successful

Commissioner's Reconsideration  
(Dept.: Commissioner)

EEOC Substantial Weight Review

Unsuccessful

Non-State Agency Case:  
Issuance of Notice of Right to Sue  
(Dept.: Legal)

State Agency Case:  
SCHAC May Hold Public Hearing  
(Dept.: Legal & EEO Enforcement)

Complaint Closed  
(Dept.: Legal & Administration)

Reopen case;  
Assign New Investigator

Deny - SCHAC Sends Letter

Reopen - Case Returned to SCHAC

Deny - US EEOC Sends Letter

SCHAC May Hold Public Hearing  
(Dept.: Legal & EEO Enforcement)

Decision  
(Dept.: Board of Commissioners)

Investigation  
(See SCHAC Finding Above)

Investigation  
(See SCHAC Finding Above)

Reasonable Cause:  
SCHAC ISSUES ORDER  
(Dept.: Legal)

No Reasonable Cause:  
Complaint is Dismissed (Dept.:  
Study of the Human Affairs Commission  
Page 588 of 1255

## SC Human Affairs Commission REFERRAL LISTING

We recommend you contact the agency or organization designated below:

- US Department of Labor**  
1835 Assembly Street  
Columbia, SC 29201  
(803) 765-5244 (OFCCP)  
(803) 765-5981 (Wage & Hour, FMLA)  
(803) 765-5904 (OSHA/Whistleblower)  
1-866-487-9243
- SC Department of Labor**  
110 Center View Drive  
PO Box 11329  
Columbia, SC 29211  
(803) 896-4470; 896-7756  
(803) 896-7825 (OSHA)  
[www.llr.sc.gov](http://www.llr.sc.gov)
- US Equal Employment Opportunity Commission**  
Greenville Office  
301 N. Main Street  
Greenville, SC 29601  
1-800-669-4000  
[www.eeoc.gov](http://www.eeoc.gov)
- SC Workers' Compensation Commission**  
1333 Main Street, Suite 500  
PO Box 1715  
Columbia, SC 29202  
(803) 737-5700  
[www.wcc.sc.gov](http://www.wcc.sc.gov)
- SC Department of Employment and Workforce**  
700 Taylor Street  
Columbia, SC 29201  
1-866-831-1724 (Unemployment)  
803-737-2400  
[www.dew.sc.gov](http://www.dew.sc.gov)
- SC Department of Consumer Affairs**  
2221 Devine St., Ste 200 (29205)  
PO Box 5757  
Columbia, SC 29250  
(803) 734-4200  
1-800-922-1594  
[www.consumer.sc.gov](http://www.consumer.sc.gov)
- SC Department of Administration-Division of State Human Resources**  
State Employee/Employer Relations  
8301 Parklane Road, Suite A220  
Columbia, SC 29223  
(803) 896-5300  
[www.admin.sc.gov/humanresources](http://www.admin.sc.gov/humanresources)
- SC Bar Association Lawyer Referral Service**  
950 Taylor Street  
PO Box 608  
Columbia, SC 29202  
1-800-868-2284  
[www.scbars.org](http://www.scbars.org)
- SC Judicial Department-Judicial Standards Commission**  
1015 Sumter Street  
PO Box 50487  
Columbia, SC 29250  
(803) 734-1965  
[www.sccourts.org](http://www.sccourts.org)
- US DOL-Employee Benefits Security Administration**  
Atlanta Regional Office  
61 Forsyth St, SW, Ste 7B54  
Atlanta, GA 30303  
(404) 302-3900 / (866) 444-3272  
[www.dol.gov/ebsa](http://www.dol.gov/ebsa)
- US DOL-Veterans Employment & Training Service (USERRA)**  
Sam Nunn Atlanta Federal  
61 Forsyth Street, S.W., Room 6T85  
Atlanta, GA 30303  
(404) 665-4330  
[www.dol.gov/vets](http://www.dol.gov/vets)
- SC Division of Veterans' Affairs**  
1205 Pendleton Street, Suite 463  
Columbia, SC 29201  
(803) 734-0200  
[www.govoepp.state.sc.us/va/](http://www.govoepp.state.sc.us/va/)
- US Department of Justice Civil Rights Division**  
950 Pennsylvania Avenue, N.W.  
Educational Opportunities Section, PHB  
Washington, DC 20530  
1-877-292-3804
- US Department of Education Office of Civil Rights**  
330 C Street, SW, Suite 5000  
Washington, DC 29202  
1-800-421-3481  
[www.ed.gov/ocr](http://www.ed.gov/ocr)
- Pro-Parents (Advocates for Parents of Children with Disabilities)**  
652 Bush River Rd., Suite 203  
Columbia, SC 29210  
1-800-759-4776  
[www.proparents.org](http://www.proparents.org)
- US Department of Justice Civil Rights Division**  
950 Pennsylvania Avenue, N.W.  
Disability Rights Section – 1425 NYAV  
Washington, DC 20530  
1-800-514-0301
- American Civil Liberties Union (ACLU)**  
1338 Main Street  
Columbia, SC 29201  
(803) 799-5151  
[www.aclusc.org](http://www.aclusc.org)
- SC Protection & Advocacy for People with Disabilities**  
3710 Landmark Drive, Suite 208  
Columbia, SC 29204  
1-866-275-7273  
[www.pandasc.org](http://www.pandasc.org)
- National Labor Relations Board**  
Harris Tower  
233 Peachtree Street N.E., Suite 1000  
Atlanta, GA 30303  
(404) 331-2896  
[www.nlr.gov](http://www.nlr.gov)
- US Health & Human Services Office for Civil Rights**  
Sam Nunn Atlanta Federal Ctr-16T70  
61 Forsyth Street, S.W.  
Atlanta, GA 30303  
1-800-368-1019  
[www.hhs.gov/ocr/office/](http://www.hhs.gov/ocr/office/)
- SC Department of Corrections**  
Division of Inmate Services  
PO Box 21787  
Columbia, SC 29221  
(803) 896-8558  
[www.doc.sc.gov](http://www.doc.sc.gov)

April 26, 2017

Commissioner Raymond Buxton, II  
South Carolina Human Affairs Commission  
1026 Sumter Street  
Columbia, SC 29201

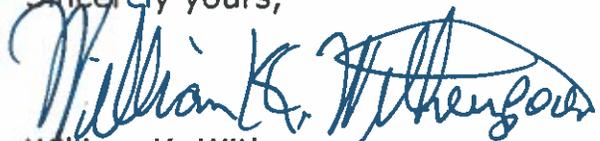
Dear Commissioner Buxton:

I am writing today to express the South Carolina Bar's support of the work of the South Carolina Human Affairs Commission. Attorneys across the state work diligently every day to ensure that businesses and workplaces are free from unlawful discrimination by representing employers and employees, and by offering preventative advice on a variety of issues.

It is in the best interest of our state, its citizens, and businesses to have the South Carolina Human Affairs Commission continue to investigate allegations of discrimination with efficiency and quality in order to provide protections to all parties, whether or not the party is represented by counsel. The Commission can always be counted on to provide efficient case processing times, a fair process, and answer questions about their process. Additionally, SCHAC's free mediation program is a valuable service to Bar members, as well as other parties involved in pending investigations.

The South Carolina Bar is hopeful that the General Assembly understands the valuable role that the South Carolina Human Affairs Commission plays in our State.

Sincerely yours,



William K. Witherspoon  
President



January 19, 2016

Mr. Ray Buxton  
South Carolina Human Affairs Commission  
1026 Sumter Street  
Columbia, SC 29201

Dear Ray:

We are writing today to express the South Carolina Chamber of Commerce's support of the work of the South Carolina Human Affairs Commission. Businesses across the state work diligently every day to make sure their businesses and workplaces are free from discrimination. It is in the best interest of our state, its citizens and businesses to have SCHAC and state government handle cases as opposed to the federal government. The Commission can always be counted on to provide fast case processing times, a fair process and prompt/efficient communication allowing for any matters to be dealt with in an efficient manner.

The South Carolina Chamber is the state's largest business association and having the State investigate, hear cases and process complaints is important to our members. We hope that the General Assembly understands the valuable role the South Carolina Human Affairs Commission plays.

Sincerely,

Ted Pitts  
President and CEO

Cliff Bourke  
Chairman  
Diversity Council

Steve Nail  
Chairman  
Human Resources Committee

1301 Gervais Street  
Suite 1100  
Columbia, SC 29201

(803) 799-4601

Fax  
(803) 779-6043

[www.scchamber.net](http://www.scchamber.net)



July 12, 2017

Chairman John Oakland  
Commissioner Raymond Buxton, II  
South Carolina Human Affairs Commission  
1026 Sumter Street  
Columbia, SC 29201

Dear Chairman Oakland and Commissioner Buxton:

During our meeting on July 10, Subcommittee members did not indicate any follow up questions at this time for the agency. We are in the process of scheduling the next Subcommittee meeting with the agency. Thank you for your service to the citizens of South Carolina and for your continued cooperation with the legislative oversight process.

Sincerely,

A handwritten signature in black ink, appearing to read "L. Funderburk".

Laurie Slade Funderburk  
Committee First Vice-Chair

cc: Economic Development, Transportation, and Natural Resources Subcommittee Members



October 2, 2017

Chairman John Oakland  
Commissioner Raymond Buxton, II  
South Carolina Human Affairs Commission  
1026 Sumter Street  
Columbia, SC 29201

Dear Chairman Oakland and Commissioner Buxton:

After our meeting on September 18, the Subcommittee has some follow up questions for the agency.

***Employees: Tenure, Separations, and Bonuses***

1. Given the recent employee separations from the agency, please update the average years of tenure for agency employees chart previously provided to the Subcommittee.
2. For the staff who left the agency during calendar years 2016 and 2017, please provide their titles and salaries (i.e., not the names). If a staff member's salary was below \$50,000 please provide the appropriate salary range.
3. Have bonuses been awarded during the past three fiscal years? If yes, please indicate how many have been awarded, titles of those receiving bonuses, average amount of the bonuses, highest bonus awarded, lowest bonus awarded, and criteria used for awarding bonuses.

***Investigators: Cost and Process of Training***

4. What is the cost of training an investigator for employment cases? Please describe the process for onboarding a new employment investigator.

Chairman Oakland and Commissioner Buxton  
Page Two

5. What is the cost of training an investigator for housing cases? Please describe the process for onboarding a new housing investigator.

***90(e) Complaints (i.e., other allegation of individual or institutional discrimination not considered unlawful)***

6. Please provide further details on the agency's past referrals to the State Law Enforcement Division (SLED) or the Attorney General's Office for assistance with 90(e) complaints.

7. Please provide any examples of 90(e) complaints that were pursued by the SLED or the Attorney General's Office to the extent of the agency's knowledge based on its referrals.

***Records Management***

8. Is the agency current with transferring records, including electronic ones, to the Department of Archives and History? If not, why not?

9. Please provide the Subcommittee a copy of the agency's records management policy, if any. If the agency does not have a records management policy, does the agency intend to create one?

***December 2014 Legislative Audit Council's Limited Review of the S.C. Human Affairs Commission***

10. Please provide the Subcommittee with the status of any implementation of recommendations from the December 2014 Legislative Audit Council's report. If the agency does not agree with any of the recommendations from this report, please provide the Subcommittee with the reason(s).

Thank you for your service to the citizens of South Carolina and for your continued cooperation with the legislative oversight process. The Subcommittee looks forward to continuing its discussion of the study of the Human Affairs Commission with you on Tuesday, October 24, 2017.

Sincerely,



Laurie Slade Funderburk  
Committee First Vice-Chair

cc: Economic Development, Transportation, and Natural Resources Subcommittee Members



**Raymond Buxton, II**  
**Commissioner**

# STATE OF SOUTH CAROLINA

## HUMAN AFFAIRS COMMISSION

1026 Sumter Street, Suite 101 (29201)  
Post Office Box 4490  
Columbia, South Carolina 29240-4490  
(803) 737-7800 (803) 737-7835 Fax



[www.state.sc.us/schac](http://www.state.sc.us/schac)  
(800) 521-0725 In-State

October 13, 2017

Laurie Slade Funderburk  
Committee First Vice-Chair  
Legislative Oversight Committee  
South Carolina House of Representatives  
Post Office Box 11867  
Columbia, South Carolina 29211

Dear Ms. Funderburk:

In response to your letter dated October 2, 2017, we are replying to the questions presented by the Legislative Oversight Committee below:

### ***Employees: Tenure, Separations, and Bonuses***

1. Given the recent employee separations from the agency, please update the average years of tenure for agency employees chart previously provided to the Subcommittee.

The current average tenure for an Employment Investigator is 1 year 5 months.

Please see Attachment A for the full chart of average tenure for the SC Human Affairs Commission (SCHAC).

2. For the staff who left the agency during calendar years 2016 and 2017, please provide their titles and salaries (i.e., not the names). If a staff member's salary was below \$50,000 please provide the appropriate salary range.

We have had 20 employees leave SCHAC from January 2016 – October 2017. Most of these employees have been Program Coordinator I positions, with a salary range of \$24,375-\$51,647.

Please see Attachment B for a full count and listing of the classification of employees who have left SCHAC.

3. Have bonuses been awarded during the past three fiscal years? If yes, please indicate how many have been awarded, titles of those receiving bonuses, average amount of the bonuses, highest bonus awarded, lowest bonus awarded, and criteria used for awarding bonuses.

Commissioner Buxton, based on the financial figures of available funds provided to him by his Administrative Manager, makes the decisions regarding who receives bonuses. He bases this decision upon the following criteria:

*Our mission is to eliminate and prevent unlawful discrimination in employment, housing and public accommodation.*

- Employee's production of quality and quantity of work; especially as it relates to their contribution to the U.S Equal Employment Opportunity Commission (EEOC) and U.S. Department of Housing and Urban Development (HUD) contracts.
- Employee's contribution to the Agency's mission, vision and values that include: Accountability, Customer Service, Fairness, Integrity, Loyalty, Professionalism and Teamwork.
- Incentivize and motivate Employees to continue to contribute to the Agency's Mission, Vision and Values such as through exhibiting professionalism and teamwork.
- Reward employees who have gone above and beyond their normal job responsibilities to include their significant contribution to the agencies overall mission.

The \$800 bonus paid in State Fiscal Year 2016 was legislatively mandated.

No bonuses were paid in State Fiscal Year 2017.

Please see Attachment C for the chart showing Employee Bonuses in the last three (3) State Fiscal Years.

### ***Investigators: Cost and Process of Training***

4. What is the cost of training an investigator for employment cases? Please describe the process for onboarding a new employment investigator.

After an effective recruitment and selection process, an important way for the Commission to train newly hired employees is through the onboarding process. Onboarding helps new hires adjust to the social and performance aspects of their jobs, so they can quickly and, as smoothly as possible, become productive members of the Commission's team.

Training includes meeting with all staff members in various departments; meeting with management; reading material on the Commission, the Commission's history, and manuals on the laws, policies, and practices that we administer. This will help the employee learn how the Commission attempts to eliminate and prevent unlawful discrimination.

On-the-job training with direct supervisors is essential. A new employee's direct supervisor has extensive knowledge and experience in investigations and enforcements with regard to eliminating and preventing unlawful discrimination. The Commission also uses techniques, such as shadowing programs, in which new employees shadow a more seasoned employee during investigation procedures, including on-site visits and interviews (in-person or telephonic).

The Commission gives new employees in the Compliance Department various ways to receive training outside the Commission. In addition to in-house training, one of the Commission's federal counterparts provides monthly webinars and on-site training for investigators in the Employment Department. If the trainings and/or techniques are relevant to housing investigation, the Housing Department may sit in on training as well. As for our Housing Department, the employees are required to attend training yearly, along with workshops and HUD policy conferences.

We produced the "Cost to Onboard and Train" based on the reasons cited, along with the daily logistics of training an employee. Training an employee to become an effective investigator takes time and resources. Learning the laws, along with effective investigative techniques, is an ongoing process.

The cost of onboarding and training a new Employment Investigator is approximately \$15,746.

*Our mission is to eliminate and prevent unlawful discrimination in employment, housing and public accommodation.*

Please see Attachment D for the full breakdown of costs for onboarding and training a new Employment Investigator.

5. What is the cost of training an investigator for housing cases? Please describe the process for onboarding a new housing investigator.

Please see response #4 for the description of the process of onboarding a new housing investigator.

The cost of onboarding and training a new Fair Housing Investigator is approximately \$24,280.

Please see Attachment E for the full breakdown of costs for onboarding and training a new Fair Housing Investigator.

***90(e) Complaints (i.e., other allegation of individual or institutional discrimination not considered unlawful)***

6. Please provide further details on the agency's past referrals to the State Law Enforcement Division (SLED) or the Attorney General's Office for assistance with 90(e) complaints.

To the Commission's knowledge under the leadership of the last three Commissioners since 1992, there have been no Public Accommodation referrals to the State Law Enforcement Division or the Attorney General's Office. In addition, those two agencies would refer only Public Accommodation Complaints to the Human Affairs Commission and not 90 (e) complaints.

7. Please provide any examples of 90(e) complaints that were pursued by the SLED or the Attorney General's Office to the extent of the agency's knowledge based on its referrals.

SLED and the Attorney General's Office do not deal with 90 (e) complaints referred to under the South Carolina Human Affairs Law. Those two agencies only work with Public Accommodation complaints according to the Equal Enjoyment and Privileges to Public Accommodations Act. However, again, to the best of the Human Affairs Commission's knowledge, there have been no Public Accommodation complaints pursued by SLED or the Attorney General's office.

***Records Management***

8. Is the agency current with transferring records, including electronic ones, to the Department of Archives and History? If not, why not?

Yes, the Agency currently transfers records to the Department of Archives and History. Please see Attachment F for the records retention schedule. Records from 2015-16 currently are being pulled and will be sent to the Department of Archives and History.

9. Please provide the Subcommittee a copy of the agency's records management policy, if any. If the agency does not have a records management policy, does the agency intend to create one?

Please see Attachment F "Records Retention Schedule with the South Carolina Department of Archives and Records Management History" and Attachment G "General Records Retention Schedule for Administrative Records of State Agencies by the SC Department of Archives and History, Archives and Records and management Division."

*Our mission is to eliminate and prevent unlawful discrimination in employment, housing and public accommodation.*

*December 2014 Legislative Audit Council's Limited Review of the S.C. Human Affairs Commission*

10. Please provide the Subcommittee with the status of any implementation of recommendations from the December 2014 Legislative Audit Council's report. If the agency does not agree with any of the recommendations from this report, please provide the Subcommittee with the reason(s).

1. The S.C. Human Affairs Commission should establish a formal standard for the time it should take to resolve a case.

Response:

The Commission has already established a formal standard for the time that it should take to resolve cases: *within 180 days after a case has been assigned to an investigator*. As previously discussed with the Honorable Subcommittee Members, the length of an investigation depends on many variables. The Agency has attempted to implement changes that address certain types of delays; however, not all variables are in the Agency's control.

For instance, on our EPMS yearly review, investigators are measured on their ability to resolve 85 percent of their cases within 180 days. The 85 percent metric has been applied to experienced investigators since 2012. We use the Equal Employment Opportunity Commission's (EEOC) Integrated Mission System (IMS) reports to measure investigator productivity and the amount of time cases have been in our inventory. The IMS is used nationwide by the EEOC and state-equivalent agencies like SCHAC for monitoring efficiency. If investigators do not comply with the 85 percent standard, this can affect their EPMS score and future employment status at SCHAC. Currently, *none of our new investigators have been or can be formally measured by the 85 percent metric due to their new hire status*. However, the 85 percent standard will become effective for new employees upon the completion of their first year with the Agency.

Additionally, the Agency's regulation related to subpoenas was updated in May 2017. With this update, employers being investigated have a shortened time frame for complying with information requests, which in turn expedites the investigation.

Still, certain variables remain outside of the Agency's control, such as how long the EEOC holds a file before waiving it to us, or whether the investigation requires the investigator to travel to the employer's physical location (referred to as an 'on-site' investigation).

2. The S.C. Human Affairs Commission should maintain data on the variables that may affect the agency's average case resolution time.

Response:

See the Response above to Recommendation #1. Additionally, other variables are now being monitored and certain processes have been implemented to curb delay. For example, occasionally, the parties to an investigation may agree to mediate their matter, but the parties will fail to agree on a date for mediation. In that circumstance, a delay of more than three weeks (without a reasonable cause for the delay) will result in the case proceeding to investigation without being mediated.

Also, the Agency's paralegal works with each employment investigator to calendar dates for issuing Subpoenas, when necessary.

3. The S.C. Human Affairs Commission should ensure that all permanent employees have signed position descriptions reflecting their current job duties and job titles.

Response:

All employees have signed position descriptions, which contain their job duties and titles.

4. The S.C. Human Affairs Commission should require documentation, such as official college transcripts, during the hiring process to verify that the new employee meets the minimum educational standard for the position.

Response:

The Agency requires documentation, such as official college transcripts, for all new employees.

5. The S.C. Human Affairs Commission should complete annual evaluations through the Employee Performance Management System.

Response:

The Agency now relies on a Universal Review Date for completing the annual EPMS review.

6. The S.C. Human Affairs Commission board by-laws should be updated every two years and should address the duties of board members, including the review of employment case files.

Response:

The Board's By-laws have been updated twice within the past two years, most recently on May 18, 2017, and the Board's duties are reflected therein.

7. The S.C. Human Affairs Commission should track files reviewed by board members each year.

Response:

The Agency maintains a record of the Board members who have reviewed employment files, and attempts to distribute equally files for review by each Board member.

8. The Governor should appoint citizens to serve as board members for those current board members serving expired terms and for vacancies on the board.

Response:

This Recommendation is not within the Agency's control. The Agency does have Board vacancies and would like to have appointments made for those vacancies.

9. The General Assembly should amend S.C. Code §1-13-40(j) to delete the requirement of filing this annual report to the Governor and to the General Assembly.

Response:

Please see Law Recommendation #21.

The Human Affairs Commission takes pride in our service to the citizens of South Carolina, and we value continued cooperation in the legislative oversight process. We look forward to continuing discussion with the Subcommittee.

Sincerely,



Raymond Buxton, II  
Commissioner

## Attachment A

### Average Years of Tenures for the SC Human Affairs Commission

Department	Title	Average Years	Average	
			Years	Months
Administration		8.95	8	11
Community Relations		11.20	11	2
EEO Enforcement	Investigator	1.42	1	5
EEO Enforcement	Senior Consultant	21.27	21	3
Fair Housing	Admin Specialist	6.15	6	2
Fair Housing	Director	4.20	4	2
Fair Housing	Investigator	5.87	5	10
Intake	Admin Specialist	2.09	2	1
Intake	Investigator	2.86	2	10
Intake	Supervisor	1.77	1	9
Legal		1.44	1	5
Mediation		37.38	37	5
Technical Services		3.74	3	9
<b>Grand Total</b>		<b>5.83</b>	<b>5</b>	<b>10</b>

## Attachment B

Staff Resignations/Retirement/Termination: Count and Salary/Range

<b>Job Class Title</b>	<b>Count</b>	<b>Salary/Range</b>
ADMINISTRATIVE COORDINATOR I	1	\$32,838-\$60,760
ADMINISTRATIVE COORDINATOR II	1	\$55,086.00
ADMINISTRATIVE MANAGER I	1	\$66,968.00
ADMINISTRATIVE SPECIALIST II	1	\$22,182-\$41,046
ATTORNEY II	1	\$50,000.00
FISCAL TECHNICIAN II	1	\$26,988-\$49,932
PROGRAM COORDINATOR I	11	\$24,375-\$39,751
PROGRAM COORDINATOR I	1	\$51,647.00
PROGRAM COORDINATOR II	2	\$42,566-\$48,512

**Attachment C**

Bonuses for Employees SFY 2015/2016/2017

<b>SFY</b>	<b>Count</b>	<b>Title</b>	<b>Average</b>	<b>Highest</b>	<b>Lowest</b>
2015	1	ADMINISTRATIVE ASSISTANT	\$750.00	\$750.00	\$750.00
2015	1	ADMINISTRATIVE COORDINATOR I	\$1,000.00	\$1,000.00	\$1,000.00
2015	2	ADMINISTRATIVE COORDINATOR II	\$937.50	\$1,200.00	\$675.00
2015	4	ADMINISTRATIVE SPECIALIST II	\$575.00	\$800.00	\$300.00
2015	1	ATTORNEY II	\$800.00	\$800.00	\$800.00
2015	11	PROGRAM COORDINATOR I	\$581.82	\$1,200.00	\$300.00
2015	3	PROGRAM COORDINATOR II	\$666.67	\$900.00	\$400.00
2015	1	PROGRAM MANAGER I	\$1,200.00	\$1,200.00	\$1,200.00
2016	1	ADMINISTRATIVE COORDINATOR I	\$800.00	\$800.00	\$800.00
2016	1	ADMINISTRATIVE COORDINATOR II	\$1,000.00	\$1,000.00	\$1,000.00
2016	1	ADMINISTRATIVE MANAGER I	\$1,200.00	\$1,200.00	\$1,200.00
2016	3	ADMINISTRATIVE SPECIALIST II	\$733.33	\$900.00	\$500.00
2016	1	ATTORNEY III	\$1,200.00	\$1,200.00	\$1,200.00
2016	15	PROGRAM COORDINATOR I	\$940.00	\$1,200.00	\$500.00
2016	4	PROGRAM COORDINATOR II	\$1,000.00	\$1,200.00	\$800.00
2016	1	PROGRAM MANAGER I	\$1,000.00	\$1,000.00	\$1,000.00
2016	1	PROGRAM MANAGER II	\$1,200.00	\$1,200.00	\$1,200.00
2016	1	ADMINISTRATIVE COORDINATOR I	\$800.00		
2016	1	ADMINISTRATIVE COORDINATOR II	\$800.00		
2016	1	ADMINISTRATIVE MANAGER I	\$800.00		
2016	3	ADMINISTRATIVE SPECIALIST II	\$800.00		
2016	1	ATTORNEY II	\$800.00		
2016	1	FISCAL TECHNICIAN II	\$800.00		
2016	14	PROGRAM COORDINATOR I	\$800.00		
2016	5	PROGRAM COORDINATOR II	\$800.00		
2016	1	PROGRAM MANAGER II	\$800.00		

**Attachment D**

Cost to Onboard and Train – Employment Investigator

		<b>Salary per Hour (\$)</b>	<b>Total Cost (\$)</b>
<b>Review and posting of position:</b>			
Administrative Manager	30 minutes	\$31.77	\$15.89
<b>Reviewing applications for position:</b>			
Administrative Manager	2 hours	\$31.77	\$63.54
Second Reviewer	2 hours	\$17.99	\$35.98
<b>Scheduling top (6) interviews for three (3) member panel:</b>			
Executive Assistant	1 hour	\$22.82	\$22.82
<b>Three (3) member panel conducts one (1) round of interviews:</b>			
Panel member A	4 hours 30 minutes	\$30.79	\$138.56
Panel member B	4 hours 30 minutes	\$30.79	\$138.56
Panel member C	4 hours 30 minutes	\$30.79	\$138.56
<b>Writing sample analysis</b>			
Panel member A	1 hour 30 minutes	\$30.79	\$46.19
Panel member B	1 hour 30 minutes	\$30.79	\$46.19
Panel member C	1 hour 30 minutes	\$30.79	\$46.19
<b>Scheduling top (3) applicants' interviews 2nd round for Agency Head:</b>			
Executive Assistant	30 minutes	\$22.82	\$11.41
<b>Conduct 2nd round of interviews by Agency Head:</b>			
Agency Head	3 hours	\$58.97	\$176.91
<b>Meeting with hiring supervisor</b>			
Senior Consultant	30 minutes	\$27.47	\$13.74
<b>Send offer letter to selected applicant:</b>			
Administrative Manager	15 minutes	\$31.77	\$7.94
<b>Background check of selected applicant:</b>			
Administrative Manager	15 minutes	\$31.77	\$7.94
<b>Issuance of keys to selected applicant</b>			
Administrative Manager	30 minutes	\$31.77	\$15.89
<b>Parking Placards &amp; I.D.</b>			
Parking Coordinator/EEO Admin Coordinator	1 hour	\$18.96	\$18.96

## Attachment D Continuation

		Salary per Hour (\$)	Total Cost (\$)
<b>I.T. computer &amp; phone setup</b>			
IT Manager/EEO Senior Consultant	2 hours	\$29.23	\$58.46
<b>On the job training - Investigations</b>			
Senior Consultant - 50% of time	3 months	\$29.23	\$6,576.75
EEO Investigator	3 months	\$15.36	\$6,912.00
<b>On the job training - Case Writing</b>			
Legal	3 hours	\$33.41	\$100.23
EEO Investigator	3 hours	\$15.36	\$46.08
<b>On the job training - Intake</b>			
Senior Consultant	2 days	\$23.16	\$347.40
EEO Investigator	2 days	\$15.36	\$230.40
<b>Training - Employment Investigations</b>			
EEO Investigator - 1 hour/mth	12 hours	\$15.36	\$184.32
EEOC Training	3 days	\$15.36	\$345.60
<b>Total</b>			<b>\$15,746.47</b>

**Attachment E**

Cost to Onboard and Train – Fair Housing Investigator

		<b>Salary per Hour (\$)</b>	<b>Average Cost</b>	<b>Total Cost (\$)</b>
<b>Review and posting of position:</b>				
Administrative Manager	30 minutes	\$31.77		\$15.89
<b>Reviewing applications for position:</b>				
Administrative Manager	2 hours	\$31.77		\$63.54
Second Reviewer	2 hours	\$17.99		\$35.98
<b>Scheduling top (6) interviews for three (3) member panel:</b>				
Executive Assistant	1 hour	\$22.82		\$22.82
<b>Three (3) member panel conducts one (1) round of interviews:</b>				
Panel member A	4 hours 30 minutes	\$30.79		\$138.56
Panel member B	4 hours 30 minutes	\$30.79		\$138.56
Panel member C	4 hours 30 minutes	\$30.79		\$138.56
<b>Writing sample analysis</b>				
Panel member A	1 hour 30 minutes	\$30.79		\$46.19
Panel member B	1 hour 30 minutes	\$30.79		\$46.19
Panel member C	1 hour 30 minutes	\$30.79		\$46.19
<b>Scheduling top (3) applicants' interviews 2nd round for Agency Head:</b>				
Executive Assistant	30 minutes	\$22.82		\$11.41
<b>Conduct 2nd round of interviews by Agency Head:</b>				
Agency Head	3 hours	\$58.97		\$176.91
<b>Meeting with hiring supervisor</b>				
Senior Consultant	30 minutes	\$27.47		\$13.74
<b>Send offer letter to selected applicant:</b>				
Administrative Manager	15 minutes	\$31.77		\$7.94
<b>Background check of selected applicant:</b>				
Administrative Manager	15 minutes	\$31.77		\$7.94
<b>Issuance of keys to selected applicant</b>				
Administrative Manager	30 minutes	\$31.77		\$15.89
<b>Parking Placards &amp; I.D.</b>				

## Attachment E Continuation

		<b>Salary per Hour (\$)</b>	<b>Average Cost</b>	<b>Total Cost (\$)</b>
Parking Coordinator/Fair Housing Admin Coordinator	1 hour	\$18.96		\$18.96
<b>I.T. computer &amp; phone setup</b>				
IT Manager/Fair Housing Senior Consultant	2 hours	\$29.23		\$58.46
<b>On the job training - Investigations</b>				
Fair Housing Director - 50% of time	1 month	\$30.40		\$2,280.00
Fair Housing Investigator	1 month	\$15.36		\$2,304.00
<b>On the job training - Case Writing</b>				
Legal	3 hours	\$33.41		\$100.23
Fair Housing Investigator	3 hours	\$15.36		\$46.08
<b>Training - Fair Housing</b>				
NFHTA Training	3 courses		\$1,500.00	\$4,500.00
Flights	3 flights		\$500.00	\$1,500.00
Hotel	15 nights		\$222.00	\$3,330.00
Meals	18 days		\$32.00	\$576.00
Fair Housing Investigator	15 days	\$15.36		\$8,640.00
<b>Total</b>				<b>\$24,280.00</b>



HUMAN AFFAIRS COMMISSION

Record Group Number: 173

COMPLIANCE PROGRAMS

Attachment F

EMPLOYMENT

9733 INVESTIGATIVE CASE FILES

Description

Compiled and used by Commission investigators during the course of investigating complaints of employment discrimination . Included in the Case Files are investigator's memorandum, list of persons contacted, charge of discrimination, table of contents, investigator's notes, respondent's statement, letter of determination, notice of right to sue, and related correspondence. Some files may also contain settlement information.

Retention

Agency: 1 federal fiscal year after closure.  
State Records Center: 5 years, destroy.

(REVISED)

Schedule Approved

5-4-04



Record Group Number: 173

Retention

3 years after federal fiscal year, destroy.

Supersedes: SHAC-CP-DC-5.

9776 EEOC MONTHLY PERFORMANCE REPORTS (EEOC REPORTS)

Description

Generated to provide the Equal Employment Opportunity Commission with monthly performance information on employment complaint activity at the S. C. Human Affairs Commission. This series includes information concerning intake activity and complaint closure activity for Title VII, Age Discrimination in Employment Act and the Americans with Disabilities Act.

Retention

3 years after federal fiscal year, destroy.

Supersedes: SHAC-CP-DC-4, SHAC-CP-PCP-4.

9777 CHARGE LOG

Description

Used to track investigations of case files through closure. Series is a master log of all employment complaints taken by the agency. Information includes charge numbers, complainant and respondent names, date filed, investigator name and date assigned, type of final action, and date of final action.

Retention

3 federal fiscal years after closure, destroy.

Supersedes: SHAC-CP-PCP-8, SHAC-CP-EI-3.

2

Schedule Approved

3-28-97



HUMAN AFFAIRS COMMISSION

Record Group Number: 173

COMPLIANCE PROGRAMS

INTAKE AND REFERRAL

11986 DEFERRAL WAIVERS

Description

Used to refer charges of employment discrimination to the Equal Employment Opportunity Commission (EEOC). Information includes skeletal files of complaints transferred to EEOC for processing, standard forms, names, where transferred, reason for transfer, and approval signatures.

Retention

3 federal fiscal years, destroy.

11987 NON-EMPLOYMENT DISCRIMINATION COMPLAINTS

Description

Used to maintain incoming non-employment discrimination complaints. Files contain data sheets with names, addresses, phone numbers, issues, bases for discrimination, and dates.

Retention

3 federal fiscal years, destroy.

11988 INTAKE CHARGE LOGS

Description

Used to log and track all incoming charges of discrimination. Information includes names, dates, and charge numbers.

Retention

3 federal fiscal years, destroy.

Schedule Approved 5-14-01



Record Group Number: 173

11989 CLOSURE PACKAGES

Description

Used to file initial charge papers that are closed at intake level because of lack of jurisdiction. Files contain questionnaires, some interview notes, and correspondence.

Retention

3 federal fiscal years, destroy.

11990 CHARGE DEFERRAL TRANSMITTALS

Description

Used to document dual filing of employment discrimination complaints with both the Human Affairs Commission and the Equal Employment Opportunity Commission (EEOC). Files contain standard forms that include names of charging party, company filed against, date of filing, names and signatures of agency representatives, complaint number, and processing status.

Retention

3 federal fiscal years, destroy.



HUMAN AFFAIRS COMMISSION

Record Group Number: 173

COMPLIANCE PROGRAMS

MEDIATION

11991 MONTHLY MEDIATION STATUS REPORTS

Description

Used for statistical reporting purposes. Report information includes received, pending, and closed mediation files and monetary amounts recovered.

Retention

3 federal fiscal years, destroy.

11992 MEDIATION LOGBOOKS

Description

Used to log and track mediation activities. Logbooks contain names, complaint numbers, dates served, dispositions, and dates of dispositions.

Retention

3 federal fiscal years, destroy.

Schedule Approved 5-14-01



HUMAN AFFAIRS COMMISSION

Record Group Number 173

COMPLIANCE PROGRAMS

FAIR HOUSING DIVISION

9778 INVESTIGATIVE CASE FILES

Description

Compiled and used by Commission investigators during the course of investigating complaints concerning housing discrimination. Included in these files are investigator's memorandum, list of persons contacted, charge of discrimination, case summary, final investigative report, worksheet analysis, deliberative section table of contents, correspondence, conciliation (where applicable), and settlement information (where applicable).

Retention

Agency: 1 federal fiscal year after closure.  
State Records Center: 2 years, destroy.

9779 CHARGE LOG

Description

Used to track investigations of case files through their closure. Series is a master log of all fair housing complaints accepted by the agency. Information includes S.C. Human Affairs Commission and Housing and Urban Development charge numbers, date filed, investigator name and date assigned, and type and date of final action.

Retention

3 federal fiscal years after closure, destroy.

9780 WEEKLY AND MONTHLY COMPLAINT STATUS REPORTS

Description

Provides the Commission with the status of the complaints processed by the Compliance Programs Housing Unit. This series contains statistical information relating to intake documentation, final actions taken, monetary amounts recovered, and pending cases.

1 Schedule Approved 3-28-97



Record Group Number: 173

Retention

3 years after federal fiscal year, destroy.

9781 HUD MONTHLY PERFORMANCE REPORTS

Description

Generated to provide Housing and Urban Development with monthly performance information on housing complaint activity at the S.C. Human Affairs Commission. This series contains information concerning open complaints, intake activity, and complaint closure activity for the Federal Fair Housing Act and the S.C. Fair Housing Law.

Retention

3 years after federal fiscal year, destroy.

2 Schedule Approved 3-28-97

# **General Records Retention Schedule for Administrative Records of State Agencies**



**South Carolina Department of Archives and History  
Archives and Records Management Division  
8301 Parklane Road  
Columbia, South Carolina 29223-4905**

**General records retention schedule  
for administrative records  
of state agencies**

**2002**

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General Records Retention Schedule for Administrative Records of State Agencies

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## **Introduction**

The Archives and Records Management Division of the State Archives has prepared this general retention and disposition schedule to give state government agencies the legal authorization to retain and dispose of common administrative records. The schedule lists the permanently valuable records, which should be properly protected and transferred to the State Archives, and it also supplies a timetable that will allow agencies to regularly and legally dispose of records of non-permanent value. In preparing this schedule, the Division consulted with representatives from various state agencies.

## **Purpose**

The schedule is designed to:

- give your agency uniform guidelines for the retention and disposition of common administrative records;
- make sure your agency retains for as long as necessary the records it will need for administrative, legal, fiscal, and other uses;
- make sure your agency retains records for as long as state and federal laws, regulations, policies, and procedures require;
- promote the cost-effective management of records;
- give your agency the legal authorization it needs to dispose regularly of its obsolete records.

## **Statutory authority**

Section 30-1-90(B) of the *Code of Laws of South Carolina, 1976*, as amended, authorizes the State Archives to promulgate as state regulations, general schedules for records common to state government agencies. On 26 June 1992, the General Assembly approved the administrative general schedule as Regulations 12-300 through 12-336. On 26 April 2002 the General Assembly approved additions/revisions to the administrative general schedule.

## **Definitions of schedules**

A records retention schedule describes one or several records series, shows the length of time the records should be retained, and indicates their final disposition. Schedules are of two types—specific and general.

**Specific Records Retention Schedules** – these schedules are prepared and approved specifically for your agency; your agency's name will appear on these.

**General Records Retention Schedules** – these schedules are state regulations issued by the State Archives and are published in the *Code of Laws of South Carolina 1976*, as amended. When a general schedule applies to records already covered under a specific schedule, the general schedule will supersede the specific schedule unless you wish to opt out of using the general schedule.

## **Special provisions**

**Opting out** – You may already have approved specific schedules that cover some of the same records as the general schedules. If you prefer to continue using these specific schedules, the regulations allow you to opt out of using the general schedules. The regulations will also let you opt out of using general schedules if you wish to establish new specific schedules instead.

**Unique records** – These general schedules do not list records that are unique to your agency. To control the retention and disposition of these, you should refer to your specific schedules. If you have no specific schedules, contact your records officer. If you do not know who your records officer is, contact our State Records Analysis Unit at 803-896-6123.

**Use of the State Records Center** – The general schedules do not provide for records storage at the State Records Center. You may, however, continue to store at the Center any records your agency-specific schedules allow.

**Confidential and restricted records** – Agency records officers and records custodians should ensure that confidential records are filed, accessed, and disposed of according to federal, state, and basic records management requirements. If you transfer a restricted record to the State Archives for permanent retention, you must state clearly that it is restricted, give the reason for the restriction, and show how long the restriction applies.

**Exceptions to minimum retention periods** – This general schedule establishes minimum retention periods for the official copy of your agency’s records. Although most records can be destroyed when their minimum retentions have been met, you may need to keep some records longer to satisfy specific requirements. Be sure those requirements have been met before you dispose of those records.

**Copies** – This general schedule does not cover copies of records, which you may have made for convenience, information, or duplication. You may destroy copies when you no longer need them.

**To whom does this schedule apply?**

Any department of the state; any state board, commission, agency, and authority; any public or governmental body of the state; any organization, corporation, or agency supported in whole or in part by public funds or expending public funds, including committees, subcommittees, advisory committees, and any quasi-governmental body of the state. Whenever the term “agency” is used in this publication it refers to all of the above.

**To whom does this schedule not apply?**

Any political subdivision of the state, including counties, municipalities, townships, school districts, special purpose districts, and any quasi-governmental subdivisions. The State Archives issues separate general and specific schedules for local government records.

**General schedule format**

Each record series listed in the general schedule is presented in the following format:

**Regulation number and series title** – The first line includes the regulation number, which is used for control, and the title most commonly used by agencies.

**Part A – Description:** A short statement describing the use and informational content of the record series. In many cases, the description also specifies the agency that creates the series.

**Part B – Retention:** The time period indicating the minimum length of time that records should be retained by the office before their disposition can take place.

**Format for General Correspondence (Non-Executive Levels)**

**12-317 General Correspondence (Non-Executive Levels)**

**A. Description:** Routine correspondence created or retained below the levels of agency director, deputy director and division director. Letters and memoranda reflect communications regarding program procedures, general work activities, and responses to information requests.

**B. Retention:** Until no longer needed for reference; destroy.

**Explanation of terms used in retention statements**

*"Until no longer needed for reference"* – Records are to be kept until you decide they have no further reference value.

*"State Archives: Selection of needed documentation. Permanent"* – Records are to be transferred to the State Archives where portions may be selected for permanent retention.

*"State Archives: Permanent"* – All records are to be transferred to the State Archives for permanent retention.

*"Microfilm Optional"* – Microfilm may be substituted for the original records IF the microfilm meets the state standards (see R-12-200 of the *Code of Laws of South Carolina, 1976*, as amended). Before you destroy the originals, you must submit and have approved a Microfilm Quality Certification for Records Disposition form.

*"X' years, destroy."* – Records may be destroyed after x number of years provided you have met the terms mentioned in Section 12-300 of the regulation.

**Using this schedule effectively**

- Before using this general schedule you should contact your agency records officer, who should coordinate all activities relating to the retention and disposition of agency records and function as a liaison with the State Archives in administering the agency's records management program. If you do not know who the records officer is, contact the State Records Analysis Unit at 803-896-6123.
- Agency records officers should work with other agency staff to coordinate the regular disposition of obsolete records. Disposition should be carried out periodically – at least once a year. To streamline disposition, agency staff should review filing arrangements, cut off files periodically, and develop procedures to segregate inactive and obsolete files.
- Generally, records should be destroyed when the minimum retention periods have been met, unless they are needed to meet specific requirements (see Section 12-300) or are designated for archival retention. Although you are not required to destroy records at the end of their minimum retention periods, obsolete records should not occupy expensive office and storage space.
- The titles and descriptions of record series listed in the general schedule may not reflect exactly the titles and descriptions you use. If you are not certain whether the schedule applies to a specific record in your office, please contact the State Records Analysis Unit at 803-896-6123.

### **How to use the general schedule**

1. Study the general schedule and compare it with your specific schedules, if you have any, to determine which schedules you will use. If you wish to use your specific schedules instead of the general schedule, follow the established procedure for those specific schedules.
2. Locate and examine all your records.
3. Match each records series with the title and description on the general schedule.
4. Follow the records disposition process outlined below. The process is illustrated by the flow chart on page 9.

### **Records disposition process**

#### **Permanent (archival) records:**

*Paper Records* – After your permanently-valuable paper records become inactive, you should transfer them to the State Archives. Contact the State Records Center at 803-898-9936 for details and to arrange a date for the transfer.

*Micrographics* – If you microfilm permanent records, contact the Micrographics Services Branch at 803-896-6208 for help and information about microfilm standards.

*Digital Images* – If you are maintaining permanent records as digital images, special requirements apply. Contact the State Records Analysis Unit at 803-896-6123 for more information.

#### **Non-permanent records:**

To destroy records according to general schedules, you must first complete and forward to the State Records Analysis Unit a “Report on Records Destroyed” form. A sample form is included on page 6 and blank forms are available from the State Records Analysis Unit. Follow the step-by-step instructions on the back of the form. Please note that both the form and the process are the same as those you use to document records disposal under your specific schedules. To help you estimate cubic footage for column 9 on the form, we have included a table of volumes on page 8.

### **Contacting the State Archives—When and whom?**

#### **When?**

1. You submit a “Report on Records Destroyed” form when destroying records covered by general and/or specific schedules.
2. You need to prepare or revise specific schedules.
3. You need help with your records management duties.

#### **Whom?**

State Records Analysis Unit  
Department of Archives and History  
8301 Parklane Road  
Columbia, South Carolina 29223-4905  
Phone 803-896-6123  
Fax 803-896-6138  
We are on the Inter-Agency mailing list.

**When?**

1. You want to substitute microfilm (Form ARM-12 Microfilm Quality Certification For Records Disposition) for the original records. (Note: You must have a records schedule to do this.)
2. You need to store security microfilm of permanently valuable records.
3. You want information about the filming, processing, quality control, and duplicating services the State Archives provides.

**Whom?**

Micrographics Services  
8301 Parklane Road  
Columbia, South Carolina 29223-4905  
Phone 803-896-6208  
Fax 803-896-6138  
We are on the Inter-Agency mailing list.

**When?**

1. You need to transfer permanent records to the State Archives using a general or specific schedule.
2. You need to transfer non-permanent records to the State Records Center for temporary storage under a specific schedule.

**Whom?**

State Records Center  
1942-A Laurel Street  
Columbia, South Carolina 29201  
Phone 803-898-9936  
Fax 803-898-9981  
We are on the Inter-Agency mailing list.



## **INSTRUCTIONS FOR COMPLETING THE FORM REPORT ON RECORDS DESTROYED**

***Please read the instructions carefully before completing this form.***

After completion, your agency must return this form to the State Archives, Records Services Branch, and retain a copy for reference to document the legal disposition of your records.

**AGENCY** means any state or local government entity.

This form should be used to report the destruction of records covered under a specific and/or general record retention schedule. Generally, this form should be completed by the agency records officer or authorized representative.

1. Enter your agency's name (Department of Health and Environmental Control) or the name of your political subdivision (Lexington County Sheriff's Office).
2. Leave block 2 blank. This block will be completed by SC Department of Archives and History Record Analysts upon receipt of this form by the Records Services Branch.
3. Enter any division or office identification which will clarify the records destroyed (Retirement System, State Law Enforcement Division).
4. Enter the date your agency prepares this form.
5. The official making the report should sign here. The approving authority must be the agency's chief administrative officer or authorized representative. In most state agencies, this authorized representative may be the agency records officer. In local agencies this authorized representative may be the manager, administrator, elected department head or other designated official.
6. Enter the exact record series title. Each series title should correspond to the one cited in the record retention schedule.
7. Enter the appropriate record series number for each record series destroyed.
8. Enter the earliest and latest dates covered by the records destroyed (2/1992-5/1993; or 1987-1990).
9. Enter the volume (in cubic feet) of records destroyed. *See 11 below.*
10. Enter the date (month and year) of destruction (3/1993; 1/1987; 12/1980).
11. Enter the total volume of records destroyed. Add figures entered in column 9.

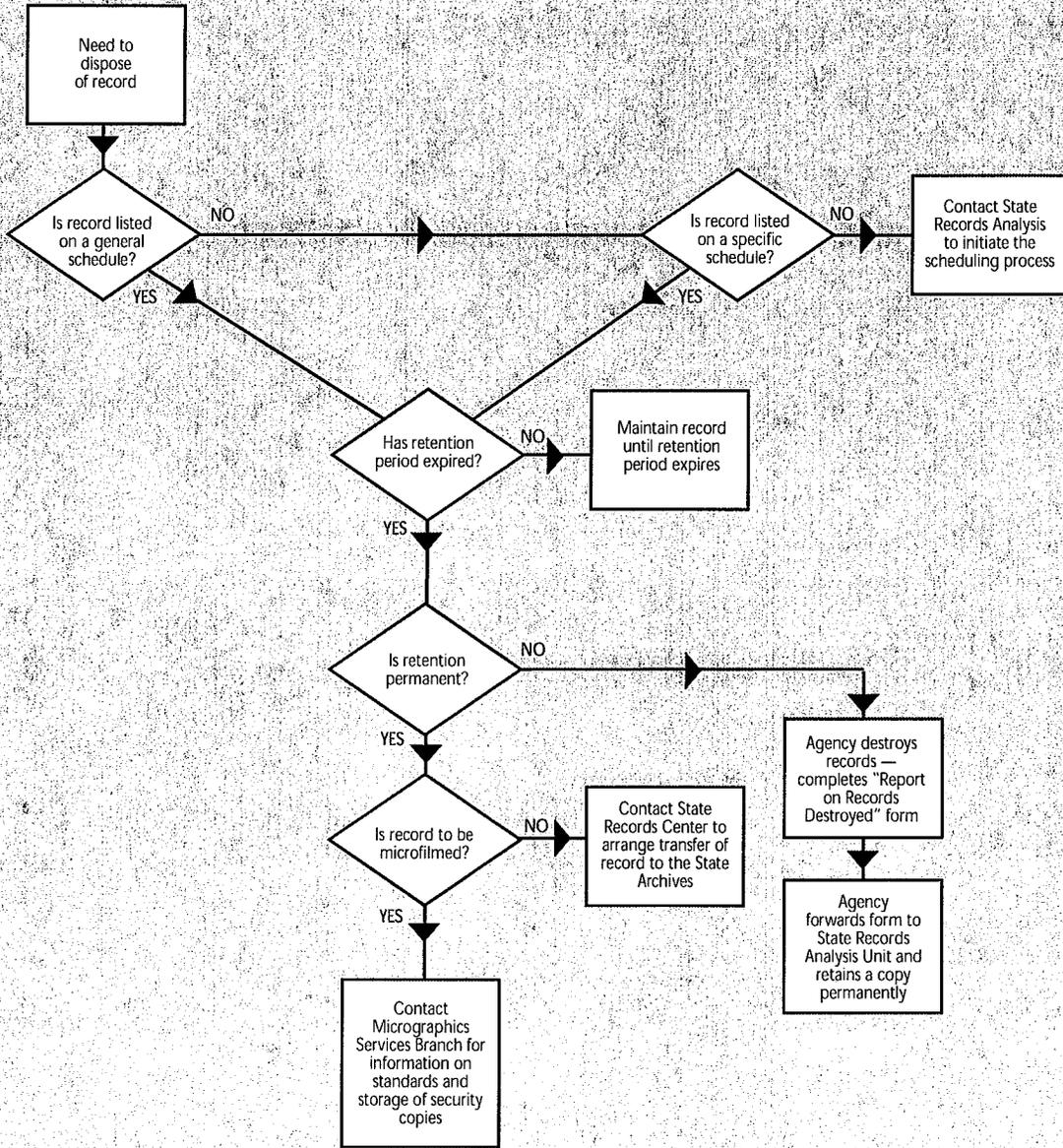
## TABLE OF VOLUMES

	QTY.	ITEM/SIZE	CAPACITY
<b>C A B I N E T S</b>	1	vertical letter-size file drawer	1.5 cubic feet
	1	vertical legal-size file drawer	2.0 cubic feet
	1	lateral legal-size file drawer	2.5 cubic feet
<b>B O X E S</b>	1	standard Records Center box	1.0 cubic foot
<b>S H E L V E S</b>	1	letter-size open shelf—36" long	2.0 cubic feet
	1	legal-size open shelf—36" long	2.5 cubic feet
<b>C A R D  F I L E S</b>	10	12" rows of 3" x 5" cards	1.0 cubic foot
	6	12" rows of 4" X 6" cards	1.0 cubic foot
	4	12" rows of 5" x 8" cards	1.0 cubic foot
	5	14" boxes of tab cards	1.0 cubic foot

### CUBIC FOOT EQUIVALENCY FORMULA

$$\frac{L \times W \times H \text{ (in inches)}}{1728 \text{ inches}} = \text{cubic feet/unit}$$

### Records disposal process



## **General Retention Schedule for State Administrative Records**

### **12-300. Introduction and general matters; application of schedule.**

The following general records retention schedule contains minimum retention periods for the official copy of the agency's records. These retentions and dispositions apply regardless of physical format, i.e., paper, microfilm, electronic storage, digital imaging, etc. Convenience, informational or duplicate copies are not governed by this regulation and may be destroyed when no longer needed for reference. To destroy records in accordance with this regulation, state agencies must complete and submit a report of records destroyed form to the State Archives after eligible records have been destroyed. These forms are available from the Department's Division of Archives and Records Management. State agencies must also contact the State Archives to transfer permanent records to the State Archives for archival retention. Before disposing of public records under this general schedule, state agencies are responsible for ensuring that records are no longer required for federal or state audits, for legal purposes, for litigation, for fiscal information, and/or for any other action. This general schedule supersedes all schedules approved previously for the same records series. However, state agencies may opt out of this general schedule, and request the continuing use of existing schedules or the establishment of specific retention schedules for their records when appropriate, necessary or in order to avoid conflict with other laws and regulations.

### **12-301. Annual Accountability Reports**

**A. Description:** Used to determine whether an agency is effectively achieving its legislative mission and program objectives. This record series is prepared by all state agencies and submitted to the Budget and Control Board for distribution to the General Assembly and the Governor's Office. Information includes an agency's mission statement, program objectives, work performance measurement data, analysis of program cost allocations, and other related information. The record copy of this series is scheduled for permanent retention by the State Archives through the State Budget and Control Board's Office of Budget.

**B. Retention:** Until no longer needed for reference; destroy.

### **12-302. Meeting Minutes (Executive Levels)**

**A. Description:** Used to document the meetings of an agency's executive staff which includes the director, the deputy director, and the division directors. Information includes agenda, place, date, list of attendees, and a summary of discussions and decisions. Also included are informational attachments which are closely related to the meeting minutes.

**B. Retention:**

- (1) Agency: 3 years.
- (2) State Archives: Permanent.

### **12-303. Meeting Minutes (Non-Executive Levels)**

**A. Description:** Used to document the meetings of agency staff below the agency director, deputy director, and division director levels. Meetings may also include non-agency attendees. Information includes agenda, location, date, list of attendees, attachments, and a summary of discussions and decisions.

**B. Retention:** 2 years; destroy.

**12-304. Contracts**

**A. Description:** Used to document the contractual relationship between agencies and service providers. Information includes the contract with description of the services to be provided, dates of the contract, signatures, and correspondence.

**B. Retention:** 3 years after cancellation or expiration of the contract; destroy.

**12-305. Administrative Correspondence Files (Executive Levels)**

**A. Description:** Correspondence is related to the administration of an agency or division. Communications concern coordination of programs, agency policy, and responsibilities of a non-routine nature that impact on the agency or its divisions. These letters are usually found at the agency director, deputy director and division director levels.

**B. Retention:**

- (1) Agency: 3 years after fiscal year. Microfilm optional.
- (2) State Archives: Selection of needed documentation. Permanent.

**12-306. Administrative Files (Executive Levels)**

**A. Description:** Document actions of an agency director, deputy director and division directors. Information includes memoranda and reports concerning agency policy, organizational and program development records, non-routine fiscal data, personnel information and related notes. These records reflect administration of policy, coordination of agency functions, and management of program activity.

**B. Retention:**

- (1) Agency: 3 years after fiscal year. Microfilm optional.
- (2) State Archives: Selection of needed documentation. Permanent.

**12-307. Administrative Reference Files (Non-Executive Levels)**

**A. Description:** Routine office management files retained below the agency director, deputy director and division director levels. Included are memoranda, reports, printed matter and other reference materials. Topics include: job activities, program material, general office information, professional associations, charitable affairs, parking for staff, disaster preparedness, and other related topics.

**B. Retention:** Until no longer needed for reference; destroy.

**12-308. Administrative Regulation Background Files**

**A. Description:** Used for the general operation of agency programs. Information includes regulations; instructions ; other issuances that establish methods to administer an agency's mission, functions, and responsibilities ; and other related information.

**B. Retention:**

- (1) Agency: Until superseded.
- (2) State Archives: Selection of needed documentation. Permanent.

**12-309. Agency Annual Reports**

**A. Description:** Published report of agency activities made annually to the General Assembly. Information includes financial summaries, objectives, goals, and other data concerning the agency during the fiscal year. Most annual reports contain an organizational chart, along with brief narratives, and statistical information concerning each major section and division of the agency.

**B. Retention:**

- (1) Agency's Copy: Until no longer needed for reference.
- (2) State Archives: Permanent (2 copies)
- (3) State Library: (15 copies)

**12-310. Agency Publications**

**A. Description:** Printed material published by state agencies for internal and external distribution. This series includes directories, manuals, research reports, surveys, and other agency publications (except annual report).

**B. Retention:**

- (1) Agency's Copy: Until no longer needed for reference.
- (2) State Archives: Selection of needed documentation. Permanent.
- (3) State Library: (15 copies).

**12-311. Agency Organizational Charts**

**A. Description:** Reflect the organizational structure of the agency and its divisions. Information includes a diagram which shows a systematic and symbolic arrangement of an agency's divisions and program areas by name and function.

**B. Retention:**

- (1) Agency's Copy: Until no longer needed for reference.
- (2) State Archives: Selection of needed documentation. Permanent.

**12-312. Attorney General Opinions**

**A. Description:** Official opinions issued by the Attorney General or his assistants. These are legal interpretations written upon request of an agency to guide in enforcing and obeying the law. Also included is related correspondence. The record copy of this series is scheduled for permanent retention by the State Archives through the Attorney General's office.

**B. Retention:** Until superseded and no longer needed for reference; destroy.

**12-313. Calendars**

**A. Description:** Used to keep track of work related events and commitments of agency staff members. Information includes daily appointment books, calendars, and other records indicating dates for meetings and work activities.

**B. Retention:** Until no longer needed for reference; destroy.

**12-314. Computer Utilization Summaries**

**A. Description:** Generated to determine staff use of an agency's computer systems. Information details the total time the system is used, amount of individual staff time the system is used, and total time work stations are used (including job queue and printers).

**B. Retention:** 3 years; destroy.

**12-315. Conferences, Workshops, And Seminars (Agency Sponsored)**

**A. Description:** Files concerning each conference, workshop or seminar sponsored by the agency. Information includes registration material, letters, brochures, lists of restaurants, hotel listings, and other related information.

**B. Retention:** Until no longer needed for reference; destroy.

**12-316. Deeds And Leases To State Property Files**

**A. Description:** Document deeds and leases to real property owned or used by the state. Information includes description and location of the property, maps, sale agreements, land acquisition forms, deeds, lease agreements, and related correspondence. The record copies of deeds and leases are scheduled for permanent retention by the State Archives through the State Budget and Control Board's Office of General Services.

**B. Retention:** Until property is sold, disposed of, or relinquished, and is no longer needed for reference; destroy.

**12-317. General Correspondence (Non-Executive Levels)**

**A. Description:** Routine correspondence created or retained below the levels of agency director, deputy director and division director. Letters and memoranda reflect communications regarding program procedures, general work activities, and responses to information requests.

**B. Retention:** Until no longer needed for reference; destroy.

**12-318. Information Technology Plans**

**A. Description:** Prepared by state agencies outlining their anticipated needs for information technology. Plans reflect information requirements, equipment needs, service specifications, cost, and technology purchase requests. The record copy of this series is scheduled for permanent retention by the State Archives through the State Budget and Control Board's Office of Research and Statistics.

**B. Retention:** 3 years; destroy.

**12-319. Internal Management Policy And Procedure Files**

**A. Description:** Policies, procedural directives and manuals developed by the agency to govern its internal management functions such as payroll, procurement, personnel administration, equipment inventory, and other internal management matters.

**B. Retention:**

- (1) Agency: Until superseded, updated, or no longer needed for reference.
- (2) State Archives: Selection of needed documentation. Permanent.

**12-320. Legislative Reference File**

**A. Description:** Records pertaining to bills, prospective legislation and laws. Information includes bill and supporting material concerning proposed legislation, such as newspaper clippings, reports, and correspondence. The series also includes copies of approved legislation.

**B. Retention:**

- (1) Agency: Until no longer needed for reference.
- (2) State Archives: Selection of needed documentation. Permanent.

**12-321. Litigation Case Files**

**A. Description:** Document judicial proceedings, which involve the agency. Files include some or all of the following documents: affidavits, summons and complaints, responses, orders of dismissals, notice and general appeal, laws and regulations applying to a particular case, legal briefs, transcripts of proceedings, orders, court decisions, and related information. Portions of this series are scheduled for permanent retention by the State Archives through the Attorney General's office. Court records in this series are also available in the court having jurisdiction over these cases.

**B. Retention:**

- (1) Agency: 6 years after the case is closed. Microfilm optional.
- (2) State Archives: Selection of needed documentation. Permanent.

**12-322. Mailing Lists**

**A. Description:** Used to record the names and addresses of clients and other persons with whom the agency has regular contact. Information includes mailing lists, and registers concerning employees, officials, and constituents, with whom agency staff communicate regularly.

**B. Retention:** Until superseded; destroy.

**12-323. Meeting Minutes (Boards And Commissions Of State Agencies)**

**A. Description:** Records of official proceedings of state agency governing bodies. Information includes agenda, date, place, list of attendees, and a summary of discussion and decisions. Official minutes also include all informational attachments such as reports, surveys, proposals, studies and charts distributed to members for discussion, and for use in making decisions on agency policy, planning and administrative matters.

**B. Retention:**

- (1) Agency: 3 years. Microfilm optional.
- (2) State Archives: Permanent.

**12-324. Motor Vehicle Insurance**

**A. Description:** Record of motor vehicle insurance retained by an agency. It includes insurance policies which list effective policy dates, amounts of coverage, number of vehicles covered, and rate. Also included are notes, correspondence and other related information.

**B. Retention:** 1 year and until renewal of insurance policy; destroy.

**12-325. Motor Vehicle Operations And Maintenance Files**

**A. Description:** Files of motor vehicle operations and maintenance. Included are requests for state vehicles, vehicles inspection/use reports, motor vehicle accident reports, motor vehicle inventories, and other related information.

**B. Retention:** 3 years; destroy.

**12-326. Permanent Improvement Files**

**A. Description:** Files concern construction of and permanent improvements to the agency's facilities. Information includes project proposal, capital improvement requests, authorizations to execute construction contracts, cost estimates, construction contracts, related memoranda, correspondence, blueprints, and specifications.

**B. Retention:**

- (1) Records created before 1980:
  - (a) Agency: Until completion of construction project and no longer needed for reference.
  - (b) State Archives: Selection of needed documentation. Permanent.
- (2) Records created in 1980 and later: Until completion of construction project and no longer needed for reference; destroy.

**12-327. Photographs**

**A. Description:** Photographic proofs and negatives of agency activities. Photographs may include identification according to time, place, and agency activity.

**B. Retention:**

- (1) Agency: Until no longer needed for reference.
- (2) State Archives: Selection of needed documentation. Permanent.

**12-328. Property Inventories**

**A. Description:** Itemized lists of fixed assets (except land and buildings) completed by state agencies. Information includes inventories of equipment, furniture, and other similar property.

**B. Retention:** 3 years; destroy.

**12-329. Public Relations File**

**A. Description:** Information concerning agency publicity. Included are press releases, biographies, newspaper clippings, promotional materials, bulletins, broadcast scripts, photographs, visual documentation, and other related items.

**B. Retention:**

- (1) Agency: Until no longer needed for reference.
- (2) State Archives: Selection of needed documentation. Permanent.

**12-330. Disaster/Emergency Preparedness and Recovery Plans**

**A. Description:** Document the plans for protection and reestablishment of agency services and equipment in case of disaster. Information includes plan, procedures, checklists, and emergency phone numbers and addresses.

**B. Retention:** Until superseded by revised plan; destroy.

**12-331. Records Management Files**

**A. Description:** Files related to an agency's records management program. Included are records retention schedules, guidelines, information concerning records inventory and scheduling, records transfers, microfilm applications, disposal notices, and other related data.

**B. Retention:**

- (1) Record Copy: In State Archives as scheduled.
- (2) Agency's Copy: Until superseded and no longer needed for reference; destroy.

**12-332. Speeches (Executive Levels)**

**A. Description:** Drafts and final copies of speeches given by an agency director, deputy director and division directors. Speeches may concern policy issues, strategic planning, legislation concerning the agency, and other related topics.

**B. Retention:**

- (1) Agency: Until no longer needed for reference.
- (2) State Archives: Selection of needed documentation. Permanent.

**12-333. Speeches (Non-Executive Levels)**

**A. Description:** Drafts and final copies of speeches given by employees below the agency director, deputy director and division directors' level. Speeches concern program procedure, work activities, and related topics.

**B. Retention:** Until no longer needed for reference; destroy.

**12-334. Surveys/Maps**

**A. Description:** Developed by an agency to carry out its mission and function. Information concerns roads, boundaries, property lines, corners, monuments, road marker placements, structures, sites, and other related data.

**B. Retention:**

- (1) Agency: Until no longer needed for reference. Microfilm optional.
- (2) State Archives: Selection of needed documentation. Permanent.

**12-335. Telephone Logs**

**A. Description:** Listing of telephone calls made by agency personnel for a particular time period. Logs reflect date, time, caller, recipient of call, and nature of business discussed.

**B. Retention:** 3 years and until reconciliation of telephone billing, destroy.

**12-336. Work Reports**

**A. Description:** Reports of work activities performed by personnel carrying out regular or special duties. Series does not include published project reports or reports to the Governor or General Assembly. These documents reflect dates, person responsible for report, and a running account of activities performed.

**B. Retention:** 2 years or until summarized or superseded; destroy.

*Appendix F. October 17, 2017, Meeting Information*

South Carolina  
House of Representatives



Legislative Oversight Committee

*ECONOMIC DEVELOPMENT, TRANSPORTATION,  
AND NATURAL RESOURCES SUBCOMMITTEE*

*The Honorable Neal A. Collins*

*The Honorable Mandy Powers Norrell*

*The Honorable Robert L. Ridgeway III*

*Tuesday, October 17, 2017*

*10:00 a.m.*

*108 - Blatt Building*

*Pursuant to Committee Rule 6.8, S.C. ETV shall be allowed access for internet streaming  
whenever technologically feasible.*

**AGENDA**

- I. Approval of Minutes**
- II. Discussion of the study of the Human Affairs Commission**
- III. Adjournment**

*Chairman Wm. Weston J. Newton*

*First Vice-Chair:  
Laurie Slade Funderburk*

## **Legislative Oversight Committee**

*Katherine E. "Katie" Arrington  
Gary E. Clary  
MaryGail K. Douglas  
Phyllis J. Henderson  
Joseph H. Jefferson Jr.  
Mandy Powers Norrell  
J. Todd Rutherford  
Tommy M. Stringer  
Bill Taylor*

*William K. (Bill) Bowers  
Neal Collins  
Raye Felder  
William M. "Bill" Hixon  
Robert L. Ridgeway III  
James E. Smith Jr.  
Edward R. Tallon Sr.  
Robert Q. Williams*

### **South Carolina House of Representatives**

*Jennifer L. Dobson  
Research Director*

*Cathy A. Greer  
Administration Coordinator*

**Post Office Box 11867  
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Telephone: (803) 212-6810 • Fax: (803) 212-6811  
Room 228 Blatt Building**

*Charles L. Appleby IV  
Legal Counsel*

*Carmen J. McCutcheon Simon  
Research Analyst/Auditor*

*Kendra H. Wilkerson  
Fiscal/Research Analyst*

#### **Economic Development, Transportation, and Natural Resources Subcommittee**

Monday, September 18, 2017

10:00 am

Blatt Room 108

#### **Archived Video Available**

- I. Pursuant to House Legislative Oversight Committee Rule 6.8, South Carolina ETV was allowed access for streaming the meeting. You may access an archived video of this meeting by visiting the South Carolina General Assembly's website (<http://www.scstatehouse.gov>) and clicking on *Committee Postings and Reports*, then under *House Standing Committees* click on *Legislative Oversight*. Then, click on *Video Archives* for a listing of archived videos for the Committee.

#### **Attendance**

- I. The Economic Development, Transportation, and Natural Resources Subcommittee meeting was called to order by Vice-Chair Laurie Slade Funderburk on Monday, September 18, 2017, in Room 108 of the Blatt Building. The following members of the Subcommittee were present for either all or a portion of the meeting: Representative Neal Collins and Representative Robert L. Ridgeway.

#### **Minutes**

- I. House Rule 4.5 requires standing committees to prepare and make available to the public the minutes of committee meetings, but the minutes do not

have to be verbatim accounts of meetings. It is the practice of the Legislative Oversight Committee to provide minutes for its subcommittee meetings.

- II. Representative Ridgeway makes a motion to approve the meeting minutes from the prior Subcommittee meeting. A roll call vote is held, and the motion passes.

Rep. Ridgeway’s motion to approve the minutes from the July 10, 2017 meeting:	Yea	Nay	Not Voting
Rep. Collins	✓		
Rep. Norrell			Not Present
Rep. Ridgeway	✓		
Rep. Funderburk	✓		

**Discussion of the Human Affairs Commission**

- I. Vice-Chair Funderburk provides an update on the Subcommittee’s work related to the Human Affairs Commission. She explains that the purpose of this meeting is to further discuss the agency’s strategic plan, in particular its resources available (employees and funds); methodology utilized to allocate resources to objectives; agency personnel responsible for each objective; and performance measures.
- II. Vice-Chair Funderburk swears in the following representative of the agency present at the meeting: Ms. Christina Jordan, Administrative Manager.  
  
Vice-Chair Funderburk also reminds agency personnel who were sworn in during prior meetings that they remain under oath.
- III. Commissioner Raymond Buxton II introduces the agency’s goals and objectives and presents information about agency turnover. Subcommittee members ask questions, which Commissioner Buxton answers.
- IV. Ms. Lee Ann Rice, Staff Counsel, presents information about the importance of case processing time and the agency’s Law Recommendation #3, which is to change the timeframe in which a civil suit may be brought by a complainant (see p. 12 of Program Evaluation Report).
- V. Mr. Marvin Caldwell, Director of Fair Housing, presents information about the agency’s goal two - prevent and eliminate housing discrimination. Subcommittee members ask questions, which Mr. Caldwell and Commissioner Buxton answer.

- VI. Ms. Lee Ann Rice, Staff Counsel, presents information about the agency's goal three - educate citizens about the use of legal remedies to achieve justice and fairness - and the following law recommendations:
- a. Law Recommendation #5: Require state agencies to engage in preliminary mediation at the agency when complaints are filed against them (see p. 13 of Program Evaluation Report);
  - b. Law Recommendation #1: Clarify that the agency has the power to subpoena non-state agency employers (see p. 11 of Program Evaluation Report);
  - c. Law Recommendation #2: Broaden the damages that may be awarded to aggrieved parties in employment discrimination litigation (see pp. 11-12 of Program Evaluation Report);
  - d. Law Recommendation #4: Limit the relief that may be awarded under the Human Affairs Law (see p. 13 of Program Evaluation Report).
- VII. Mr. Dan Koon, Deputy Commissioner, presents information about the agency's goal four - foster culturally sensitive and social inclusive communities statewide - as well as the following law recommendations:

- a. Law Recommendation #8: Prohibit discrimination in public accommodations on the basis of sex (see p. 20 of Program Evaluation Report);
- b. Law Recommendation #9: Empower the agency to process complaints for which the Attorney General and SLED currently have legal responsibility (see p. 21 of Program Evaluation Report);
- c. Law Recommendation #10: Clarify the relief that may be granted to aggrieved parties under the Public Accommodations Law (see pp. 22-23 of Program Evaluation Report);
- d. Law Recommendation #11: Empower the agency to process complaints for which the Attorney General and SLED currently have legal responsibility (see p. 23 of Program Evaluation Report).

Subcommittee members ask questions, which Mr. Koon and other agency representatives answer.

- VIII. Ms. Stephanie Price, Technical Services Supervisor, presents information about the agency's goal five - advocate the compliance of Agency Affirmative Action Policies within all State Agencies. Subcommittee members ask questions, which Ms. Price and other agency representatives answer.

- IX. Subcommittee members ask various questions about salaries, investigations, community relations councils, and training, which different agency representatives answered.
- X. The meeting is adjourned.



October 2, 2017

Chairman John Oakland  
Commissioner Raymond Buxton, II  
South Carolina Human Affairs Commission  
1026 Sumter Street  
Columbia, SC 29201

Dear Chairman Oakland and Commissioner Buxton:

After our meeting on September 18, the Subcommittee has some follow up questions for the agency.

***Employees: Tenure, Separations, and Bonuses***

1. Given the recent employee separations from the agency, please update the average years of tenure for agency employees chart previously provided to the Subcommittee.
2. For the staff who left the agency during calendar years 2016 and 2017, please provide their titles and salaries (i.e., not the names). If a staff member's salary was below \$50,000 please provide the appropriate salary range.
3. Have bonuses been awarded during the past three fiscal years? If yes, please indicate how many have been awarded, titles of those receiving bonuses, average amount of the bonuses, highest bonus awarded, lowest bonus awarded, and criteria used for awarding bonuses.

***Investigators: Cost and Process of Training***

4. What is the cost of training an investigator for employment cases? Please describe the process for onboarding a new employment investigator.

Chairman Oakland and Commissioner Buxton  
Page Two

5. What is the cost of training an investigator for housing cases? Please describe the process for onboarding a new housing investigator.

***90(e) Complaints (i.e., other allegation of individual or institutional discrimination not considered unlawful)***

6. Please provide further details on the agency's past referrals to the State Law Enforcement Division (SLED) or the Attorney General's Office for assistance with 90(e) complaints.

7. Please provide any examples of 90(e) complaints that were pursued by the SLED or the Attorney General's Office to the extent of the agency's knowledge based on its referrals.

***Records Management***

8. Is the agency current with transferring records, including electronic ones, to the Department of Archives and History? If not, why not?

9. Please provide the Subcommittee a copy of the agency's records management policy, if any. If the agency does not have a records management policy, does the agency intend to create one?

***December 2014 Legislative Audit Council's Limited Review of the S.C. Human Affairs Commission***

10. Please provide the Subcommittee with the status of any implementation of recommendations from the December 2014 Legislative Audit Council's report. If the agency does not agree with any of the recommendations from this report, please provide the Subcommittee with the reason(s).

Thank you for your service to the citizens of South Carolina and for your continued cooperation with the legislative oversight process. The Subcommittee looks forward to continuing its discussion of the study of the Human Affairs Commission with you on Tuesday, October 24, 2017.

Sincerely,



Laurie Slade Funderburk  
Committee First Vice-Chair

cc: Economic Development, Transportation, and Natural Resources Subcommittee Members

# PROGRAM EVALUATION REPORT

The contents of this report and the attached Excel documents are considered sworn testimony from the Agency Director.

## *South Carolina Human Affairs Commission*

Date of Submission: *April 13, 2017*

### **Agency Director**

Name: Raymond Buxton, II  
Date of Hire: 1/5/79 (FTE); 7/17/12 (Agency Head)  
Number of Years as Agency Head: 4.5 years  
Number of Years at Agency: 32.5 years  
Email: rbuxton@schac.sc.gov

### **Primary Agency Staff Contact for Oversight Study**

Name: Lori Dean, Administrative Manager  
Phone: 803 737-7804  
Email: lgdean@schac.sc.gov

### **Main Agency Contact Information**

Phone: (803) 737-7800 / 1-800-521-0725  
Email: Information@schac.state.sc.us  
Mailing Address: 1026 Sumter Street, Suite 101, Columbia, SC 29201  
Post Office Box 4490, Columbia, SC 29240-4490

### **Agency Online Resources**

Website address: [www.schac.sc.gov](http://www.schac.sc.gov)

Online Quick Links:

<http://www.schac.sc.gov/aboutus/Pages/FilingAComplaint.aspx>  
<http://www.schac.sc.gov/ConciliationAgreements/Pages/default.aspx>  
<http://www.schac.sc.gov/aboutus/Pages/TechnicalServicesTrainingPrograms.aspx>  
<http://www.schac.sc.gov/hd/Pages/FairHousingOutreachTraining.aspx>  
<http://www.schac.sc.gov/aboutus/Pages/LawsandStatutes.aspx>  
<http://www.schac.sc.gov/Pages/Location.aspx>

Social Media Addresses:

Facebook Page - <https://www.facebook.com/SCHumanAffairsComm/>  
YouTube - [www.youtube.com](http://www.youtube.com) (Type in SC Human Affairs Commission to see our videos)  
Twitter Page - <https://twitter.com/SCHumanAffairs1>

### **Agency Office Locations**

1026 Sumter Street, Suite 101, Columbia, SC 29201 / P.O. Box 4490, Columbia, SC 29240-4490  
(803) 737-7800 / 1-800-521-0725

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# A. QUESTIONS

Please type the agency's responses to each question directly below the question. For the questions which ask the agency to complete an Excel chart, complete the chart and attach it to the end of this document when the agency submits the .pdf version.

## Agency Snapshot

### 1. What are 3-4 items the agency considers as successes?

- A) Rebuilding the agency from a budget cut in 2010 where the agency was cut from approximately 45 FTEs to 17 FTEs working on a voluntary 90 day furlough to currently employing 42 FTEs in 2017 to carry out the mission of the agency.
- B) Maintaining a consistent track record of successfully completing an annual contract with the United States Equal Employment Opportunity Commission through investigations, mediation and settlements as required through the SC Human Affairs Law.
- C) Maintaining a consistent track record of successfully completing an annual contract with the United States Department of Housing and Urban Development through investigations, conciliations, and litigations as required through the SC Fair Housing Law.
- D) Maintaining a consistent track record of monitoring State Agencies and producing the Annual Report to the General Assembly on the "Status of Equal Employment Opportunity in South Carolina State Government" as required through the SC Human Affairs Law.

### 2. What are 3-4 items the agency considers as its current challenges or issues? These can include things the agency already has a plan to improve.

- A) Update legislative regulations to address and eliminate unnecessary delay tactics used by parties which ages the average case processing time for cases in employment and housing.
- B) To have access to funding so that the agency may be equipped to handle Administrative Hearings and to file law suits as authorized by the State Human Affairs Law and SC Fair Housing Law.
- C) To provide outreach and education to the Citizens of the State about their civil rights and legal remedies under the three laws enforced by the Commission in the areas of employment, housing, and public accommodation.
- D) To provide adequate staffing to conduct training in the following areas: the Quality of Life Initiative in Community Relations, proper maintenance and advancement of the use of technology so that the agency may enhance the fostering of cultural sensitive and inclusive communities state wide through the use of Community Relations Councils.

3. What are 3-4 emerging issues the agency anticipates having an impact on its operations in the upcoming five years?
- A) To keep the good, experienced and well-trained employees in their specific fields of expertise through providing adequate pay and benefits.
  - B) To provide an adequate physical facility for employees in an aging building with no room to expand.
  - C) To provide full state funding for all full-time FTEs so that the agency will not be dependent upon Federal Funds.
  - D) Succession planning for all agency program areas.

#### Agency Legal Directives, Plan & Resources (Study Step 1)

4. Please provide the history of the agency by year, from its origin to the present, in a bulleted list. Include the names of each director with the year the director started, and major events (e.g. programs added, cut, departments/divisions changed, etc.).
- 1968
    - Social Unrest erupts in the state with 1)1968-Orangeburg Massacre, three young African American Male students killed, 2) 1969-MUSC- Charleston Area Hospital Strike, places city of Charleston on curfew for a long period of time where unrest begins in March and issue not settled until June, 3) March, 1970- Lamar, SC- White parents turn over school buses in protest of desegregation of public schools.
  - March 4, 1971
    - John C. West signs Executive Order establishing the Governor’s Advisory Commission on Human Relations on March 4, 1971. JW. (Bill) Travis, CEO of Southern Bell is appointed as Chairman.
    - State Director: George Hamilton appointed as Executive Director on April 2, 1971.
  - March 29, 1972
    - Through the work of the Commission, The Breger Study released a report entitled: “Black Employment in South Carolina State Government, A Study of State Employment Practices”. The Study showed that there were many state agencies where Blacks were not fairly represented and notes: “Implicit discrimination in employment does not result from malicious intent, nor does it necessarily reflect racist attitudes. Instead, it is the product of decades, perhaps centuries, of social psychological conditioning to a racial environment that has always set whites before black. Its manifestations in the employment system are many and varied, often subtle and deeply ingrained.”
  - June 23, 1972
    - Governor West signed the bill into law creating the State Human Affairs Commission protecting citizens on the basis of race, color, religion, sex, national origin and age. The legislation gives the Commission the authority to enforce employment law and the responsibility of assisting various state agencies in setting up for affirmative action programs and equal hiring policies.
    - State Director George D. Hamilton is appointed the first Commissioner (1972-1974)
    - The SHAC Law creates a Commission made up of a 15 member board appointed by the Governor with consent and approval by the SC Senate. The Board Chair is appointed by the Governor and the Agency’s Executive Director is chosen by the Board in conjunction with the approval by the Governor.

- January, 1973
  - All State Agencies with more than 15 employees are required to submit Affirmative Action Plans on an annual basis.
- October 4, 1974
  - State Director: James E. Clyburn becomes the new Commissioner (1974-1990)
  - Agency is structured in three program areas: 1) Compliance-Employment, 2) Technical Services-monitoring of State Agency Affirmative Action, 3) Community Relations
- 1975
  - Agency enters into first Contract with the US Equal Employment Opportunity Commission and becomes a Fair Employment Practicing Agency (FEPA).
- 1981
  - The Commission publishes “The Blueprint” which is a technical compliance manual that contains all the information necessary to develop and monitor Affirmative Action Plans and becomes one of the most widely used affirmative action planning manuals in the nation.
- 1983
  - The SC Bill of Rights for Handicapped Persons though weak in enforcement becomes law and is a precursor to the American with Disabilities Act.
- May 9, 1989
  - Governor Carroll A. Campbell signed into law the South Carolina Fair Housing Law that allows Human Affairs Commission for deferral status with the US Department of Housing and Urban Development. The law was amended on May 3, 1990 to enhance the deferral status with HUD and HUD Grants the agency its first contract in November 1994 and recognizes the agency for substantial equivalency status in January, 1995. The law protects citizens on the basis of race, color, religion, national origin, sex, familial status, and disability.
- April 25, 1990
  - The Equal Enjoyment of and Privileges to Public Accommodations Law is passed and signed into law by Governor Carroll Campbell as a result of an Attorney General investigation into a restaurant in September of 1989 that refused to serve black men. The law protects the rights of citizens on the basis of Race, Color, Religion and National Origin.
- 1991
  - The first Computerized Affirmative Action Management System is purchased to enhance State Agency reporting and the Commission’s monitoring of all state agency plans.
- July 2, 1992
  - State Director: Willis C. Ham, PhD, becomes the new Commissioner (1992-2000)
- November, 1993
  - The Fair Housing Department is formed under Compliance-Enforcement Division
- June 13, 1996
  - Legislation is passed that allows Disability as a protected class to the Human Affairs Law, and the Human Affairs Commission is removed from any responsibility for enforcement of the SC Bill of Rights for Handicapped persons.
  - 1996- SCHACRA-South Carolina Human And Community Relations Association was formed under the auspices of the Commission where thirteen active Community Relations Councils in the state have the goal of improving human and community relations in the state.
  - 1996- Alternative Dispute Resolution (Mediation) program is formed to provide rapid resolution to complaints without the necessity of an investigation, determination or Notice of Right to Sue being issued in a complaint.

- December, 2000
  - State Director Jesse Washington, Jr. becomes the Commissioner (2000-2010)
- 2000-2004
  - SC Human Affairs Commission from FY 1999-2000 until fiscal year 2003-2004 sustains budget cuts culminating to over 43% of the agencies state appropriations.
  - As a result, programs such as Community Relations were cut to the bare bone, reduction in staff and furloughs occurred.
- 2005-2006
  - The agency lost 9 of 43 employees to retirement. SHAC had a historically low rate of turnover of employees, now began a natural attrition of employees seeking to retire.
  - The loss of senior staff has an impact on the agency, but dedicated employees continue to keep up the pace of work to accomplish agency goals.
- 2006-2007
  - The Commission's staffing levels remain substantially below what is legitimately required to continue to deliver the services required by the legislature at qualitative and quantitative levels expected.
- 2008-2009
  - 38 FTEs are filled but in order to stay within budget, the agency endures a 10 day furlough for each employee. Employment Investigation case-loads jump from an average of 45-50 to 70 employment cases per investigator.
- 2010
  - The agency budget is cut in half. State Appropriations from 1999 to the end of the 2009- 2010 fiscal year are cut by 70%. Agencies 38 FTEs falls to 17 full time employees and one temp employee. Remaining employees all go on a 90 day voluntary furlough in order to keep the agency operating.
  - No FTEs in Community Relations Department. 90 (e) and Public Accommodation cases are no longer investigated. Technical Services Department is reduced to one FTE
- 2011
  - State Director Ralph Haile, Agency General Council, is named the fifth Commissioner, (Interim Commissioner) (2011-2012)
  - Dedicated employees at times, work without being paid and keep the agency afloat.
  - The legislature believing that State Government and not the Federal Government should be handling the problems and issues involving discrimination in South Carolina, and \$600,000 is restored to the budget to the agency budget for FY 2011-2012.
  - After Interim Commissioner Haile resigns, John Wilson, Compliance Director, takes over the leadership of the agency until a new Commissioner is hired.
- June- 2012
  - SHAC Board changes from a 15 Member Board to a 9 Member Board
- July-2012
  - State Director Raymond Buxton, II, becomes the sixth Commissioner of the agency. (2012-Present)
  - From 2012 until 2016, Funding for filled FTE positions increases from 17 to 43.
  - Community Relations Department is reinstated to create and sustain Community Relations Councils around the State.
  - 90 (E) and Public Accommodation complaints are once again investigated.
- 2013
  - Under direction from the Department of Administration, oversaw the physical move of the agency from location of agency since 1978 on Forest Drive to 1026 Sumter Street.
- 2014
  - Major upgrade for CAAMS occurs to include data from the 2010 US Census

- 2015
  - Agency increased outreach and educational activities through improvements to WEB Site, advertising, reinstating Agency Newsletter, developing a CRC Newsletter and distribution of agency brochures.
  - Increased training for the newly hired investigators to ensure better customer service for citizens and businesses in SC.
- 2016
  - SHAC entered into a contract with the College of Charleston to develop a systematic approach to create and sustain Community Relations Councils.
  - SHACRA is reinstated as a no-profit group.
  - As a result of the Emanuel 9 tragedy in Charleston, SC, the Commission began a three event series per year to include recognizing: a) International Day on March 21 of each year to “End Racism”, b) Began to sponsor a “Remembering the Emanuel 9 Day” for all State Agencies in SC, C) sponsoring a dialogue on race relations in late summer.
  - Increased attorneys on staff to three so that the laws of the agency can be enforced and enhanced in a manner that the Commission can hold public hearings as the legislation intended.
  - Agency has investigated approximately 40,000 Discrimination complaints since its inception.

5. Please provide information about the body that governs the agency and to whom the agency head reports. Explain what the agency’s enabling statute outlines about the agency’s governing body (e.g. board, commission, etc.), including, but not limited to: total number of individuals in the body; whether the individuals are elected or appointed; who elects or appoints the individuals; the length of term for each individual; whether there are any limitations on the total number of terms an individual can serve; whether there are any limitations on the number of consecutive terms an individual can serve; and any other requirements or nuisances about the body which the agency believes is relevant to understanding how it and the agency operate. If the governing body operates differently than outlined in statute, please describe the differences.

The Human Affairs Commission is empowered through S.C. Code Ann. § 1-13-40, and exists to encourage the fair treatment of, and to eliminate and prevent discrimination against, any member of a group protected by this chapter, and to foster mutual understanding and respect among all people in this State. Commission members consist of a member from each congressional district appointed by the Governor, with the advice and consent of the Senate, and two members at large appointed by the Governor. Each member shall serve for a term of three years and until their successors are appointed and qualify. Vacancies must be filled in the manner of the original appointment for the unexpired term. The Governor shall appoint one of the at large members to serve as chairman and may appoint any member to serve as vice-chairman, each to serve a term of one year. The Commission may elect other officers from among its members as necessary, except that the Commissioner may be elected to serve as secretary. No member of the Commission shall serve more than two consecutive terms.

A member having served two consecutive terms shall be eligible for reappointment one year after the expiration of his second term.

In addition to the traditional duties of a governing Commission for a state agency, Human Affairs Commissioners also have the authority to serve on a panel of three Commission members to adjudicate complaints of discrimination in housing matters under the Fair Housing Law at S.C. Code Ann. § 31-21-130, as well as complaints of discrimination in employment matters filed against state agencies pursuant to S.C. Code Ann. § 1-13-90(c). The Commissioner of the Agency reports to the Board of Commissioners.

6. Please provide information about the agency's internal audit process including: whether the agency has internal auditors, a copy of the internal audit policy or charter, the date the agency first started performing audits, the names of individuals to whom internal auditors report, the general subject matters audited, name of person who makes the decision of when an internal audit is conducted, whether internal auditors conduct an agency-wide risk assessment routinely, whether internal auditors routinely evaluate the agency's performance measurement and improvement systems, the total number of audits performed in last five fiscal years; and the date of the most recent Peer Review of Self-Assessment by SC State Internal Auditors Association or other entity (if other entity, name of that entity).

Due to the size of the Agency, the SC Human Affairs Commission does not have an internal audit process or auditors.

7. Please complete the **Laws Chart**, which is a tab in the attached **Excel document**.

See Attachment A - Excel Charts

8. Please complete the **Deliverables Chart**, which is a tab in the attached **Excel document**.

See Attachment A - Excel Charts

9. Please complete the **Organizational Units Chart**, which is a tab in the attached **Excel document**.

See Attachment A - Excel Charts

10. Please complete the **2015-16 Strategic Spending Chart**, which is a tab in the attached **Excel document**, to provide the Committee information on how the agency spent its funding in 2015-16.

See Attachment A - Excel Charts

11. Please provide the following information regarding the amount of funds remaining at the end of each year that the agency had available to use the next year (i.e. in 2011-12, insert the amount of money left over at the end of the year that the agency was able to carry forward and use in 2012-13), for each of the last five years.

Year	Amount Remaining at end of year that agency could use the next year
2011-12	\$106,136
2012-13	\$130,938
2013-14	\$118,496
2014-15	\$65,552
2015-16	\$265,678

12. How much does the agency believe is necessary to have in carryforward each year? Why?

\$65,000 - \$75,000

These funds are needed to cover any shortages in salaries and operating expenses. Additionally, because our investigators work by case production, we would like to award staff members with bonus incentives from time to time.

13. Please complete the **2016-17 Strategic Budgeting Chart**, which is a tab in the attached **Excel document**, to provide the Committee information on how the agency plans to utilize the funds it is receiving in 2016-17, including any additional funds it plans on applying for during the year such as federal grants.

See Attachment A - Excel Charts

14. Please provide the following regarding the agency's information in the General Appropriations Act.

a. Does the agency have the ability to request a restructuring or realignment of its General Appropriations Act programs?

Yes

b. In what year did the agency last request a restructuring or realignment of its General Appropriations Act programs? (see example of what is meant by General Appropriations Act programs to the right)

*II. . Programs and Services*  
*A. Water Quality Management*  
*2. Water Management*

May 9, 1989 - Governor Carroll A. Campbell signed into law the South Carolina Fair Housing Law that allows the Human Affairs Commission for deferral status with the US Department of Housing and Urban Development. The law was amended on May 3, 1990 to enhance the deferral status with HUD. HUD Grants the agency its first contract in November 1994 and recognizes the agency for substantial equivalency status in January, 1995. The law protects citizens on the basis of race, color, religion, nation origin, sex, familial status, and disability. The agency receives funds from cases completed, not the general fund.

c. What was requested and why?

See 14b

d. Was the request granted? (Y/N) If no, who denied the request and why was it denied?

Yes

e. Would an individual be able to clearly see how much the agency is spending toward each of the goals in its Strategic Plan by looking at the hierarchy of agency General Appropriation Act programs?

Yes

- f. Could the agency make a request to the Executive Budget Office, Senate Finance Committee, and House Ways and Means Committee to realign or restructure its General Appropriations Act programs so that the agency's goals from its strategic plan were the highest level of its General Appropriations Act programs in the hierarchy?

Yes

### Performance (Study Step 2)

15. Please complete the **Performance Measures Chart**, which is a tab in the attached **Excel document**.

See Attachment A - Excel Charts

16. After completing the Performance Measure Chart, please provide the following: Graphs/Charts which shows trends over the last five time periods for at least three performance measures (separate graph/chart for each performance measure) the agency believes are vital to knowing whether the agency is successful.

See Attachment B - Performance Measure Charts

17. Please complete the **Strategic Plan Summary Chart**, which is a tab in the attached **Excel document**.

See Attachment A - Excel Charts

### Agency Ideas/Recommendations (Study Step 3)

18. Please list any ideas the agency has for internal changes at the agency that may improve efficiency and outcomes. These can be ideas that are still just ideas, things the agency is analyzing the feasibility of implementing, or things the agency already has plans for implementing. For each, include the following details:
  - a. Stage of analysis;
  - b. Objectives and Associated Performance measures impacted and predicted impact;
  - c. Costs of the objectives that will be impacted and the anticipated impact;
  - d. On which objective(s) the agency plans to utilize additional available funds if the change saves costs, or obtain funds if the change requires additional funds, and how the objective(s) receiving or releasing the funds will be impacted; and
  - e. Anticipated implementation date.

See seven different internal change recommendations below

### Internal Change # 1

- Internal Change: Update and modernize regulation 65-2 related to the South Carolina Human Affairs Law, which would eliminate the need for notarization on the Complaint Form in order to reflect the less stringent statutory requirement of a “sworn statement”
- Stage of Change Analysis (i.e., idea, analyzing feasibility, plan for implementation set, etc.): Regulation change has been submitted to the General Assembly and the Agency’s Legal Department has been testifying before the respective subcommittees and committees
- Performance Measures Impacted and predicted impact: More cases will be accepted which result in more case closures and high rate of compensation from the EEOC
- Objective Costs Impacted and anticipated impact: Objective 3.2 – increase will likely be \$2,100-\$3,500
- Where (i.e., specific objective(s)) agency plans to utilize additional available funds: to be given back to the general fund
- Anticipated Implementation Date: July 2017

### Internal Change # 2

- Internal Change: Update and modernize regulation 65-3 related to the South Carolina Human Affairs Law, which would shorten the time that a party has to respond to the Agency’s request for information in an employment investigation
- Stage of Change Analysis (i.e., idea, analyzing feasibility, plan for implementation set, etc.): Regulation change has been submitted to the General Assembly and the Agency’s Legal Department has been testifying before the respective subcommittees and committees
- Performance Measures Impacted and predicted impact: Case processing time will shorten overall because the parties in an investigation will not have as many ways of unnecessarily prolonging the Agency’s investigation. The Human Affairs Law states that cases should be investigated in under 180 days, but the average case processing time currently exceeds 200 days, which is due in part to the multitudinous steps found solely in the regulations.
- Objective Costs Impacted and anticipated impact: Objective 1.2.1 – revenue from case completion would increase based on the number of cases completed
- Where (i.e., specific objective(s)) agency plans to utilize additional available funds: payment of salary/fringe for staff and operating costs utilized by earmarked funds
- Anticipated Implementation Date: July 2017

### Internal Change # 3

- Internal Change: Update and modernize the Agency’s employee handbook
- Stage of Change Analysis (i.e., idea, analyzing feasibility, plan for implementation set, etc.): The Management team will present the new handbook to the Board for approval at the upcoming board meeting and then will distribute to staff
- Performance Measures Impacted and predicted impact: Performance by agency staff will remain consistently high, or improve
- Objective Costs Impacted and anticipated impact: N/A
- Where (i.e., specific objective(s)) agency plans to utilize additional available funds: N/A
- Anticipated Implementation Date: August 2017

#### Internal Change # 4

- Internal Change: Hold administrative hearings for all ‘reasonable cause cases’ under S.C. Code Ann. §1-13-90(c) and S.C. Code Ann. §31-21-130
- Stage of Change Analysis (i.e., idea, analyzing feasibility, plan for implementation set, etc.): A plan has been implemented and the Commission Board has been trained, so that a hearing can be held in May 2017
- Performance Measures Impacted and predicted impact: Agency will be upholding its statutory duty
- Objective Costs Impacted and anticipated impact: Objective 3.1.2 – The cost will likely be less than litigation in court, but is unknown at this time and is always case-specific
- Where (i.e., specific objective(s)) agency plans to utilize additional available funds: EEOC and HUD contract payments
- Anticipated Implementation Date: May 2017

#### Internal Change # 5

- Internal Change: Secure other physical locations available for scheduling mediations
- Stage of Change Analysis (i.e., idea, analyzing feasibility, plan for implementation set, etc.): The agency is analyzing the feasibility of implementing
- Performance Measures Impacted and predicted impact: Agency will be able to offer more flexibility of times for parties engaging in mediation
- Objective Costs Impacted and anticipated impact: Objective 3.1.3 – More files will likely be closed earlier, saving the agency money on an undetermined amount of cases
- Where (i.e., specific objective(s)) agency plans to utilize additional available funds: The funds will be used on mediators
- Anticipated Implementation Date: Agency has not fully analyzed the feasibility of idea

#### Internal Change # 6

- Internal Change: Litigate all ‘reasonable cause cases’ under the Human Affairs Law and the Fair Housing Law
- Stage of Change Analysis (i.e., idea, analyzing feasibility, plan for implementation set, etc.): The agency is analyzing the feasibility of implementing
- Performance Measures Impacted and predicted impact: Agency will be able to offer free legal services to individuals who have been unlawfully discriminated against
- Objective Costs Impacted and anticipated impact: Objective 3.1.1 – The resulting costs will likely be covered, in part, in penalties assessed on violators through litigation; however, there are litigation expenses that will need to be fronted by the Agency, and there is no guarantee that all costs will be covered in a favorable settlement, Order, or jury verdict
- Where (i.e., specific objective(s)) agency plans to utilize additional available funds: The funds will be used to cover the costs of litigation
- Anticipated Implementation Date: Agency has not fully analyzed the feasibility of idea

#### Internal Change # 7

- Internal Change: Provide greater enforcement for viable complaints of Public Accommodations discrimination.
- Stage of Change Analysis (i.e., idea, analyzing feasibility, plan for implementation set, etc.): The agency is analyzing the feasibility of implementing

- Performance Measures Impacted and predicted impact: Agency will be able to offer free legal services to individuals who have been unlawfully discriminated against
- Objective Costs Impacted and anticipated impact: Objective 3.2.1 – Unknown, but additional staff would be needed
- Where (i.e., specific objective(s)) agency plans to utilize additional available funds: The funds will be used to cover the costs of investigations and administrative hearings
- Anticipated Implementation Date: Agency has not fully analyzed

19. As the agency likely already has planned, please review the laws chart with executive management, as well as other employees, to determine ways agency operations may be less burdensome, or outcomes improved, from changes to any of the laws. Also, check if any of the laws are archaic or no longer match with current agency practices. Afterward, list any laws the agency would recommend the Committee further evaluate and possibly recommend revision or elimination of in the Committee's Oversight Report. For each one, include the information below. An example of the information to include and how to format the information is below and on the next page.

- a. Law;
- b. Summary of current statutory requirement and/or authority granted;
- c. Recommendation and Rationale for recommendation;
- d. Law wording;
- e. Other agencies that would be impacted by revising or eliminating the law.

See 19 different law recommendations below

#### Law Recommendation # 1

- Law: SC Code Section 1-13-70 (i)
- Summary of current statutory requirement: The Agency shall issue subpoenas or subpoenas duces tecum to compel the attendance of witnesses or the production of evidence in employment investigations, and the Commission shall enforce subpoenas through a court of competent jurisdiction.
- Recommendation and Rationale for Recommendation: While Section 1-13-90(d) clearly articulates that the Agency has the power to subpoena non-state Agency employers, the language in 1-13-70 (i) has not been updated to reflect the agency's jurisdiction.
- Law Wording: (i) To require from any ~~employer state agency or department or local subdivisions of a state agency or department~~ such reports and information at such times as it may deem reasonably necessary to effectuate the purposes of this chapter.
- Other Agencies Impacted: None

#### Law Recommendation # 2

- Law: SC Code Section 1-13-90 (c)(16)
- Summary of current statutory requirement: The Commission shall hold an administrative hearing before a panel of three commission members, and shall render a decision related to the claims, when an employment investigation against a state agency has resulted in a reasonable cause determination.
- Recommendation and Rationale for Recommendation: State and Federal Courts, as well as the Agency's federal counterpart, award broader damages to aggrieved parties in employment discrimination litigation, and state law should contemplate the full range of damage awards available to a prevailing party. Language similar to the proposed wording below is found in Tennessee and Kentucky code sections.

- Law Wording: (16) If upon all the evidence at the hearing the panel shall find that the respondent has engaged in any unlawful discriminatory practice, it shall state its findings of fact and serve upon the respondent in the name of the Commission an opinion and order requiring the Respondent to cease and desist from the discriminatory practice and to take such affirmative action as in the judgment of the commission will carry out the purposes of this chapter. A copy of the order shall be delivered to the respondent, the complainant, and to such public officers and persons as the commission deems proper. Affirmative action ordered under this section may include, but is not limited to:
  - (a) Hiring, reinstatement or upgrading of employees with or without back pay. Interim earnings or amounts earnable with reasonable diligence by the person or persons discriminated against shall operate to reduce the back pay otherwise allowable;
  - (b) Admission or restoration of individuals to union membership, admission to, or participation in, a guidance program, apprenticeship, training program, on-the-job training program, or other occupational training or retraining program, and the utilization of objective criteria in the admission of individuals to such programs;
  - (c) Reporting as to the manner of compliance;
  - (d) Posting notices in conspicuous places in the respondent's place of business in the form prescribed by the commission and inclusion of such notices in advertising material;
  - (e) Payment to the complainant of damages for an injury, including humiliation and embarrassment, caused by the discriminatory practice, and cost, including a reasonable attorney's fee; and
  - (f) Such other remedies as shall be necessary and proper to eliminate all the discrimination identified by the evidence submitted at the hearing or in the record. ~~that such unlawful discriminatory practice be discontinued and requiring such other action including, but not limited to, hiring, reinstatement or upgrading of employees, with or without back pay to the persons aggrieved by such practice as, in the judgment of the panel, will effectuate the purposes of this chapter. Back pay liability shall not accrue from a date more than two years prior to the filing of a charge with the Commission. The Commission may retain jurisdiction of any such case until it is satisfied of compliance by the respondent with its order.~~
- Other Agencies Impacted: Any agency that unlawfully discriminates against an employee or potential employee

### Law Recommendation # 3

- Law: SC Code Section 1-13-90 (d)(6)
- Summary of current statutory requirement: The Commission shall, at the completion of an employment investigation regarding a non-state agency employer, either order that the matter be dismissed despite evidence that reasonable cause exists to believe discrimination occurred; order that the complaint be dismissed for no reasonable cause; or recommend that a lawsuit be filed in equity in circuit court against the respondent due to a cause determination.
- Recommendation and Rationale for Recommendation: Complainants may be thrown out of court, despite abiding by all the necessary deadlines, when a complainant brings a civil suit following an investigation by the Agency, if the EEOC has waived the case to the Agency. For example, if the EEOC accepted a charge 300 days after the date of harm (the EEOC's deadline for acceptance), then subsequently waived the case immediately the Agency, the Agency would not be able to issue a Notice of Right to Sue to the Complainant until 480 days after the date of harm. Currently, the statute states that a lawsuit must be filed within a year from the date of harm, if it is earlier than the 180 days the Agency has to investigate the case.
- Law Wording: (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.

- Other Agencies Impacted: Any agency against which an employment discrimination lawsuit is brought

#### Law Recommendation # 4

- Law: SC Code Section 1-13-100
- Summary of current statutory requirement: The Commission may contract and cooperate with Federal Equivalent Agencies (like the EEOC and HUD) in furthering the joint missions of the Agencies. The Human Affairs Law is to be construed as a law which parallels Title VII of the Civil Rights Act of 1964, as amended, 42 U. S. C. Section 2000e et seq.; the Age Discrimination in Employment Act of 1967, as amended, 29 U. S. C. Section 621 et seq.; and the Americans with Disabilities Act of 1990, as amended, Public Law 101-336.
- Recommendation and Rationale for Recommendation: In addition to limiting the types of civil causes of action that can be brought under the Human Affairs Law, a similar limitation to the relief awarded should also be established.
- Law Wording: Nothing in this chapter may be construed to create a cause of action other than those specifically described in Section 1-13-90 of this chapter. Nothing in this chapter may be construed to create a cause of action against a person not covered by Title VII of the Civil Rights Act of 1964, as amended, 42 U. S. C. Section 2000e et seq., if the cause of action arises from discrimination on the basis of race, color, religion, sex, or national origin. Nothing in this chapter may be construed to create a cause of action against a person not covered by the Age Discrimination in Employment Act of 1967, as amended, 29 U. S. C. Section 621 et seq., if the cause of action arises from discrimination on the basis of age. Nothing in this chapter may be construed to create a cause of action against a person not covered by the Americans with Disabilities Act of 1990, as amended, Public Law 101-336. Nothing in this chapter may be construed to award relief greater than Title VII of the Civil Rights Act of 1964, as amended, 42 U. S. C. Section 2000e et seq., the Age Discrimination in Employment Act of 1967, as amended, 29 U. S. C. Section 621 et seq., or the Americans with Disabilities Act of 1990, as amended, Public Law 101-336.
- Other Agencies Impacted: None

#### Law Recommendation # 5

- Law: SC Code Section 1-13-90 (c)
- Summary of current statutory requirement: The Agency shall accept and investigate formal complaints against employers that state the employer has engaged in unlawful employment discrimination, based on race, religion, color, sex, age, national origin, or disability.
- Recommendation and Rationale for Recommendation: Similar to the Office of Human Resources in holding Grievance Committee Hearings and in South Carolina Circuit Courts, State Agencies and complainants should be required to engage in a preliminary mediation at the Agency.
- Law Wording: (c) For complaints asserting expressly or in substance a violation by a state agency or department or local subdivisions of a state agency or department of Section 1-13-80 the procedure shall be as follows:

(1) Within sixty days of the complainant's filing of the complaint, the commissioner shall assign one or more of his employees or agents to hold a mandatory mediation conference. The mandatory mediation conference may not be used as a fact-finding conference. The mediator may hold additional mediation conferences to accommodate settlement discussions.

(2) If the complaint is not resolved after the mandatory mediation conference, the complainant or the respondent may request the commission to hold additional mediation conferences.

(3) The commission may dismiss the complaint if a complainant, after notice and without good cause, fails to attend a mandatory mediation conference, or the respondent has eliminated the discriminatory practice complained of, taken steps to prevent a like occurrence in the future, and offered full relief to the complainant, even though the complainant has refused the relief.

(4) If the complaint is not resolved after the mandatory mediation conference, the commissioner shall assign one or more of the agency's employees or agents within fifteen days after the mandatory mediation conference to investigate the complaint as the designated investigator in charge of the complaint. Information gathered during an investigation under this item shall not be made public by the commission, its officers, or employees, except for information made public as a result of being offered or received into evidence in an action brought under this chapter.

(5) The chairman of the commission or, upon the request of the chairman, the commissioner shall designate a member of the commission to supervise the processing of the complaint.

(6) The complaint may be resolved at any time before a hearing by conference, conciliation, or persuasion, with the complainant and the respondent. The resolution must be embodied in a conciliation agreement, which shall include an agreement by the respondent to refrain from committing unlawful discriminatory practices in the future, and which may contain those further provisions as are agreed upon by the complainant and the respondent. No conciliation agreement may be considered an effective resolution by the commission unless the supervisory commission member has reviewed and approved the terms of the agreement. Positions taken by a witness in connection with these efforts toward conciliation shall not be made public or used against the interest of the witness in a subsequent proceeding.

(7) In undertaking its investigation of a complaint, the commission shall have the authority:

(a) to issue a subpoena or subpoena duces tecum and thereby compel attendance of witnesses or production for examination of books, papers, and records, whenever it is considered necessary to compel the attendance of witnesses, or the production for examination of any books, payrolls, personnel records, correspondence, documents, papers, or any other evidence relating to any matter under investigation or in question before the commission. This authority may be exercised only by the joint action by the chairman of the commission and the commissioner;

(b) to require any party or witness to answer interrogatories at any time after the complaint is filed;

(c) to take depositions of witnesses including any party pursuant to a complaint or investigation made by the commission;

(d) pursuant to subitems (a), (b), (c), if a person fails to permit access, fails to comply with a subpoena, refuses to have his deposition taken, refuses to answer interrogatories, or otherwise refuses to allow discovery, the commission may request an order of a court of competent jurisdiction requiring discovery and other related good faith compliance.

(8) If not sooner resolved, the investigator shall upon completion of his investigation submit to the supervisory commission member a statement of the facts disclosed by his investigation and recommend either that the complaint be dismissed or that a panel of commission members be designated to hear the complaint. The supervisory commission member, after review of the

case file and the statement and recommendation of the investigator, shall issue an order either of dismissal or for a hearing, which order is not subject to judicial or other further review.

(9) If the order is for dismissal, the supervisory commission member shall mail a copy of the order to the complainant and the respondent at their last known addresses.

(10) If the order is for a hearing, the supervisory commission member shall attach to the order a notice and a copy of the complaint and require the respondent to answer the complaint at a hearing at a time and place specified in the notice and shall serve upon the respondent a copy of the order, the complaint, and the notice.

(11) At any time before a hearing a complaint may be amended by the supervisory commission member upon the request of the investigator, complainant, or respondent. Complaints may be amended during a hearing only upon a majority vote of the panel of commission members for the hearing.

(12) Upon request by any party, the commissioner shall issue appropriate subpoenas or subpoenas duces tecum to any witnesses or other custodians of documents desired to be present at the hearing, or at prehearing depositions, unless the commissioner determines that issuance of the subpoenas or subpoenas duces tecum would be unreasonable or unduly burdensome.

(13) Upon notification by any party that any party or witness has failed to permit access, failed to comply with a subpoena or subpoena duces tecum, refused to have his deposition taken, refused to answer interrogatories, or otherwise refused to allow discovery, the commission, upon notice to the party or witness, shall apply to a court of competent jurisdiction for an order requiring discovery and other good faith compliance unless the commission determines that the discovery would be unreasonably or unduly burdensome.

(14) Upon request by the supervisory commission member, the chairman of the commission shall designate a panel of three members of the commission to sit as the commission to hear the complaint; provided, that no member of the commission may be a member of a panel to hear a complaint for which he has been a supervisory commission member.

(15) At any hearing held pursuant to this subsection, the case in support of the complaint shall be presented before the panel by one or more of the commission's employees or agents, and, with consent of the panel, by legal representatives of the complaining party; provided, that attempts at conciliation by the investigator must not be received into evidence nor otherwise made known to the members of the panel.

(16) The respondent shall submit a written answer to the complaint and appear at the hearing in person or by counsel and may submit evidence. The respondent shall have the power reasonably and fairly to amend his answer.

(17) The complainant is permitted to be present and submit evidence.

(18) These proceedings are subject to the Administrative Procedures Act and in case of conflict between the provisions of this chapter and the Administrative Procedures Act, the Administrative Procedures Act shall govern. A recording of the proceedings shall be made, which may be subsequently transcribed upon request and payment of a reasonable fee by the complainant or the respondent. The fee must be set by the commission or upon motion of the panel, in which case copies of this transcription shall be made available to the complainant or the respondent upon request and payment of a reasonable fee to be set by the commission.

(19) If upon all the evidence presented at the hearing the panel shall find that the respondent has engaged in any unlawful discriminatory practice, it shall state its findings of fact and serve upon the respondent in the name of the commission an opinion and order requiring that the unlawful discriminatory practice be discontinued and requiring such other action including, but not limited to, hiring, reinstating or upgrading of employees, with or without back pay to the persons aggrieved by the practice as, in the judgment of the panel, shall effectuate the purposes of this chapter. Back pay liability shall not accrue from a date more than two years

prior to the filing of the complaint with the commission. The commission may retain jurisdiction of any such case until it is satisfied of compliance by the respondent with its order.

(20) If upon all the evidence at the hearing the panel shall find that the respondent has not engaged in any unlawful discriminatory practice, the panel shall state its findings of fact and serve upon the complainant and the respondent an opinion and order dismissing the complaint as to the respondent.

(21) A copy of the opinion and order of the commission shall be delivered to the Attorney General and to those other public officers as the commission deems proper. Copies of the opinion and order shall be available to the public for inspection upon request, and copies shall be made available to any person upon payment of a reasonable fee set by the commission.

(22)(a) If an application for review is made to the commission within fourteen days from the date of the opinion and order of the commission, the commission, for good cause shown, shall review the opinion and order, the evidence, receive further evidence, rehear the parties or their representatives, and, if justified, amend the opinion and order.

(b) The opinion and order of the commission as provided in item (19), if not reviewed in due time, or an opinion and order of the commission upon review, as provided for in subitem (a), is conclusive and binding as to all questions of fact unless clearly erroneous in view of the reliable, probative, and substantive evidence in the whole record. Either party to the dispute, within thirty days after receipt of the opinion and order, may appeal the decision of the commission to the Administrative Law Court as provided in Chapter 23, Title 1. In case of an appeal from the decision of the commission, the appeal operates as a supersedeas for thirty days only, unless otherwise ordered by the administrative law judge, and the respondent is required to comply with the order involved in the appeal until the questions at issue are fully determined in accordance with the provisions of this chapter.

(c) The commission may institute a proceeding for enforcement of its order issued under item (19) or its amended order issued under subitem (a) after thirty days from the date of the order, unless otherwise prevented by the administrative law judge under subitem (b) above, by filing a request for enforcement in the court of common pleas of the county in which the hearing occurred, or where the person who is the subject of the commission's order resides or transacts business.

A decree of the court for enforcement of the order may be granted upon a showing that a copy of the petition for enforcement was served upon the party subject to the dictates of the commission's order."

~~(1) The Commissioner shall assign one or more of his employees or agents to investigate the complaint, in which case one shall be designated the investigator in charge of the complaint. Information gathered during an investigation under this subsection shall not be made public by the Commission, its officers or employees, except for information made public as a result of being offered or received into evidence in an action brought under this subsection.~~

~~(2) The Chairman of the Commission or, upon the request of the Chairman, the Commissioner shall designate a member of the Commission to supervise the processing of the complaint.~~

~~(3) The complaint may be resolved at any time before a hearing by conference, conciliation and persuasion with the complainant and the respondent, such resolution to be embodied in a conciliation agreement, which shall include an agreement by the respondent to refrain from committing unlawful discriminatory practices in the future, and which may contain such further provisions as are agreed upon by the complainant and the respondent. No conciliation agreement shall be deemed an effective resolution by the Commission unless the supervisory commission member shall have reviewed and approved the terms thereof. Positions taken by a witness in connection with such efforts toward conciliation shall not be made public or used against the interest of the witness in a subsequent proceeding.~~

~~(4) In undertaking its investigation of a complaint the Commission shall have the authority:~~

(i) To issue a subpoena or subpoena duces tecum and thereby compel attendance of witnesses or production for examination of books, papers, and records, whenever it is deemed necessary to compel the attendance of witnesses, or the production for examination of any books, payrolls, personnel records, correspondence, documents, papers or any other evidence relating to any matter under investigation or in question before the Commission. The power may be exercised only by the joint action by the Chairman of the Commission and the Commissioner.

(ii) To require any party or witness to answer interrogatories at any time after the complaint is filed.

(iii) To take depositions of witnesses including any party pursuant to a complaint or investigation made by the Commission.

(iv) Pursuant to subitems (i), (ii), (iii), above, if a person fails to permit access, fails to comply with a subpoena, refuses to have his or her deposition taken, refuses to answer interrogatories, or otherwise refuses to allow discovery, the Commission may request an order of a court of competent jurisdiction requiring discovery and other related good faith compliance.

(5) If not sooner resolved, the investigator shall upon completion of his investigation submit to the supervisory commission member a statement of the facts disclosed by his investigation and recommend either that the complaint be dismissed or that a panel of commission members be designated to hear the complaint. The supervisory commission member, after review of the case file and the statement and recommendation of the investigator shall issue an order either of dismissal or for a hearing, which order shall not be subject to judicial or other further review.

(6) If the order be of dismissal, the supervisory commission member shall mail a copy of the order to the complainant and the respondent at their last known addresses.

(7) If the order be for a hearing, the supervisory commission member shall annex thereto a notice and a copy of the complaint and require the respondent to answer the complaint at a hearing at a time and place specified in the notice and shall serve upon the respondent a copy of the order, the complaint, and the notice.

(8) At any time before a hearing a complaint may be amended by the supervisory commission member upon the request of the investigator or of the complainant or of the respondent. Complaints may be amended during a hearing only upon a majority vote of the panel of commission members for such hearing.

(9) Upon request by any party, the Commissioner shall issue appropriate subpoenas or subpoenas duces tecum to any witnesses or other custodians of documents desired to be present at the hearing, or at prehearing depositions, unless the Commissioner determines that issuance of the subpoenas or subpoenas duces tecum would be unreasonable or unduly burdensome.

(10) Upon notification by any party that any party or witness has failed to permit access, failed to comply with a subpoena or subpoena duces tecum, refused to have his or her deposition taken, refused to answer interrogatories, or otherwise refused to allow discovery, the Commission, shall, upon notice to the party or witness, apply to a court of competent jurisdiction for an order requiring discovery and other good faith compliance unless the Commission determines that the discovery would be unreasonably or unduly burdensome.

(11) Upon request by the supervisory commission member, the Chairman of the Commission shall designate a panel of three members of the Commission to sit as the Commission to hear the complaint; provided, that no member of the Commission shall be a member of a panel to hear a complaint for which he has been a supervisory commission member.

(12) At any hearing held pursuant to this subsection, the case in support of the complaint shall be presented before the panel by one or more of the commission's employees or agents, and, with consent of the panel, by legal representatives of the complaining party; provided, that endeavors at conciliation by the investigator shall not be received into evidence nor otherwise made known to the members of the panel.

(13) The respondent shall submit a written answer to the complaint and appear at such hearing in person or by counsel and may submit evidence. The respondent shall have the power reasonably and fairly to amend his answer.

(14) The complainant shall be permitted to be present and submit evidence.

(15) Proceedings under this section shall be subject to the Administrative Procedures Act, Sections 1-23-310 through 1-23-400 of the Code of Laws of South Carolina, 1976, as amended, and in case of conflict between the provisions of this chapter and the Administrative Procedures Act, the Administrative Procedures Act shall govern. A recording of the proceedings shall be made, which may be subsequently transcribed upon request and payment of a reasonable fee by the complainant or the respondent. The fee shall be set by the Commission or upon motion of the panel, in which case copies of such transcription shall be made available to the complainant or the respondent upon request and payment of a reasonable fee to be set by the Commission.

(16) If upon all the evidence at the hearing the panel shall find that the respondent has engaged in any unlawful discriminatory practice, it shall state its findings of fact and serve upon the respondent in the name of the Commission an opinion and order requiring that such unlawful discriminatory practice be discontinued and requiring such other action including, but not limited to, hiring, reinstatement or upgrading of employees, with or without back pay to the persons aggrieved by such practice as, in the judgment of the panel, will effectuate the purposes of this chapter. Back pay liability shall not accrue from a date more than two years prior to the filing of a charge with the Commission. The Commission may retain jurisdiction of any such case until it is satisfied of compliance by the respondent with its order.

(17) If upon all the evidence at the hearing the panel shall find that the respondent has not engaged in any such unlawful discriminatory practice, the panel shall state its findings of fact and serve upon the complainant and the respondent an opinion and order dismissing the complaint as to the respondent.

(18) A copy of the opinion and order of the Commission shall be delivered in all cases to the Attorney General and to such other public officers as the Commission deems proper. Copies of the opinion and order shall be available to the public for inspection upon request, and copies shall be made available to any person upon payment of a reasonable fee set by the Commission.

(19)(i) If an application for review is made to the commission within fourteen days from the date the order of the commission is given, the commission, for good cause shown, shall review the order and evidence, receive further evidence, rehear the parties or their representatives, and, if proper, amend the order.

(ii) The order of the commission, as provided in item (16) of subsection (c) of this section, if not reviewed in due time, or an order of the commission upon review, as provided for in subitem (i) of item (19) of this subsection, is conclusive and binding as to all questions of fact unless clearly erroneous in view of the reliable, probative, and substantive evidence in the whole record. Either party to the dispute, within thirty days after receipt of notice to be sent by registered mail of the order may appeal the decision of the commission to the Administrative Law Court as provided in Sections 1-23-380(B) and 1-23-600(D). In case of an appeal from the decision of the commission, the appeal operates as a supersedeas for thirty days only, unless otherwise ordered by the administrative law judge, and the respondent is required to comply with the order involved in the appeal or certification until the questions at issue are fully determined in accordance with the provisions of this chapter.

(iii) The commission may institute a proceeding for enforcement of its order of item (16) of subsection (c) of this section, or its amended order of subitem (i) of item (19) of this subsection after thirty days from the date of the order, by filing a notice of appeal in the court of common pleas of the county in which the hearing occurred, or where a person required in the order to cease and desist from a practice which is the subject of the commission's order, or to take other

~~affirmative action, resides, or transacts business.~~

~~If no appeal pursuant to subitem (ii) of item (19) of this subsection is initiated, the commission may obtain a decree of the court for enforcement of its order upon a showing that a copy of the petition for enforcement was served upon the party subject to the dictates of the commission's order.~~

- Other Agencies Impacted: Any state agency against which a charge is filed

#### Law Recommendation # 6

- Law: SC Code Section 31-21-70 (G)
- Summary of current statutory requirement: The Agency shall accept and investigate (within 100 days) formal complaints against housing providers contending that a provider has engaged in unlawful discrimination based on race, color, religion, sex, disability, familial status, or national origin.
- Recommendation and Rationale for Recommendation: Disability discrimination related to modifications, accommodations and construction deficiencies in a housing investigation may involve the terms and conditions of a sale or rental of a dwelling, in addition to the denial of a dwelling.
- Law Wording: (G) For purposes of Section 31-21-40(6) and 31-21-40(7), discrimination includes:
  - (1) a refusal to permit, at the expense of the handicapped person, reasonable modifications of existing premises occupied or to be occupied by the person if the modifications are necessary to afford that person full enjoyment of the premises, except that in the case of a rental, the landlord, where it is reasonable to do so, may condition permission for a modification on the renter agreeing to restore the interior of the premises to the condition that existed before the modification, reasonable wear and tear excepted;
  - (2) a refusal to make reasonable accommodations in rules, policies, practices, or services when such accommodations may be necessary to afford the person equal opportunity to use and enjoy a dwelling; or
  - (3) in connection with the design and construction of covered multi-family dwellings for first occupancy after the date that is thirty months after the date of enactment of the Fair Housing Amendments Act of 1988, a failure to design and construct those dwellings in such a manner that:
    - (a) the public use and common use portions of such dwelling are readily accessible to and usable by handicapped persons;
    - (b) all the doors designed to allow passage into and within all premises within such dwellings are sufficiently wide to allow passage by handicapped persons in wheelchairs; and
    - (c) all premises within these dwellings contain the following features of adaptive design:
      - (i) an accessible route into and through the dwelling;
      - (ii) light switches, electrical outlets, thermostats, and other environmental controls in accessible locations;
      - (iii) reinforcements in the bathroom walls to allow later installation of grab bars; and
      - (iv) usable kitchens and bathrooms that an individual in a wheelchair can maneuver about the space.
- Other Agencies Impacted: None

#### Law Recommendation # 7

- Law: SC Code Section 31-21-120 (B)
- Summary of current statutory requirement: The Agency shall accept and investigate (within 100 days) formal complaints against housing providers contending that a provider has engaged in unlawful discrimination based on race, color, religion, sex, disability, familial status, or national origin.
- Recommendation and Rationale for Recommendation: The Agency and its Federal Counterpart agency (the Department of Housing and Urban Development) no longer require that a complaint or answer be verified, only that they be under oath. The Commission may contract and cooperate with Federal Equivalent Agencies (like the EEOC and HUD) in furthering the joint missions of the Agencies.
- Law Wording: (B) A complaint under subsection (A) must be filed within one hundred eighty days after the alleged discriminatory housing practice occurred. The complaint must be in writing and shall state the facts upon which the allegations of a discriminatory housing practice are based. A complaint may be reasonably and fairly amended at any time. A respondent may file an answer to the complaint against him, not later than ten days after receipt of notice, and may be amended reasonably and fairly by the respondent at any time. ~~Both complaint and answer must be verified.~~
- Other Agencies Impacted: None

#### Law Recommendation # 8

- Law: SC Code Section 45-9-10 (A)
- Summary of current statutory requirement: After receiving a complaint from the Attorney General or an investigation from SLED, a three-commissioner panel shall conduct a review of the investigation to determine whether there is reasonable cause to believe a place of public accommodations has discriminated against an individual due to race, color, religion or national origin, and the Agency shall attempt to conciliate the complaint received.
- Recommendation and Rationale for Recommendation: In recent years, the Attorney General and SLED have not engaged in any investigations related to public accommodation discrimination and instead all complaints are brought to the Human Affairs Commission for processing through conciliation efforts only. The Commission seeks to have the General Assembly encourage our partner Agencies to work with SCHAC in adjudicating allegations of public accommodation discrimination. Alternatively, SCHAC seeks that the statutes be changed to empower SCHAC with processing complaints. The language in the law, and new process, mirrors the Tennessee Human Rights Commission, which is substantially similar to the South Carolina Human Affairs Commission.
- Law Wording: (A) All persons shall be entitled to the full and equal enjoyment of the goods, services, facilities, privileges, advantages, and accommodations of any place of public accommodation, as defined in Article 1 of this chapter, without discrimination or segregation on the ground of race, color, religion, ~~or~~ national origin, ~~or sex, though nothing in this part shall prohibit segregation on the basis of sex of bathrooms, health clubs, rooms for sleeping or changing clothes, or other places of public accommodation the commission specifically exempts on the basis of bona fide considerations of public policy.~~
- Other Agencies Impacted: Office of the Attorney General and SLED

## Law Recommendation # 9

- Law: SC Code Section 45-9-40
- Summary of current statutory requirement: After receiving a complaint from the Attorney General or an investigation from SLED, a three-commissioner panel shall conduct a review of the investigation to determine whether there is reasonable cause to believe a place of public accommodations has discriminated against an individual due to race, color, religion or national origin, and the Agency shall attempt to conciliate the complaint received.
- Recommendation and Rationale for Recommendation: In recent years, the Attorney General and SLED have not engaged in any investigations related to public accommodation discrimination and instead all complaints are brought to the Human Affairs Commission for processing through conciliation efforts only. The Commission seeks to have the General Assembly encourage our partner Agencies to work with SCHAC in adjudicating allegations of public accommodation discrimination. Alternatively, SCHAC seeks that the statutes be changed to empower SCHAC with processing complaints. The language in the proposed wording, and new process, mirrors the Tennessee Human Rights Commission, which is substantially similar to the South Carolina Human Affairs Commission.
- Law Wording: Section 45-9-40. Processing of ~~charges~~ complaints; review by State Human Affairs Commission; complaint by ~~Commission~~ Attorney General.  
Whenever the ~~State Human Affairs Commission~~ Attorney General receives a ~~charge~~ complaint and has cause to believe that a person or group of persons is engaged in a pattern or practice of resistance to the full enjoyment of any of the rights secured by the provisions of Article 1, and that the pattern or practice is of a nature so as to deny the full exercise of the rights described in the provisions of Article 1, the ~~Commission~~ Attorney General shall notify the ~~State Law Enforcement Division~~ which shall conduct an investigation. The results of this investigation must be reported to a panel of the Board of the Commission ~~the State Human Affairs Commission~~. A panel of not fewer than three commission members, designated by the chairman, shall determine if there is reasonable cause to believe that the facts alleged, based upon the results of this investigation, are sufficient to state a violation of Article 1 by a pattern or practice of discrimination or segregation.  
If this panel finds reasonable cause, ~~they shall inform the chairman~~ the chairman shall inform the Attorney General, and the ~~Commission~~ Attorney General or his designee shall begin an action by ~~filing a complaint with the commission and~~ serving a complaint and Order for hearing, by certified mail, return receipt requested, on the parties named in the complaint. The commission members which serve on this panel may not serve on the panel conducting a hearing on the allegations contained in the complaint if a license revocation proceeding is initiated. If a person alleged to have violated the provisions of Article 1 by a pattern or practice of discrimination or segregation is an employee or agent of an establishment as defined in Section 45-9-10, the ~~Commission~~ Attorney General shall make a diligent effort to include in the complaint the name of the employer, principal, or a third party who may be the holder of a license or permit under which the establishment or an agent of the establishment operates. The complaint must set forth a description of the charges, including the facts pertaining to the pattern or practice of discrimination or segregation and a listing of those licenses or permits which are sought to be revoked under the provisions of this article and must state clearly the remedy or penalty available pursuant to Sections 45-9-60 and 45-9-80 if the allegations are found to be true.
- Other Agencies Impacted: Office of the Attorney General and SLED

## Law Recommendation # 10

- Law: SC Code Section 45-9-60
- Summary of current statutory requirement: The Commission may establish rules and procedures for public accommodations hearings, to include permitting intervention by parties, and the Commission may revoke a business license from an establishment if it has violated the law.
- Recommendation and Rationale for Recommendation: In recent years, the Attorney General and SLED have not engaged in any investigations related to public accommodation discrimination and instead all complaints are brought to the Human Affairs Commission for processing through conciliation efforts only. The Commission seeks to have the General Assembly encourage our partner Agencies to work with SCHAC in adjudicating allegations of public accommodation discrimination. Alternatively, SCHAC seeks that the statutes be changed to empower SCHAC with processing complaints. The language in the proposed wording, and new process, mirrors the Tennessee Human Rights Commission, which is substantially similar to the South Carolina Human Affairs Commission.
- Law Wording: SECTION 45-9-60. State Human Affairs Commission may establish rules of procedure for hearings; subpoenas; rights of persons charged; rules of evidence; scope of hearing; deliberations of panel; remedies for violation.

The commission may establish rules of procedure for the conduct of the panel hearings as provided in this article and is not governed by the Administrative Procedures Act in establishing these rules or in the conduct of panel hearings. The commissioner, upon request of the panel conducting a hearing, may issue subpoenas and subpoenas duces tecum to allow the panel to interview any person it deems necessary and review any document it deems relevant.

A person or group of persons charged in the complaint with engaging in a pattern or practice of discrimination or segregation in violation of Article 1 shall have the right in the hearing to present physical and documentary evidence, the testimony of witnesses, and other relevant information. In procuring the testimony of witnesses, such persons shall have the benefit of the commissioner's subpoena power. Such persons shall have the right to appear before the panel and be represented by an attorney, to call witnesses, to confront and cross examine adverse witnesses, and to make oral and written legal arguments.

All testimony given must be under oath in the presence of a court reporter who shall record the proceedings. The rules of evidence applicable in circuit court shall be used in all hearings. Except to the extent necessary to establish a pattern or practice of discrimination or segregation or to allow for the participation of those intervenors as may be allowed by Section 45-9-70, the panel conducting the hearing must limit the scope of the hearing to the items delineated in the description of the charges or in the allegations in the complaint.

Notwithstanding any other provision of law to the contrary, all deliberations and votes of the panel may be conducted in executive session. The deliberations, findings, and conclusions of the panel are confidential and may not be disclosed by any person until the final order or determination is made public as provided in this article.

Except as otherwise provided by this article, if it is determined that the rights and privileges secured by Article 1 have been violated by a pattern or practice of discrimination or segregation by an owner of an establishment, an employee of an establishment, or an agent of an establishment, the panel shall grant the relief authorized in Section 45-9-80. The panel may further order any persons found to have violated the provisions of Article 1 by a pattern or practice of discrimination or segregation to reimburse the State for the actual costs incurred in conducting the hearing, including reasonable attorney's fees. Additionally ,the Panel's Order shall be public and may require:

- (1) Admission of individuals to a place of public accommodation, resort or amusement;

- (2) The extension to all individuals of the full and equal enjoyment of the advantages, facilities, privileges and services of the respondent;
  - (3) Reporting as to the manner of compliance;
  - (4) Posting notices in conspicuous places in the respondent's place of business in the form prescribed by the commission and inclusion of such notices in advertising material;
  - (5) Payment to the complainant of damages for an injury, including humiliation and embarrassment, caused by the discriminatory practice, and cost, including a reasonable attorney's fee;
  - (6) Such other remedies as shall be necessary and proper to eliminate all the discrimination identified by the evidence submitted at the hearing or in the record.
- Other Agencies Impacted: Office of the Attorney General

#### Law Recommendation # 11

- Law: SC Code Section 45-9-80
- Summary of current statutory requirement: The Commission may establish rules and procedures for public accommodations hearings, to include permitting intervention by parties, and the Commission may revoke a business license from an establishment if it has violated the law.
- Recommendation and Rationale for Recommendation: In recent years, the Attorney General and SLED have not engaged in any investigations related to public accommodation discrimination and instead all complaints are brought to the Human Affairs Commission for processing through conciliation efforts only. The Commission seeks to have the General Assembly encourage our partner Agencies to work with SCHAC in adjudicating allegations of public accommodation discrimination. Alternatively, SCHAC seeks that the statutes be changed to empower SCHAC with processing complaints. The language in the proposed law, and new process, mirrors the Tennessee Human Rights Commission, which is substantially similar to the South Carolina Human Affairs Commission.
- Law Wording: SECTION 45-9-80. ~~Commission Attorney General~~ to notify permitting, regulatory, or licensing authority of violations; immediate revocation of license or permit; enforcement of panel's decision; violators not to obtain license or permit for three years.  
Notwithstanding any other provision of law or ordinance to the contrary, if the panel determines that the provisions of Article 1 have been violated by a pattern or practice of discrimination or segregation by the owner of an establishment, an employee of an establishment, or an agent of an establishment of public accommodations as defined in Section 45-9-10, the ~~Commission Attorney General~~ must immediately notify the appropriate state or local permitting, regulatory, or licensing authority that those licenses or permits so designated in the panel's order must be revoked immediately, notwithstanding the provisions of Section 1-23-380(C), upon expiration of the time allowed for an appeal if no appeal has been filed. After appeals, if the panel's order is not reversed, the license or permit must be revoked as provided in this article.  
If necessary, a writ of mandamus may be sought by the ~~Commission Attorney General~~ or any individual to effectuate the provisions of this section. Nothing in this section shall be construed as requiring the issuance of a writ of mandamus, and no civil action shall lie against any regulatory or licensing official acting pursuant to an order of the panel.  
If the Commission notifies the appropriate state or local permitting, regulatory, or licensing authority that those licenses or permits so designated in the panel's order must be revoked immediately, the owner of an establishment, employee of an establishment, or agent of an establishment who is found to have violated the provisions of Article 1 by a pattern or practice of discrimination or segregation shall not obtain a license or permit from the same regulatory or licensing entity or seek the reissuance of a revoked license or permit within three years from the

date of the panel's order or a final determination of a court of competent jurisdiction, whichever is later.

- Other Agencies Impacted: Office of the Attorney General

#### Law Recommendation # 12

- Law: Regulation 65-2
- Summary of current statutory requirement: The Agency shall accept and investigate formal complaints against employers that state the employer has engaged in unlawful employment discrimination, based on race, religion, color, sex, age, national origin, or disability.
- Recommendation and Rationale for Recommendation: The regulation should be changed to eliminate the unnecessary requirement of notarization on the Complaint Form, and should instead reflect the statutory requirement of a statement that is made under oath or affirmation. The proposed amendment parallels the requirements of the Agency's federal counterpart, the Equal Employment Opportunity Commission, thereby making the respective practices of the two entities substantially similar, which is required by the *Worksharing Agreement* between the Agency and the Equal Employment Opportunity Commission.
- Law Wording: B. Complaint Form.  
The complaint shall be in writing on a form provided by the Commission for this purpose. The complaint must be signed and sworn under oath or affirmation. ~~before a notary public or other person duly authorized by law to administer oaths and take acknowledgements. Notarial service shall be furnished without charge by the Commission.~~
- Other Agencies Impacted: None

#### Law Recommendation # 13

- Law: Regulation 65-3
- Summary of current statutory requirement: The Agency shall accept and investigate formal complaints against employers that state the employer has engaged in unlawful employment discrimination, based on race, religion, color, sex, age, national origin, or disability. The Agency shall issue subpoenas or subpoenas duces tecum to compel the attendance of witnesses or the production of evidence in employment investigations, and the Commission shall enforce subpoenas through a court of competent jurisdiction. The Agency shall make certain portions of employment investigation files available to the parties involved in the investigation.
- Recommendation and Rationale for Recommendation: The regulation should be changed to decrease the timeframe for subpoena enforcement from 30 days to 14 days, additionally the timeframe to request a motion to quash and request for additional time are removed. The regulation should further provide Complainants and Respondents with equal access to the Agency's investigative files in order to be substantially equivalent to the EEOC, and the citation for the Freedom of Information Act is wrong and should be corrected. .
- Law Wording: 65-3. Investigation and Production of Evidence.  
A. Investigation.  
(1) Investigator. The investigation of complaint shall be conducted by one or more investigators from the Commission's staff who shall be appointed by the Commissioner. If more than one investigator is appointed, one of the investigators shall be designated the "investigator in charge" and shall direct the investigation.  
(2) Duties of the Investigator. Investigators shall do those things necessary and proper to thoroughly investigate a complaint, but shall limit their investigations to their proper scope as described in Subsection 65-3A(5) herein. Investigators assigned to investigate complaints filed pursuant to Section 1-13-90(c) of the Act (State agencies or departments and their local

subdivisions) shall upon completion of their investigations submit to the supervisory commission member a statement of the facts disclosed by their investigations and recommend to the supervisory commission member that the complaint be dismissed or that a panel of commission members be designated to hear the complaint. In complaints arising under Section 1-13-90(d) of the Act (employers, employment agencies or labor organizations, including municipalities, counties, special purpose districts, school districts and local governments), investigators shall upon completion of their investigation submit to the Commissioner a statement of the facts disclosed by the investigation and recommend either that the complaint be dismissed or that the Commission endeavor to formally conciliate the matter.

(3) Supervisory Commission Members. If the complaint under investigation is brought pursuant to Section 1-13-90(c) of the Act, the Chairman of the Commission, or upon the request of the Chairman, the Commissioner shall designate a member of the Commission to supervise the processing of the complaint who shall be known as the supervisory commission member. The supervisory commission member shall review the results of the investigation conducted by the investigator and review the investigator's recommendations for dismissal or other action.

(4) Commencement of the Investigation. The investigation shall commence immediately upon service by the Commission of a copy of the complaint or notice of complaint upon the respondent.

(5) Scope of Investigation. Insofar as practicable, the investigation shall be limited to a determination of the facts relating to the unlawful employment practice or practices under investigation or in question before the commission, alleged in the complaint and to the individual harm alleged to have been suffered by the complaining party. The investigator's inquiry for relevant facts shall be restricted to the relevant immediate environment in which the complaining party allegedly suffered harm such as a department or similar organizational structure of a respondent employer which is within the decision-making authority of a single person.

(6) Conduct of the Investigation.

(a) The investigator shall make a prompt and complete investigation of the allegations in the complaint which meet the standards of R.65-2.

(b) As part of each investigation the investigator:

(i) Will accept as evidence any statement of position and/or evidence concerning the allegations of the complaint which the complainant or respondent wishes to voluntarily submit.

(ii) Shall require the complainant or respondent to provide any evidence, including statements and documents, ~~if any, in his/her possession~~ which are relevant to the complaint, as well as, any information which is necessary to establish actual damages or to establish the date on which the alleged damages occurred.

(c) The investigator may require the complainant to provide a detailed statement which includes, but is not limited to:

(i) a statement of each specific harm that the complainant has allegedly suffered, and the date on which each alleged harm occurred;

(ii) for each alleged harm, a statement specifying the act, policy or practice of the respondent which is alleged to be unlawful; and

(iii) for each act, policy or practice alleged to have harmed the complainant a statement of the facts which lead the complainant to believe that the act, policy or practice is unlawfully discriminatory.

(d) During the investigation of a complaint, the investigator may conduct a fact-finding conference with the parties. The purpose of the conference shall be to clearly define the issues to determine which elements of the matter under investigation are undisputed, to resolve those issues that can be resolved and to determine whether there is any likelihood for a negotiated

no-fault settlement of the complaint as described in Section 65-5A. Discussions during a fact-finding conference are confidential. Any conciliation efforts during the conference are also confidential and are considered conciliation attempts within the meaning of the Act.

B. Production of Evidence.

~~(1) Investigator's Informal Request for Information. An investigator may, at any reasonable time after service of complaint, informally request access to records and documents in the possession of any person being investigated which are relevant to the complaint for purposes of inspection and copying.~~

~~(2)(1) Investigator's Formal Request for Information. An investigator may, at any reasonable time after service of complaint, formally request access to or production of records and documents in the possession of any person being investigated which are relevant to the complaint for purposes of inspection and copying. The investigator shall make the formal request for documents in writing by certified mail, transmitted to the person being investigated. If any person refuses to comply with an investigator's informal request for access to documents and records, the investigator shall demand access to the documents in writing by certified mail, transmitted to the person being investigated. The written demand shall notify the person that the investigator may apply to the Commission for a subpoena if access to or production of the documents and records is not permitted within thirty (30) days from the receipt of the investigator's written demand.~~

~~(3)(2) Investigator's Application for Subpoena Duces Tecum. If any person fails to comply with an investigator's formal written demand for information within thirty (30) days after receipt of the written demand, the investigator may apply to the Commission for a subpoena duces tecum by presenting to the Commission the investigator's written demand and the response of the person to whom the demand was made denying access to the information requested or, if no response was made, the investigator's affidavit that no response was received from the party to whom the demand for information was sent.~~

~~(4)(3) Issuance of Subpoena Duces Tecum. To effectuate the purpose of the Act, upon a showing by an investigator that a person has not complied with a written demand for information relevant to the complaint which was transmitted to the person by certified mail, the Chairman of the Commission and the Commissioner shall acting jointly have the authority to sign and issue a subpoena requiring:~~

- ~~(a) the production of evidence including but not limited to books, papers, records, correspondence or documents in the possession or under the control of the person subpoenaed;~~
- ~~(b) access to evidence for purposes of examination and the right to copy; and~~
- ~~(c) under Section 1-13-90(c) of the Act, attendance at hearings or at prehearing depositions.~~

~~(5)(4) Form and Content of Subpoenas.~~

~~(a) A subpoena issued by the Commission shall:~~

- ~~(i) state the name and address of its issuer;~~
- ~~(ii) briefly and clearly state the cause of issuance;~~
- ~~(iii) identify the person to whom and the place, date and time at which the subpoena is returnable;~~
- ~~(iv) identify the person or evidence subpoenaed with reasonable clarity, specificity and particularity to readily enable the person receiving the subpoena to identify the named person or evidence;~~
- ~~(v) state the date and time access is requested if a subpoena duces tecum is issued.~~

~~(b) A subpoena shall only be returnable to a duly authorized investigator of the Commission of the Commissioner.~~

(c) Neither the complainant nor the respondent shall have the right to demand that an investigative subpoena be issued.

~~(6)~~(5) Petitions to Revoke Subpoena. Within fourteen (14) ~~thirty (30)~~ days after a subpoena is issued, the person served with the subpoena may petition the Commission by mail to revoke or modify the subpoena and shall serve a copy of the petition upon the investigator who originally demanded the information. The petition shall separately identify the portion of the subpoena with which the petitioner does not intend to comply and shall state with respect to each portion, the grounds upon which the petitioner relies. A copy of the subpoena shall be attached to the petition and shall be designated "Attachment A". Within ten (10) days after receipt of the petition or as soon thereafter as practicable, the Commission shall review the petition and make a written determination upon the petition stating in detail the reasons for the Commission's determination and shall serve a copy of the determination upon the petitioner and the investigator demanding the information. When a petition to revoke a subpoena is served upon the Commission, no enforcement of a subpoena shall be sought until the Commissioner has made a determination on the petition and served the petitioner with the determination.

~~(7)~~(6) Applications For Enforcement.

(a) Failure to Comply and Enforcement. A person who receives a subpoena may refuse to comply by failing to respond to the subpoena or by affirmatively stating that he/she will not respond; it is not necessary for the person to serve a petition to revoke the subpoena. If a person fails to comply with a subpoena, the Commission may, after fourteen (14) ~~thirty (30)~~ days, apply to any state court of competent jurisdiction for an order requiring the person to comply with the subpoena as provided by the Act.

(b) Notice of Hearing. Any person against whom an order is sought shall be given at least four (4) days notice (excluding Saturdays, Sundays, and state holidays) of the time and place of the hearing, and may oppose the granting of the order.

~~(c) Requests for Additional Time. Except in extraordinary circumstances the Commission will not oppose requests for additional time not to exceed ten (10) days, to prepare for the hearing, if the request is made to the court and served upon the Commission at least two days before the scheduled hearing.~~

~~(d) Motions to Quash. As provided by the Act, any person may move before a court of competent jurisdiction for an order quashing a subpoena after giving the Commission four (4) days notice (excluding Saturdays, Sundays and state holidays).~~

~~(8)~~(7) Interrogatories and Depositions.

(a) A party or witness may be required to answer written interrogatories relevant to a complaint under investigation under Section 1-13-90(c) and (d) of the Act at any time after such complaint is served.

(b) At least ten (10) days written notice (excluding Saturdays, Sundays and state holidays) shall be furnished to any party or witness sought to be deposed.

(c) The scope of discovery shall be governed by the relevance to the content of the complaint under investigation as described in Subsection 65-3A(5) of these Regulations.

~~(9)~~(8) Petitions to Revoke Interrogatories and Depositions. If a person refuses to have his/her deposition taken or refuses to answer interrogatories, the person may petition to revoke the notice to take deposition or revoke the interrogatories within five (5) days after receipt of the notice to take deposition or within thirty (30) days after receipt of interrogatories. The petition shall be mailed to the Commission and shall be served upon the investigator who originally demanded the information. The petition shall separately identify each portion of the interrogatories with which the petitioner does not intend to comply and shall state, with respect to each such portion, the grounds upon which the petitioner relies. A copy of the notice to take

deposition or the interrogatories, as the case may be, shall be attached to the petition and designated as "Attachment A". Within five (5) days after receipt of the petition or as soon thereafter as practicable, the Commission shall make a determination upon the petition stating in detail the reasons for its determination and shall serve a copy of its determination upon the petitioner. When a petition to revoke is served upon the Commission, no enforcement of a notice to take deposition or interrogatories shall be sought until the Commission has made its determination on the petition and served the petitioner.

~~(10)~~(9) Applications for Enforcement.

(a) Failure to Comply and Enforcement. A person who receives interrogatories or a notice to take deposition may refuse to comply by failing to respond or by affirmatively stating that he/she will not respond; it is not necessary for the person to serve a petition to revoke. If a person fails to comply with the notice to take deposition, the Commission may after ten (10) days apply to any state court of competent jurisdiction for an order requiring the person to comply as required by the Act. If a person fails to answer interrogatories the Commission may after thirty (30) days apply to any state court of competent jurisdiction for an order requiring the person to answer the interrogatories as provided by the Act.

(b) Notice of Hearing. Any person against whom an order is sought shall be given at least four (4) days notice (excluding Saturdays, Sundays and state holidays) of the time and place of the hearing, and may oppose the granting of the order.

~~(c) Requests for Additional Time. Except in extraordinary circumstances, the Commission will not oppose requests for additional time not to exceed ten (10) days to prepare for the hearing if the requests are made to the court and served upon the Commission at least two days before the scheduled hearing.~~

~~(d) Motions to Quash. Any person may move before a court of competent jurisdiction for an order quashing a motion to take depositions or interrogatories after giving the Commission four (4) days notice (excluding Saturdays, Sundays and state holidays).~~

~~(11)~~(10) Confidentiality.

(a) Public Access to Commission Files or Information Gathered During an Investigation. As provided in Sections 1-13-90(c)(1) and 1-13-90(d)(2) of the Act, information gathered during an investigation conducted under Section 1-13-90 of the Act, shall not be made public by the Commission, its officers or employees, unless and until that information is offered or received into evidence at a Commission hearing or court proceeding brought in accordance with the Act. In view of the prohibitions against making information public contained in Sections 1-13-90(c)(1) and 1-13-90(d)(2) of the Act, information gathered by the Commission during investigations and internal memoranda assessing evidence, discussing complaints or recommending action on complaints shall not be deemed "public records" within the meaning of the Code of Laws of South Carolina Section ~~30-4-20~~ ~~30-3-20~~. The provisions of this Subsection apply whether the Commission's investigative file is open for an ongoing investigation or closed after a matter is completely concluded.

(b) Public Access to Final Opinions and Orders and Determinations. The public shall have access to the Commission's final opinion and order concerning a complaint under Section 1-13-90(c) of the Act or the Commission's determination on whether to dismiss a complaint or sue in the state circuit court under Section 1-13-90(d) of the Act.

(c) Commission Requests for Information from Investigators. If the Commission requires reports on investigations or on the progress of investigations, the investigator's report shall be given to the Commission while the Commission sits in executive session with member of the public excluded.

(d) Access to Information by Complainant and Respondent.

(i) Information Provided by the Parties Themselves. The complainant may at all times have access to any information which the complainant has furnished the

Commission. The respondent may at all times have access to any information which the respondent has furnished the Commission. However, neither the complainant nor the respondent shall have information furnished by the other party, except that this Subsection does not apply to disclosure to the parties or their attorneys where the disclosure is limited to matters necessary for determining appropriate relief and/or negotiating settlements or making conciliation offers and except that this Subsection does not apply to the complainant's or respondent's access to Commission files after a complaint against the respondent has been served as provided in subitem (ii), following.

(ii) ~~Information Available to the Parties in a Proceeding. a Respondent before a Hearing or Court Procedure.~~ If an action is brought against a respondent in accordance with the Act, either before the Commission pursuant to Section 1-13-90(c) of the Act or in a court of competent jurisdiction pursuant to Sections 1-13-90(c) and (d) of the Act, the complainant and respondent shall from the time the complaint is served be granted access to the investigative file of the Commission which shall include access to statements, affidavits or depositions of the complainant and ~~complainant's~~ witnesses, whether or not the complainant and the ~~complainant's~~ witnesses are employees of the respondent at the time the request for access is made. The complainant and respondent shall also have access to all other facts and data gathered by the Commission during its investigation, provided however that neither shall the respondent shall not have access to deliberative memoranda, working papers, drafts and other work products of the Commission relating to a complaint and further provided that deletions may be made where necessary to protect the personal privacy of an affiant or an individual named in a document to insure the anonymity of confidential sources or information, and to protect the confidentiality of trade secrets, confidential financial information and the like.

(iii) Copy of the Complaint. A copy of the complaint will be served in all cases upon the respondent unless a complaint received pursuant to a federal contract expressly requires that the original complaint not be served. In the event that a copy of the complaint is not provided, the respondent shall be served with a notice of the complaint within ten (10) days of receipt. The notice of complaint shall include the place, circumstances and identity of the person filing the complaint, a description of the violations of the Act alleged to have been committed by the respondent and the date of the alleged violation.

(e) Reports and Compilations. The Commission may publish abstracts of data derived from its closed investigative files in a form which does not reveal the identity of the parties, trade secrets, financial information or competitive commercial information or processes.

(f) Sharing Information Between Agencies. The Commission shall not provide information to any state or federal agency which does not have written regulations providing essentially the same protection against unauthorized disclosure as provided in these regulations.

- Other Agencies Impacted: None

#### Law Recommendation # 14

- Law: Regulation 65-9
- Summary of current statutory requirement: The Commission shall issue an order at the completion of an employment investigation regarding a state agency employer, either that the matter be dismissed or that a panel of commission members be designated to hear the matter. The Commission shall, at the completion of an employment investigation regarding a non-state agency employer, either order that the matter be dismissed despite evidence that reasonable cause exists to believe discrimination occurred; order that the complaint be dismissed for no

reasonable cause; or recommend that a lawsuit be filed in equity in circuit court against the respondent due to a cause determination.

- Recommendation and Rationale for Recommendation: The Regulation should be changed to reflect the One Hundred Twenty (120) day statutory deadline for filing a lawsuit. This deadline is found in South Carolina Code Section 1-13-90(d)(6).
- Law Wording: (3) Content of Notice of Right to Sue. The notice of right to sue shall include:
  - (a) authorization to the complainant to bring a civil action pursuant to Section 1-13-90(d) of the Act within one hundred twenty (120) ninety (90) days from issuance of such authorization by the Commission to the complainant, his/her attorney of record, or, in those instances covered by 65-2J(2)(d) hereof, from the date of mailing to the complainant's last known address;
  - (b) advice concerning the institution of such civil action by the complainant, where appropriate;
  - (c) a copy of the complaint;
  - (d) the Commission's decision, determination, or dismissal as appropriate.
- Other Agencies Impacted: None

#### Law Recommendation # 15

- Law: Regulation 65-22
- Summary of current statutory requirement: The Commission may adopt bylaws, publish reports and policies, and promulgate regulations to further the mission of the Agency, and deter discrimination in housing and employment across the state.
- Recommendation and Rationale for Recommendation: Regulation 65-22 may confuse state agencies and may lead an agency to understand that records need only be retained for a period of six months, when in fact, federal recordkeeping obligations require longer retention periods for state agencies and other employers, specifically those found in 29 C.F.R. § 1602.
- Law Wording: ~~65-22. Employment Records to be Retained for Six Months. Each State Agency, department and local subdivision thereof shall preserve and retain any personnel or employment record made or kept by them, including but not necessarily limited to application forms submitted by applicants and other records having to do with hiring, promotion, demotion, transfer, layoff or termination, rates of pay or other terms of compensation, and selection for training or apprenticeship, for a period of six (6) months from the date of the making of the record or the personnel action involved, whichever occurs later. In the case of involuntary termination of an employee, the personnel records of the individual terminated shall be kept for a period of six (6) months from the date of termination. However, in no event is the six month record keeping requirement to be construed or interpreted as permitting the destruction of personnel records, after the expiration of the six month period, whenever a charge of discrimination has been filed and currently pending against a State Agency, department or local subdivision thereof. Repealed.~~
- Other Agencies Impacted: None

#### Law Recommendation # 16

- Law: Regulation 65-22
- Summary of current statutory requirement: The Agency shall accept and investigate formal complaints against employers that state the employer has engaged in unlawful employment discrimination, based on race, religion, color, sex, age, national origin, or disability.
- Recommendation and Rationale for Recommendation: The law should apply to all employers, labor organizations, and employment agencies which are in the process of being investigated by

the Human Affairs Commission. The regulation should clarify that charges originating with the Commission's federal counterpart, the Equal Employment Opportunity Commission, have the same requirement. Additionally, the Human Affairs Commission should have the right to infer that, if an employer, labor organization, or employment agency fails to retain personnel records which are relevant evidence to an investigation, such evidence may have adversely affected the party's position.

- Law Wording: 65-23. Preservation of Records in Event of Charge of Discrimination. When a charge of discrimination has been filed with the Commission or its federal equivalent, or if an action brought by either entity is pending the Commission, the employer, labor organization, or employment agency respondent State Agency, department or local subdivision, shall preserve all personnel or employment records relevant to the charge or action until final disposition of the charge or the action. Failure to retain relevant personnel or employment records may result in an adverse inference against the party during the course of an investigation.
- Other Agencies Impacted: None

#### Law Recommendation # 17

- Law: Regulation 65-223
- Summary of current statutory requirement: The Agency shall accept and investigate (within 100 days) formal complaints against housing providers contending that a provider has engaged in unlawful discrimination based on race, color, religion, sex, disability, familial status, or national origin.
- Recommendation and Rationale for Recommendation: The law should clarify that certain file contents may be protected from disclosure.
- Law Wording: (3) Notwithstanding the prohibitions and requirements with respect to disclosure of information contained in 65-225.F., the Commission will make information derived from an investigation, including the final investigative report, available to the aggrieved person and the respondent, provided however that neither shall have access to deliberative memoranda, working papers, drafts and other work products of the Commission relating to a complaint and further provided that deletions may be made where necessary to protect the personal privacy of an affiant or an individual named in a document to insure the anonymity of confidential sources or information, and to protect the confidentiality of trade secrets, confidential financial information and personal identifiable information under S.C. Code 30-2-30, or those items exempt from disclosure under S.C. Code 30-4-30. Additionally, any records requested by a party or a non-party to an investigation under S.C. Code 30-4-30 will be assessed on a case by case basis. Following the completion of investigation, the Commission shall notify the aggrieved person and the respondent that the final investigation report is completed and will be provided upon request.
- Other Agencies Impacted: None

#### Law Recommendation # 18

- Law: Regulation 65-227
- Summary of current statutory requirement: The Commission shall hold an expeditious administrative hearing before a panel of three commission members, and shall render a decision related to the claims, in the event that a fair housing investigation results in a reasonable cause determination, and after conciliation has failed, provided that no party has elected to have the matter be litigated in circuit court.

- Recommendation and Rationale for Recommendation: The law needs to consistently and clearly use different terms when referring to different documents in an investigation deemed to be a 'reasonable cause' case.
- Law Wording: 65-227. Issuance of Reasonable Cause Determination Complaint

A . Reasonable cause determination.

(1) If a conciliation agreement has not been executed by the complainant and the respondent, and approved by the Commissioner, within the time limits set forth in paragraph (3)(a) of this section, the Commission shall determine whether, based on the totality of the factual circumstances known at the time of the decision, reasonable cause exists to believe that a discriminatory housing practice has occurred or is about to occur. The reasonable cause determination will be based solely on the facts concerning the alleged discriminatory housing practice, provided by complainant and respondent and otherwise, disclosed during the investigation.

(a) In all cases

(i) If the Commission determines that reasonable cause exists the Commission will immediately issue a reasonable cause determination complaint on behalf of the aggrieved person, and shall notify the aggrieved person and the respondent of this determination by certified mail or personal service.

(ii) If the Commission determines that no reasonable cause exists, the Commission shall: issue a short and plain written statement of the facts upon which the Commission has based the no reasonable cause determination; dismiss the complaint; notify the aggrieved person and the respondent of the dismissal (including the written statement of facts) by certified mail or personal service; and make public disclosure of the dismissal. Public disclosure of the dismissal may be by issuance of a press release except that the respondent may request that no release be made. Notwithstanding a respondent's request that no press release be issued, the fact of the dismissal, including the names of the parties, shall be public information available on request.

(2) The Commission may not issue a reasonable cause determination complaint under paragraph (1) of this section regarding an alleged discriminatory housing practice, if an aggrieved person has commenced a civil action seeking relief with respect to the alleged discriminatory housing practice, and the trial in the action has commenced. If a complaint may not be issued because of the commencement of such a trial, the Commission will so notify the aggrieved person and the respondent by certified mail or personal service.

(3)(a) The Commission shall make a reasonable cause determination within 100 days after filing of the original complaint (or where the Commission has reactivated a complaint, within 100 days after service of the notice of reactivation), unless it is impracticable to do so.

(b) If the Commission is unable to make the determination within the 100 day period specified in paragraph (3)(a) of this section, the Commission will notify the aggrieved person and the respondent, by certified mail or personal service, of the reasons for the delay.

B. Issuance of Administrative Pleading-Complaint.

(1) An administrative pleading-complaint:

(a) Shall consist of a short and plain written statement of the facts upon which the Commission has found reasonable cause to believe that a discriminatory housing practice has occurred or is about to occur.

(b) Shall be based on the final investigative report; and

(c) Need not be limited to facts or grounds that are alleged in the original complaint if the record of the investigation demonstrated that the respondent has been given notice and an opportunity to respond to the allegation.

(2) Within three business days after the issuance of the reasonable cause determination complaint the Commission shall:

- (a) Set a time and place for hearing;
- (b) File the administrative pleading complaint along with the required notifications, with the Chairman; and
- (c) Serve the administrative pleading complaint and notifications in accordance with the Act.

C. Election of civil action or provision of administrative proceeding.

(1) If an administrative pleading complaint is issued under 65-227.B., a complainant, a respondent, or an aggrieved person on whose behalf the complaint is filed may elect, in lieu of an administrative proceeding, to have the claims asserted in the complaint decided in a civil action.

(2) The election must be made no later than twenty days after the receipt of service of the reasonable cause determination. complaint. The notice of the election must be filed with the Commission, the respondent, and the aggrieved persons on whose behalf the complaint was filed. The notification will be filed and served in accordance with the procedures established under Article 3.

(3) If an election is not made under this section, the Commission will maintain an administrative proceeding based on the administrative pleading complaint in accordance with the procedures under Article 3.

(4) If an election is made under this section, the Commission shall cause to be commenced and maintained a civil action seeking relief as provided by the Fair Housing Law on behalf of the aggrieved person in the appropriate Court of Common Pleas.

- Other Agencies Impacted: None

Law Recommendation # 19

- Law: Regulation 65-233
- Summary of current statutory requirement: The Commission shall hold an expeditious administrative hearing before a panel of three commission members, and shall render a decision related to the claims, in the event that a fair housing investigation results in a reasonable cause determination, and after conciliation has failed, provided that no party has elected to have the matter be litigated in circuit court.
- Recommendation and Rationale for Recommendation: The citation in this regulation is confusing, so clarity is needed.
- Law Wording: ~~Discovery.~~
  - K. A. Either party may cause to be taken the depositions of witnesses within or without the State. Such depositions shall be taken in accordance with and subject to the same provisions, conditions and restrictions as apply to the taking of like depositions in civil actions at law in the courts of common pleas of this State; and the same rules with respect to the giving of notice to the opposite party, the taking and transcribing of testimony, the transmission and certification thereof and matters of practice relating thereto shall apply.
  - L. B. The Chief Hearing Commissioner shall on its own behalf, or, upon request, on behalf of any other party to the case, issue in the name of the Commission subpoenas for the attendance and testimony of witnesses and the production and examination of books, papers and records.
  - M. C. The Court of Common Pleas shall, on application of the Commission, enforce by proper proceedings the attendance and testimony of witnesses and the production and examination of books, papers and records and shall have the power to punish as for contempt of court, by a fine or imprisonment or both, the unexcused failure or refusal to attend and give testimony or produce books, papers and records as may have been required in any subpoena issued by the Commission.
  - N. D. If a party fails to comply with discovery, the hearing panel may:
    - (1) Draw an inference in favor of the requesting party with regard to the information sought;

- (2) Prohibit the party failing to comply from introducing evidence or otherwise relying upon, testimony relating to the information sought;
- (3) Permit the requesting party to introduce secondary evidence concerning the information sought;
- (4) Strike any appropriate part of the pleadings or other submissions of the party failing to comply with such order; or
- (5) Take such other action as may be appropriate.

Other Agencies Impacted: None

## B. ADDITIONAL DOCUMENTS TO SUBMIT

Please submit the following additional documents in electronic format, saving them as instructed in the guidelines.

**20. Please submit electronic copies of the following:**

- a. Audits performed on the agency by external entities, other than Legislative Audit Council, State Inspector General, or State Auditor’s Office, during the last 5 years;

See Attachment C - Human Resource Audit - State OHR (12.15.14 and 6.16.16)

- b. Audits performed by internal auditors at the agency during the last 10 years;

Due to the size of the Agency, the SC Human Affairs Commission does not have an internal audit process or auditors.

- c. Other reports, reviews or publications of the agency, during the last 10 years, including Fact Sheets, Reports required by provisos, Reports required by the Federal Government, etc.; and

See Attachment D - HUD Audits - Reports Fact Sheets (FY2008, 09, 11, 13, 14, and 15)  
See Attachment E - HUD Audit - Agency Responses to Report (FY2015)

- d. Organizational chart for the current year and as many years back as the agency has available.

See Attachment F - Organizational Charts for SC Human Affairs (1972 - 2017)

Note: The Oversight Committee will collect the following documents, so do not provide copies of these: (a) Audits performed by the State Inspector General; (b) Audits performed by the Legislative Audit Council; (c) Audits or AUPs performed by the State Auditor’s Office during the last 5 years; and (d) Agency Accountability Reports.

- 21. Please submit a Word document that includes a glossary of terms, including, but not limited to, every acronym used by the agency.**

See Attachment G - Glossary provided by SC Human Affairs

## C. FEEDBACK (OPTIONAL)

After completing the Program Evaluation, please provide feedback to the Committee by answering the following questions:

22. What other questions may help the Committee and public understand how the agency operates, budgets, and performs?

- What was the historical context in terms of why the Commission was formed?
- How is this historical context, in terms of why the Commission was formed, relevant to our society today?
- What is the relationship between the Human Affairs Commission and a Community Relations Council?
- Why are local Community Relations Councils important?
- What is the difference between the Human Affairs Commission and the US Equal Employment Commission?
- What is the work relationship between the Human Affairs Commission and the US EEOC and why is it important?
- What is the difference between the Human Affairs Commission and the Department of US Housing and Urban Development?
- What is the work relationship between the Human Affairs Commission and HUD and why is it important?
- Why are education, training and outreach important to the Commission?
- How does the agency prevent discrimination?
- How does the agency promote harmony among a diverse group of people?

23. What are the best ways for the Committee to be able to compare the specific results the agency obtained with the money it spent?

- Compare the SHAC performance Measures to the SHAC budget.
- Compare the emphasis of the Laws regulating SHAC to the SHAC Budget.
- Encourage the Legislative Oversight Committee to work with SCEIS to develop a program giving the Oversight Committee access to financial data related to each agency similar to the information auditors can review.
- Also, the proposed developed program could be similar to the program used by the Executive Budget Offices PBF system for agencies to electronically enter the yearly budget requests.

24. What changes to the report questions, format, etc. would the agency recommend?

- Fewer questions related to the total amount spent on salaries, fringe, operating expenses and submit more questions based on the fund. Funds may not be budgeted for objectives where there are no costs associated with the objective.

25. What benefits does the agency see in the public having access to the information in the report?

- The benefits that the Human Affairs Commission sees in terms of the public having access to the report is that the Public can observe how much emphasis the State of South Carolina places on preventing and eliminating discrimination.
- The public can also see where the laws governing SHAC determine how the Commission spends its budget.
- The public can observe that the State of South Carolina emphasizes how important it is for the State to resolve issues locally as opposed to the Federal Government taking charge to resolve discrimination complaints.
- The public will also observe that the Human Affairs Commission spends its funds frugally and efficiently in order to save the taxpayers' money.
- The public can also determine through having access to this report that the agency has played a significant role in the State the past 45 years to bring social and therefore economic progress to the state through its mission to prevent and eliminate discrimination and to bring harmony among a very diverse population of people.
- The public can observe through this information that the small staff of the SC Human Affairs Commission is dedicated to the mission of the agency and to the service of the Citizens of SC.
- The public can see how each State Agency having an Affirmative Action Plan monitored through the Human Affairs Commission has made a positive impact on the integration of state government jobs for blacks and women.
- The public can see that through the employment, housing and public accommodation laws enforced by the agency that the Agency is carrying out the American values of fairness and opportunity for all South Carolinians no matter their race, color, religion, national origin, sex, age, familial status or disability.
- The public can see that there have been nearly 40,000 cases of employment, housing and public accommodation discrimination investigated through the past 45 years.

26. What are two-three things the agency could do differently next time (or it could advise other agencies to do) to complete the report in less time and at a lower cost to the agency?

- Agencies completing reports should solicit the assistance of supervisors and trusted staff members to assist in completing requested information.
- The Legislative Oversight Committee should give agencies more time to complete the report taking into consideration that some agencies are smaller (less staff members) and some positions oversee multiple areas (ex. Administrative Manager oversees Budget, Finance, Procurement & HR).

27. Please provide any other comments or suggestions the agency would like to provide.

- Provide more time for agencies to submit information.
- Consider the size of the agency when requesting a certain time from for submitting information back to the Oversight Committee. Most management employees at small agencies have a very heavy work load and perform the functions of several people combined. Thus, these employees spend much extra time beyond their normal work hours.
- Consider redacting specific non-management names on the public survey.

# Attachment A

**Laws**  
(Study Step 1: Agency Legal Directives, Plan and Resources)

Agency Responding Date of Submission		Human Affairs Commission 4/17/2017				
Item #	Law Number	Jurisdiction	Type of Law	Statutory Requirement and/or Authority Granted	Does this law specify who the agency must serve? (Y/N)	Does this law specify deliverable the agency must or may provide? (Y/N)
1	1-13-20. Declaration of policy.	State	Statute	Establishes that discrimination is unlawful and declares that the Agency was created by the General Assembly to promote harmony, and eliminate and prevent discrimination on the basis of race, religion, color, sex, age, national origin or disability.	No	No
2	1-13-30. Definitions.	State	Statute	Provides definitions for terms within the Human Affairs Law, which help to establish the jurisdiction of and guidance to the Agency.	No	No
3	1-13-40. Creation of South Carolina Commission on Human Affairs.	State	Statute	Establishes the Commission (Board), and provides guidance on members who may be selected for the Board, and the appropriate methods of voting.	Yes	Yes
4	1-13-50. Commissioner and personnel	State	Statute	Guides the Commission Board on selection of an Agency Head and additional staff	Yes	Yes
5	1-13-60. Duties of chairman and vice-chairman.	State	Statute	Commands the Chairman to act as the presiding officer at meetings of the Commission and states that he shall promote the orderly transaction of its business.	No	Yes
6	1-13-70. Powers of Commission.	State	Statute	Explains the Commission's powers, including (1) the ability to maintain an office or offices; (2) the ability to adopt bylaws; (3) the authority to promulgate regulations related to the chapter; (4) the authority to formulate policies to effectuate the purposes of this chapter and to make recommendations to appropriate parties in furtherance of such policies; (5) the ability to obtain and utilize upon request the services of all governmental departments and agencies; (6) the ability to create or recognize community councils to promote the agency's mission; (7) the ability to work with the EEOC and accept reimbursement from it; (8) the ability to investigate charges of discrimination; (9) the ability to hold hearings following an investigation; and (10) the ability to petition for an order of a court of competent jurisdiction requiring compliance with an order issued by the Commission pursuant to the procedure set forth in item (16) of subsection (c) of Section 1-13-90; (11) the ability to accept grants, bequests, or donations; (12) and the ability to institute proceedings in a court of competent jurisdiction, for cause shown, to prevent or restrain any person from violating any provision of this chapter.	Yes	Yes
7	1-13-80. Unlawful employment practices; exceptions.	State	Statute	Establishes various unlawful employment practices which the Commission has the power to investigate, and exceptions thereto.	No	No
8	1-13-85. Medical examinations and inquiries.	State	Statute	Establishes various unlawful employment practices related to medical inquiries and examinations which the Commission has the power to investigate.	No	No
9	1-13-90. Complaints, investigations, hearings and orders.	State	Statute	Establishes the means by which the Commission may accept charges of discrimination and investigate the same. This section establishes the subpoena power of the agency regarding any complaint filed against a state agency or any other jurisdictional employer, labor organization, or employment agency. Empowers the agency to conciliate a charge of discrimination. Provides processes and timelines for when parties shall respond to requests for information from the agency. Establishes the procedures for holding hearings following the investigation process in employment matters filed against a state agency when a reasonable cause determination is issued. Requires that the Chairman designate a panel to hear the matter pursuant to the unlawful practices in Section 1-13-80 or 1-13-85, and based on the practices found in the Administrative Procedures Act of South Carolina. An Order must be issued from the Panel following the conclusion of the hearing, either finding in favor of the complaining party and awarding damages and/or injunctive relief, or dismissing the matter pending against the respondent state agency. This section further establishes the Commission's right to bring an action in circuit court for discriminatory employment practices. The law also provides recourse for a complainant who is issued a notice of right to sue following the dismissal of a charge.	Yes	Yes
10	1-13-100. Construction and application of chapter.	State	Statute	Limits the construction and application of the Human Affairs Law to those things which violate the law per section S.C. Code Ann. § 1-13-90; that violate Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. Section 2000e et seq; that violate the Age Discrimination in Employment Act of 1967, as amended, 29 U.S.C. Section 621 et seq.; or that violate the Americans with Disabilities Act of 1990, as amended, Public Law 101-336.	No	No
11	1-13-110. Affirmative action plans by State agencies; approval by Commission; action by General Assembly.	State	Statute	Requires that each state agency shall develop an Affirmative Action Plan to assure equitable employment for members of minorities and shall present the plans to the Agency on or by February 1 of each year. The Commission reports to The Department of Administration if a state agency has not satisfactorily complied with meeting its Affirmative Action goals.	Yes	Yes

**Laws**  
(Study Step 1: Agency Legal Directives, Plan and Resources)

Item #	Law Number	Jurisdiction	Type of Law	Statutory Requirement and/or Authority Granted	Does this law specify who the agency must serve? (Y/N)	Does this law specify a deliverable the agency must or may provide? (Y/N)
12	65-1 Definitions.	State	Statute	Provides definitions for terms within the Human Affairs Law regulations, which help to establish the jurisdiction of and guidance to the agency.	No	No
13	65-2 Complaint.	State	Statute	Governs the requirements for the Agency's acceptance and retention of formal complaints of discrimination under the Human Affairs Law. Provides for circumstances in which a complaint may be amended, and further guides the agency on when a complaint should be dismissed.	Yes	Yes
14	65-3 Investigation and Production of Evidence.	State	Regulation	Provides structure to the investigation process, and identifies responsibilities of the investigator, Commission members, and other staff. Explains the steps required prior to Agency enforcement of a subpoena. Provides clarity on the Administrative Hearing process. Explains the confidential nature of the file and gives guidance to the Agency regarding the production of file contents when requested by parties to the investigation or others.	Yes	Yes
15	65-4 Preliminary or Temporary Relief.	State	Regulation	Grants the Agency authority to apply to a court of competent jurisdiction, seeking injunctive relief regarding a pending complaint with the agency, pursuant to 1-13-70(s).	No	Yes
16	65-5 Conference, Conciliation and Persuasion.	State	Regulation	Explains the processes related to conciliation and settlement during the investigation, or after. Requires that those attempts at conciliation be kept confidential by the agency.	Yes	Yes
17	65-6 Reasonable Cause Determination: Procedure and Authority.	State	Regulation	Requires that the Agency submit a reasonable cause determination and notify the parties of the same, if based on evidence obtained by the Commission, the Agency believes that an unlawful employment practice has occurred or is occurring, and provided conciliation efforts have failed.	Yes	Yes
18	65-7 Reconsideration of Order of Dismissal or Order to Initiate Suit.	State	Regulation	Establishes the Commission's duty to provide an opportunity of reconsideration of a matter where applicable.	Yes	Yes
19	65-8 Procedure for Hearing as Provided by Section 1-13-90(c) of the Act.	State	Regulation	Establishes the procedures for holding an Administrative Hearing, and issuing an Order, in any case where a reasonable cause determination has been issued against a state agency for violation of the Human Affairs Law.	Yes	Yes
20	65-9 Procedure for the Institution of Civil Actions as Provided in Section 1-13-90(d) of the Act.	State	Regulation	Establishes the procedures for the agency to institute a civil action in any case where a reasonable cause determination has been issued against an employer that is not a state agency for violating the Human Affairs Law. Alternatively, authorizes the Complaining Party to file civil action following the Agency's issuance of a notice of right to sue.	Yes	Yes
21	65-10 Certification.	State	Regulation	Authorizes and empowers the Chairman or Agency Head to certify documents or records of the Commission.	No	Yes
22	65-11 Availability of Rules.	State	Regulation	Establishes that the Agency should have the rules and regulations available to the public at its office.	Yes	Yes
23	65-12 Construction of Rules and Pleadings.	State	Regulation	Explains that the regulations shall be liberally construed to effectuate the purposes of the Human Affairs Law of South Carolina.	No	No
24	65-13 General Investigations.	State	Regulation	Establishes that the Agency may, in its discretion, conduct general investigations of discrimination.	No	Yes
25	65-20 Submission of Equal Employment Opportunity Reports.	State	Regulation	Requires that all state agencies submit Equal Employment Opportunity Reports to the Agency. Requires supplements to each report on a regular basis and when specifically requested by the Human Affairs Commission.	No	Yes
26	65-21 Equal Employment Officer to be Designated.	State	Regulation	Requires that every State Agency head designate an Equal Employment Officer for preparing reports and communicating with the Human Affairs Commission regarding the Equal Employment Opportunity Report.	No	Yes
27	65-22 Employment Records to be Retained for Six Months.	State	Regulation	Requires that a State Agency maintain personnel records for at a period of six (6) months from the date of termination or from the date a document is created. Also requires that, when a charge is pending against a State Agency under the Human Affairs Law, the record should not be destroyed.	No	No
28	65-23 Preservation of Records in Event of Charge of Discrimination.	State	Regulation	Requires that a State Agency preserve all personnel records relevant to a pending charge or action under the Human Affairs Law until final disposition of the charge or the action.	No	No
29	65-24 Notices to be Posted.	State	Regulation	Requires that State Agencies post notices in their buildings for the benefit of their employees, and the notices will be prepared by the Human Affairs Commission setting forth excerpts from and summaries of pertinent provisions of the Human Affairs Law, and information pertinent to the filing of a complaint.	Yes	Yes
30	65-30 Guidelines Established.	State	Regulation	Expounds upon the types of unlawful treatment in S.C. Code Ann. § 1-13-80(a) based on an employee's pregnancy, maternity leave, childbirth, or temporary disability.	No	No
31	65-40 Minimum Requirements.	State	Regulation	Sets for parameters that community groups must meet before being recognized as a Community Relations Council by the Agency.	No	Yes

## Laws

### (Study Step 1: Agency Legal Directives, Plan and Resources)

Item #	Law Number	Jurisdiction	Type of Law	Statutory Requirement and/or Authority Granted	Does this law specify who the agency must serve? (Y/N)	Does this law specify a deliverable the agency must or may provide? (Y/N)
32	Civil Rights Act of 1964 [Title VII, 42 USC § 2000e et seq]	Federal	Statute	Prohibits discrimination in employment based on race, color, religion, sex or national origin; prohibits discrimination against an employee/applicant for opposing an unlawful employment practice, making a charge or assisting in an investigation, proceeding or hearing against an employer in regard to an unlawful employment practice.	No	No
33	Title I of the Americans with Disabilities Act of 1990 (ADA)	Federal	Statute	Title I of the Americans with Disabilities Act of 1990 prohibits private employers, State and local governments, employment agencies and labor unions from discriminating against qualified individuals with disabilities in job application procedures, hiring, firing, advancement, compensation, job training, and other terms, conditions, and privileges of employment. Title II requires that State and local governments give people with disabilities an equal opportunity to benefit from all of their programs, services, and activities, including employment. <u>The Human Affairs Law is substantially equivalent to Title I.</u>	No	No
34	The Age Discrimination in Employment Act of 1967 (ADEA) [29 USC § 621]	Federal	Statute	Prohibits an employer from refusing to hire, discharge or otherwise discriminating against any individual age 40 or older, solely on the basis of age.	No	No
35	Leibetter Fair Pay Act of 2009 [Public Law 111-2, 123]	Federal	Statute	Amends Civil Rights Act of 1964 to state that the 180-day statute of limitations for filing an equal pay suit resets with each new discriminatory paycheck.	No	No
36	Equal Pay Act of 1967 [29 USC § 206(d)]	Federal	Statute	Prohibits paying wages to employees at a rate less than the rate at which the employer pays wages to employees of the opposite sex for equal work on jobs the performance of which requires equal skill, effort, and responsibility, and which are performed under similar working conditions.	No	No
37	Genetic Information Nondiscrimination Act (GINA) [Public Law 110-223]	Federal	Statute	Prohibits discrimination based on genetic information in both health insurance (Title I) and employment (Title II).	No	No
38	Pregnancy Discrimination Act (42 U.S.C. § 2000e et seq.)	Federal	Statute	Prohibits discrimination against a woman because of pregnancy, childbirth, or a medical condition related to pregnancy or childbirth. The law also makes it illegal to retaliate against a person because the person complained about discrimination, filed a charge of discrimination, or participated in an employment discrimination investigation or lawsuit.	No	No
39	31-21-20. State policy.	State	Statute	Establishes the state policy to provide fair housing throughout the state.	No	No
40	31-21-30. Definitions.	State	Statute	Provides definitions for terms within the Fair Housing Law, which help to establish the jurisdiction of the agency, and guidance to the agency and citizens of South Carolina.	No	No
41	31-21-40. Discrimination in relation to sale or rental of property.	State	Statute	Establishes the prohibited discriminatory housing practices that the Commission has the power to investigate based on discrimination regarding sales or rentals of jurisdictional property.	No	No
42	31-21-50. Discrimination in relation to membership or participation in multiple listing service, real estate brokers' organization, or related service, organization, or facility.	State	Statute	Establishes that it is unlawful to deny any person access to, or membership or participation in, any multiple-listing service, real estate brokers' organization, or other service, organization, or facility relating to the business of selling or renting dwellings or to discriminate against him in the terms or conditions of the access, membership, or participation on account of their membership in a protected class. (due to race, color, national origin, religion, gender, disability, or familial status)	No	No
43	31-21-60. Discrimination in relation to residential real estate-related transactions.	State	Statute	Defines the term "residential real estate-related transaction" and establishes that it is unlawful for any person or other entity whose business includes engaging in residential real estate-related transactions to discriminate against any person in making available such a transaction, or in the terms or conditions of the transaction, because of race, color, religion, sex, handicap, familial status, or national origin.	No	No
44	31-21-70. Application and exceptions.	State	Statute	Further explains jurisdiction and clarifies the law by restricting the Fair Housing Law's application to certain housing providers. Expands unlawful discrimination related to a disability or handicap to include issues such as a housing provider's failure to accommodate, a failure to permit a modification, or non-compliance with ANSI requirements for accessible design.	No	No
45	31-21-80. Interference with the exercise of any right under this chapter.	State	Statute	Makes it unlawful to coerce, intimidate, threaten, or interfere with any person in the exercise of, or on account of his having aided or encouraged any other person in the exercise of, any right granted under the Fair Housing Law.	No	No
46	31-21-90. Administration of chapter.	State	Statute	Provides that the Human Affairs Commissioners shall administer the Fair Housing Law, but may delegate responsibilities to Commission staff, such as investigating, conciliating, hearing, determining, ordering, certifying, reporting.	Yes	Yes

**Laws**  
(Study Step 1: Agency Legal Directives, Plan and Resources)

Item #	Law Number	Jurisdiction	Type of Law	Statutory Requirement and/or Authority Granted	Does this law specify a deliverable the agency must or may provide? (Y/N)	Does this law specify who the agency must serve? (Y/N)	Does this law specify a deliverable the agency must or may provide? (Y/N)
47	31-21-100. Powers of the Commission.	State	Statute	Explains the Commission's powers regarding the South Carolina Fair Housing Law, including (1) the ability to make regulations necessary to enforce the Fair Housing Law; (2) to make studies with respect to the nature and extent discriminatory fair housing practices; (3) the ability to work with the Federal Department of Housing and Urban Development or another organization and accept reimbursement from it; (4) the ability to accept gifts or bequests; and (5) the ability to institute proceedings in a court of competent jurisdiction, for cause shown, to seek appropriate temporary or preliminary injunctive relief pending final administrative disposition of a complaint.	Yes	Yes	Yes
48	31-21-110. Investigations by commission; subpoenas	State	Statute	Establishes the Commission's investigatory power and the power to issue subpoenas.	Yes	Yes	Yes
49	31-21-120. Complaints; process and handling; conciliation; effect of local laws; civil action.	State	Statute	Explains the process by which a complaint of discrimination may be accepted for investigation at the Agency. Establishes the Commission's ability to conciliate matters through mutual agreements. Limits an investigation to 100 days unless there is a reason for an extension or delay. States that an investigation will end if a court action is filed regarding the matter.	Yes	Yes	Yes
50	31-21-130. Investigator's report and recommendation; dismissal of or hearing on complaint; civil action; amending of complaint; subpoenas; hearing by commission; opinion and order; review; court appeals; enforcement orders.	State	Statute	Explains the procedures for completing an investigation and either dismisses the matter for lack of cause, or recommends that the matter be heard in an administrative hearing before a panel of the board of Commissioners because the Complaint has met their burden of proof under Fair Housing Law. Establishes the right of either party to elect that a civil action be filed instead of an administrative hearing. Explains the hearing process if an administrative hearing is to be held.	Yes	Yes	Yes
51	31-21-140. Civil action; damages.	State	Statute	Provides that a civil action shall be commenced within one year of the alleged discriminatory housing practice, though that period may be tolled during portions of the investigation. Explains that a complainant does not need to exhaust an administrative remedy through the Human Affairs Commission prior to filing a lawsuit in civil court. States that relief in a matter brought under the Fair Housing Law may include any permanent or temporary injunction, temporary restraining order, or other order and may award the plaintiff actual damages, and punitive damages, together with court costs and reasonable attorney's fees in the case of a prevailing party.	Yes	Yes	Yes
52	31-21-150. Coordination regarding complaint filed with multiple agencies.	State	Statute	States that the Agency will determine if a complainant has filed a similar complaint with the Federal Home Loan Bank Board, the Comptroller of the Currency, the Federal Deposit Insurance Corporation of the Federal Reserve System, the United States Department of Housing and Urban Development, or any other agency with authority to investigate and resolve complaints alleging a violation of this chapter in order to prevent duplicate complaints.	Yes	Yes	Yes
53	65-210 General.	State	Regulation	Provides further clarification related to jurisdiction of the law for certain housing providers. Incorporates definitions from the Law for purposes of the regulations and provide additional definitions.	No	No	No
54	65-211 Discriminatory Housing Practices.	State	Regulation	Interprets certain prohibitions of unlawful conduct in the context of real estate practices; advertisements, statements and notices; representations on the availability of dwellings; blockbusting; and the provision of brokerage services.	No	No	No
55	65-213 Discrimination in Residential Real Estate Related Transactions.	State	Regulation	Interprets certain prohibitions of unlawful conduct in the context of residential real estate related transactions; the making of loans and in the provision of other financial assistance; the purchasing of loans; the terms and conditions for making available loans or other financial assistance; and in the selling, brokering, or appraising of residential real property.	No	No	No
56	65-215 Prohibition Against Discrimination Because of Handicap.	State	Regulation	Interprets certain prohibitions of unlawful conduct in the context of the protected class of disability by listing general prohibitions against discrimination because of handicap, and providing additional definitions.	No	No	No
57	65-217 Housing for Older Persons.	State	Regulation	Explains certain jurisdictional limitations for state and federal elderly housing programs, and fifty-five or over housing.	No	No	No
58	65-219 Interference, Coercion or Intimidation.	State	Regulation	Interprets unlawful conduct under 31-21-80, considered to be retaliatory or found to be an attempt to coerce, intimidate, threaten or interfere with any person in the exercise or enjoyment of, or on account of that person having exercised or enjoyed, or on account of that person having aided or encouraged enjoyment of, any right granted or protected by this section.	No	No	No
59	65-220 Complaints.	State	Regulation	Provides guidance related to the acceptance of complaints of discrimination by the Agency. Further explains when an amendment would be appropriate, and how the complaint will be served by the Agency. Allows a respondent to answer the complaint.	Yes	Yes	Yes
60	65-221 Referral of Complaints to State and Local Agencies.	State	Regulation	Explains the proper procedure for handling dually filed or duplicative complaints among local, state, and other agencies.	Yes	Yes	Yes
61	65-223 Investigation Procedures.	State	Regulation	Provides the burden of proof in a housing investigation (reasonable cause), and gives the investigator guidance on how to process an investigative file. States the need for the investigator to disclose final conclusions in a report to be made available to the parties.	Yes	Yes	Yes

**Laws**  
(Study Step 1: Agency Legal Directives, Plan and Resources)

Item #	Law Number	Jurisdiction	Type of Law	Statutory Requirement and/or Authority Granted	Does this law specify who the agency must serve? (Y/N)	Does this law specify a deliverable the agency must or may provide? (Y/N)
62	65-225 Conciliation Procedures.	State	Regulation	Requires the Commission to attempt conciliation with each complaint filed. Provides guidance on the type of relief that may be contemplated in a conciliation agreement. States specific times when conciliation efforts may be terminated. Makes conciliation efforts confidential, but provides that an agreement reached is public.	Yes	Yes
63	65-227 Issuance of Complaint.	State	Regulation	Explains how a reasonable cause determination should be issued and, and how an administrative pleading should be created to be served on the parties following a reasonable cause determination. Allows a party to elect to have the matter heard in a civil action in Common Pleas rather than through the administrative hearing before a panel of the board of commissioners.	Yes	Yes
64	65-229 Other Action.	State	Regulation	Directs the commission to notify agencies about a hearing if it has an interest in the enforcement of the respondent's obligation. Requires other agencies to cooperate with the Commissioner in furthering the purposes of Fair Housing.	Yes	Yes
65	65-230 General Information.	State	Regulation	Contains the rules of practice and procedure established by the Commission for administrative proceeds, to include reasonably accommodating persons with disabilities and maintaining filed documents.	Yes	Yes
66	65-231 Hearing Panel.	State	Regulation	Grants authority to the Chief Hearing Officer of the administrative hearing panel, such as conducting the hearing, issuing subpoenas, ruling on evidence, and handling motions. Provides that a Commissioner may be disqualified, and may either withdraw himself, or may be withdrawn upon motion of party. Forbids ex parte communications.	Yes	Yes
67	65-232 Parties.	State	Regulation	Permits the parties to a complaint to be present at the hearing, as well as interveners to the matter if they are aggrieved. States that there may be legal representatives for the parties, and the commission. Requires that parties and others at the proceedings act with integrity and in an ethical manner.	Yes	Yes
68	65-233 Pleadings, Motions and Discoveries.	State	Regulation	Indicates the types of pleadings necessary to an administrative hearing, and those which are permitted. Provides certain deadlines related to filing of pleadings and for discovery. Allows the Chief Hearing Officer to permit supplemental pleadings or amendments to pleadings, and gives him the right to require oral arguments on motions, and to issue subpoenas among other powers.	Yes	Yes
69	65-234 Dismissal and Decisions.	State	Regulation	Provides that an administrative proceeding be dismissed if a separate suit is filed as a civil action.	Yes	Yes
70	65-235 Hearing Procedures (Review and Enforcement).	State	Regulation	Provides guidance on the date and place that a hearing should be held, and further provides who may be present to represent the parties. Explains the conduct of the hearing, to include the exclusion of certain evidence. States that the Hearing shall be recorded and requires that an order be issued and filed following the hearing's conclusion. Allows parties to request a reconsideration of an Order, and states that the hearing transcript will be made available after the hearing's conclusion. Explains the process by which a party may appeal the Order, and states the way the Commission can seek enforcement of its Order.	Yes	Yes
71	65-236 Certification.	State	Regulation	Authorizes and empowers the Chairman or Agency Head to certify documents or records of the Commission.	No	Yes
72	65-237 Availability and Construction of Rules.	State	Regulation	Establishes that the Agency should have the rules and regulations available to the public at its office.	Yes	Yes
73	65-240 Purpose.	State	Regulation	States that the purpose of the regulation is to assist advertising media and agencies.	No	No
74	65-242 Scope.	State	Regulation	Provides the scope of the rule, and states that persons who fail to use the appropriate criteria will be subject to reasonable cause determinations when necessary.	No	No
75	65-244 Use of Words, Phrases, Symbols, and Visual Aids.	State	Regulation	Provides certain words, phrases, symbols, and forms that may be considered discriminatory by the Commission when investigating an allegation of discrimination in housing advertisements.	No	No
76	65-246 Selective Use of Advertising Media or Content.	State	Regulation	Explains that content in and use of housing advertising may be considered discriminatory by the Agency if such advertising appears to have a discriminatory impact by being targeted for a particular protected class.	No	No
77	42 U.S.C. §§ 3601 - 3619*	Federal	Statute	The Federal Fair Housing Act defines the discriminatory fair housing practices and the enforcement procedure for Fair Housing violations. The South Carolina Fair Housing Law is substantially equivalent to the Federal Fair Housing Act.	No	No
78	ANSI A117.1	State	Other	The American National Standard for Buildings and Facilities Providing Accessibility and Usability for Physically Handicapped People requirements have been incorporated by reference into 31-21-70(H) and provide a "safe harbor" for housing providers to remain in compliance with Fair Housing Law requirements.	No	No
79	45-9-10. All persons entitled to equal enjoyment of and privileges to public accommodations; places of public accommodation; "supported by state action" defined.	State	Statute	Provides that all persons should be entitled to the full and equal enjoyment of the services and accommodations of any place of public accommodation, regardless of their race, color, religion or national origin. Defines those locations that are considered places of public accommodation under the law. Defines "supported by state action."	No	No
80	45-9-20. Exception for private establishments.	State	Statute	Provides that the chapter does not apply to a private club or other establishment not in fact open to the general public.	No	No

**Laws**

**(Study Step 1: Agency Legal Directives, Plan and Resources)**

Item #	Law Number	Jurisdiction	Type of Law	Statutory Requirement and/or Authority Granted	Does this law specify who the agency must serve? (Y/N)	Does this law specify a deliverable the agency must or may provide? (Y/N)
81	45-9-30. Deprivation of right to equal enjoyment of and privileges to public accommodations prohibited.	State	Statute	Prohibits persons from depriving or attempting to deprive others from the rights of equal enjoyment in places of public accommodations.	No	No
82	45-9-40. Processing of complaints; review by State Human Affairs Commission; complaint by Attorney General.	State	Statute	Provides that after receiving an investigation from SLED and a complaint from the Attorney General, the Agency shall conduct a review of the investigation to determine whether there is reasonable cause that Article 1, Rights to Public Accommodations, were violated. If reasonable cause is found, Agency Chairman informs AG. After the AG brings an action, Agency panel will conduct a hearing on the matter on the allegations presented. If a license revocation proceeding is initiated, a separate Commission panel will conduct the hearing.	Yes	Yes
83	45-9-50. Hearing on complaint by Attorney General; notice of hearing.	State	Statute	Provides that a panel of Agency members, designated by Chairman must hold a hearing within 60 days of the AG complaint and provide notice of the hearing.	Yes	Yes
84	45-9-60. State Human Affairs Commission may establish rules of procedure for hearings; subpoenas; rights of persons charged; rules of evidence; scope of hearing; deliberations of panel; remedies for violation.	State	Statute	Provides that the Agency may establish rules of procedure for hearings related to allegations of discrimination in a place of public accommodations. Provides that Commission shall grant relief for Article 1 violations and may order reimbursement for costs incurred in conducting hearings.	Yes	Yes
85	45-9-65. Liability of employer for acts of employee; conditions under which revocation of license not required for pattern or practice of discriminatory conduct.	State	Statute	Provides conditions where Agency may find discrimination but not require revocation of license. Provides that Agency may find employers are not liable for acts of employee unless it was reasonably known to the licensee, permittee or managing agent.	No	Yes
86	45-9-70. Right to intervene in action.	State	Statute	Provides that panel shall consider whether intervention will unduly delay or prejudice adjudication of rights of the original parties.	Yes	Yes
87	45-9-75. Final decision of panel; appeals.	State	Statute	Provides that the final Agency decision shall be in writing and list licenses or permits to be revoked.	Yes	Yes
88	45-9-80. Attorney General to notify permitting, regulatory, or licensing authority of violations; immediate revocation of license or permit; enforcement of panel's decision; violators not to obtain license or permit for three years.	State	Statute	Authority not granted to Agency. The statute states that if the Agency determines a violation occurred, then the Attorney General must notify the licensing, permitting, or regulatory entity of the violation in order to revoke the same.	No	No
89	45-9-85. Penalty for violating confidentiality provisions.	State	Statute	Violators of confidentiality provisions in 42-9-60 subject to fine or imprisonment.	No	No
90	45-9-90. Penalty for violating provisions of Article 1.	State	Statute	Violators of Article 1 subject to misdemeanor conviction along with fine and/or imprisonment.	No	No
91	45-9-100. Action for damages by aggrieved party; minimum damages for violation.	State	Statute	Provides that party may file a suit in circuit court for recovery of damages subject to 45-9-110 limitations.	No	No
92	45-9-110. Prerequisites to action for damages; conciliation.	State	Statute	Establishes the process by which a charge of unlawful discrimination or segregation may be conciliated by the Agency, and requires that a complaining party seek conciliation through the Agency before filing a lawsuit.	Yes	Yes
93	45-9-120. Prerequisites to action for damages not to limit right to pursue license revocation or criminal penalties.	State	Statute	Establishes 45-9-110 limitations do not apply to pursuit of license revocation and criminal penalties.	No	No
94	70.1 (HAC: Human Affairs Forum Carry Forward)	State	Proviso	States that revenue from donations and registration fees from Forums shall be retained and carried forward for general operations.	No	No
95	70.2 (HAC: Training Revenue)	State	Proviso	States that revenue from fees from training and technical assistance shall be retained and carried forward for general operations.	No	No
96	70.3 (HAC: Revenue from Copying Fees)	State	Proviso	States that revenue derived from copies of commission files, opinions, and orders shall be retained and carried forward for general operations.	No	No
97	11.7.13(GP: Discrimination Policy)	State	Proviso	Reaffirms the State's discrimination policy and describes the details required to be included in the Commission's report on state agency Affirmative Action Plans and Programs.	Yes	Yes

**Deliverables**  
(Study Step 1: Agency Legal Directives, Plan and Resources)

Agency Responding Date of Submission	Human Affairs Commission 4/17/2017	When adding laws under, Applicable Laws, please cite them as follows: State Constitution: Article #, Title of Article, Section #, Title of Section (Example - Article IV, Executive Department, Section 12, Disability of Governor) State Statute: #, #, # - #, # - #, # - # Name of Provision (Example - 1-1-110, What officers constitute executive department) Federal Statute: Title # - U.S.C. Section # (Any common name for the statute) State Regulation: Chapter # - Section # (Any common name for the regulation) Federal Regulation: Title # - C.F.R. Section # (Any common name for the regulation) State Pivotal Provision: #, # (Proviso Description), 2015-16 (or whichever year is applicable) Appropriations Act Part 1B (Example - 117-3 (GP - Transfers of Appropriations), 2014-15 Appropriations Act, Part 1B)	Does the law(s) ... A) Specifically REQUIRE the agency provide it (must or shall)? B) Specifically ALLOW the agency to provide it (may)? C) Not specifically address it?	Optional - Service/Product (if deliverable is too broad to complete the remaining columns, list each product/service associated with the deliverable, and complete the remaining columns)	Does the agency evaluate customer satisfaction? (Y/N)	Greatest potential negative impact on the public if not provided	1-3 recommendations to the General Assembly, other than § and providing the deliverable, for how the General Assembly can help avoid the greatest potential negative impact	Other state agencies whose mission the deliverable may fit within	Is the agency permitted by statute, regulation, or provide to charge for it? (Y/N)	Does the agency know... cost per unit? (Y/N) potential of customers served? (Y/N)
1	The Commission shall encourage fair treatment and eliminate and prevent discrimination.	1-13-40. Creation of South Carolina Commission on Human Affairs.	Not Address	See all deliverables below	No	A bill and functioning board is necessary for the administration of the Agency's laws, particularly the adjudication of matters in an administrative hearing. The mission would not be carried out because no staff would work to enforce the laws of the agency.	None	None	No	No
2	The Commission shall have a full and functioning board.	1-13-40. creation of South Carolina Commission on Human Affairs. 1-13-40. Duties of chairwoman and vice-chairman.	Require		No	Consumers would not have sufficient guidance on the Agency's process or legal interpretations if the Commission did not issue additional reports, policies, or regulations.	More individuals need to be identified for serving on the Board at the pleasure of the Governor and the Senate.	None	No	No
3	The Commission shall have a paid Agency head, recommended by the Commission board, and approved by the Governor, and shall also hire other staff members for furthering the mission of the agency.	1-13-50. Commissioner and personnel.	Require		No	Not having a mechanism within a community to address sensitive issues or possible social unrest as it relates to matters of race, national origin, color or religion and that if not handled appropriately lead to a negative economic impact.	None	None	No	No
4	The Commission may adopt bylaws, publish reports and policies, and promulgate regulations to further the mission of the Agency, and deter discrimination in housing and employment across the state.	1-13-70. Powers of the Commission; 1-13-100. Powers of the Commission	Allow		No	The Commission would lose significant funding from the Federal Agencies, which rely on the Human Affairs Commission to share caseloads.	None	None	No	No
5	The Commission may recognize and cooperate with Community Relations Councils across the state, provided the Council meets certain requirements.	1-13-70. Powers of the Commission; 65-40 Minimum Requirements	Allow		No	Complaints of unlawful discrimination would either be investigated by the EEOC, or would not be investigated.	Support the creation of local Community Relations Councils in the counties you represent to resolve problems locally at the grass roots level and not at the state level.	None	No	No
6	The Commission may contract and cooperate with Federal Equivalent Agencies (like the EEOC and HUD) in furthering the joint missions of the Agencies.	1-13-70. Powers of the Commission; 31-21-100. Powers of the Commission.	Allow		No	Complaints of unlawful discrimination would likely result in a lawsuit in federal or state court.	None	None	Yes	No
7	The Agency shall accept and investigate formal complaints against employers that state the employer has engaged in unlawful employment discrimination, based on race, religion, color, sex, age, national origin, or disability.	1-13-70. Powers of the Commission; 1-13-90. Complaints, investigations, hearings, and orders; 65-2. Complaint	Require		No	Complaints would likely result in a lawsuit in federal or state court.	None	None	No	No
8	The Agency shall attempt to conciliate or mediate complaints against employers alleged to have engaged in unlawful employment discrimination.	1-13-70. Powers of the Commission; 1-13-90. Complaints, investigations, hearings, and orders; 65-5. Conference Conciliation and Mediation	Require		No	Complaints would not have the opportunity to be heard in court or in a hearing proceeding and would not be awarded relief if their claims hold up in either of those processes.	None	None	No	No
9	The Commission may petition a court of competent jurisdiction seeking injunctive relief regarding an employment discrimination complaint pending with the agency.	1-13-70. Powers of the Commission; 65-4. Preliminary or Temporary Relief	Allow		No	An Aggrieved Party that is not represented by a private attorney and who does not know they can file for an injunction, could potentially suffer irreparable harm.	None	None	No	No
10	The Agency shall issue subpoenas or subpoenas duces tecum to compel the attendance of witnesses or the production of evidence in complaints, investigations, and the Commission shall enforce subpoenas through a court of competent jurisdiction.	1-13-70. Powers of the Commission; 1-13-90. Complaints, investigations, hearings, and orders; 65-3. Investigation and Production of Evidence	Require		No	Complaints of unlawful discrimination would not be investigated, and the federal government would likely intervene.	None	None	No	No
11	The Commission shall issue an order at the completion of an employment investigation regarding a state agency employer, either that the matter be dismissed or that a panel of commission members be designated to hear the matter.	1-13-70. Powers of the Commission; 1-13-90. Complaints, investigations, hearings, and orders; 65-2. Complaint; 65-3. Investigation and Production of Evidence; 65-6. Reasonable Cause Determination.	Require		No	Complaints would not have the opportunity to be heard in court or in a hearing proceeding and would not be awarded relief if their claims hold up in either of those processes.	None	None	No	No

**Deliverables**  
(Study Step 1: Agency Legal Directives, Plan and Resources)

Item #	Deliverable	Applicable Laws	Does the law(s) specifically require the agency provide it (must or may)? A) Specifically REQUIRE the agency provide it (must or may)? B) Specifically ALLOW the agency to provide it (may)? C) Not specifically address it?	Optional - Service/Product (If deliverable is too broad to complete the remaining columns, please specify the product/service associated with the deliverable, and complete the remaining columns)	Does the agency evaluate economic satisfaction? (Y/N)	Greatest potential negative impact on the public if not provided	1-3 recommendations to the General Assembly, other than 5 and providing the deliverable, for how the General Assembly can help avoid the greatest potential negative impact	Other state agencies whose mission the deliverable may fit within	Is the agency permitted by statute, regulation, or policy to charge for it? (Y/N)	Does the agency know... cost per unit? (Y/N) potential customers? (Y/N) annual # of customers? (Y/N)
12	The Commission shall hold an administrative hearing before a panel of three commission members, and shall render a decision related to the claims, when an employment investigation against a state agency has resulted in a reasonable cause determination.	1-13-70; Powers of the Commission; 1-13-90; Complaints, Investigations, Hearings, and Orders; 65-8 Procedure for Hearing as Provided by Section 1-13-90 (A)	Require		No	Viable claims of employment discrimination against state agencies would not be adjudicated in a cost-effective, timely way, and would instead result in lawsuits being filed in circuit of federal court, adding cost to the state.	More individuals need to be identified for serving on the Board at the pleasure of the Governor and the Senate.	None	No	No
13	The Commission shall, at the completion of an employment investigation regarding a non-state agency employer, refer that investigation to the appropriate state agency for its review and to believe discrimination exists, on the order that the complainant be dismissed for no reasonable cause, recommend that a lawsuit be filed in equity in circuit court against the respondent due to a cause determination.	1-13-70; Powers of the Commission; 1-13-90; Complaints, Investigations, Hearings, and Orders; 65-8 Procedure for Hearing as Provided by Section 1-13-90 (A); Civil Actions as Provided in Section 1-13-90(d) of the Act	Require		No	Complaints of unlawful discrimination would be incomplete, and the federal government would likely intervene.	Consider statutory revisions in order to streamline the process and minimize costs to the Agency when court action is required.	None	No	No
14	The Agency and Commission may initiate a lawsuit on behalf of an aggrieved party when an employment investigation against a non-state agency has resulted in a reasonable cause determination.	1-13-70; Powers of the Commission; 1-13-90; Complaints, Investigations, Hearings, and Orders; 65-9 Procedures for the Institution of Civil Actions as Provided in Section 1-13-90(f) of the Act	Allow		No	Viable claims of discrimination against non-state agencies in the employment context would not be adjudicated in a cost-effective, timely way and would instead result in personal lawsuits being filed in circuit of federal court.	Consider statutory revisions in order to streamline the process and minimize costs to the Agency when court action is required.	None	No	No
15	The Agency shall attempt to conciliate a legations of discrimination outside of the employment context.	1-13-90; Complaints, Investigations, Hearings, and Orders	Require		No	Public would not have a neutral state entity to resolve discrimination matters and without an outlet of expression and means to resolve a complaint, this could lead to social unrest and harm economic progress.	Maintain compliance and legal departments at current levels. Communicate with the Department of Administration regarding building and parking facilities in order to allocate adequate office and parking spaces for the agency, maximize security, and minimize health hazards.	None	No	No
16	The Commission shall submit a report to the General Assembly each year concerning the status of the Affirmative Action Plans of all state agencies, and will work with all Agency Equal Employment Officers for preparing reports, to include each Agency's Equal Employment Opportunity Report.	1-13-110; Affirmative action plans by State agencies; approval by Commission; action by General Assembly; 65-20 Submission of Equal Employment Opportunity Reports; 65-21 Equal Employment Officer to be Designated; Proviso 117.13 (GP: Discrimination Policy)	Require		No	Not monitoring State Agency AAPs would lead to more complaints of employment discrimination being filed against State Agencies and would erode the tremendous progress that State Government has made in terms of hiring and promoting qualified individuals to State employment positions where the agency employment staff looks similar to the makeup of qualified citizens in the general population.	Continue to support the proviso that if agencies are not in compliance with the law that funding can be withheld from their agency.	None	No	No
17	The Agency shall not make public information contained within an employment investigation if the information is being entered as evidence at a Commission hearing or court proceeding.	65-3 Complaint	Require		No	File contents would be readily available to anyone, which would include matters regarding conciliation, trades secrets, personnel data, anonymous witnesses, attorney-client privileged data, and work product, among other types of information.	Assist the agency with establishing a better physical location for our office that already has sufficient privacy protections in place.	None	No	No
18	The Agency shall make certain portions of employment investigation files available to the parties involved in the investigation.	65-3 Complaint	Require		No	Parties to investigations would not be able to obtain data provided to the agency following their assistance with those investigations.	Allow the Commission to promulgate and amend its regulations, as needed.	None	Yes	No
19	In employment investigations, the Commissioner shall provide the parties the opportunity to seek reconsideration of a final determination regarding the investigation.	65-7 Reconsideration of Order of Dismissal or Order to Initiate Suit;	Allow		No	The parties would not be afforded a fresh, objective opinion following the dismissal or closure of a matter.	Maintain the legal department within the agency at its current level of staffing.	None	No	No
20	The Chairman or the Commissioner (Agency Head) may authorize or certify all documents or records which are a part of the files and records of the Commission.	65-10 Certification; 65- 23# Certification	Allow		No	Commission documents would not be certified.	More individuals need to be identified for serving on the Board at the pleasure of the Governor and the Senate.	None	No	No
21	The Agency shall make rules and regulations of the Commission available to the public at its office and per the APA.	65-11 Availability of Rules; 65-237 Availability and Consultation of Rules	Require		No	The public may not have access to Agency rules and regulations, as needed.	Allow the Commission to promulgate and amend its regulations, as needed.	None	No	No
22	The Agency may be subject to hearing investigations or public accommodations, and may study and report upon the problems of the effect of discrimination on any field of human relationships.	65-13 General Investigations	Allow		No	The Agency may not have a neutral state entity to resolve discrimination matters and without an outlet of expression and ability to resolve sensitive matters regarding discrimination, this could lead to social unrest and harm economic progress.	Communicate with the Department of Administration regarding building and parking facilities in order to allocate adequate office and parking spaces for the agency, maximize security, and minimize health hazards.	None	No	No

**Deliverables**  
(Study Step 1: Agency Legal Directives, Plan and Resources)

Item #	Deliverable	Applicable Laws	Does the law(s) specifically require the agency provide it (must or may)? A) Specifically REQUIRE the agency provide it (must or may)? B) Specifically ALLOW the agency to provide it (may)? C) Not specifically address it?	Optional - Service/Product (If deliverable is too broad to complete the remaining columns, use associated with the deliverable, and complete the remaining columns)	Does the agency evaluate economic satisfaction? (Y/N)	Greatest potential negative impact on the public if not provided	1-3 recommendations to the General Assembly, other than 5 and providing the deliverable, for how the General Assembly can help avoid the greatest potential negative impact	Other state agencies whose mission may fit within the deliverable, and to whom the agency may refer? (Y/N)	Is the agency permitted by statute, regulation, or policy to charge for it? (Y/N)	Does the agency know... cost per unit? (Y/N) potential of cost to consumers? (Y/N) annual # of consumers? (Y/N)
23	The Agency shall prepare and distribute notices for other State Agencies to post in conspicuous locations for employees, which set forth excerpts from pertinent provisions of the Human Affairs Law, to include information regarding filing a complaint.	65-24 Notices to be Posted	Require		No	State employees will not be aware of their rights under the Human Affairs Law.	Provide the agency with a punishment mechanism if other State Agencies fail to comply with the requirement.	SC Dept. of Employment and Workforce, South Carolina Dept. of Consumer Affairs, SC Division of Human Resources	No	No
24	The Commission shall administer the provisions of the Fair Housing Law of South Carolina, but may delegate responsibilities to its paid staff.	31-21-80, Administration of Chapter.	Require		No	Fair Housing would not be enforced statewide.	The Statute specifically requires this, so there is no other possibility than funding.	None	No	No
25	The Agency shall accept and investigate (within 100 days) formal complaints against housing providers contending the provider has engaged in unlawful discrimination based on race, color, religion, sex, disability, familial status, or national origin.	31-21-80, Administration of Chapter; 31-21-100, Powers of the Commission; 31-21-110, Investigations by the Commission; subpoenas; 31-21-120, Complaints, process and handling; conciliation; effect of local laws; civil action; 65-220, Complaints; 65-223, Investigation	Require		No	Complaints of unlawful discrimination would either be investigated by the HUD, would be filed immediately in a lawsuit, or would not be investigated.	Maintain the fair housing and legal departments within the agency at current level of staffing. Communicate with the Department of Administration regarding building and parking facilities in order to allocate adequate office and minimize health hazards.	None	No	No
26	The Agency shall attempt to conciliate or mediate complaints against housing providers alleged to have engaged in unlawful housing discrimination.	31-21-120, Complaints, process and handling; conciliation; effect of local laws; civil action; 65-225, Conciliation Procedures	Require		No	More complaints would likely result in a lawsuit in federal or state court.	Maintain the fair housing and legal departments within the agency at current level of staffing. Communicate with the Department of Administration regarding building and parking facilities in order to allocate adequate office and minimize health hazards.	None	No	Yes
27	The Commission may petition a court of competent jurisdiction seeking injunctive relief regarding an employment discrimination complaint pending with the agency.	31-21-80, Administration of Chapter; 31-21-100, Powers of the Commission	Allow		No	An Aggrieved Party that is not represented by a private attorney and who does not know they can file for an injunction, could potentially suffer irreparable harm.	Consider statutory revisions in order to streamline the process and minimize costs to the Agency when court action is required.	None	No	Yes
28	The Agency shall issue a subpoena or subpoena duces tecum to compel the attendance of witnesses or the production of evidence in fair housing investigations, and the Commission shall enforce the subpoena through a court of competent jurisdiction.	31-21-80, Administration of Chapter; 31-21-100, Powers of the Commission; 31-21-110, Investigations by the Commission; subpoenas; 65-222, Investigation Procedures	Require		No	Complaints of unlawful discrimination would not be investigated, and the federal government would likely intervene.	Consider statutory revisions in order to streamline the process and minimize costs to the Agency when court action is required, or include providing access to using SC Law Enforcement Officers for free process service.	None	No	Yes
29	The Commission shall issue an order at the completion of a fair housing investigation, which shall state that either that the complaint be dismissed, or that a panel of commission members be designated to hear the matter based on a new complaint consisting of a short and plain written statement of the facts upon which the Commission found reasonable cause to believe that a discriminatory housing practice had occurred.	31-21-80, Administration of Chapter; 31-21-130, Investigator's report and recommendation; dismissal of or hearing on complaint; civil action; amending of complaint; subpoenas; hearing by commission; opinion and order; review; court appeals; enforcement orders; 65-223, Investigation Procedures; 65-227, Issuance of Complaint.	Require		No	Complaints would not have the opportunity to be heard in an administrative proceeding and would not be awarded relief if their claims are meritorious.	More individuals need to be identified for serving on the Board at the pleasure of the Governor and the Senate.	None	No	Yes
30	The Commission shall hold an expeditious administrative hearing before a panel of three commission members, and shall render a decision related to the claims, the evidence, and the law after the hearing has concluded. If the hearing concludes that no party has elected to have the matter be litigated in circuit court.	31-21-80, Administration of Chapter; 31-21-130, Investigator's report and recommendation; dismissal of or hearing on complaint; civil action; amending of complaint; subpoenas; hearing by commission; opinion and order; review; court appeals; enforcement orders; 65-230, General Information; 65-231, Hearing Panel; 65-232, Parties; 65-233, Readings; Motions and Discoveries; 65-234, Dismissal and Decisions; 65-235, Hearing Procedures	Require		No	Viable claims of discrimination in the housing context would not be adjudicated in a cost-effective, timely way and would instead result in private lawsuits being filed in circuit or federal court, adding cost to the state.	More individuals need to be identified for serving on the Board at the pleasure of the Governor and the Senate.	None	No	Yes

**Deliverables**  
(Study Step 1: Agency Legal Directives, Plan and Resources)

Item #	Deliverable	Applicable Laws	Does the law(s) specifically require the agency provide it (mas or otherwise)? A) Specifically REQUIRE the agency provide it (mas or otherwise)? B) Specifically ALLOW the agency to provide it (mas or otherwise)? C) Not specifically address it?	Optional - Service/Product (If deliverable is too broad to complete the remaining content, list any associated with the deliverable, and complete the remaining columns)	Does the agency evaluate consumer satisfaction? (Y/N)	Greatest potential negative impact on the public if not provided	1-3 recommendations to the General Assembly, other than 5 and providing the deliverable, for how the General Assembly can help avoid the greatest potential negative impact	Other state agencies whose mission the deliverable may fit within	Is the agency permitted by statute, regulation, or policy to charge for it? (Y/N)	Does the agency know... cost per unit? (Y/N) potential consumers? (Y/N) annual # of consumers? (Y/N)
31	The Commissioner shall maintain a civil action in the Court of Common Pleas on behalf of an aggrieved party in a fair housing matter (in lieu of holding an administrative hearing) when any party has elected to have the matter be litigated in court, following a reasonable cause determination and after conciliation efforts have failed.	31-21-30, Administrator of Chapter; 31-21-130, Investigator's report and recommendations; dismissal of or hearing on complaint; civil action; amending of complaint; subpoenas; hearing by commission; opinion and order; review; court appeals; enforcement orders.; 31-21-140, Civil action; damages.; 65-227 Issuance of Complaint; 65-234 Dismissal and Decisions	Require		No	Viable claims of discrimination in the housing context would not be adjudicated in a cost-effective, timely way and would instead result in private lawsuits being filed in circuit of federal court.	Consider statutory revisions in order to streamline the process and minimize costs to the Agency when court action is required.	None	No	No
32	Before accepting a complaint, the Agency shall determine if the complainant has filed a similar complaint with the Federal Home Loan Bank Board, the Comptroller of the Currency, the Federal Deposit Insurance Corporation, the Department of Housing and Urban Development, or any other agency with authority to investigate and shall avoid multiple investigations of the same complaint.	31-21-150, Coordination regarding complaint filed with multiple agencies	Require		No	Duplicate complaints would be reviewed by multiple agencies at the same time unnecessarily.	Maintain the fair housing and legal departments within the agency at current level of staffing.	None	No	No
33	When a fair housing complaint is received that is within the jurisdiction of a substantially equivalent local agency, the Commission will notify the agency of the filing of the housing complaint, and if a case is received, the Commission will notify the parties to the investigation of the housing determination, and any enforcement proceeding related thereto.	65-221 Referral of Complaints to State and Local Agencies	Require		No	Duplicate complaints may otherwise be filed which would be reviewed by multiple agencies at the same time unnecessarily.	Currently, there are no equivalent local agencies authorized to investigate housing discrimination complaints.	None	No	No
34	The Commission shall notify interested agencies of a reasonable cause finding.	65-229 Other Action	Require		No	Partner agencies would be unaware of our Agency's efforts and decision to prosecute a claim of discrimination.	Maintain the fair housing and legal departments within the agency at current level of staffing.	None	No	No
35	After receiving a complaint from the Attorney General or an investigation from SLED, a three-commissioner panel shall conduct a review of the investigation to determine whether there is reasonable cause to believe a place of public accommodations has discriminated against an individual due to race, color, religion or national origin, and the Agency shall attempt to conciliate the complainant received.	45-9-40, Processing of complaints; review by State Human Affairs Commission; complaint by Attorney General.; 45-9-110, Prerequisites to action for damages; conciliation.	Require		No	Complaints of unlawful discrimination would either be investigated by the DOJ, or would not be investigated.	Encourage the Attorney General's Office and SLED to engage more with this law.	SC Attorney General's Office, SC Law Enforcement Division	No	No
36	If the commissioner panel reviewing the public accommodations complaint determines that the complainant has established a prima facie case, the panel will be designated by the chairman as a panel to hold a hearing on the allegations contained in the Attorney General's complaint within 60 days of its filing.	45-9-50, Hearing on complaint by Attorney General; notice of hearing.	Require		No	More complaints would likely result in a lawsuit in federal or state court.	Encourage the Attorney General's Office and SLED to engage more with this law.	SC Attorney General's Office, SC Law Enforcement Division	No	No
37	The Commission may establish rules and procedures for public accommodations hearings, to include permitting intervention by parties, and the Commission may revoke a business license from an establishment if it has violated the law.	45-9-60, State Human Affairs Commission may establish rules of procedure for hearings; subpoenas; rights of persons charged; rules of evidence; scope of hearing; deliberations of panel; remedies for violation.;45-9-65, Liability of employer for acts of employee; conditions under which revocation of license not required for pattern or practice of discriminatory conduct.; 45-9-70, Right to intervene in Action	Allow		No	Consumers would not have sufficient guidance on the Agency's process of legal interpretations if the Commission did not issue additional reports, policies, or regulations.	Encourage the Attorney General's Office and SLED to engage more with this law.	SC Attorney General's Office, SC Law Enforcement Division	No	No
38	The Commission panel must issue a written Order which includes findings of fact and conclusions of law, following a hearing under the chapter.	45-9-75, final decision of panel; appeals.	Require		No	Commission decisions would not be able to withstand appellate review	Encourage the Attorney General's Office and SLED to engage more with this law.	SC Attorney General's Office, SC Law Enforcement Division	No	No
39	In both employment and housing investigations, the Commission shall determine if jurisdiction exists and shall dismiss a complaint for lack of jurisdiction, and may also dismiss a complaint at the request of the complainant or if the complainant files a private lawsuit during the course of the investigation.	1-13-90, Complaints, investigations, hearings and orders. 65-2, Complaints. 65-220, Complaints; 65-223 Investigation Procedures	Require		No	The Commission would investigate cases that are not within its jurisdiction to investigate.	The Statute specifically requires this, so there is no other possibility than funding.	None	No	No



**Strategic Spending (2015-16)**  
(Study Step 1: Agency Legal Directives, Plan and Resources)

<b>Agency Responding</b>	Human Affairs Commission
<b>Date of Submission</b>	4/17/2017

Note: The details are requested to avoid agencies "arbitrarily" assigning numbers.

<b>Line #</b>	1	Does the agency have any money that is not tracked through SCEIS? (Y/N) (If yes, please outline further by responding to Line 15 under Part B1.)	No
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<b>PART A1 - Cash Balances and Revenue Generated</b>									
-> The amounts below relate to the agency's cash.									
-> The Committee understands the (a) agency is only permitted to spend amounts appropriated or authorized, which is addressed in Part A2; and (b) agency may have more cash than it is permitted to spend.									
Line #	Funding Source	Emarked Funds / EEOC (30350000)	Fed Funds / HUD (50570000)	Sale of Service (30370000)	General Revenue (28370000) / General Revenue	Human Affairs (38740000)	General Funds (10010000)	CAP RES FD OPER (36340000)	Sale of Assets (39580000)
2	Funding Source	n/a							
3	2014-15 Total revenue generated	\$793,644	\$142,469	\$1,085	\$1,059	\$47	\$0	\$0	\$0
4	2015-16 Total revenue generated	\$548,884	\$336,325	\$59,573	\$0	\$0	\$0	\$0	\$0
5	Fund # and Description (Expendable level - 8 digit) (full set of financials available for each through SCEIS)	20350000 / Emarked Funds	50570000 / Federal Funds	30370000 / Sale of Service	28370000 / General Revenue	38740000 / Human Affairs	10010000	36340000	39580000
<b>Total</b>		n/a							
<b>PART A2 - Cash Balances</b>									
Line #	Fund # and Description (Expendable Level - 8 digit) (full set of financials available for each through SCEIS)	Emarked Funds / EEOC (30350000)	Fed Funds / HUD (50570000)	Sale of Service (30370000)	Refund of Prior Year Expenditure (28370000)	Refund of Prior Year Expenditure (38740000)	General Funds (10010000)	CAP RES FD OPER (36340000)	Sale of Assets (39580000)
6	Cash balance as of June 30, 2015 (end of FY 2014-15)	\$162,025	\$47,570	\$10,312	\$0	\$13,769	\$18,836	\$20,354	\$25
7	Cash balance as of June 30, 2015 (end of FY 2014-15)	\$272,892	\$156,451	\$19,358	\$0	\$13,769	\$14,304	\$20,354	\$25
8	Cash balance as of June 30, 2016 (end of FY 2015-16)	\$519,442							

<b>PART A2 - Funds Appropriated and Authorized for 2015-16 (i.e. Allowed to spend)</b>									
-> The Committee understands the agency may be appropriated or authorized to spend additional money during the year.									
Line #	Funding Source	Emarked Funds / EEOC (30350000)	Fed Funds / HUD (50570000)	Sale of Service (30370000)	General Revenue (28370000)	Human Affairs (38740000)	General Funds (10010000)	CAP RES FD OPER (36340000)	Sale of Assets (39580000)
9	Funding Source	n/a							
10	Recurring or one-time?	Recurring	Recurring	One-Time	One-Time	One-Time	Recurring	One-Time	One-Time
<b>Appropriation and Authorization Details</b>									
11	Amounts appropriated, and amounts authorized, to the agency for 2014-15 that were not spent AND the agency can spend in 2015-16	\$272,890	\$47,570	\$10,311	\$0	\$13,769	\$18,836	\$20,354	\$25
12	Amounts appropriated, and amounts authorized, to the agency for 2015-16	\$519,440	\$156,451	\$19,358	\$0	\$13,769	\$14,304	\$20,354	\$25
13	<b>Total Appropriated and Authorized (i.e. allowed to spend)</b>	\$792,330	\$204,021	\$29,669	\$0	\$27,538	\$33,140	\$40,708	\$50





**Strategic Budgeting (2016-17)**  
(Study Step 1: Agency Legal Directives, Plan and Resources)

<b>Agency Responding</b>	Human Affairs Commission
<b>Date of Submission</b>	4/17/2017

Note: The details are requested to avoid agencies "arbitrarily" assigning numbers.

<b>Line #</b>	1	Does the agency have any money that is not tracked through SCEIS? (Y/N) (If yes, please outline further by responding to Line 15 under Part B1.)	No
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**PART A1 - Cash Balances and Revenue Generated**

-> The amounts below relate to the agency's cash.  
-> The Committee understands the (a) agency is only permitted to spend amounts appropriated or authorized, which is addressed in Part A2, and (b) agency may have more cash than it is permitted to spend.

Line #	Funding Source	General Funds / (1001.0000)	Dual Employment / (30037000)	Earmarked Funds / EECC (30350000)	Sale of Service / Special Deposits (30370000)	CAP RES FD OPER (36340000)	Human Affairs / (38740000)	Sale of Assets / (39580000)	Feed Funds / HUD (50570000)
<b>Total</b>	n/a								
2	2015-16 Total revenue generated	\$0	\$0	\$715,400	\$0	\$0	\$0	\$0	\$336,225
3	2015-17 Total estimated revenue	\$0	\$0	\$805,700	\$0	\$0	\$0	\$0	\$316,550
4	Fund # and Description (Expendable Level - 8 digit) (full set of financials available for each through SCEIS)	General Funds / (1001.0000)	Dual Employment / (30037000)	Earmarked Funds / EECC (30350000)	Sale of Service / Special Deposits (30370000)	CAP RES FD OPER (36340000)	Human Affairs / (38740000)	Sale of Assets / (39580000)	Feed Funds / HUD (50570000)
<b>Cash Balances</b>									
6	Fund # and Description (Expendable Level - 8 digit) (full set of financials available for each through SCEIS)	General Funds / (1001.0000)	Dual Employment / (30037000)	Earmarked Funds / EECC (30350000)	Sale of Service / Special Deposits (30370000)	CAP RES FD OPER (36340000)	Human Affairs / (38740000)	Sale of Assets / (39580000)	Feed Funds / HUD (50570000)
8	Cash balance as of June 30, 2012 (end of FY 2015-16)	\$265,678	\$1	\$380,951	\$19,357	\$20,354	\$13,769	\$25	\$156,451

**PART A2 - Funds Appropriated and Authorized for 2016-17 (i.e. Allowed to spend)**

-> The Committee understands the agency may be appropriated or authorized to spend additional money during the year.

Line #	Funding Source	General Funds / (1001.0000)	Dual Employment / (30037000)	Earmarked Funds / EECC (30350000)	Sale of Service / Special Deposits (30370000)	CAP RES FD OPER (36340000)	Human Affairs / (38740000)	Sale of Assets / (39580000)	Feed Funds / HUD (50570000)
9	Recurring or one-time?	Recurring	One-time	Recurring	Recurring	One-time	One-time	Recurring (as needed)	Recurring
<b>Totals - Start of Year</b>		\$265,678	\$1	\$380,951	\$19,357	\$20,354	\$13,769	\$25	\$156,451
11	Amounts appropriated, and amounts authorized, to the agency for 2015-16 that were not spent AND the agency can spend in 2016-17	\$0	\$0	\$640,600	\$0	\$0	\$0	\$0	\$336,225
12	Amounts appropriated, and amounts authorized, to the agency for 2016-17	\$2,132,540	\$0	\$921,551	\$19,357	\$20,354	\$13,769	\$25	\$492,676
<b>Total Appropriated and Authorized (i.e. allowed to spend)</b>		\$2,398,218	\$1	\$1,642,101	\$38,711	\$40,708	\$27,538	\$25	\$829,151



**Strategic Budgeting (2016-17)**  
(Study Step 1: Agency Legal Directives, Plan and Resources)

Line #	Unrelated Purpose (pass through or other purpose unrelated to agency's strategic plan)	Totals Planned to Utilize -		Totals Utilized -		Budgeted to utilize -		Budgeted to utilize - Start of year	
		Start of year	End of year	End of year	Start of year	Start of year	Start of year		
20	Unrelated Purpose #1 - insert description: <b>Salary/Fringe</b>	\$2,470,796	n/a	\$1,787,479	\$0	\$455,617	\$0	\$227,700	
	Unrelated Purpose #2 - insert description: <b>Operating Expenses</b>	\$638,569	n/a	\$545,061	\$0	\$184,983	\$0	\$108,525	
	Insert any additional unrelated purposes	\$0	n/a	\$0	\$0	\$0	\$0	\$0	
	<b>Total planned to utilize on purposes unrelated to Agency Objectives in 2016-17</b>	\$3,109,365	n/a	\$2,132,540	\$0	\$640,600	\$0	\$336,225	
<b>PART B2 - Appropriations and authorizations remaining at the end of 2015-16</b>									
21	Appropriated and authorized	\$3,919,457	n/a	\$2,398,218	\$0	\$921,551	\$0	\$492,676	
22	(minus) Planned to utilize on Agency Objectives in 2016-17	\$2,721,323	n/a	\$2,030,794	\$0	\$223,150	\$0	\$467,380	
23	(minus) Planned to utilize on purposes unrelated to Agency Objectives in 2016-17	\$3,109,365	n/a	\$2,132,540	\$0	\$640,600	\$0	\$336,225	
24	<b>Amount of appropriations and authorizations remaining</b>	\$1,198,134	n/a	\$367,424	\$0	\$277,801	\$0	\$25,271	
25	<b>Amount remaining as % of total appropriations and authorizations</b>	-48.76%	n/a	-7.82%	n/a	6.27%	n/a	-63.11%	
26	<b>Explanation for Amount Remaining</b>								



**Performance Measures**  
(Study Step 2: Performance)

Performance Measure	Type of Measure:	Agency selected; Required by State; or Required by Federal:	Who performs the best in the country on this measure? (could be gov't, private, etc.)	Time Applicable	Actual Results (& Target Results) Time Period #1 FY 2011-2012	Actual Results (& Target Results) Time Period #2 FY 2012-2013	Actual Results (& Target Results) Time Period #3 FY 2013-2014	Actual Results (& Target Results) Time Period #4 FY 2014-2015	Actual Results (& Target Results) Time Period #5 (most recent completed time period)FY 2015-2016	Target Results Time Period #6 (current time period)July 2016- February, 2017
Training - External- # of Employment Training Sessions	Output	Agency selected	Not Known	July 1, 2015 - June 30, 2016	Actual - 23 Target - DNE	Actual - 13 Target - DNE	Actual - 21 Target - DNE	Actual - 24 Target - DNE	Actual - 31 Target - DNE	Actual - 15 Target - DNE
Training - Internal # of Training Sessions	Output	Agency selected	Not Known	July 1, 2015 - June 30, 2016	DNE	DNE	Actual - 8 Target - DNE	Actual - 22 Target - DNE	Actual - 18 Target - DNE	Actual - 12 Target - DNE



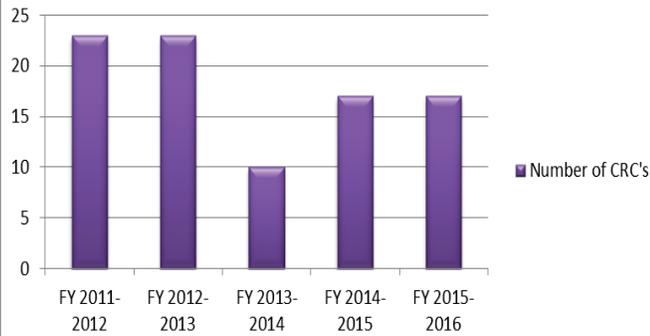


**Strategic Plan Summary**  
(Study Step 1: Agency Legal Directives, Plan and Resources; and Study Step 2: Performance)

Strategic Plan Part and Description (e.g., Goal 1 - Insert Goal 1, Strategy 1.1 - Insert Strategy 1.1, Objective 1.1.1 - Insert Objective 1.1.1)	2015-16		2016-17		Total amount appropriated and authorized to be spent	Total amount appropriated and authorized to be utilized	# of FTE equivalents planned to utilize	# of FTE equivalents utilized	Intended Public Benefit/Outcome: (Ex. Outcome = incidents decrease and public perceives that the road is safer)	Associated Performance Measures	Associated Organizational Units	Responsible Employee Name & Time staff member has been responsible for the goal or objective (e.g. John Doe (responsible less than 3 years) or Jane Doe (responsible more than 3 years))	Does this person have input into the budget for this goal, strategy or objective? (Y/N)	Partner(s), by segment, the agency works with to achieve the objective (Federal, State, or Local Government; Higher or K-12 Education Institute; Private Business; Non-Profit Entity; Individual; or Other)
	Total amount Available and Authorized to be Spent	Total amount Available and Authorized to be Utilized	Total amount Available and Authorized to be Spent	Total amount Available and Authorized to be Utilized										
<b>Strategy 4.3 - Promote the Quality of Life Initiative in all Community Relations Councils</b>	\$ 2,757,428,663	\$ 3,378,043,448	69.42		\$ 51,205.00	\$ 51,205.00	1	See below	Promote best practices among Community Relations Councils	Consultative Services/Community Relations	Sandra Ligon (responsible more than 3 years)	No	Federal Government, State Government, Local Government, Higher Education Institute, Private Business, Non-Profit Entity, Individual, Other	
Objective 4.3.1 - Conduct Quality of Life Initiative meetings with 5 Community Relations Councils during FY 2016-17	DNE	\$ 50,475.84			DNE	\$ 51,205.00	1	None	Promote best practices among Community Relations Councils	Consultative Services/Community Relations	Sandra Ligon (responsible more than 3 years)	No	Federal Government, State Government, Local Government, Higher Education Institute, Private Business, Non-Profit Entity, Individual, Other	
<b>Goal 5 - Advocate the compliance of Agency Affirmative Action Policies within all State Agencies</b>														
<b>Strategy 5.1 - Partner with all State Agencies to better monitor Agency Affirmative Action Policies</b>									Ensure agencies are promoting standard hiring and promotion practices	Consultative Services/technical Services	Stephanie Price (responsible more than 3 years)	No	State Government	
Objective 5.1.1 - Conduct a computer analysis of each agency's hiring and promotion practices during FY 2016-17	DNE	\$ 121,492.00			\$ 121,492.00	\$ 121,492.00	3	State Agency AA Plans Monitored	Ensure agencies are promoting standard hiring and promotion practices	Consultative Services/technical Services	Stephanie Price (responsible more than 3 years) Erin Wilson (responsible more than 3 years) Sheila Gibbs (responsible less than 3 years)	Stephanie Price - No Erin Wilson - No Sheila Gibbs - No	State Government	
Objective 5.1.2 - Review all State Agency Affirmative Action Reports and provide necessary recommendations to state agencies. In developing and implementing recommendations, ensure that all state agencies are aware of the current state of their affirmative action programs.	DNE	\$ 131,481.00			\$ 131,481.00	\$ 131,481.00	2	State Agency AA Plans Monitored; Training - External	Ensure agencies are promoting standard hiring and promotion practices	Consultative Services/technical Services	Stephanie Price (responsible more than 3 years) Erin Wilson (responsible more than 3 years) Dan Keon (responsible more than 3 years)	Stephanie Price - No Erin Wilson - No Dan Keon - No	State Government	
<b>Strategy 5.2 - Provide affirmative action and employment law training to all State Agencies</b>									Ensure agencies are promoting standard hiring and promotion practices	Consultative Services/technical Services	Stephanie Price (responsible more than 3 years)	No	State Government	
Objective 5.2.1 - Conduct one statewide training program for all Affirmative Action (EEO) Officers during FY 2016-17	DNE	\$ 131,481.00			\$ 131,481.00	\$ 131,481.00	2	None	Ensure agencies are promoting standard hiring and promotion practices	Consultative Services/technical Services	Dan Keon (responsible more than 3 years) Stephanie Price (responsible more than 3 years)	Dan Keon - No Stephanie Price - No	State Government	
Objective 5.2.2 - Provide 12 EEO Employment Law training sessions for supervisors of state agencies requesting assistance during FY 2016-17	DNE	\$ 121,492.00			\$ 121,492.00	\$ 121,492.00	3	None	Ensure agencies are promoting standard hiring and promotion practices	Consultative Services/technical Services	Stephanie Price (responsible more than 3 years) Erin Wilson (responsible more than 3 years) Sheila Gibbs (responsible less than 3 years)	Stephanie Price - No Erin Wilson - No Sheila Gibbs - No	State Government	

# Attachment B

### Community Relations Councils/ Sustained and Created

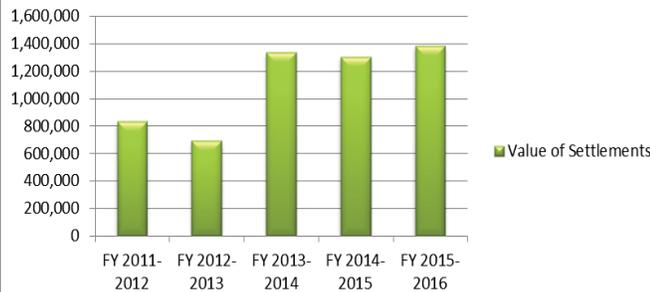


### Community Relations Councils/ Sustained & Created

Fiscal Year	Number of CRC's
FY 2011-2012	23*
FY 2012-2013	23*
FY 2013-2014	10
FY 2014-2015	17
FY 2015-2016	17

\* CRC's created prior to 2010 Reduction in Force took place. Thus no staff to maintain.

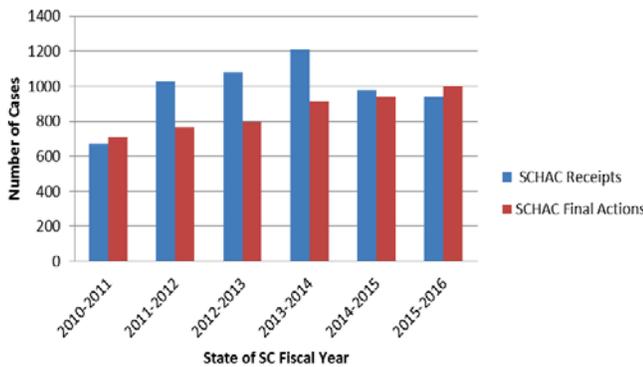
### Employment: Monetary Value of Settlements



### Employment: Monetary Value of Settlements

Fiscal Year	Value of Settlements
FY 2011-2012	831,441
FY 2012-2013	690,866
FY 2013-2014	1,333,148
FY 2014-2015	1,304,428
FY 2015-2016	1,383,461

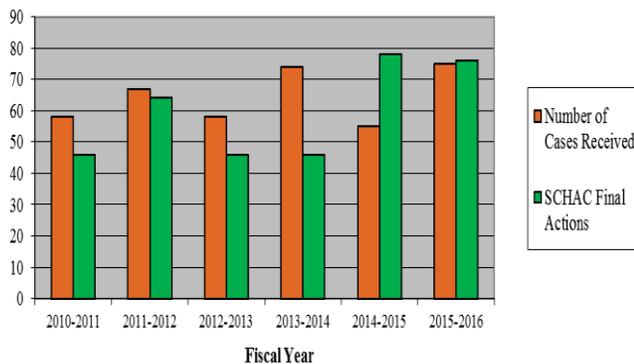
### Total Number of SCHAC Receipts vs. Total Number of SCHAC Final Actions



State of SC Fiscal Year	SCHAC Receipts	SCHAC Final Actions
2010-2011	672	709
2011-2012	1028	765
2012-2013	1078	796
2013-2014	1206	914
2014-2015	977	938
2015-2016	938	1003
<b>Average</b>	983	854

\*\*\* Averages are rounded to the nearest whole number\*\*\*

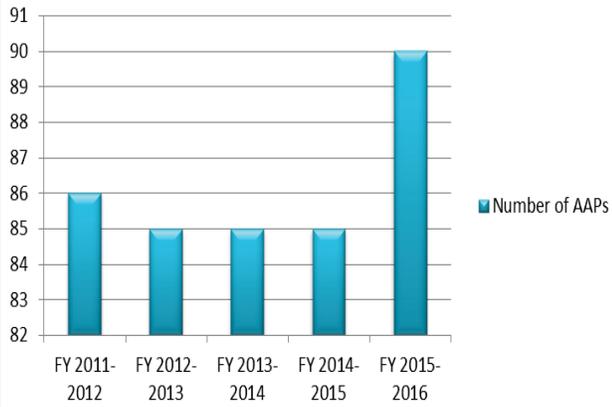
### Total Cases Received vs. SCHAC Final Actions



Fiscal Year	Number of Cases Received	SCHAC Final Actions
2010-2011	58	46
2011-2012	67	64
2012-2013	58	46
2013-2014	74	46
2014-2015	55	78
2015-2016	75	76
<b>Average</b>	65	59

\*\*\* Averages are rounded to the nearest whole number\*\*\*

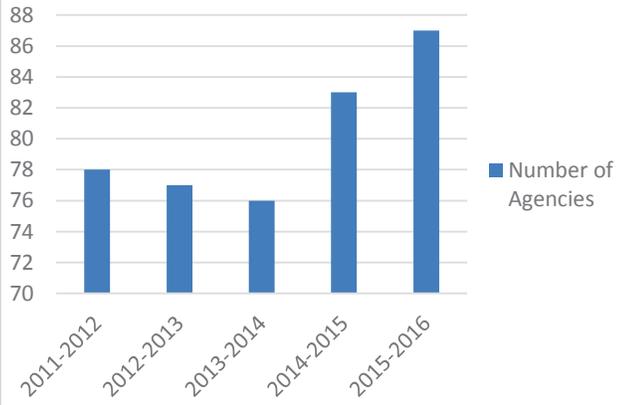
### State Agency AA Plans Monitored



### State Agency AA Plans Monitored

Fiscal Year	Number of AAPs
FY 2011-2012	86
FY 2012-2013	85
FY 2013-2014	85
FY 2014-2015	85
FY 2015-2016	90

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



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

Fiscal Year	Number of Agencies
2011-2012	78
2012-2013	77
2013-2014	76
2014-2015	83
2015-2016	87

# Attachment C

**NIKKI R. HALEY, CHAIR  
GOVERNOR**

**CURTIS M. LOFTIS, JR.  
STATE TREASURER**

**RICHARD ECKSTROM, CPA  
COMPTROLLER GENERAL**



**SC BUDGET AND CONTROL BOARD**

**Human Resources Division  
Samuel L. Wilkins  
DIRECTOR**

**803-896-5300  
FAX 803-896-5050**

**HUGH K. LEATHERMAN, SR.  
CHAIRMAN, SENATE FINANCE  
COMMITTEE**

**W. BRIAN WHITE  
CHAIRMAN, HOUSE WAYS AND MEANS  
COMMITTEE**

**MARCIA S. ADAMS  
EXECUTIVE DIRECTOR**

**December 15, 2014**

**Ms. Lori Dean  
Human Resources Director  
SC Human Affairs Commission  
1026 Sumter Street  
Columbia, SC 29201**

**Dear Ms. Dean:**

The results of the audit of your delegated transactions from July 1, 2012 to June 30, 2014 are attached. Thank you for your assistance during the audit.

Should you have any questions regarding your agency's audit results, please feel free to contact me at 803-896-5056. It was a pleasure to meet you.

Sincerely,

**Cheryl Hinson  
Human Resources Division**

**Enclosure**

**c: Mr. Raymond Buxton, Jr.**

**CLASSIFICATION DELEGATION AUTHORITY**  
**Human Affairs Commission**  
**December 15, 2014**

- I. Audit Period: July 1, 2012 thru June 30, 2014
- II. Auditor: Cheryl Hinson
- III. Delegated Reclassification Actions: Printouts on file with OHR
- 7/1/12 - 6/30/14  
Total Number of Reclassifications: 8  
Total Number of Actions Audited: 8
- IV. Sampling Size: 100%
- V. Purpose of Audit:
1. To determine if internal procedures are established for the review and processing of delegated classification actions.
  2. To determine if the agency maintains an approved copy of the classification delegation agreement and all other correspondence related to its classification delegation program.
  3. To determine whether delegated position descriptions are filed for ease of retrieval and review.
  4. To determine whether the job duties on the position description are appropriate to the classification of the position.
  5. To determine whether the position descriptions include: internal titles (if used), essential and marginal functions, percentages of time spent on each job duty, and appropriate coding and signatures.
  6. To determine whether the class code and position number is correct on each position description.
  7. To determine if authorized or effective dates on position descriptions fall on or after the approval date.
- VI. Findings:
1. The agency was able to produce a copy of the classification delegation agreement.

2. Two position descriptions for vacant positions were not present (position number 60027452 and 60027568). The current Human Resources Director started at the Human Affairs Commission in January, 2013. Position descriptions were not up to date at that time. The HR Director has updated all position descriptions for filled positions. Therefore, the findings below are based on a sample size of six positions, with the exception of Finding 6.
3. 100% or 6 out of the 6 actions that were reviewed were appropriately classified.
4. Out of the six position descriptions audited the following was noted:
  - **Appropriate coding and signatures**
    - 0% or 0 out of the 6 had the appropriate coding and signatures.
  - **Appropriate class code and position number**
    - 83.33% or 5 out of the 6 had the class code and position number.
  - **FLSA designation**
    - 100% or 6 out of the 6 actions audited had the FLSA designation
  - **State minimum training and experience**
    - 100% or 6 out of the 6 actions audited had minimum training and experience that at least met the State minimum classification specification
  - **Essential and marginal functions**
    - 100% or 6 out of the 6 actions audited had essential and marginal functions designated.
  - **Percentages of time spent on each job duty**
    - 100% or 6 out of the 6 actions audited had percentages of time that equaled 100%.
5. Because the approval dates and effective dates were not indicated on the position descriptions it was not possible to determine whether the actions were approved before or on the effective date.
6. 25% or 2 out of the 8 classification actions audited were missing position descriptions.

VII. Recommendation(s):

- **PD/Class Specification Comparison**
  - No recommendations.
- **Minimum Training and Experience**
  - No recommendations.
- **Essential & Marginal Functions**
  - No recommendations.
- **Job Functions**

- No recommendations.
- **Coding & Signatures**
  - Ensure that position descriptions contain the appropriate coding and signatures. Ensure that the following fields are completed on each position description: the Office of Human Resources box, the Source of Funding, and the Required Action Information on page one of the position description.
- **FLSA**
  - No recommendations.
- **Class Code & Position #**
  - Ensure that the class code and position number are present on each position description and that they match the position number in SCEIS for a given class code and slot.
- **Approval Dates & Effective Dates**
  - Ensure that there are not retroactive actions by approving reclassifications prior to their effective dates.
- **Missing Delegated Position Descriptions**
  - Maintain and present position descriptions on all delegated classification actions. Ensure that a current and accurate position description exists for each position within the agency.
- **Agency Maintain Copy of Classification Delegation Agreement**
  - No Recommendations.

VIII. Summary:

Implementation of the recommendations made in this report will ensure that the agency remains in compliance with the classification delegation agreement.

**HIRE ABOVE MINIMUM DELEGATION AUTHORITY**  
**Human Affairs Commission**  
**December 15, 2014**

- I. Audit Period Covered: July 1, 2012 – June 30, 2014
- II. Auditor: Cheryl Hinson
- III. Delegated Hire Above Minimum Actions: Printouts on file with OHR  
7/1/12 - 6/30/14  
Number Hired Above Minimum: 13  
Number of Actions Audited: 13
- IV. Sampling Size: 100 %
- V. Purpose of Audit:
1. To determine if internal procedures are established for the review and documentation of delegated hire above minimum actions.
  2. To determine if the agency maintains an approved copy of the hire above minimum delegation agreement and all other correspondence related to its hire above minimum delegation program.
  3. To determine whether hire above minimum documentation is filed for ease of retrieval and review.
  4. To determine whether proper documentation exists for each hire above minimum action, to include:
    - A completed employment application with salary history and dates of employment
    - Position title, class code and slot to include internal title, if used
    - Pay band and salary range
    - Proposed salary above minimum
    - Agency average salary, internal title average salary
    - Statewide average salary, if applicable
    - Justification statement to include not only that the applicant exceeds the minimum requirements, but also a description of why the salary is needed to hire the individual (e.g., market, recruiting/retention difficulties, most qualified and little time needed for training, etc.)
    - Hire date
    - Authorized signature and date of approval

5. To determine whether actions are approved prior to the hire date of the applicant.
6. To determine whether actions are true new hires, or whether another action code, such as promotion, demotion, or transfer is appropriate.
7. To determine whether recommendations from previous audits have been implemented.

VI. Findings:

1. The agency was able to produce its copy of the hire above minimum delegation agreement.
2. This section summarizes the documentation for each hire above minimum action. There were a total of 13 hire above minimum actions audited.
  - **Completed Application Including Employment Dates** –100% or 13 out of the 13 actions audited had a completed application including employment dates.
  - **Title/Class (including internal title)** – 100% or 13 out of the 13 actions audited had the title/class. The agency did not have a salary justification form with this information. However, the information was found on the application for each position.
  - **Pay Band/Salary Range** -77% or 10 out of the 13 actions audited had the pay band and salary range. Again, while the agency did not use a salary justification form, this information was present for ten of the thirteen actions because the job posting was included in the documentation.
  - **Proposed Salary Above Minimum** - 0% or 0 out of the 13 actions audited had the proposed salary and percentage above minimum.
  - **Average Salary Data** - 0% or 0 out of the 13 actions audited had average salary data.
  - **Justification Statement of HAM** - 0% or 0 out of the 13 actions audited had an adequate justification statement.
  - **Approval Date on or Prior to Hire Date** - 100% or 13 out of the 13 actions audited had the approval date on or prior to the hire date. It was apparent that the actions were approved prior to the effective date based on the date on the job offer letters which were included in the documentation.
  - **Authorized Signature & Approval Date** - 100% or 13 out of the 13 actions audited had an authorized signature and/or approval date. The signature and date on the job offer letters indicated that the actions were approved prior to the effective date.
  - **New hires coded appropriately** - 100% or 13 out of the 13 actions audited were coded correctly as a new hires.

VII. Recommendations:

- ^ **Completed Application including Employment Dates - No Recommendations.**
- ^ **Title/Class (including internal title) - No Recommendations.**
- ^ **Pay Band/Salary Range - Ensure the correct pay band/salary range for the position is recorded on your internal approval form. A sample salary justification form was provided to the Human Resources Director for future use.**
- ^ **Proposed Salary Above Minimum - Ensure the proposed salary above minimum is recorded on your internal approval form.**
- ^ **Average Salary Data Ensure the state average salary is recorded on your internal approval form. This will assist the agency in making equitable pay decisions on a statewide basis. Also include the agency average salary data if the agency has other individuals in the State classification.**
- ^ **Justification Statement of HAM - Ensure that a justification statement is present for each hire above minimum action. The justification statement should include reasons above and beyond the fact that the applicant has training and experience which exceeds the minimum requirements. Justification statements need to be job related, factual, and non-discriminatory.**
- ^ **Approval Date on or prior to Hire Date No Recommendations.**
- ^ **Authorized Signature & Approval Date - No Recommendations.**
- ^ **Did Employee Come from Other State Agency - No Recommendations.**
- ^ **Delegation Contract on File - No Recommendations.**

VIII. Summary:

Continued focus on the implementation of the recommendations made in this report will strengthen this agency's hire above minimum delegation in the future. Implementation and consistent use of the salary justification form will ensure that all required documentation is present for each hire above minimum action. While the rationale for hiring decisions was not documented on a salary justification form, it is noted that the Commissioner and Human Resources Director did discuss and agree on each hiring salary prior to a job offer being made.

June 16, 2016

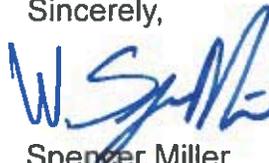
Ms. Lori Dean  
Administrative Manager  
SC Human Affairs Commission  
1026 Sumter Street  
Columbia, South Carolina 29201

Dear Ms. Dean:

The results of the audit of your delegated transactions from July 1, 2014 to June 30, 2015 are attached. Thank you for your assistance during the audit.

Should you have any questions regarding your agency's audit results, please feel free to contact me at 803-896-5194.

Sincerely,



Spencer Miller  
Consultant

Enclosure

c: Mr. Raymond Buxton, II



**HIRE ABOVE MINIMUM DELEGATION AUTHORITY**  
**Human Affairs Commission**  
*June 16, 2016*

- I. Audit Period Covered: July 1, 2014 – June 30, 2015
- II. Auditors: Spencer Miller & Debbie Clark
- III. Delegated Hire Above Minimum Actions: Printouts on file with OHR  
  
7/1/14 - 6/30/15  
Number Hired Above Minimum: 5  
Number of Actions Audited: 5
- IV. Sampling Size: 100 %
- V. Purpose of Audit:
  1. To determine if internal procedures are established for the review and documentation of delegated hire above minimum actions.
  2. To determine if the agency maintains an approved copy of the hire above minimum delegation agreement and all other correspondence related to its hire above minimum delegation program.
  3. To determine whether hire above minimum documentation is filed for ease of retrieval and review.
  4. To determine whether proper documentation exists for each hire above minimum action, to include:
    - A completed employment application with salary history and dates of employment
    - Position title, class code and slot to include internal title, if used
    - Pay band and salary range
    - Proposed salary above minimum
    - Agency average salary, internal title average salary
    - Statewide average salary, if applicable
    - Justification statement to include not only that the applicant exceeds the minimum requirements, but also a description of why the salary is needed to hire the individual (e.g., market, recruiting/retention difficulties, most qualified and little time needed for training, etc.)
    - Hire date
    - Authorized signature and date of approval

5. To determine whether actions are approved prior to the hire date of the applicant.
6. To determine whether actions are true new hires, or whether another action code, such as promotion, demotion, or transfer is appropriate.
7. To determine whether recommendations from previous audits have been implemented.

VI. Findings:

1. The agency was able to produce its copy of the hire above minimum delegation agreement.
2. This section summarizes the documentation for each hire above minimum action. There were a total of 5 hire above minimum actions audited.

- **Completed Application Including Employment Dates** –100% or 5 out of the 5 actions audited had a completed application including employment dates.
- **Title/Class (including internal title)** – 100% or 5 out of the 5 actions audited had the title/class.
- **Pay Band/Salary Range** -100% or 5 out of the 5 actions audited had the pay band and salary range.
- **Proposed Salary Above Minimum** - 40% or 2 out of the 5 actions audited had the proposed salary and percentage above minimum. All hire above minimum actions had the proposed salary; however, 3 out of 5 actions did not list the percent above the minimum.
- **Average Salary Data** - 40% or 2 out of the 5 actions audited had average salary data. None of the hire above minimum actions had the state average salary data; however, 2 out 5 actions had the agency average salary data recorded.
- **Justification Statement of HAM** - 40% or 2 out of the 5 actions audited had an adequate justification statement.
- **Approval Date on or Prior to Hire Date** - 100% or 5 out of the 5 actions audited had the approval date on or prior to the hire date.
- **Authorized Signature & Approval Date** - 100% or 5 out of the 5 actions audited had an authorized signature and/or approval date.
- **New hires coded appropriately** - 100% or 5 out of the 5 actions audited were coded correctly as a new hires.

VII. Recommendations:

- ^ **Completed Application including Employment Dates** - No Recommendations.
- ^ **Title/Class (including internal title)** - No Recommendations.
- ^ **Pay Band/Salary Range** -No Recommendations.

- ^ **Proposed Salary Above Minimum** – Ensure that the percentage above the minimum is recorded.
- ^ **Average Salary Data** Ensure the state and agency average salary is recorded on your internal approval form. This will assist the agency in making equitable pay decision.
- ^ **Justification Statement of HAM** - Ensure that a justification statement is present for each hire above minimum action. The justification statement should include reasons why the salary is needed to hire the applicant. For example, how the applicant exceeds the minimum requirements of the position, relevant market salary data, difficulty in recruiting/retaining, most qualified for the position, specialized/technical expertise, uniqueness of job in relation to training and experience, or level of job within the classification, and little time needed to train candidate.
- ^ **Approval Date on or prior to Hire Date** No Recommendations.
- ^ **Authorized Signature & Approval Date** - No Recommendations.
- ^ **Did Employee Come from Other State Agency** - No Recommendations.
- ^ **Delegation Contract on File** - No Recommendations.

VII. Summary:

Continued focus on the implementation of the recommendations made in this report will strengthen the agency's hire above minimum delegation in the future. Consistent use of the Hire Above Minimum Justification Form will ensure that all required documentation is present for each hire above minimum action. To further strengthen your salary justification, explain how the data included in the analysis was used to determine the specific salary recommended.

**CLASSIFICATION DELEGATION AUTHORITY**  
**Human Affairs Commission**  
**June 16, 2016**

I. Audit Period: July 1, 14 thru June 30, 2015

II. Auditors: *Spencer Miller & Debbie Clark*

III. Delegated Reclassification Actions: Printouts on file with DSHR

7/1/14 - 6/30/15

Total Number of Reclassifications: 10

Total Number of Actions Audited: 10

IV. Sampling Size: 100%

V. Purpose of Audit:

1. To determine if internal procedures are established for the review and processing of delegated classification actions.
2. To determine if the agency maintains an approved copy of the classification delegation agreement and all other correspondence related to its classification delegation program.
3. To determine whether delegated position descriptions are filed for ease of retrieval and review.
4. To determine whether the job duties on the position description are appropriate to the classification of the position.
5. To determine whether the position descriptions include: internal titles (if used), essential and marginal functions, percentages of time spent on each job duty, and appropriate coding and signatures.
6. To determine whether the class code and position number is correct on each position description.
7. To determine if authorized or effective dates on position descriptions fall on or after the approval date.

VI. Findings:

1. The agency was able to produce a copy of the classification delegation agreement.

2. The agency had 100% or 10 out of the 10 actions that were appropriately classified.
3. Out of the position descriptions audited the following was noted:
  - **Appropriate coding and signatures**
    - 100% or 10 out of the 10 had the appropriate coding and signatures
  - **Appropriate class code and position number**
    - 100% or 10 out of the 10 had the class code and position number.
  - **FLSA designation**
    - 100% or 10 out of the 10 actions audited had the FLSA designation
  - **State minimum training and experience**
    - 100% or 10 out of the 10 actions audited had minimum training and experience that at least met the State minimum classification specification
  - **Essential and marginal functions**
    - 100% or 10 out of the 10 actions audited had essential and marginal functions designated.
  - **Percentages of time spent on each job duty**
    - 100% or 10 out of the 10 actions audited had percentages of time that equaled 100%.
4. The agency had 80% or 8 out of the 10 actions audited that were approved before or on the effective date.
5. 0% or 0 out of the 10 classification actions audited were missing position descriptions.

VII. Recommendation(s):

- **PD/State Specification Comparison**
  - No Recommendations.
- **Minimum Training and Experience**
  - No Recommendations.
- **Essential & Marginal Functions**
  - No Recommendations.
- **Job Functions**
  - No Recommendations.
- **Coding & Signatures**
  - No Recommendations.
- **FLSA**
  - No Recommendations.

- **Class Code & Position #**
  - No Recommendations.
- **Approval Dates & Effective Dates**
  - Ensure that reclassification actions are approved prior to the effective date.
- **Missing Delegated Position Descriptions**
  - No Recommendations.
- **Agency maintain copy of classification delegation agreement**
  - No Recommendations.

VIX Summary:

It appears that the decisions made by the agency during this audit period regarding reclassification actions are sound. The agency is in compliance with the classification delegation agreement.

# Attachment D

U.S. Department of Housing and Urban Development



Georgia State Office  
Five Points Plaza  
40 Marietta Street  
Atlanta, GA 30303-2906

Mr. Jesse Washington  
Commissioner  
South Carolina Human Affairs Commission  
P. O. Box 4490  
Columbia, SC 29240

Dear Mr. Washington:

Subject: Fair Housing Assistance Program  
Performance Assessment  
South Carolina Human Affairs Commission

On August 20-21, 2008, Pat Green and Marshall Pendelton of the Columbia FHEO Office conducted an on-site performance assessment of your agency. The assessment covered the period from July 1, 2007 through June 30, 2008. Based upon the practices, and performance of the agency at the time of the review, the U.S. Department of Housing and Urban Development (hereinafter, HUD) recommends that your agency receive continuing certification as a substantially equivalent agency under Section 810(f)(3) of the Fair Housing Act.

Enclosed is a copy of the performance assessment report for your information. If you should have questions, please contact your Government Technical Monitor, Marshall Pendelton at (803) 253-3281. We appreciate your cooperation during this assessment, and look forward to our continued partnership to insure equal housing opportunities for all our citizens.

Sincerely yours,

James N. Sutton  
FHEO Region IV Director  
Regional Office of FHEO

Enclosure

cc:

Vicki A. Ray, Louisville FHEO Center Director



UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT  
REGION IV OFFICE  
OF  
FAIR HOUSING AND EQUAL OPPORTUNITY

PERFORMANCE ASSESSMENT  
FAIR HOUSING ASSISTANCE PROGRAM



South Carolina Human Affairs Commission  
2611 Forrest Drive  
Columbia, SC 29201

REVIEWERS:

Marshall Pendelton  
Equal Opportunity Specialist

Pat Green  
Columbia FHEO Director

REVIEW PERIOD:

July 1, 2007 – June 30, 2008

DATE OF ASSESSMENT:

August 20-21, 2008



**AGENCY:** South Carolina Human Affairs Commission (SCHAC)  
2611 Forrest Drive  
Columbia, SC 29201

**DATE:** September 30, 2008

**PERFORMANCE PERIOD:** July 1, 2007 through June 30, 2008

## **BACKGROUND:**

### Authorities

The performance assessment was conducted in accordance with 24 CFR Parts 115 Certification and Funding of State and Local Fair Housing Enforcement Agencies, Sections 115.210(e) Annual Assessments; Section 115.203, Performance Standards; Section 115.309, Reporting and record keeping requirements; and the Fair Housing Assistance Cooperative Agreement.

### Purpose of the Assessment

The Performance Assessment provides the basis for the Department of Housing and Urban Development, (HUD), The Office of Fair Housing and Equal Opportunity (FHEO), to determine whether the South Carolina Human Affairs Commission (SCHAC) is eligible to receive full certification as a substantially equivalent fair housing enforcement agency. Additionally, the review was to assess the administrative and enforcement capacity of the SCHAC, and its current practices and performance within the past year with respect to the processing of housing complaints. In making the assessment, appropriate data was gathered and analyzed to determine if each performance standard was met as set forth in HUD's revised regulations at 24 CFR Part 115.206.

## **I. PERFORMANCE STANDARDS (24 CFR 115.206):**

### **a. STANDARD 1: Commence complaint proceedings, carry forward such proceedings, complete investigations, issue determinations, and make final administrative dispositions in a timely manner.**

#### **i. Case Processing:**

The SCHAC processed and closed a total of 59 cases in this performance period. Twenty-five (42%) cases were reviewed for compliance with Departmental guidelines. Each file indicated that the agency followed the HUD recommended guidelines for processing complaints.

The specific procedures the agency used for processing complaints include: intake of complaint, determination of jurisdiction, identify the issues in the complaint, determine approaches to resolution, investigate complaints, compose letters of findings and resolution, and develop settlement agreements.



The files reviewed indicated that all investigations were conducted onsite. Information obtained from the files reviewed indicated that in almost all cases sufficient data to address investigations was obtained during the investigation. However, in some cases the information and data obtained in the investigation, and presented in TEAPOTS was not consistent. For example, relevant or pertinent information reviewed in the case file was not documented or fully reported in TEAPOTS. Information needs to be more detail when being put into TEAPOTS.

**ii. Commencement of Proceedings:**

A review of the agency's closed cases indicated that it commenced the investigations within the prescribed time period of thirty days.

The agency made proper contacts within a reasonable time period in 100 percent of the cases (i.e. sent out Respondent's data request letters, interviewed the Complainant(s), Respondent(s) and other witnesses, etc.).

The agency is deficient \* (33 of 59 cases = 59 percent) with reference to the prescribed 100 days processing time:

0-100 days - \* 26 cases  
 100-150 days - 9 cases  
 151-200 days - 10 cases  
 201-250 days - 4 cases  
 251-300 days - 3 cases  
 301+ days - 7 cases \*\*

The agency was deficient in its performance goal to close at least \*53 percent of all cases within 100 days, excluding any recommended cause cases. During the performance period the agency reported one case that took over \*\*one year to close or to complete the investigation.

**b. STANDARD 2: Administrative Closures are utilized only in limited and appropriate circumstances.**

Twelve (20%) cases processed were administratively closed during the performance period. One closed for "lack of jurisdiction", four closed because the Complainant "failed to cooperate", six were "withdrawn by the Complainant without resolution" and one was "withdrawn with resolution".

**i. Lack of Jurisdiction:**

1. Davis v. CCO Mortgage (04-08-0235-8) closed less than 100 days

**ii. Failure to Cooperate:**

1. Hughey v. Regions Bank (04-08-0149-8) closed in less than 100 days.



2. Moal v. AHEP Management Co. (04-08-0463-8) closed in less than 100 days
3. Bryant v. Bank of America (04-08-0377-8) closed in less than 50 days.
4. Kind v. Canterbury Apts. (04-08-0637-8) closed in less than 100 days.

**iii. Withdrawal with Resolution:**

1. Watson v. Columbiana Ridge Apts. (04-08-0439-8) closed in less than 150 days.

**iv. Withdrawal without Resolution:**

1. Wells v. Cambridge Investment (04-08-0031-8) closed in less than 100 days.
2. Stuckey v. Carroll (04-08-0671-8) closed in less than 100 days.
3. Urbi v. Young (04-08-0291-8) closed in less than 100 days.
4. Pinckey v. Ascot Homeowners (04-07-0759-8) closed in less than 130 days.
5. Silver v. Miller Pond HOA (04-07-1361-8) closed in less than 150 days.
6. Coletta v. Anderson/Forestridge Apts. (04-07-1124-8) closed in less than 200 days

- c. STANDARD 3: During the period beginning with the filing of a complaint and ending with the filing of a charge or dismissal, the agency will, to the extent feasible, attempt to conciliate the complaint.**

The Conciliation Agreements were all written to protect the public's interest and provided specified relief for the complainant(s). Of the 59 cases processed this performance period, six (10%) were successfully conciliated with settlement. Each case indicated that the complainant(s) were not coerced into signing the Conciliation Agreement.

The following cases were conciliated and reviewed for compliance:

- i. Gayle v. Colonial Villa (04-07-1304-8)
- ii. Cohen v. Alexander Realty (04-07-1419-8)
- iii. Jones v. Security Realty (04-08-0502-8)
- iv. Hugenin v. Drew/Bonnie's Mobile Home Park (04-07-1011-8)
- v. Nguyen v. Ravenwood (04-08-0063-8)
- vi. Friger v. Creekside Apts. (04-07-1207-8)



In the review of each case file, there was no indication the complainant(s) were not satisfied with the investigation and resolution of his/her complaint.

**d. STANDARD 4: The agency conducts compliance reviews of settlements, conciliation agreements and orders resolving discriminatory housing practices.**

i. The following conciliation agreements were reviewed for terms, conditions and application of authority to seek damages:

1. Grant v. TN Development (04-07-1173-8)
2. Rogers v. Eller (04-07-1225-8)
3. Addis V. McKenna Commons (04-07-1411-8)
4. Haughney v. Anchor Rentals (04-08-0086-8)
5. Koziarski V. Pal Harbor (04-08-0047-8)
6. Jones v. Security Realty (04-08-00478)

ii. **An assessment of the agency's procedures for conducting compliance reviews:**

The agency from time to time, reviews compliance with conciliation agreement, and, if necessary, recommends to the South Carolina Attorney General that a civil action be filed to seek the enforcement of the terms of the agreement.

**e. STANDARD 5: The agency must consistently and affirmatively seek and obtain the type of relief designed to prevent recurrences of discriminatory practices.**

i. **An assessment of types of relief sought.** The types of relief received for each reviewed conciliation is as follows:

1. Grant v. TN Development – (04-07-1173-8) Complainant received a reduction in rent and fees for total settlement of \$672.00.
2. Rogers v. Eller - (04-07-1225-8) Complainant able to maintain and keep lease agreement on a month to month basis.
3. Addis v. McKenna Commons - (04-07-1411-8) Respondent agrees to bear all cost of moving the handicap space from its existing location to over eight (8) spaces towards the center of the building.



4. Haughney v. Anchor Rentals. – (04-08-0086-8) Complainant security deposit refunded, \$707.00
5. Koziarski v. Palm Harbor Homes – (04-08-0047-8) Complainant received \$600.00 in refund of security deposit and rent amount reduced from \$650.00 per month to \$625.00.
6. Jones v. Security Realty. – (04-08-0528-8) Respondents agreed to refund Complainant's security deposit of \$460.00

The actions taken by the agency were appropriate in most of the cases that were reviewed. The agency negotiated and received relief for the complainants in all 15 conciliations settled by the agency. Relief and/or awards were sought in each case.

**f. STANDARD 6: The agency must consistently and affirmatively seek to eliminate all prohibited practices under its fair housing law.**

**i. Education and Outreach:**

The agency's fair housing staff conducted and/or assisted with conducting a total of 20 educational and outreach training sessions during this performance period. These educational and training sessions were presented to protected classes of individuals, housing providers, business owners, lenders, stakeholders and residents of the community at large. Topics covered a wide variety of information and issues regarding the Fair Housing Act and related housing industry concerns. The following are an example of some of the education, training and outreach efforts SCHAC staff performed this past performance period between July 1, 2007 and June 30, 2008:

Education and Outreach Activities	FHAP Personnel Conducting Event	Date of Event	Summary of Training
Outreach Attended Public Hearing Charleston, SC	Delaine Frierson	July 24, 2007 150 Attending Charleston, SC	Discussion of National Community Reinvestment Coalition (NCRC) report, which states Charleston area, is the worst in the nation for nonwhite buyers.
Training Property Management Staff Training for housing provider	Delaine Frierson	August 7, 2007 50 Attending Florence, SC	Training provided to apartment workers concerning discrimination.
Training PARTNERSHIP Property Management Company	Delaine Frierson	August 7, 2007 Columbia, SC 50 Attending	Fair Housing Requirements
Training/Outreach		August 10, 2007	Housing education strategies



William Thomas Academy	Jesse Washington	Sumter, SC 100 Attending	and Fair Housing Law
Outreach/Education and Seminar  US Civil Rights Commission, Regional Office	Jesse Washington	September 19, 2007 Columbia, SC 15 Attending	Fair Housing Laws and Rights of citizen therein
Outreach/Workshop  Greater Florence Chamber of Commerce.	Jesse Washington	January 28 , 2008 Florence, SC 100 attendees	Responsibilities of Business and Community under the Fair Housing Law.
Education/Outreach  Institute for Public Service & Policy	Jesse Washington	March 3, 2008 Columbia, SC SC USC 20 Persons Attending	Foundation and operation of the State and Federal Fair Housing Law.
Staff Training  Charleston Trident Assoc of Realtors	Delaine Frierson	March 14, 2008 Charleston, SC 35 Attendees	Training for apartment managers and other housing providers.
Outreach/Education  Contact person Angela Terry	Delaine Frierson	April 17, 2008 Orangeburg, SC Orangeburg Community Development Corporation 45 Attendees	Home Buyers Education Workshop - History of Fair Housing Act

ii. **Discussions:** Discussions were held with the agency's staff pertaining to their duties and responsibilities regarding the application and enforcement of both the federal and their state fair housing law. The agency did not identify any amendments, court decisions or other rulings or documentation that may affect the agency's ability to carry out provisions of its fair housing law.

g. **STANDARD 7: The agency must demonstrate that it receives and processes a reasonable number of complaints cognizable under both the federal Fair Housing Act and the agency's fair housing ordinance.**

- i. The population of the jurisdiction served by the SCHAC is 4,321,249.
- ii. The agency has participated in the FHAP for 11 years.
- iii. The agency has received and processed 187 cases over the past 3 years: 2005/2006 - 65 cases; 2006/2007-63 cases; and 2007/2008 – 59 cases.

Based on the above information, the agency receives and processes a reasonable number of complaints cognizable under the Fair Housing Act.



**h. STANDARD 8: The agency must report to HUD on the final status of all dual-filed complaints where a determination of reasonable cause was made.**

During this rating period, the agency did not process or report any 'cause' cases. However, a possible cause case was under investigation at the time of the onsite review.

**i. STANDARD 9: The agency must conform its performance to the provisions of any written agreements executed by the agency and the Department related to substantial equivalency certification.**

The agency conforms its performance to the written requirements of the MOU. There was no evidence of any deviations.

**II. ADDITIONAL REQUIREMENTS/DISCUSSIONS AND REVIEWS:**

**a. Budget**

Expenditures:	FY 06-07	FY 07-08	FY 08-09	FY 09-10 (EST.)
Salaries & Benefits	2,295,891	2,274,815	2,519,489	2,417,542
Other Operating Costs	482,133	473,671	454,395	470,543
<b>Total Expenditures</b>	<b>2,778,024</b>	<b>2,748,487</b>	<b>2,973,884</b>	<b>2,888,085</b>
<b>Funding:</b>				
State Appropriation	1,812,267	2,240,433	2,110,856	2,110,856
Federal Funds (HUD)	230,708	160,780	177,528	166,576
Federal Funds (EEOC)	659,191	336,883	685,500	610,653
Other:				
Capital Reserve	75,857	10,391		
<b>Total Funding</b>	<b>2,778,0274</b>	<b>2,748,487</b>	<b>2,793,884</b>	<b>2,888,085(est.)</b>

An audit of the agency was conducted this year. The process for releasing information to the public is through the Freedom of Information Act. Access to agency files, pertinent books, reports and records, is permitted to any duly authorized HUD official or duly authorized representatives of the agency.

The law administered by the agency has not changed. With the addition of three new investigators it is anticipated that all aged cases will be closed within the current performance year.



**III. FHAP AGENCY ADMINISTRATION AND ORGANIZATION:**

**a. Staffing:**

SCHAC is staffed by a total of 40 full-time employees. The fair housing division is staffed with 10 full and part-time employees that perform duties in the state of South Carolina. Within the last year two investigators retired or left the agency; however, three investigators and a staff attorney have been added to the housing staff. A new intake assistant/administrative was also hired last year. The new investigators and other staff members are scheduled to receive fair housing training during September 2008 at the Fair Housing Training Academy in Washington, D.C. Although the new staff will be receiving fair housing training at the academy, additional training regarding the processing of complaints will be provided by the local FH&EO office.

NAME	POSITION
Delaine Frierson	Director, F H Division -- full-time (18 years)
Herb Lanford	Executive Assistant -- part-time (10 months)
Ralph Hale	Legal Counsel - part-time (18 years)
Octavia Wright	Staff Attorney - part-time (3 months)
Jessica White	Investigator/Conciliator -- full-time (12 months)
Reginald Martin	Investigator/Conciliator -- full-time (4 months)
Marvin Caldwell	Investigator/Conciliator -- full-time (3 months)
Jawanda Moore	Administrative Assistant -- part-time (12 months)
John Jones	Intake Director -- part-time (8 months)
Don Frierson	Intake Consultant -- part-time (17 years)

**b. Training:**

During the performance year staff did not attend any fair housing training at the NTHTA. A total of four staff members will be attending the NTHTA during September 2008.

Delaine Frierson, Fair Housing Director attended the IAOHRA and NAHRW Conference during September 2007 in Atlanta, Georgia.

**c. Data Support Systems:**

Each staff member has a Dell computer that runs on Window XP software. In addition to the TEAPOTS system the South Carolina Human Affairs Commission uses an Access-based system which allows the agency to do the following:

**Complaints**

- Add new complaints and input the jurisdictional information
- Look up cases by the year filed (This goes back to 1990.)
- Look up cases by SHAC #



Look up cases by the HUD #

**Generate the following reports:**

Aging Summary  
Closed Reports  
Closures between dates  
Closure Summary by Close Code

**HUD Reports**

FHAP Voucher Detail  
HUD Monthly Reports  
Transfers to HUD

**IV. CONCLUSIONS AND RECOMMENDATIONS:**

The agency's overall performance as an equivalent fair housing enforcement entity has positively impacted the attitudes of the constituency of the State of South Carolina. The agency is currently going through an adjustment period due to the departure of both of its senior investigators. However, the agency continues to illustrate a positive impact in the community with its strong effort to eliminate discrimination in South Carolina's housing industry, neighborhoods and communities.

Based upon the examination of the current practices and performance of the South Carolina Human Affairs Commission, it is recommended that the agency continues as a substantially equivalent agency under the Fair Housing Assistance Program.



SIGNATURE PAGE

Marshall L. Pendelton  
Marshall L. Pendelton  
Equal Opportunity Specialist, GTM  
Columbia Field Office  
Office of Fair Housing and Equal Opportunity

Date 9-30-08

Patricia W. Green  
Pat W. Green, FHEO Director  
Columbia Field Office  
Office of Fair Housing and Equal Opportunity

Date 9/30/08

Vicki A. Ray  
Vicki A. Ray  
Louisville FHEO Center Director/GTR  
Office of Fair Housing and Equal Opportunity

Date 9/30/2008

Vicki A. Ray for  
James N. Sutton  
FHEO Region IV Director  
Regional Office of Fair Housing and Equal Opportunity

Date 9/30/2008





U.S. Department of Housing and Urban Development

Georgia State Office  
Five Points Plaza  
40 Marietta Street  
Atlanta, GA 30303-2906

**CERTIFIED MAIL – RETURN RECEIPT REQUESTED**

SEP 30 2009

Mr. Jesse Washington  
Commissioner  
South Carolina Human Affairs Commission  
P. O. Box 4490  
Columbia, SC 29240

Dear Mr. Washington:

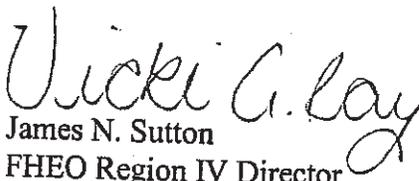
Subject: Fair Housing Assistance Program  
Performance Assessment  
South Carolina Human Affairs Commission

On September 23, 2009, Marshall Pendelton of the Columbia FHEO Office conducted a performance assessment of your agency. The assessment covered the period from July 1, 2008 through June 30, 2009. Based upon the practices, and performance of the agency at the time of the review, the U.S. Department of Housing and Urban Development (hereinafter, HUD) recommends that your agency receive continuing certification as a substantially equivalent agency under Section 810(f)(3) of the Fair Housing Act.

Enclosed is a copy of the performance assessment report for your information. Your attention is directed to the areas of concern that are noted in the report. Please ensure that they are addressed within the timeframes indicated. If you should have questions, please contact your Government Technical Monitor, Marshall Pendelton at (803) 253-3281.

We appreciate your cooperation during this assessment, and look forward to our continued partnership to insure equal housing opportunities for all our citizens.

Sincerely yours,

*for*   
James N. Sutton  
FHEO Region IV Director  
Regional Office of FHEO

Enclosure

cc:

Vicki A. Ray, Louisville FHEO Center Director

**United State Department of Housing and Urban Decvelopment  
Office of Fair Housing and Equal Opportunity  
Region IV**

**Performance Assessment Report**



**SOUTH CAROLINA HUMAN AFFAIRS COMMISSION**

**2611 Forest Drive, Suite 200  
Columbia, South Carolina 29240**

**Purpose:** To determine whether the South Carolina Human Affairs Commission (SCHAC) engages in timely, comprehensive, and thorough fair housing complaint investigation conciliation and enforcement activities and therefore warrants continued certification as a substantially equivalent agency. This determination is based on SCHAC's compliance with the performance standards and requirements set forth in regulations implementing the Fair Housing Assistance Program, at 24 C.F.R. Part 115.

**Period of performance:** **June 30, 2008-July 1, 2009**

**Date of Remote Assessment:** **September 23, 2009**

**HUD Reviewer:** **Marshall Pendelton  
Equal Opportunity Specialist/GTM**

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## I. Organizational Structure and Staffing

### Fair Housing Unit

The housing unit is a division of the South Carolina Human Affairs Commission (SCHAC). The division is staffed with 10 full time employees. There are three females and seven males within the unit and the racial composition of the unit consists of eight African Americans/blacks and two Caucasians/whites.

#### HOUSING STAFF:

NAME	RACE	SEX	POSITION	LENGTH OF TIME IN HOUSING UNIT
Delaine Frierson	B	F	Director	19 years
Herb Lanford	W	M	Executive Assistant	16 months (No longer with Agency)
Ralph Haile	B	M	Legal Counsel	19 years
Octavia Wright	B	F	Staff Attorney	1 year 3 months
Jessica White	W	F	Investigator	2 years
Reginald Martin	B	M	Investigator	16 months
Marvin Caldwell	B	M	Investigator	15 months
Jawanda Moore	B	F	Administrative Assistant	2 years
John Jones	B	M	Intake Director	17 months (No longer with Agency)
Don Frierson	B	M	Intake Consultant	17 years (No longer with Housing Division )

SCHAC utilizes HUD Handbook 8024.01 as guidance in processing all housing complaints. Responsibilities of the investigators include conducting fair housing investigations and negotiating conciliations as part of the investigative process. All investigative conclusions are reviewed by the fair housing director and staff attorney before the issuance of any determination or enforcement actions. All case closures are approved by the Commissioner of the agency.

## II. Performance Standards

- A. Performance Standard #1 (24 CFR 115.206(e)(1): Commence complaint proceedings, carry forward such proceedings, complete investigations, issue determinations, and make final administrative dispositions in a timely manner.**

The specific procedures the agency uses for processing complaints include: intake of complaint, determination of jurisdiction, identification of the issues in the complaint,

determination of approaches to resolution, investigation of complaint, composure of letters of findings and resolution, and development of settlement agreements.

The initial intake of the complainant is conducted by the intake personnel. Once the jurisdictional element of the complaint is established and notification letters have been sent to all parties involved, the complaint is forwarded to the director of housing, who in terms reviews the complaint and assigns it to one of the investigators for investigation. However, if the complaint is a HUD referral generated by TEAPOTS, the complaint is immediately assigned an investigator by the housing director.

### Thoroughness of Case Processing

The assessment of SCHAC's ability to process fair housing for the period of July 1, 2008 through June 30, 2009 was conducted remotely based upon information SCHAC placed into TEAPOTS. The review indicated SCHAC initiated contact with the complainant within 30 days or less in all except one instance for the cases reviewed. The agency used data request letters that were standardized to the investigation notifying the complainant and respondent that a complaint had been filed. In cases where SCHAC was not able to close or make a determination within 100 days, a letter was sent informing the parties of the reason (s) the investigation was not completed within that time period.

SCHAC closed a total of 86 cases during the review period from July 1, 2008 –June 30, 2009.

<b>TYPE OF CASE CLOSURE</b>	<b>NUMBER OF CLOSURES</b>	<b>PERCENTAGE</b>
No Cause Determination	47	55%
Cause Determination	1	1%
Conciliation	14	16%
Withdrawal with Settlement	0	0%
Administrative Closures	24	28%
<b>TOTAL</b>	<b>86</b>	<b>100%</b>

<b>Number of Days</b>	<b>Number of Cases</b>	<b>Percentage</b>
0-100	32	37%
101 to 150	28	33%
151 to 200	20	23%
201 to 250	3	3.5%
Over 250	3	3.5%
<b>TOTAL</b>	<b>86</b>	<b>100%</b>

SCHAC had a total of nine (9) cases reporting as over 300 days old.

04-08-0086-8: Crosby, Dawne M. v. Housing Authority of the City of Columbia (305 days)  
 04-08-1765-8: Houska, Sharon v. Wachovia Mortgage, Inc. (330 days)  
 04-08-1702-8: Henry, Marquita S. v. York, William J. (340 days)  
 04-08-1654-8: Gaymon, Kevin v. Lancaster Landing, Inc. (348 days)  
 04-08-1649-8: Gonzalez, Jose v. L & R Properties (349 days)  
 04-08-1383-8: Capers, Ernestine v. Dimension One Management (396 days)  
 04-08-0859-8: Wasson, Tara v. Fannie Ray (477 days)  
 04-08-0652-8: Brown, Ervin & Mary H. (516 days)  
 04-08-0146-: Hall, Carol L. v. The Biltmore (651 days)

**Conclusion: The performance standard has been met.**

**B. Performance Standard #2 (24 CFR 115.206 (e) (2): Administrative closures are utilized only in limited and appropriate circumstances.**

Administrative closures are defined as cases that are closed for the following reasons:

1. Complaint lacked jurisdiction
2. Agency was unable to locate the complainant
3. Complainant failed to cooperate with the investigation
4. Complaint withdrawn by the complainant without resolution
5. Inability to locate respondent
6. Trial already commenced
7. Unable to locate Respondent

Case Number	Case Name	Closure	Relief?	Age at closing
04-08-0501-8	Brown v. Craft	Failed to cooperate	N	130
04-08-0804-8	Kresch v. White Cables	Failed to cooperate	N	108
04-08-1838-8	Cantonwine v. Douglas	Failed to cooperate	N	68
04-08-0858-8	Ramey v. East Gate	Failed to cooperate	N	143
04-08-1557-8	Lindsey v. Tinsey Realty	Failed to cooperate	N	76
04-08-0478-8	Neal v. TDM	Withdrawal	N	176
04-09-0430-8	Rodas v. Pametto Palms	Failed to cooperate	N	57
04-09-0135-8	Ledford v. Pitts	Failed to cooperate	N	120
04-09-0528-8	Lincoln v. HA of Charleston	Failure to cooperate	N	34
04-09-0391-8	Kalu v. Henderson	Lack of jurisdiction	N	48

04-08-0495-8	Elias v. Oakview	Failed to cooperate	N	180
04-08-1027-8	Demaghaes v. Devito	Lack of jurisdiction	N	117
04-08-1375-8	Peak v. Clayton	Lack of jurisdiction	N	48
04-08-0813-8	Robles v. Rentz	Failed to cooperate	N	73
04-08-1392-8	Winderllyn v. Newbury Realty	Withdrawal	N	20
04-08-1276-8	Thomas v. Furman	Withdrawal	N	39
04-08-0361-8	Anderson v. Hudson	Withdrawal	N	191
04-08-1764-8	Wanamaker v. St. Andrews Apts.	Failed to cooperate	N	241
04-09-0609-8	Cruz v. Buckley	Withdrawal	N	112
04-09-0824-8	Twan v. Habor Handing Apts.	Withdrawal	N	83
04-09-0732-8	Osborne v. Tobin	Withdrawal	N	88
04-09-1057-8	Anderson v. Joab Dick	Failure to cooperate	N	69
04-09-0538-8	Howard v. Pinckney	Failure to cooperate	N	195
04-081546-8	McKay v. Thomas	Withdrawal	N	75

During the review period, SCHAC had 24 administrative closures, which represented 28% of all cases closed. It did not appear that SCHAC used the administrative closure process to keep from closing the cases on their merit.

**Conclusion:** The performance standard has been met.

- C. Performance Stand #3 (24 CFR 115.206(e)(3):** During the period beginning with the filing of a complaint and ending with filing a charge or dismissal, the agency, to the extent feasible, attempts to conciliate the complaint. After the charge has been issued, the agency, to the extent feasible, continues to attempt settlement until a hearing or a judicial proceeding has begun.

The conciliation discussion begins as soon as the complaint is processed for investigation. During the review period, SCHAC closed 14 (16%) of the cases through conciliation. Each agreement indicated that the complainant(s) were not coerced into signing the Conciliation Agreement.

Conciliation is attempted by the investigator with both parties throughout the investigation of the complaint. This performance period the amounts of settlements were considerable higher than previous performance periods.

**Conclusion: The performance standard has been met.**

**D. Performance Standard (24 CFR 115.206(e) (4): the agency conducts compliance reviews for settlements, conciliation agreements, and orders resolving discriminatory housing practices.**

SCHAC from time to time, reviews compliance with conciliation agreement, and if necessary, recommends to the South Carolina Attorney General that a civil action be filed to seek the enforcement of the terms of the agreement.

**Conclusion: The performance standard has been met.**

**E. Performance Standard #5 (24 CFR 115.206(e)(5): the agency must consistently and affirmatively seek and obtain the type of relief designed to prevent recurrences of discriminatory practices.**

SCHAC conciliated 14 cases during the review period with benefits to the complainant being actual monetary damages, reasonable accommodation and housing. Fair housing training is also included.

Case number	Case Name	Closure Code	Relief	Age at Closing
04-09-0369-8	McKnight v. Spring Hill Apts.	16	Retraction letter of curfew	78
04-08-1560-8	Smith v. Finley House	16	Reasonable Accommodation	21
04-08-0748-8	Davis v. Appian Way Apts.	16	Refund application fee \$35	254
04-08-0720-8	Bruce v. Pinehaven	16	\$830	130
04-09-0806-8	Miller v. Carothers	16	\$2,800	64
04-08-1452-8	Fairnot v. Chestnut Hill	16	Published community letter	195
04-09-0182-8	Olga v. Radcliffe	16		124
04-08-1220-8	Sanchez v. 1st. Choice Mtg.	16	\$4,450	188
04-08-0432-8	Youngblood v. Mills	16	\$575	187
04-09-0346-8	Fleming v. West Vista Apts.	16	\$400	111
04-09-0683-8	Greenleww V.	16	Housing	92

	Kingston Pointe			
04-09-0332-8	Kelly v. Smith	16		196
04-09-0054-8	Cyphers v. Foxwood	16	\$2,420.49	165
04-08-1449-8	McClintock v. First Palmetto Saving Bank	16	Re-review of loan application within 30 days	126

**Conclusion: The performance standard has been met.**

- F. Performance Standard #6 (24 CFR 115.206(e)(6): The agency must consistently and affirmatively seek to eliminate all prohibited practices under its housing law.**

The Agency's Fair Housing Staff conducted and or assisted with conducting 11 educational and outreach training sessions during this performance period. They were presented to protected classes, business owners, realtors, and residents of the community at large. Topics covered the history of the Fair Housing Act, and the community's rights and responsibilities under the Fair Housing Act and the South Carolina Fair Housing Law.

**Conclusion: The performance standard has been met.**

- G. Performance Standard #7 (24 CFR 115.206(e)(7): The agency must demonstrate that it receives and processes a reasonable number of complaints cognizable under both the Fair Housing Act and the agency's fair housing statute or ordinance.**

The TEAPOTS open case report dated 10/21/2008 beginning at the start of the Federal fiscal year, showed that SCHAC had 36 open cases. In the TEAPOTS closure report dated from 07/1/08 to 06/30/09, SCHAC closed 88 cases.

The regulations do not determine what constitutes a reasonable number of housing discrimination complaints that a given agency should receive and process, the Department conducts an agency-by agency analysis and makes a determination of what constitutes a reasonable number. The factors include, but are not limited to, the population of the jurisdiction, the length of time the agency participated in the FHAP program, and the number of complaints received and processed in the past.

Cities/Counties

Very Small	up to 60,000	2 complaints
Small	60,001-300,000	5 complaints
Medium	300,001-600,000	8 complaints
Large	600,001 -1,500,000	15 complaints

Very Large

1,500,001 and over

25 complaints

According to the 2000 U.S. Census Bureau Data, the population of the population of South Carolina is 4,321,249. Approximately 68% of the population is Caucasian/white, 29.9% are African American/black, 0.7% Native American, 1.1% Asian, and 2.4% Hispanic or Latino. The agency closed 88 cases during the review period. Therefore, SCHAC has processed a proper number of complaints during this review period.

**Conclusion:** The performance standard has been met.

**H. Performance Standard #8 (24 CFR 115.206(e)(8):** The agency must report to HUD on the final status of all dual-filed complaints where a determination of reasonable cause was made.

During the review period, SCHAC had 3 complaints in which it determined there was reasonable cause to believe that the Federal Fair Housing Act had been violated:

HUD Case Number	Case Name	Issue/Basis	Status
04-08-0416-8	Katy Lattice v. Allied Management Group	Disability	Closed 11/17/08 reactivated to HUD
04-08-0498-8	Adrian Cathcart v. Joe and Melodie Bowman	Rental/Race	Closed 8/18/08 settled for \$2,300
04-08-0271-8	Tammy Morton v. Pelican's Watch Condo Association	Disability/ Reasonable Accommodation	Closed 06/16/08 settled for \$4,450

**Conclusion:** The performance standard has been met.

**I. Performance Standard #9 (24 CFR 115.206(e)(9):** The agency must conform its performance to the provisions of any written agreements executed by the agency and HUD related to substantial equivalence certification, including but not limited interim agreement or MOU.

Under the Annual Performance Plan and the Management Plan, all FHAP agencies have the following performance measure to achieve during the 2009 HUD Fiscal Year of October 1, 2008 through September 30, 2009:

1. FHAP agencies will close 50% of fair housing complaints filed during the fiscal year within 100 days.
2. FHAP agencies will close or charge 95% of aged fair housing complaints within the fiscal year.

During the assessment period, SCHAC's performance against these performance measures was as follows:

### 50% Efficiency Goal

According to TEAPOTS, SCHAC closed 88 cases from 7/01/08 to 6/30/09, of which 32 (36%) were closed in less than 100 days. Therefore, SCHAC has not achieved this performance goal.

### 95% Aged Case Closure Goal

SCHAC had thirty-six (36) open cases on October 21, 2008, the beginning of the 2009 Federal Fiscal year. Of those, thirteen (13) were aged cases. According to the 06/30/09 TEAPOTS Closed Cases report, the agency closed all of the cases (100%) that were aged at the beginning of the FY. Therefore, the agency has met this goal.

**Conclusion: The performance standard has been partially met.**

### III. Budget and Finance

<u>Expenditures:</u>	<u>FY 06-07</u>	<u>FY 07-08</u>	<u>FY 08-09 (EST.)</u>	<u>FY 09-10</u>
Salaries & Benefits	2,295,891	2,470,070	2,535,602	2,088,903
Other Operating Costs	482,133	492,999	492,999	393,042
Total Expenditures	2,778,024	2,963,069	3,028,601	2,481,945

#### Funding:

State Appropriation	1,812,268	2,244,925	2,310,476	1,590,952
Federal Funds (HUD)	177,528	182,728	182,726	177,528
Federal Funds (EEOC)	69,246	535,397	535,937	685,500
Other:				27,965
Capital Reserve		134,214		
Total Funding	2,793,256	2,963,050	3,029,139	

- A. The agency provided annual certifications to HUD, confirming that the agency spends at least 20% of its total operating budget (not including FHAP funds) on fair housing activities as required at 24 CFR § 115.307(5).
- B. FHAP funds are segregated from the agency's and the state government's other funds, and must be used for the purpose that HUD provided the funds as required at 24 CFR § 115.307(6). The agency did not commingle any FHAP funds with other funds.
- C. FHAP funds were used for the purpose of investigating complaints, training under the Fair Housing Act, maintenance of data and information systems and creation and

maintenance of data and information systems, development and enhancement of fair housing education and outreach projects.

- D. The agency does draw down its funds in a timely manner as required at 24 CFR.
- E. Audit Report: The agency was not audited during this fiscal year.

**Conclusion: The performance requirement has been met.**

#### **IV. Reporting and Record Keeping Requirements**

- A. The agency maintains records demonstrating its financial administration of FHAP funds (24 CFR § 115.308(a)(1)).
- B. The agency maintains records of its performance under FHAP, including all past performance assessment reports, performance improvement plans and other documents relative to the agency's performance in the FHAP (24 CFR § 115.308(a)(2))
- C. The agency permits reasonable public access to its records as required at 24 CFR § 115.308(c) (i.e. are the records made available at the agency's office during normal working hours for public review)
- D. The Secretary of HUD, Inspector General of HUD, and Comptroller General of the United States, and any of their authorized representatives, has access to all the pertinent books, accounts, reports, files and other payments for surveys, audits, examinations, excerpts and transcripts as they relate to the agency's participation in FHAP (24 CFR § 115.308(d))
- E. All files are kept in such a fashion as to permit the audits under applicable Office of Management and Budget circulars, procurement regulations and guidelines, and the Single Audit requirements for state and local agencies (24 CFR § 115.308(e))

**Conclusion: The performance requirement has been met.**

#### ***V. Testing Requirements***

**Conclusion: This performance requirement is not applicable. The agency does not do testing.**

#### ***VI. Additional Requirements***

- A. **Training** (24 CFR 115.306 (b): Each agency must send staff to mandatory FHAP training sponsored by HUD, including , but not necessarily limited to, the National Fair Housing Training Academy and the National Fair Housing Policy Conference. In September 2009 five staff members attended training at the National Fair Housing Training Academy.

**B. Data Support System Requirement (24 CFR 115,307 (a)(3):**

Each staff member has a Dell computer that runs on Window XP software. In addition to the TEAPOTS system the South Carolina Human Affairs Commission uses an Access-based system which allows the agency to do the following:

*Complainants:*

1. Add new information and input the jurisdictional information
2. Look up cases by the year filed. This goes back to 1990.
3. Look up cases by SHAC #.
4. Look up cases by HUD #.

*Generate the following reports:*

1. Aging Summary
2. Closed Reports
3. Closures between dates
4. Closure summary by closure code

*HUD Reports:*

1. FHAP Voucher Detail
2. HUD Monthly Reports
3. Transfers to HUD

*Open Case Reports*

1. By Age
2. By Investigator

**Conclusion: The agency is in compliance with this requirement.**

**C. Changes Limiting Effectiveness of Agency's Law (24 CFR § 115.211):** If a state or local fair housing law that HUD deemed substantially equivalent to the Act is amended; or rules or procedures concerning the fair housing law are adopted; judicial or other authoritative interpretations of the fair housing law are issued, the interim certified or certified agency must inform the Assistant Secretary of such amendment, adoption or interpretation within 60 days of its discovery.

There have not been any changes to the law such as amendments, adoptions or interpretations of the agency's fair housing law that have not been reported to HUD within 60 days.

**Conclusion: The performance requirement is not applicable.**

**D. Civil Rights Requirements**

The agency is in compliance with all relevant federal civil rights laws, including Title VI of the Civil Rights Act of 1964, the Americans with Disabilities Act, Section 504

of the Rehabilitation Act of 1973, Section 508 of the Rehabilitation Act, and the standards of Section 3 of the Housing and Urban Development Act of 1968.

**Conclusion: The performance requirement has been met.**

**E. Subcontracting Requirement (24 CFR § 115.309):**

The agency does not

**Conclusion: The performance requirement is not applicable.**

**F. FHAP and the First Amendment**

The agency does not use funding made available under FHAP to investigate or prosecute any activity that may be protected by the First Amendment of the United States Constitution as prohibited at 24 CFR § 115.310.

**Conclusion: The performance requirement has been met.**

**VII. Conclusion and Any Corrective Actions**

The assessment of SCHAC's performance reveals that it has met the performance requirements in administering its law and has demonstrated its ability to continue to perform as a substantially equivalent agency. This report has included a detailed examination of SCHAC's performance which demonstrates that the agency produces work products that satisfy the requirements set forth in 24 CFR § 115.203.

Cases were investigated in an acceptable manner. Files contained logs, jurisdictional information, documents and statements from complainants and respondents, notification letters to all parties and closure letters. The agency adheres to requirements of the Cooperative Agreement and promptly takes administrative actions for each complaint.

It is recommended that the South Carolina Human Affairs Commission (SCHAC) maintain its certification as a substantially equivalent agency under the Fair Housing Assistance Program.

SCHAC has demonstrated the ability to comply with the performance standards, set forth in HUD regulations 24 CFR § 115.203, however, there was one concern and one finding noted for the agency to address.

1. **Concern:** Budget and Finance Requirements - Audits  
According to 24 CFR § 115.307(a)(10), "The agency must be audited and receive copies of the audit reports in accordance with applicable rules and regulations of the state and local government in which it is located." The review revealed that the agency did not have an audit during the assessment period.

**Recommended Corrective Action:** The agency should provide a copy of a current audit to HUD within 180 days. If this is impractical to do so, the agency is required to provide an explanation and a target submission date for receipt of the audit.

- G. **Finding:** During this review period, SCHAC closed 32 (36%) of its investigations within 100 days. FHAP agencies should be closing a minimum of 50% of their cases within 100 days.

**Recommended Corrective Action:** The agency must submit a plan of action within 30 days outlining steps that will be taken to improve their efficiency rate for closing cases within 100 days.

***VIII. Exhibits***

N/A

**SIGNATURE PAGE**

Marshall L. Pendelton

Marshall L. Pendelton  
Equal Opportunity Specialist, GTM  
Columbia Field Office  
Office of Fair Housing and Equal Opportunity

9-30-09  
Date

for Vicki A. Ray  
Pat W. Green, Acting FHEO Director, GTR  
Columbia Field Office  
Office of Fair Housing and Equal Opportunity

9/30/2009  
Date

Vicki A. Ray  
Vicki A. Ray  
Louisville FHEO Center Director  
Office of Fair Housing and Equal Opportunity

9/30/2009  
Date

for Vicki A. Ray  
James N. Sutton  
FHEO Region IV Director  
Regional Office of Fair Housing and Equal Opportunity

9/30/2009  
Date



U. S. Department of Housing and Urban Development  
Georgia State Office  
Five Points Plaza  
40 Marietta Street  
Atlanta, GA 30303-2806

SEP 27 2011

**CERTIFIED MAIL – RETURN RECEIPT REQUESTED**

Ralph H. Hale, Interim Commissioner  
State of South Carolina Human Affairs Commission  
2611 Forest Drive, Suite 200  
P. O. Box 4490  
Columbia SC 29240

Dear Mr. Hale:

Subject: Fair Housing Assistance Program  
Performance Assessment – FY 2011  
State of South Carolina Human Affairs Commission

On July 20-22, 2011, an on-site performance assessment of your agency was conducted. The assessment covered the period from July 1, 2010 through June 30, 2011. Based upon the practices and performance of the agency at the time of the review, the U.S. Department of Housing and Urban Development (hereinafter, HUD) recommends that your agency receive continuing certification as a substantially equivalent agency under Section 810(f) (3) of the Fair Housing Act.

Enclosed is a copy of the performance assessment report for your information. If you should have questions, please contact your Government Technical Monitor, Marshall L. Pendelton at (803) 253-3281. We appreciate your cooperation during this assessment, and look forward to our continued partnership to insure equal housing opportunities for all our citizens.

Sincerely,

Carlos Osegueda  
FHEO Region IV Director  
Regional Office of FHEO

Enclosure

cc: Natasha J. Watson, Louisville FHEO Center Director

**HUD's mission is to create strong, sustainable, inclusive communities  
and quality affordable homes for all.**

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**United State Department of Housing and Urban Decvelopment  
Office of Fair Housing and Equal Opportunity  
Region IV**

**Performance Assessment Report**

**SOUTH CAROLINA HUMAN AFFAIRS COMMISSION**  
**2611 Forest Drive, Suite 200**  
**Columbia, South Carolina 29240**

**Purpose:** To determine whether the South Carolina Human Affairs Commission (SCHAC) engages in timely, comprehensive, and thorough fair housing complaint investigation conciliation and enforcement activities and therefore warrants continued certification as a substantially equivalent agency. This determination is based on SCHAC's compliance with the performance standards and requirements set forth in regulations implementing the Fair Housing Assistance Program, at 24 C.F.R. Part 115.

**Period of Performance:** July 1, 2010 - June 30, 2011

**Date(s) of Onsite Assessment:** July 20 - 22, 2011

**HUD Reviewer:** Marshall Pendelton  
Civil Rights Analyst/Investigator (GTM)

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## I. Organizational Structure and Staffing

### Fair Housing Unit

The South Carolina Human Affairs Commission (SCHAC) housing division is presently staffed with only two full time employees. The State of South Carolina reduction in finance to the agency because of the economy and the state's hardship resulted in over a 60% reduction in staff from last year to two employees. However, from the period of October 1, 2010 until July 15, 2011 the two employees in the housing unit were considered full-time employees but furloughed to work only 26 hours a week. The investigators were required to investigate both employment and housing discrimination complaints. Under the current program year, the agency's funding has been increased and the housing division is again investigating only housing complaints and will be adding an additional investigator/staff employee. There is one male and one female within the unit and both are African American (Black):

#### HOUSING STAFF:

HOUSING STAFF					
NAME	RACE	SEX	POSITION	TITLE & GRADE	LENGTH OF TIME IN HOUSING UNIT
Delaine Frierson	B	F	Director		21 years
Reginald Martin	B	M	Investigator		3 years 3 months

HUD Handbook 8024.01 is utilized as guidance in processing all housing complaints. Responsibilities of the investigators include conducting fair housing investigations and negotiating conciliations as part of the investigative process of fair housing complaints filed with the agency and those referred by HUD. All investigative conclusions are reviewed by the fair housing director and staff attorney before the issuance of any determination or enforcement actions. All case closures are approved by the interim commissioner of the agency who was appointed in March 2011, after retirement of the former commissioner. The interim commissioner is also the agency's legal attorney.

### Board of Commissioners

<u>Name</u>	<u>Term Expiration</u>	<u>Sex</u>	<u>Race</u>
John Oakland (Chair)	06/30/11	M	W
Wade Arnette	06/30/12	M	W
Cheryl Ludlam	06/30/11	F	H
Joe Fragale	06/30/11	M	W
Reverend Willie Thompson	06/12/12	M	B
Susan Davis Bowers	06/30/05	F	W

Although the term for four of the commissioners has expired, they remain on the board until the Governor names a replacement.

**II. Performance Standards**

**A. Performance Standard #1 (24 CFR 115.206(e)(1)): Commence complaint proceedings, carry forward such proceedings, complete investigations, issue determinations, and make final administrative dispositions in a timely manner.**

The initial intake of the complaint is conducted by the fair housing director or the investigator and notification letters are immediately sent to all parties once jurisdiction has been established. The complaint is then assigned to an investigator by the housing director for initiation of the investigation. However, if the complaint is a HUD referral generated by TEAPOTS, the complaint is immediately assigned an investigator by the housing director.

Once the complaint has been assigned to an investigator, the investigation is scheduled to be completed within 90 days and the housing director is notified that the case is ready for administrative review. If the investigation is not completed within 100 days, the complainant and respondent are notified by certified letter (100 day letter) the reason why the investigation has not been completed. After the housing director has reviewed the case file, it is then forwarded to legal and the commissioner for review and signature. If the commissioner or legal disagrees with the recommendation or type of closure, the parties will meet to discuss the case or if the decision is that the complaint needs further investigation, it is returned to the investigator. This process is utilized for all case closures, including "Cause" cases.

**Thoroughness of Case Processing**

During the review period the agency was monitored on an on-going bases to determine if investigations were initiated before the 30<sup>th</sup> day once jurisdiction was established. In over 97% of the 54 cases received for investigation by the agency, the investigation was initiated within 30 days. The agency closed 52 cases and the average number of days to close a case was 168 days. The cases were closed in the following manner:

<b>TYPE OF CASE CLOSURE</b>	<b>NUMBER OF CLOSURES</b>	<b>PERCENTAGE</b>
No Cause Determination	32	62%
Cause Determination	02	04%
Conciliation	06	12%
Complaint Withdrawn without Settlement	0	0%
Administrative Closures	12	22%
<b>TOTAL</b>	<b>52</b>	<b>100%</b>

Number of Days	Number of Cases	Percentage
0-100	14	27%
101 to 150	09	17.5%
151 to 200	09	17.5%
201 to 250	12	23 %
Over 250	08	15%

Based upon the TEAPOT report dated 8/3/10, two cases listed below were critically aged over 300 days at the beginning of the performance period, but both cases were closed during the performance period. Also during the performance period, one critically aged case was waived back to HUD for investigation:

1. 04-10-0144-8  
Wallace, P. v. Piedmont Construction Company (308 days-closed)
2. 04-09-1115-8  
Brown, P. v. Tom Kuhn, Caldwell United Realtors (432) days-closed)
3. 04-09-1190-8  
Ronald Crissey v. The Villages and Manor of White Knoll HOA (waived to HUD)

**Conclusion: The performance standard has been met.**

**B. Performance Standard #2 (24 CFR§115.206 (e) (2): Administrative closures are utilized only in limited and appropriate circumstances.**

Administrative closures are defined as cases that are closed for the following reasons:

1. Complaint lacked jurisdiction
2. Agency was unable to locate the complainant
3. Complainant failed to cooperate with the investigation
4. Complaint withdrawn by the complainant without resolution
5. Inability to locate respondent
6. Trial already commenced

During the review period, SCHAC had eleven administrative closures, which represented 21% of all cases closed. Based upon review of the cases, it did not appear that SCHAC used the administrative closure process to keep from closing the cases on its merit. The following cases were closed administratively:

Case Number	Case Name	Closure	Relief?	Age at closing
04-10-1026-8	Lavern Lincoln v. Housing Authority for the	Failed to Cooperate	N	53 days old

	City of Charleston			
04-10-1180-8	June Ridosh v. Clifford Sprouse	Failed to Cooperate	N	55 days old
04-10-1060-8	Charmis Green v. Farrow	Lack of Jurisdiction	N	124 days old
04-10-1413-8	Caran Lawrence v. Jim Runion	Failed to Cooperate	N	70 days old
04-10-1183-8	Crystal Davis v. Nancy Faye	Lack of Jurisdiction	N	167 days old
04-11-0318-8	Perrine McGraw v. Thadd Mays Rental, et al	Unable to Locate	N	88 days old
04-11-0699-8	Kristy Page v. Seven Farms	Failed to Cooperate	N	40 days old
04-10-1528-8	Sonja Carter v. Walter and Julie Fremont	Failed to Cooperate	N	245 days old
04-11-0589-8	Lisa Allen v. Debra Seitz	Lack of Jurisdiction	N	43 days old
04-11-0437-8	Charles Holloway v. General Greene, LLC et al	Failed to Cooperate	N	76 days old
04-10-1384-8	Lisa Perry v. Preferred Properties	Failed to Cooperate	N	70 days old

**Conclusion: Performance Standard – The performance standard has been met.**

- C. Performance Standard #3 (24 CFR §115.206(e)(3)): During the period beginning with the filing of a complaint and ending with filing a charge or dismissal, the agency, to the extent feasible, attempts to conciliate the complaint. After the charge has been issued, the agency, to the extent feasible, continues to attempt settlement until a hearing or a judicial proceeding has begun.**

The conciliation process is initiated at the start of the investigation; however, the agency conciliated less than 12% or 6 of the total cases processed for closure. Each executed conciliation agreement indicated that the complainant(s) was not coerced into signing the Conciliation Agreement. Conciliation is intended to be an on-going process with both complainant and respondent throughout the investigation of the complaint. A review of several cases indicated that conciliation was not always pursued or attempted with both parties. During the review period one case, Perry Wallace v. Piedmont Construction Company #04-10-0144-8 was conciliated as Post-Cause case.

**Conclusion: The performance standard has been met.**

- D. Performance Standard #4 (24 CFR §115.206(e) (4)): the agency conducts compliance reviews for settlements, conciliation agreements, and orders resolving discriminatory housing practices.**

SCHAC from time to time, reviews compliance with conciliation agreement, and if necessary, recommends to the South Carolina Attorney General that a civil action be filed to seek the enforcement of the terms of the agreement. No need of such action was indicated during the reporting period.

**Conclusion: The performance standard has been met**

- E. Performance Standard #5 (24 CFR §115.206(e)(5)): the agency must consistently and affirmatively seek and obtain the type of relief designed to prevent recurrences of discriminatory practices.**

- (a) The agency has the authority under the South Carolina Fair Housing Law to seek actual damages. This authority was used when the agency filed a case in court, *Joshua Harbin & Courtney Wright v. Jo McCall* (SAHC # H-3-03-0-30/HUD # 04-09-1629-8). The case is still pending.
- (b) The authority to seek and assess civil penalties or punitive damages comes from the South Carolina Fair Housing Law. The agency is seeking actual and punitive damages in the *Harbin* case. To protect the public interest, the agency has included training and agreements to cease the discriminatory actions.
- (c) The agency held no administrative hearings. No complainant chose to have an administrative hearing. One case has proceeded to judicial action: *Joshua Harbin & Courtney Wright v. Jo McCall* # 04-09-1629-8. (The determination was made during the last fiscal year, but it was filed in court this fiscal year.) The case has not been heard yet. In another cause case, *Spicer, Ashley vs. Billy Taylor, Hitchcock Rd. Mobile Home Park* #04-09-1547-8, the complainant chose to proceed in court with her own attorney.
- (d) The agency conciliated 6 cases with benefits to the complainant. The complainants received benefits of actual monetary damages and housing and the protection of public interest. The agency did not conciliate a case involving reasonable accommodation during the performance period. The relief obtained appeared to be appropriate.

Case number	Case Name	Closure Code	Relief	Age at Closing
04-10-0558-8	Mayren Enrique v. The Chatham Group dba Dorchester Village	16	Complainant to remain in unit with rent to own purchase agreement	223 days old
04-10-1688-8	Amy Green v. Forest Gardens Owners Association	16	Children will be allowed in pool with diapers	279 days old
04-11-0505-8	Angela Hogan v. Weatherford Landscaping	16	Payment of \$1,000 to complainant	97 days old
04-10-1191-8	Leonard Atkinson v. Graham Realty	16	Non-publication of discriminatory advertisements	102 days old
04-09-1666-8	Laura Jones v. Hinson Management	16	Payment of \$848.75 to complainant	309 days old
04-10-0944-8	Aaron and April Davis v. Haven at Berry Shoals	16	Refund of application fee: \$35	146 days old

**Conclusion: The performance standard has been met**

**F. Performance Standard #6 (24 CFR §115.206(e)(6)): The agency must consistently and affirmatively seek to eliminate all prohibited practices under its housing law.**

Education and Outreach:

The Agency's Fair Housing Staff conducted and/or assisted with conducting six educational and outreach training sessions during this performance period. They were presented to protected classes, business owners, realtors, and residents of the community at large. This included a webinar and articles to media concerning Fair Housing. The topics covered the history of the Fair Housing Act, and the community's rights and responsibilities under the Fair Housing Act and the South Carolina Fair Housing Law.

**Conclusion: The Performance standard has been met.**

**G. Performance Standard #7 (24 CFR §115.206(e) (7)): The agency must demonstrate that it receives and processes a reasonable number of complaints cognizable under both the Fair Housing Act and the agency's fair housing statute or ordinance.**

The agency's state fair housing statute does not specify how many cases must be received and processed to determine a reasonable number of fair housing complaints. HUD's regulations also do not state how many complaints constitute a reasonable number. However, factors such as the population of the jurisdiction, length of time of participation in program, number of complaints received and process in the past, and other factors are considered.

**States**

Very Small	up to 1, 500,000	15 complaints
Small	1,500,001 to 4, 500,000	25 complaints
Medium	4,500,001 to 9,000,000	50 complaints
Large	9,000,001 to 15,000,000	80 complaints
Very Large	15,000,001 and over	150 complains

The agency serves the state of South Carolina which has a total population of 4,321,249. It is estimated that Caucasian/white represent 68% of the population, African American/black 30%, Hispanic/Latino 2.5, Asian 1.1%, and Native American 0.7%. The agency has participated in the FHAP since 1995.

Within the last three performance periods the agency has closed/processed an average of 74 cases during each performance period. The agency received 54 cases and closed 52 cases during this review period. Therefore, SCHAC has processed a reasonable number of complaints during the review period.

**Conclusion: Performance Standard – The performance standard has been met**

**H. Performance Standard #8 (24 CFR §115.206(e) (8)): The agency must report to HUD on the final status of all dual –filed complaints where a determination of reasonable cause was made.**

Case Number	Case Name	Closure Date	FHAP Closure Date	Closure Type	Relief
#04-09-1547-8	Ashley Spicer v. Billy Taylor; HMH	06/23/11	08/11/10	Cause	\$350.00
#04-10-0144-8	Wallace Perry v. Piedmont	06/23/11	11/17/10	Cause	Judicial Dismissal

**Conclusion: The performance standard has been met.**

- I. **Performance Standard #9 (24 CFR §115.206(e) (9)):** The agency must conform its performance to the provisions of any written agreements executed by the agency and HUD related to substantial equivalence certification, including but not limited interim agreement or MOU.

Under the Performance Period, July 1, 2010 – June 30, 2011 all FHAP agencies have the following performance measure:

1. FHAP agencies will close 50% of fair housing complaints referred by HUD within 100 days, excluding recommended cause and systemic complaints.
2. FHAP agencies will close or charge 95% of aged fair housing complaints within the fiscal year.

**50% Efficiency Goal**

SCHAC processed 54 cases of which 14 or 27% were closed in less than 100 days. Therefore, the agency did not achieve this performance goal.

**95% Aged Case Closure Goal**

According to TEAPOTS open case Report dated 8/3/2010, the agency had eight aged cases at the beginning of the July 1, 2010 – June 30, 2011 performance period. The eight aged cases were all closed by the end of the performance period. Therefore, the agency achieves this performance goal.

**Conclusion: The performance standard has not been met**

**III. Budget and Finance**

Expenditures:	FY 08-09	FY 09-10	FY 10-11	FY 11-12
Salaries & Benefits	2,180,567	2,018,663	1,295,848	1,467,164
Other Operating Costs	383,596	391,034	286,416	370,195
<b>Total Expenditures</b>	<b>2,564,163</b>	<b>2,409,697</b>	<b>1,582,264</b>	<b>1,837,359</b>

Funding:

State Appropriation	1,737,474	1,459,286	658,536	1,248,731
Federal Funds (HUD)	170,161	207,727	179,873	177,528
Federal Funds (EEOC)	636,528	670,953	682,000	369,600
Other:	20,000	71,732	61,855	41,500
Capital Reserve				
<hr/> Total Funding	<hr/> 2,564,163	<hr/> 2,409,697	<hr/> 1,582,264	<hr/> 1,837,359

- A. The agency provided annual certifications to HUD, confirming that the agency spends at least 20% of its total operating budget (not including FHAP funds ) on fair housing activities as required at 24 CFR§115.307 (5).
- B. FHAP funds must be segregated from the agency's and the state government's other funds, and must be used for the purpose that HUD provided the funds as required at 24 CFR§115.307(6). The agency did not commingle any FHAP funds with other funds.
- C. The agency did not appear to unilaterally reduce the level of financial resources committed to fair housing activities as prohibited at 24CFR §115 307 (7).
- D. The agency does draw down its funds in a timely manner as required at 24 CFR§115.307(9).
- E. Audit Report: A copy of the last audit conducted in 2007 was provided. The agency is usually audited by the South Carolina's State Office of the Auditor every one-two years. However, due to financial hardship and severe reduction in staff within the state's agencies, SCHAC has not had a recent audit conducted.

**Conclusion: The performance standard has been met**

**IV. Reporting and Record Keeping Requirements**

- A. The agency maintains records demonstrating its financial administration of FHAP Funds (24 CFR§ 115.308(a) (1) –The accounting and reporting records of the S.C. Human Affairs Commission are maintained centrally by the Office of the Comptroller General for the State of South Carolina. Internal controls and procedures are in place at the Human Affairs Commission to insure the proper receipt and disbursement of funds by source, category and individual source requirements.

The S.C. Human Affairs Commission maintains all other documents relative to the administration of the Fair Housing Assistance Program grants. These records are available for examination.

- B. The agency maintains records of its performance under the FHAP, including all past performance assessment reports, performance improvement plans and other documents relative to the agency's performance in the FHAP(24 CFR§115.308(a)(2)) – The agency keeps a file of each year's performance assessment report, performance improvement plan, and other relevant documents.
- C. The agency permits reasonable public access to its records as required at 24CFR§115.308(c) (i.e. are the records made available at the agency's office during normal working hours for public review) – If someone makes a written request under the Freedom of Information Act, files which are allowable under the law are available to the public.
- D. The Secretary of HUD, Inspector General of HUD, and Comptroller General of the United State, and any of its authorized representatives, have access to all the pertinent books, accounts, reports, files and other payments for surveys, audits, examinations, excerpts and transcripts as it relates to the agency's participation in FHAP (24 CFR§115.308(d)) – As stated in item A above, accounting records are maintained centrally by the Office of the Comptroller General. These records may be accessed through the accounting system SCEIS, which is currently utilized by S. C. State Government. Any other records or information associated with the administration of the FHAP are available at the S. C. Human Affairs Commission. It is required that these records are maintained for three (3) fiscal years.
- E. All files are kept in such a fashion as to permit the audits under applicable Office of Management and Budget circulars, procurement regulations and guidelines, and the Single Audit requirements for state and local agencies (24 CFR§115.308(e)) - All records are available for audit and in compliance with Federal and State regulations.

**Conclusion: The performance standard has been met**

#### V. Testing Requirements

**Conclusion: This performance requirement is not applicable. The agency does not do testing.**

## VI. Additional Requirements

- A. Training Requirements (24 CFR §115.306 (b)):** Each agency must send staff to mandatory FHAP training sponsored by HUD, including , but not necessarily limited to, the National Fair Housing Training Academy and the National Fair Housing Policy Conference. In the past staff has attended training at the training academy, but staff did not attend during fiscal year 2010-2011. Staff will resume this fiscal year attending training at the academy. However all housing staff did attend the National Fair Housing Policy Conference in July 2010.
- B. Data Support System Requirement (24 CFR §115 307 (a) (3)):** The agency must use the Department's official complaint data information system and must input all relevant data and information into the system in a timely manner.

In addition to the TEAPOTS system, the South Carolina Human Affairs Commission uses an Access-based system which allows the Agency to do the following:

### *Complainants:*

1. Add new information and input the jurisdictional information
2. Look up cases by the year filed. This goes back to 1990.
3. Look up cases by SCHAC #.
4. Look up cases by HUD #.

### *Generate the following reports:*

1. Aging Summary
2. Closed Reports
3. Closures between dates
4. Closure summary by closure code

### *HUD Reports:*

1. FHAP Voucher Detail
2. HUD Monthly Reports
3. Transfers to HUD

### *Open Case Reports*

1. By Age
2. By Investigator

**Conclusion: The agency is in compliance with this requirement.**

**C. Changes Limiting Effectiveness of Agency's Law (24 CFR §115.211):**  
There has been no change in the state's law, during the current performance period.

**Conclusion: The performance standard has been met**

#### **D. Civil Rights Requirements**

The agency is in compliance with all relevant federal civil rights laws, including Title VI of the Civil Rights Act of 1964, the American with Disabilities Act, Section 504 of the Rehabilitation Act of 1973, Section 508 of the Rehabilitation Act, and the standards of Section 3 of the Housing and Urban Development Act of 1968. There was no evidence that any complaints were filed against the agency related to those laws.

**Conclusion: The requirement has been met.**

#### **E. Subcontracting Requirement (24 CFR § 115.309)**

The agency does not subcontract

#### **F. FHAP and the First Amendment**

The agency does not use FHAP funding to investigate any activity that may be protected by the First Amendment of the United States Constitution as prohibited at 24 CFR § 115.310.

**Conclusion: The requirement has been met.**

### **VII. Conclusion and Any Corrective Actions**

Based upon the above information, South Carolina Human Affairs Commission (SCHAC) has demonstrated the ability to comply with the performance standards, set forth in HUD regulations 24 CFR §115.206. Therefore, it is recommended that SCHAC maintain its certification as a substantially equivalent agency under the Fair Housing Assistance Program.

While over all the Commission has demonstrated the ability to comply with the performance standards set forth in the HUD regulations, 24 CFR §115.203, the following performance deficiencies will need to be addressed:

- a. **Performance Deficiency:** During the performance period SCHAC closed only 26% of its investigations within 100 days. FHAP agencies should be closing at a minimum 50% of its investigation within 100 days. The agency indicated that this is partly due to the close to 50% reduction of staff in the housing division, and 35% reduction in staff overall for the Commission that was subject to furlough and pay cut. However, the housing division has received additional funding this fiscal year and is committed to improving the agency's efficiency and attaining production goals.

**Recommended Corrective Action:** The agency must submit a plan of action within 30 days outlining steps that will be taken to improve the efficiency rate for closing cases within 100 days.

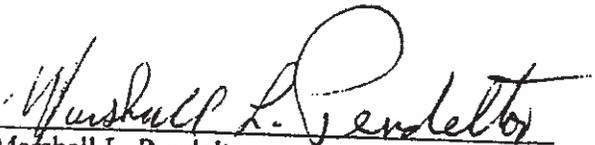
- b. **Concern:** The agency only conciliated 6 or 12% of the 52 cases that it closed during the performance period. Furthermore, during the review of closed cases it did not appear that a consistent strong effort was put forth in the conciliation of all cases during the process of investigation.

**Recommended Corrective Action:** Within 30 days the agency will submit a plan of action to illustrate that conciliation is initiated at the start of all investigations and followed through during the course of the investigation with both the complainant and respondent.

## **VIII. Exhibits**

- A. State Auditor's Report – June 30, 2007

SIGNATURE PAGE

  
Marshall L. Pendelton  
Equal Opportunity Specialist, GTM  
Columbia Field Office  
Office of Fair Housing and Equal Opportunity

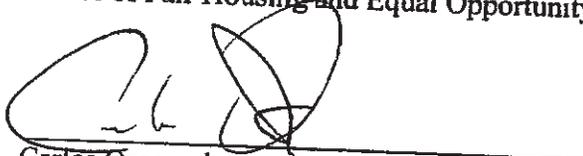
8-12-11  
Date

  
Pat W. Green, FHEO Director, GTR  
Columbia Field Office  
Office of Fair Housing and Equal Opportunity

8/12/11  
Date

  
Natasha J. Watson  
Louisville FHEO Center Director  
Office of Fair Housing and Equal Opportunity

9/13/2011  
Date

  
Carlos Osegueda  
FHEO Region IV Director  
Regional Office of Fair Housing and Equal Opportunity

9/26/11  
Date





U.S. Department of Housing and Urban Development  
Georgia State Office  
Five Points Plaza  
40 Marietta Street  
Atlanta, GA 30303-2906

**CERTIFIED MAIL – RETURN RECEIPT REQUESTED**

Mr. Raymond Buxton, II  
Commissioner  
South Carolina Human Affairs Commission  
P. O. Box 4490  
Columbia, SC 29240

Dear Mr. Buxton:

Subject: Fair Housing Assistance Program  
Performance Assessment  
South Carolina Human Affairs Commission

On May 29-30, 2013, your Fair Housing Assistance Program (FHAP) monitor, Vicki Ray, conducted an on-site performance assessment of your agency. The assessment covered the period from July 1, 2012, through June 30, 2013. Based upon the practices and performance of the agency at the time of the review, the U. S. Department of Housing and Urban Development recommends that the South Carolina Human Affairs Commission receive continuing certification as a substantially equivalent agency under Section 810 (f) (3) of the Fair Housing Act.

Enclosed is a copy of the performance assessment report for your information. Your attention is directed to the concern and findings that are noted in the report. Please ensure that they are addressed within 30 days from receipt of this letter. If you should have questions, please contact your Government Technical Representative (GTR), Vicki Ray, at (502) 618-8150.

We appreciate your cooperation during this performance assessment, and look forward to our continued partnership to ensure equal housing opportunities for all our citizens.

Sincerely Yours,

A handwritten signature in black ink, appearing to read "Carlos Osegueda", written over a large, stylized circular flourish.

Carlos Osegueda  
FHEO Region IV Director  
Regional Office of FHEO

Enclosure



Internal HUD Distribution:						
Identification Lines:						
Correspondence Code	Originator 4IEP	Concurrence 4AEH	Concurrence	Concurrence	Concurrence	Concurrence
Name	Ray	Bello				
Date	6/28/2013					



United State Department of Housing and Urban Decvelopment  
Office of Fair Housing and Equal Opportunity  
Region IV

Performance Assessment Report

SOUTH CAROLINA HUMAN AFFAIRS COMMISSION

2611 Forest Drive, Suite 200  
Columbia, South Carolina 29240

**Purpose:** To determine whether the South Carolina Human Affairs Commission (SCHAC) engages in timely, comprehensive, and thorough fair housing complaint investigation conciliation and enforcement activities and therefore warrants continued certification as a substantially equivalent agency. This determination is based on SCHAC's compliance with the performance standards and requirements set forth in regulations implementing the Fair Housing Assistance Program, at 24 C.F.R. Part 115.

**Period of Performance:** July 1, 2012 – June 30, 2013

**Date(s) of Onsite Assessment:** May 29-30, 2013

**HUD Reviewer:** Vicki A. Ray  
Equal Opportunity Specialist/GTR

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**I. Organizational Structure and Staffing**

SCHAC has participated in the FHAP for numerous years and are scheduled for their next recertification on March 10, 2016. During the performance period, the following persons were responsible for enforcing and administering the fair housing law. Investigators identified as "cross-trained" investigate both housing and employment cases.

NAME	TITLE	RACE	SEX	ETHNICITY	DATE OF HIRE	DATE STARTED IN HOUSING UNIT
Raymond Buxton, II	Commissioner	Black	Male	Non-Hispanic	7/17/2012	N/A
Delaine Frierson	Fair Housing Director	Black	Female	Non-Hispanic	9/19/1988	9/01/1990
Octavia Wright	Staff Attorney	Black	Female	Non-Hispanic	5/05/2008	5/05/2008
Jessica Brown	Investigator	White	Female	Non-Hispanic	5/17/2013 (rehire)	5/17/2013
Connie Jenkins	Investigator	Black	Female	Non-Hispanic	3/02/1999	9/19/2011
Jesse Olivares	Outreach Coordinator	Black	Male	Hispanic	6/18/2012	6/18/2012
Deborah Thomas	Intake Investigator	Black	Female	Non-Hispanic	10/02/1996	3/01/2012
Larry McBride	Mediator	Black	Female	Non-Hispanic	6/08/1980	3/01/2013
Lori Dean	Finance Director	Black	Female	Non-Hispanic	1/02/2013	1/02/2013

The following persons were identified as Commissioners during the performance period:

NAME	RACE	ETHNICITY	SEX	APPOINTED	TERM EXPIRATION
John A. Oakland, Chairperson	White	Non-Hispanic	Male	06/25/2003 Reappointed 12/30/04	06/20/2011*
Wade C. Arnette	White	Non-Hispanic	Male	06/30/2006	06/30/2012*
Melanie G. Stith	White	Non-Hispanic	Female	06/30/2006	06/30/2014
Cheryl F. C. Ludlam	Asian	Filipino	Female	06/30/2005	06/30/2011*
Joe Fragale	White	Non-Hispanic	Male	05/05/2005	06/30/2011*
Susan Davis Bowers	White	Non-Hispanic	Female	03/14/2000 Reappointed 05/17/2002	06/30/2005*
Rev. Willie Albert Thompson	Black	Non-Hispanic	Male	04/01/2004	06/30/2012*

\*The Commissioners serve until they are replaced by the Governor.

## II. Performance Standards

### A. Performance Standard #1 (24 CFR 115.206(e)(1): Commence complaint proceedings, carry forward such proceedings, complete investigations, issue determinations, and make final administrative dispositions in a timely manner.

The specific procedures the agency uses for processing complaints include: intake of complaint, determine jurisdiction, identify the issues in the complaint, determine approaches to resolution, investigate complaint, compose letters of findings and resolution, and develop settlement agreements.

The initial intake of the complainant is conducted by the Fair Housing Director or the intake investigator and notification letters are immediately sent to all parties once jurisdiction has been established. The Fair Housing Director then assigns the case to an investigator for investigation. However, if the complaint is a HUD referral generated by TEAPOTS, the complaint is immediately assigned an investigator by the Fair Housing Director.

The monthly case reviews and the onsite review of closed case files confirmed that the processing of cases was initiated within 30 days of receipt of complaint.

Once the complaint has been assigned to an investigator, the investigator must complete the investigation within 90 days and notify the Fair Housing Director that the case is ready for administrative review. However, if the investigation is not completed with 100 days, the complainant and respondent are notified by certified letter the reason why the investigation has not been completed. After the Fair Housing Director has reviewed the entire case file, it is then forwarded to legal and the Commissioner for signature. If the Commissioner or legal disagrees with the recommendation or type of closure, the parties will meet to discuss the case or the case is returned to the investigator for further investigation. This process is utilized for all case closures, including "Cause" cases.

Final Investigative Reports (FIRs) and determinations were prepared, and submitted as part of the case closure packages for all cases.

Our records reveal that the agency closed a total of 40 cases between July 1, 2012 and June 19, 2013. The chart below depicts the types and number of closures for that same time period.

TYPE OF CASE CLOSURE	NUMBER OF CLOSURES	PERCENTAGE
No Cause	14	35%
Conciliation	15	38%
Complaint Withdrawn with Resolution	2	5%
Administrative Closures	9	23%
<b>TOTAL</b>	<b>40</b>	<b>100%</b>

\*Two of the conciliations were post-cause conciliations. See Performance Standard 8 for information related to the two cause cases.

Of the 40 cases closed between July 1, 2012 - June 19, 2013, a total of 23 (58%) were closed within 100 days of filing. A total of 17 (42%) of the 40 cases will receive reduced payments for timeliness. Also, no cases were over 365 days old at FHAP closure.

The chart below depicts the number of cases closed by age at FHAP closure.

NUMBER OF DAYS	NUMBER OF CASES	PERCENTAGE
0-100	23	58%
101-150	8	20%
151-200	5	13%
201-250	2	5%
Over 250	2	5%
<b>TOTAL</b>	<b>40</b>	<b>100%</b>

The June 19, 2013, MicroStrategy generated FHAP open cases report reflected that the agency had a total of 28 open cases on that date. Of that number, a total of 8 (29%) were aged over 100 days. The table below depicts the number of days open and number of cases in each category.

NUMBER OF DAYS	NUMBER OF CASES	PERCENTAGE
0-100	20	71%
101-150	8	29%
151-200	0	0
201-250	0	0
Over 250	0	0
<b>TOTAL</b>	<b>28</b>	<b>100%</b>

**Conclusion: The standard has been met.**

**B. Performance Standard #2 (24 CFR 115.206 (e) (2): Administrative closures are utilized only in limited and appropriate circumstances.**

Administrative closures are defined as cases that are closed for the following reasons:

1. The complaint lacked jurisdiction
2. The agency was unable to locate the complainant
3. The complainant failed to cooperate with the investigation
4. The complaint withdrawn by the complainant without resolution
5. Inability to locate respondent
6. Trial already commenced

The agency closed a total of 40 cases between July 1, 2012 and June 19, 2013. Of that number, a total of 9 (23%) were closed administratively. It did not appear that the agency used the administrative closure process to keep from closing the cases on their merit.

CASE NAME	HUD CASE NUMBERS	FHAP Closure Date	CLOSURE REASON	AGE
Johnson, Aqueelah v. Mallard Pointe Apartments; Saundra Harrison	04-12-0554-8	07/09/12	Withdrawal Without Resolution	98
Carter, Morrell & Anna v. Rental Homes and Villas Sales, LLC	04-12-0593-8	11/30/12	Complainant Failed to Cooperate	232
Crisp, Gary & Belinda v. Azalea Lakes; Shirley Fresh, HOA President	04-12-0741-8	07/09/12	Complainant Failed to Cooperate	47
Lawrence, Jermaine vs. Housing Auth. of the City of Columbia	04-12-0762-8	07/27/12	Complainant Failed to Cooperate	56
Lefler, Angela v. Vista Capital Management Group, Inc.	04-12-0843-8	12/18/12	Complainant Failed to Cooperate	174
Mulato, Canela & Vasquez Sanchez v. Walls, Gloria	04-12-0972-8	12/18/12	Complainant Failed to Cooperate	133
Ryan, Kathleen, v. Cypress Run Apartments; Debbie Rector	04-12-0990-8	11/15/12	Complainant Failed to Cooperate	91
Mullins, Gary & Yvonne v. Bay Meadows HOA, Inc., et. al.	04-13-0057-8	04/26/13	Withdrawal Without Resolution	186
Vanderslice, Jonathan & Heidi v. Marcliffe HOA; Helene Lacaille	04-13-0371-8	03/27/13	Complainant Failed to Cooperate	50

**Conclusion: The standard has been met.**

- C. Performance Stand #3 (24 CFR 115.206(e)(3): During the period beginning with the filing of a complaint and ending with filing a charge or dismissal, the agency, to the extent feasible, attempts to conciliate the complaint. After the charge has been issued, the agency, to the extent feasible, continues to attempt settlement until a hearing or a judicial proceeding has begun.**

SCHAC indicated that they attempt to conciliate all cases. In some instances, they begin the process during intake; however, the investigators are required to attempt conciliation, starting when the case is assigned to them and continuing throughout the investigation. They also use the agency's mediator in some instances. Their methods for conducting conciliation include in person, by phone, and email. In most cases, conciliation is ongoing. In a few cases, the complainant or respondent may be adamant about not wanting to conciliate. The conciliation attempts are documented in the conciliation section and the case chronology in TEAPOTS.

Further, when the agency issues a Cause determination, they attempt to conciliate after the determination is issued. During the performance period, the two Cause cases were conciliated post cause.

The review of TEAPOTS confirmed that SCHAC investigators consistently attempted conciliation, to the extent feasible, on cases that were investigated during the performance period.

See Performance Standard #5 for a list of cases that were conciliated/settled during the performance period.

Although the agency has met the requirements of this standard, there was some deficiencies noted related to proper documentation of the process in the case files. A review of the following case files revealed:

1. Downs, Loreyetta vs. Arbors Apartments: #04-12-1060-8 (NC)
  - a. There was no conciliation efforts noted under the conciliation section.
2. Zambrano, Armida & Indira Serrano vs. Lynn Pike (Brandywine Townhouses): #04-12-0679-8
  - a. There was no proof that the conditions of the agreement had been met.
3. Etheridge, Kenneth vs. Patton Property: #04-12-1057 (NC)
  - a. There was no conciliation efforts noted under conciliation section.
4. Deneau-Sheeley, Michele v. Ute Appleby, Anson Beckman, Agent Owned Realty: #04-12-0664-8 (Conciliation)
  - a. Copy of the receipt for \$1,000 was attached to a closure letter but just stuck in the case file. Not secured under the conciliation section.
  - b. There was no conciliation efforts noted under the conciliation section.
  - c. The executed conciliation agreement was just stuck in the file.
5. Deneau-Sheeley, Michele v. Anson Beckman, Agent Owned Realty: #04-12-0742-8 (Conciliation)
  - a. Same as companion case above.
6. Johnson, James v. Angelica Burton Christopher Towers: #04-12-0773-8 (Conciliation)
  - a. There was no evidence that the terms of the agreement had been met.
  - b. There was no conciliation efforts noted under conciliation section.
7. Fuller, Lakesha vs. John Furgess, Sr.: #04-13-0401-8 (NC)
  - a. There was no conciliation efforts noted under conciliation section.
8. Tucker, Thomas & Maria Manning vs. Island Realty; Ventura Villas HOA: #04-12-0775-8 (Conciliation)
  - a. Emails regarding conciliation were found under the correspondence from Respondent. (C2)
  - b. The conciliation agreement noted under the conciliation section was not fully executed. The fully executed version was on the inside front cover

of file 1 instead of under the conciliation section. Also, there was no conciliation efforts noted under conciliation section.

c. There was no evidence that the terms of the agreement had been met.

9. Dance, James vs. Carolina Yacht Landing HOA, Inc.; The Noble Company of South Carolina, LLC: #04-12-0915-8 (Caused/settled post-cause)

- a. The fully executed conciliation agreement and copies of the checks were attached to the inside front cover of the case file instead of under the conciliation section. There was no evidence that training had been completed; however, they had 6 months from execution of the agreement (4/08/2013) to complete.
- b. Emails regarding conciliation were noted in the evidentiary section of the files – Correspondence with the Complainant B2 and Correspondence with the Respondent C2.
- c. There was no conciliation efforts noted under conciliation section.

**Conclusion: The performance standard has been met.**

**D. Performance Standard (24 CFR 115.206(e) (4): the agency conducts compliance reviews for settlements, conciliation agreements, and orders resolving discriminatory housing practices.**

The agency conciliated a total of 15 (38%) cases between July 1, 2012 and June 19, 2013. All relief obtained in conciliations, pre and post cause, was adequate.

The agency indicated that they have not conducted conciliation compliance reviews even though they have the authority to do so. However, they indicated that if necessary, a recommendation would be made to the South Carolina Attorney General to file a civil action seeking the enforcement of the terms of agreements in the event a breach occurs. Nonetheless, based on information provided, the agency did not recommend enforcement by the Attorney General when a violation of an agreement was brought to their attention.

Tucker, Thomas, IV & Maria Manning v. Island Realty: #04-12-0775-8

SCHAC indicated that the complainant and her husband contacted them after the respondent failed to meet the provisions of the conciliation agreement in a timely manner. The investigator attempted to get the respondent to comply. The respondent eventually complied, but the complainant and her husband had already suffered harm and as a result, they filed a retaliation complaint. The retaliation complaint is still being investigated.

It should be noted that the breach of a conciliation agreement and retaliation are separate issues and should be handled differently and separately.

**Conclusion: The performance standard has not been met.**

**E. Performance Standard #5 (24 CFR 115.206(e)(5): the agency must consistently and affirmatively seek and obtain the type of relief designed to prevent recurrences of discriminatory practices.**

Of the 40 cases closed as of June 19, 2013, a total of 17 successful conciliation/settlements were obtained. The complainant received benefits of actual monetary damages, reasonable accommodations and housing. Additionally, relief sought by the agency included but was not limited to: training of respondents, requiring respondents to agree to consistently apply its policies and procedures to all applicants and residents in a nondiscriminatory manner and changes in policies. No cases proceeded to an administrative hearing during the performance cycle. No cases proceeded to judicial proceedings during the performance period.

CASE NAME	HUD CASE NUMBER	FHAP CLOSURE DATE	CLOSURE REASON	AGE
Broggi, Mario v. Wilson T. Baggett; Office of Real Property	04-12-0631-8	09/28/12	Conciliated/Settled	161
Deneau-Sheeley, Michele v. Ute Lisa Appleby; Anson Beckman; Age	04-12-0664-8	08/28/12	Conciliated/Settled	119
Zambrano, Armada & Serrano, Indira v. Lynn Pike; Brandywine Tow	04-12-0679-8	07/19/12	Conciliated/Settled	76
Deneau-Sheeley, Michele v. Anson Beckman; Agent Owned Realty	04-12-0742-8	08/28/12	Conciliated/Settled	97
Johnson, James E. & Aqueelah v. Christopher Towers; Angelica Bu	04-12-0773-8	07/09/12	Conciliated/Settled	45
Tucker, Thomas, IV & Maria Manning v. Island Realty	04-12-0775-8	08/07/12	Conciliated/Settled	74
Carlson, Lisa v. Palm Ridge; Dale Calvert	04-12-0836-8	03/29/13	Conciliated/Settled	276
Anders, Mary E. v. Pickens Affordable Housing, LLC, et al	04-12-0896-8	10/16/12	Withdrawn After Resolution	91
Dance, James v. The Nobel Community of South Carolina	04-12-0915-8	04/09/13	Conciliated/Settled	260
Johnson, Sabrina v. Francesca Schmiedl	04-12-1061-8	01/28/13	Withdrawn After Resolution	130
Wright, Anita Marie v. Mt. Zion AME Apts; Mr. Banks	04-12-1105-8	12/10/12	Conciliated/Settled	82
Massey, Dorothy v. Amy Anderson, Sage Point Apts; Powers Property	04-13-0093-8	03/04/13	Conciliated/Settled	125
White, Hezekiah v. Spanish Oaks Apts; Kymberly Mentz	04-13-0094-8	01/03/13	Conciliated/Settled	65
Greene, Ervin L. v Marshside Village, Inc; Malika Jamerson	04-13-0095-8	12/18/12	Conciliated/Settled	49
Moyd, Marshall & Vickie v. Vanderbilt Mtg. & Fin., Inc.	04-13-0253-8	05/31/13	Conciliated/Settled	155
Baker, Rosalind v. Oakview Townhouses, LP, et. al.	04-13-0268-8	03/27/13	Conciliated/Settled	78
Gray, Rebecca Sue vs. Westgate Apartment Homes	04-13-0398-8	03/27/13	Conciliated/Settled	44

The agency reported the following notable conciliations:

CASE NAME	HUD CASE NUMBER	RELIEF OBTAINED
Broggi, Mario v. Wilson T. Baggett; Office of Real Property	04-12-0631-8	The complaint alleged that he was denied the 4% tax rate on his home because he did not have a Social Security number to prove that he was a permanent resident. The case was conciliated, and the respondent agreed that the complainant would receive the 4% ratio on ad valorem property taxes. This was a yearly savings of \$3,359.00.
Dance, James v. The Nobel Community of South Carolina	04-12-0915-8	The complainant sought permission to install a lift on the outside of his condo. The respondent denied his request. He died before the determination was issued. However, the investigator was able to get \$5000 for the complaint's estate, and the respondent agreed to attend two hours of fair housing training provided by SCHAC.
Moyd, Marshall & Vickie v. Vanderbilt Mtg. & Fin., Inc.	04-13-0253-8	<p>The Complainants alleged Respondent VM used discriminatory terms and conditions and financing in order to foreclose on the dwelling and seize their land. Complainants said everyone they dealt with at Respondent VM sounded white over the phone.</p> <p>Complainants believed that if they were white, every effort would have been made by Respondent VM to correct the errors on their account as an alternative to quickly moving to secure their home and their land.</p> <ul style="list-style-type: none"> <li>• The Complainants received a forgiveness of a mortgage loan-\$89,337.25</li> <li>• Mortgage release reported to three major credit bureaus</li> <li>• Return of land to Complainants in the amount of \$28,000.00.</li> <li>• Cash settlement of \$2,500.00</li> </ul> <p>The total monetary amount was \$119,837.25.</p>

**Conclusion: The performance standard has been met.**

**F. Performance Standard #6 (24 CFR 115.206(e)(6): The agency must consistently and affirmatively seek to eliminate all prohibited practices under its housing law.**

The following chart depicts the agency's education and outreach activities for the performance period.

DATE	TYPE	PLACE	CONTACT PERSON
08/01/2012	Distribution of brochures	American Red Cross Columbia, SC	Pam Branton
	Mailed fair housing posters and brochures	Capital Senior Center- Columbia	Craig Sexton
	Distributed fair housing posters, and booklet about the fair housing law	Communities in Schools of the Midlands-Columbia	Jamie Bozardt
	Provided a description of the SC Fair Housing Law so they could add the agency to their directory	Disability Action Center, Inc. — Columbia	Gloria Prevost
08/06/2012	Mailed fair housing brochures to them to distribute	Easter Seals of South Carolina — Columbia	Hank Chardos
08/09/2012	Jessica Brown attended a Back to School Drive and provided information to the attendees about fair housing	Skateland USA - Elgin, SC	Tiesha Ogwin
08/14/2012	Mailed brochures to the center	Dickerson Center for Children	Ruth Pugh
	Mailed brochures to the agency	Florence Crittenton Programs of South Carolina — Florence, SC	Danielle Fowler
08/24/2012	Mailed brochures	Sistercare- Columbia, SC	Stacey Smith

09/26/2012	Conducted fair housing training for realty company. Training was required by their insurance company to maintain Errors & Omissions coverage, RE: fair housing issues.	Agent Owned Realty — Sheraton Hotel — Charleston, SC 180 attendees	Liz Loadholt (843) 884-7300
10/09/2012	Fair housing presentation, concentrating on disability.	Greenville County Human Relations Commission	Sharon Smathers, Executive Director 301 University Ridge, Suite 1600 Greenville, SC 29601 (864) 467-7095
10/10-21/2012	Distributed brochures and fair housing paraphernalia such as water, fans, pencils.	South Carolina State Fair — Columbia, SC	
11/28/2012	Fair housing training — disability issues as part of a conciliation agreement.	Spanish Oaks Apartments — Charleston, SC	Kathy Myrick, Regional Manager 1515 Ashley River Road, Charleston, SC
12/10/2012	Fair housing training — part of conciliation agreement	Marshside Properties — North Charleston, SC	Kathy Countin, Housing Resource Center, Inc. P. O. Box 53274 Atlanta, GS 30355 (404) 816-9770, ext. 325
01/18/2013	Fair housing training	Trainee came to the office Columbia, SC	Ogleretta Davis White, Marion County Grants Coordinator 1305 N. Main Street Marion, SC 29571 (843) 423-8203, ext. 120
03/12/2013	Fair housing training	Dillon, SC (Program covers North and South Carolina)	Gayle Fernandez, Executive Director, Robeson County Community Development Corporation, Inc., P. O. Box 816 Rowland, NC 28382 (Dillon, SC)

03/19/2013	Fair housing training	Partnership Property Management Employ Training- Florence, SC 80 attendees	Jason Buffkin, Special Projects Coordinator Partnership Property Management (335) 544-2300 ext. 257
03/23/2013	Fair housing training	Benedict-Allen Community Development Corporation Homeownership Workshop	Venus Sabb, Housing Coordinator, Benedict-Allen CDC 1600 Harden Street Columbia, SC 29204 (803) 705-4631
04/12/2013	Letter to the editor on fair housing	The State Newspaper— Columbia, SC	Cindi Ross Scoppe, Associate Editor, The State Newspaper, Columbia, SC (803) 771-8571 <a href="http://thestate.com/scope">thestate.com/scope</a>
04/13/2013	Wrote article about fair housing	Burns Connection — Francis Burns United Methodist Church Newsletter- Circulation - 300	Lynn Harris
04/18/2013	Guest on the Urban Scene radio talk show WGCV 620 AM	Columbia, SC — listening audience covers metropolitan Columbia (population 130,500), Elgin (population 1,300), and Orangeburg, SC (population 13,800),	Don Frierson (no relation) (803) 376-6127
04/19/2013	Letter to the editor on fair housing	The Aiken Standard-circulation - 20,000	
04/19/2013	Panelist for fair housing celebration	Florence, SC	Retha Brown, Community Development Specialist, City of Florence, 180 N. Irby Street, Florence, SC 29501(843) 665-3175

04/23/13	Letter to the editor on fair housing	<a href="http://GoUpstate.com">GoUpstate.com</a> Covers upstate South Carolina, Spartanburg and Greenville, SC	
04/25-26/2013	Distributed brochures on fair housing	Palmetto Affordable Housing Forum	Sponsored by the S.C. State Housing Finance and Development Authority Columbia Metropolitan Convention Center 1101 Lincoln Street,
04/29/2013	Training on fair housing issues for property managers	Carolinas Council for Affordable Housing, Myrtle Beach Marriott Grande Dunes Resort, Myrtle Beach, SC	Mike Holoman, Chairman, CCAH Annual Meeting Committee
05/18/2013	Distribution of fair housing brochures and fair housing paraphernalia	Black Expo Columbia Colonial Life Arena 5000 attendees	Darren Thomas 1806 Washington Street (803)254-6404

The agency further indicated that their web site includes a fair housing page and fair housing brochures. People can contact the agency through the web page. The agency is updating its webpage, and it should go live within the next two weeks. It will include more information about the protected classes, links to HUD and other fair housing related sites.

The agency indicated that after they participate in various events, they measure effectiveness by whether or not they receive calls, inquiries, requests for information, or complaints. On radio talk shows, they gauge effectiveness by the response of the call-in audience or comments from people who tuned in.

When people file complaints, they measure effectiveness based on how they heard about the Fair Housing Act and the agency. As a result of their outreach, they have had an increase in the number of complaints and inquiries from Hispanics. All of them do not result in fair housing complaints; some of them are employment related, but they mention that they heard about the agency because of their brochures.

**Conclusion: The performance standard has been met.**

- G. Performance Standard #7 (24 CFR 115.206(e)(7): The agency must demonstrate that it receives and processes a reasonable number of complaints cognizable under both the Fair Housing Act and the agency's fair housing statute or ordinance.**

The agency's state fair housing statute does not specify how many cases must be received and processed to determine a reasonable number of fair housing complaints. HUD's regulations also do not state how many complaints constitute a reasonable number. However, factors such as the population of the jurisdiction, length of time of participation in program, number of complaints received and process in the past, and other factors are considered.

States

Very Small	up to 1, 500,000	15 complaints
Small	1,500,001 to 4, 500,000	25 complaints
Medium	4,500,001 to 9,000,000	50 complaints
Large	9,000,001 to 15,000,000	80 complaints
Very Large	15,000, 0001 and over	150 complaints

According to the 2012 Census estimates, the population of South Carolina is 4,723,723.

RACE/ETHNICITY	PERCENTAGE
White persons	68.4%
Black persons	28.1%
American Indian and Alaska Native persons	0.5%
Asian persons	1.4%
Native Hawaiian and Other Pacific Islander persons	0.1%
Persons of Hispanic or Latino Origin	5.3%

The agency filed a total of 36 new cases since the beginning of the performance period, and closed a total of 40 between July 1, 2012 and June 19, 2013. Therefore, based on the framework above, the agency has processed a reasonable number of cases during the performance period.

**Conclusion: The performance standard has been met.**

**H. Performance Standard #8 (24 CFR 115.206(e)(8): The agency must report to HUD on the final status of all dual –filed complaints where a determination of reasonable cause was made.**

The agency caused a total of two (2) dual-filed cases between July 1, 2012 and June 19, 2013. The chart below lists the cases.

CASE NUMBER AND NAME	CAUSE DATE	FHAP CLOSURE	CLOSURE REASON	RELIEF
04-12-0836-8 Carlson, Lisa v. Palm Ridge; Dale Calvert	3/08/2013	3/29/2013	Conciliated/Settled	Respondent agreed to revise the discriminatory service dog rules and regulations.  Respondent agreed to reimburse Complainant for her damages in the amount of \$2500.00.

					<p>Respondent agreed to waive the two fines for a total of \$200 that were imposed for having a service animal in common areas.</p> <p>Respondent agreed to receive two hours of fair housing training from SCHAC within six months from the date of the signed agreement.</p>
04-12-0915-8	Dance, James v. The Noble Community of South Carolina	3/13/2013	4/09/2013	Conciliated/Settled	<p>Respondent agreed to pay the sum of \$5,000 to the Estate of James Dance.</p> <p>A representative of the Noble Company and a representative of the HOA agreed to receive two hours of fair housing training from SCHAC within six months from the date of the signed agreement.</p>

In order to be in compliance with this performance standard, the agency must keep HUD updated on the final status of all dual-filed reasonable cause complaints. The agency must report on when such complaints were resolved, in what forum they were resolved, and what types and amounts of relief were obtained. The agency must report this information to HUD via TEAPOTS.

**Conclusion: The performance standard has been met.**

- I. Performance Standard #9 (24 CFR 115.206(e)(9): The agency must conform its performance to the provisions of any written agreements executed by the agency and HUD related to substantial equivalence certification, including but not limited interim agreement or MOU.**

Conformance with provisions of the MOU not contemplated elsewhere in the report:

- a. Paragraph IV.C. Initial Contact Date

Requirement: The MOU requires the agency to use the Initial Contact Date field in TEAPOTS to record the actual date on which the complainant first contacts the

agency or FHEO to inquire about filing a housing discrimination complaint, or to report an alleged discriminatory housing practice.

Conclusion: The agency is in compliance with this requirement.

b. Performance Measures

FHAP agencies will close 50% of fair housing complaints referred by HUD within 100 days, excluding recommended cause and systemic complaints;

FHAP agencies will close or charge 95% of its aged fair housing complaints within the fiscal year.

**50% Efficiency Goal**

The agency received a total of 39 cases that could have aged over 100 days during the fiscal year through June 19, 2013. The agency closed 23 (59%) of those cases in 100 days or fewer.

**95% Aged Case Closure Goal**

At the beginning of the performance period, the agency had no aged open cases

**Conclusion: The requirements have been met.**

**III. Budget and Finance**

- A. The agency provided annual certifications to HUD, confirming that the agency spends at least 20% of its total operating budget (not including FHAP funds ) on fair housing activities as required at 24 CFR§115.307 (5).
- B. FHAP funds must be segregated from the agency's and the state government's other funds, and must be used for the purpose that HUD provided the funds as required at 24CFR§115.307(6). The agency did not commingle any FHAP funds with other funds.
- C. FHAP funds were used for the purpose of investigation complaints, training under the Fair Housing Act, maintenance of data and information systems and creation and maintenance of data and information systems, development and enhancement of fair housing education and outreach projects.
- D. The agency draws down its funds in a timely manner as required at 234 CFR.
- E. Audit Report: It appears that a full audit of the agency has not been conducted in several years due to Office of the State Auditor staffing shortages. However, a State Auditor's Report was issued June 30, 2010 by the State of South Carolina Office of the State Auditor. A copy of the report was provided to us for our records. The report did not reflect any deficiencies and/or findings.

**Conclusion: The requirement has been met.**

#### **IV. Reporting and Record Keeping Requirements**

- A. The agency maintains records demonstrating its financial administration of FHAP funds (24 CFR§ 115.308(a)-(1). The agency also utilizes the South Carolina Enterprise Information System (SCEIS) for financial reporting. However, see conclusions below.
- B. The agency maintains records of its performance under the FHAP, including all past performance assessment reports, performance improvement plans and other documents relative to the agency's performance in the FHAP (24 CFR§115.308(a)(2)).
- C. The agency permits reasonable public access to its records as required at 24CFR§115.308(c) (i.e. are the records made available at the agency's office during normal working hours for public review).
- D. The Secretary of HUD, Inspector General of HUD, and Comptroller General of the United States, and any of their authorized representatives, has access to all the pertinent books, accounts, reports, files and other payments for surveys, audits, examinations, excerpts and transcripts as they relate to the agency's participation in FHAP (24 CFR§115.308(d)).
- E. All files are not kept in such a fashion as to permit the audits under applicable Office of Management and Budget circulars, procurement regulations and guidelines, and the Single Audit requirements for state and local agencies (24CFR§115.308(e)).

**Conclusion: The requirements have not been fully met.**

**Although the agency has used FHAP funds for the designated purposes based on the attached budget spreadsheet (Exhibit A), it does not appear that records/receipts were maintained for all activities. Additionally, the records that were maintained were not done so in a manner that would allow for an easy review. The reviewer was unable to readily identify whether receipts/supporting documentation was for routine investigative activities paid from Case Processing/AC Funds/Training Funds or for activities paid from the Partnership Funds Projects.**

**It should be noted that the new Financial Director has developed and implemented the use of spreadsheets for the various types of FHAP funds as a first step in remedying the deficiencies and establishing an easy tracking system, and has updated the filing system.**

#### **V. Testing Requirements**

The agency does not do testing as part of their routine operations; however, they proposed to begin a testing program as part of the Partnership Funds Projects. They are currently in the process of soliciting bids from vendors for tester training which will

include assistance with developing their Testing Methodology so they can conduct at least six tests under their Partnership Funds Projects.

**VI. Additional Requirements**

**A. Training (24 CFR 115.306 (b):** Each agency must send staff to mandatory FHAP training sponsored by HUD, including, but not necessarily limited to, the National Fair Housing Training Academy and the National Fair Housing Policy Conference.

DATE	COURSE	PERSONS ATTENDING	TITLE
October 23-26, 2013	NFHTA Week Four: Briefing Techniques for Complaint Investigations Writing Cases/FIRs Using TEAPOTS Fair Housing Investigation Review and Application	Octavia Wright	Staff Attorney
May 6-10, 2013	NFHTA Week Three: Standards for Testing Cases Reasonable Accommodations and Modifications The Psychological Impact of Discrimination Negotiation Skills /Conciliation for Investigators	Jessica Brown Larry McBride	Investigator Mediator

Delaine Frierson has completed the core curriculum and advanced courses. Jessica Brown and Larry McBride plan to attend Week Four in August. Connie Jenkins and Deborah Thomas joined the division last year, have completed Week One and plan to attend Week Two in July. Jesse Olivares is a new employee and plans to attend Week One in September.

DATE	COURSE	PERSONS ATTENDING	TITLE
January 28-31, 2013	Region IV FHAP Training Conference - Charlotte, NC	Raymond Buxton Delaine Frierson Octavia Wright Jessica Brown Connie Jenkins	Commissioner Fair Housing Director Staff Attorney Investigator

**Conclusion: The requirement has been met.**

**B. Data Support System Requirement (24 CFR 115,307 (a)(3):** The agency must use the Department's official complaint data information system and must input all relevant data and information into the system in a timely manner.

The agency utilizes TEAPOTS appropriately.

**Conclusion: The requirement has been met.**

**C. Changes Limiting Effectiveness of Agency's Law (24 CFR 115.211):**

There were no changes to the agency's law during the performance period.

**Conclusion: The requirement has been met.**

**D. Civil Rights Requirements**

The agency is in compliance with all relevant federal civil rights laws, including Title VI of the Civil Rights Act of 1964, the Americans with Disabilities Act, Section 504 of the Rehabilitation Act of 1973, Section 508 of the Rehabilitation Act, and the standards of Section 3 of the Housing and Urban Development Act of 1968. There was no evidence that any complaints were filed against the agency related to those laws. The agency also hired a Hispanic Outreach Coordinator through one of their Partnership Funds Projects who assists Spanish-speaking LEP clients.

**Conclusion: The requirement has been met.**

**E. Subcontracting Requirement (24 CFR § 115.309)**

SCHAC does not subcontract to a public or private organization of any activity for which it receives FHAP funds.

**Conclusion: The requirement is not applicable.**

**F. FHAP and the First Amendment**

The agency does not use funding made available under FHAP to investigate or prosecute any activity that may be protected by the First Amendment of the United States Constitution as prohibited at 24 CFR § 115.310.

**Conclusion: The requirement has been met.**

**VII. Conclusion and Any Corrective Actions**

The assessment of the SCHAC's performance reveals that the agency has met the majority of the performance requirements in administering its law. As a result, we believe SCHAC has demonstrated its ability to perform as a substantially equivalent agency and recommend that the agency maintains its certification as a substantially equivalent agency under the Fair Housing Assistance Program.

However, the following concern and findings noted during the performance assessment will need to be addressed within 30 days from receipt of the report. Please see below for specifics.

**A. Performance Standard #3**

Concern: Although the agency has met the requirements of this standard, there was some deficiencies noted related to proper documentation of the process in the case files.

Corrective Action: Staff should be retrained on the proper way to document conciliation efforts in their case files. All case files processed during the performance cycle should be revisited to ensure that they are documented in accordance with

guidance provided in Chapter 10, Preparation of the Case File, of HUD Handbook 8024.01. Further, the agency should ensure that all future case files are properly documented as well.

#### **B. Performance Standard #4**

Finding: The agency indicated that they have not conducted conciliation compliance reviews even though they have the authority to do so. However, regulations require that FHAPs conduct compliance reviews of settlements, conciliation agreements, and orders to confirm whether or not the parties have satisfied the requirements of the agreements.

Corrective Action: SCHAC must develop and implement procedures for conducting compliance reviews and submit a copy to HUD.

#### **C. VI. Reporting and Record Keeping Requirements**

Finding: Although the agency has used FHAP funds for the designated purposes based on the attached budget spreadsheet (Exhibit A), it does not appear that records/receipts were maintained for all activities. Additionally, the records that were maintained were not done so in a manner that would allow for an easy review. The reviewer was unable to readily identify whether receipts/supporting documentation was for routine investigative activities paid from Case Processing/AC Funds/Training Funds or for activities paid from the Partnership Funds Projects.

Corrective Action: The agency should conduct an internal review of all records related to FHAP funds and their current practices. SCHAC must also develop and implement sound business practices for submitting, monitoring and maintaining those records. The plan must be submitted to HUD. It is noted that the new Financial Director has developed and implemented the use of spreadsheets for the various types of FHAP funds as a first step in remedying the deficiencies and establishing an easy tracking system, and has updated the filing system.

#### **D. Legal Reviews on Cause Cases**

Finding: The agency's legal staff is slow to cause/charge cases. During the performance cycle, it came to the attention of the GTM that the agency legal staff was hesitant to cause/charge at least two cases where the evidence clearly supported cause. Additionally, the cause determinations were agreed upon by the investigator, Fair Housing Director and Commissioner.

- a. Carlson, Lisa v. Palm Ridge; Dale Calvert: #04-12-0836-8
- b. Dance, James v. The Nobel Community of South Carolina: #04-12-0915-8

Both cases eventually conciliated successfully; however unfortunately Mr. Dance died before a resolution could be reached. His estate received the settlement.

Corrective Action: The agency must indicate their process for dealing with these situations and provide a corrective plan of action for addressing this issue so that it will not continue. It should be noted that the Commissioner indicated during the

onsite that they were in the process of hiring additional legal staff as one step in that direction.

#### **E. Partnership Funds Projects**

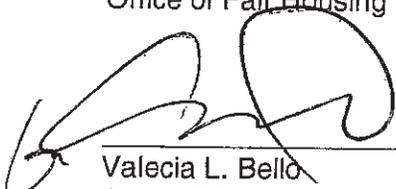
The grantee received two Partnership Funds Project grants during the performance cycle for a combined total of \$143,000. The agency proposed to conduct education/outreach in Richland County to address concerns raised in their AI (\$49,000). Additionally, they proposed to provide education/outreach (including media campaign) to and investigate complaints from LEP persons across the State through the hiring of a bilingual staff person (\$94,000).

The agency had made significant progress on their goals at the time of the onsite. The grant periods for both projects were to end May 31, 2013; however, the agency requested an extension through December 31, 2013 to complete all of their tasks. The formal request was approved on June 25, 2013. The agency's status reports are attached (Exhibit B).

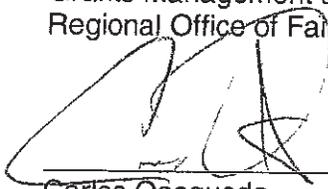
SIGNATURE PAGE

  
\_\_\_\_\_  
Vicki A. Ray, GTR  
Office of Fair Housing and Equal Opportunity

6/28/2013  
Date

  
\_\_\_\_\_  
Valecia L. Bello  
Grants Management and Contracts Branch Chief  
Regional Office of Fair Housing and Equal Opportunity

7/10/13  
Date

  
\_\_\_\_\_  
Carlos Osegueda  
FHEO Region IV Director  
Regional Office of Fair Housing and Equal Opportunity

7/10/13  
Date



U.S. Department of Housing and Urban Development  
Georgia State Office  
Five Points Plaza  
40 Marietta Street  
Atlanta, GA 30303-2906

**CERTIFIED MAIL – RETURN RECEIPT REQUESTED**

September 30, 2014

Mr. Raymond Buxton, II  
Commissioner  
South Carolina Human Affairs Commission  
1026 Sumter Street, Suite 101  
Columbia, South Carolina 29204

Dear Mr. Buxton:

Subject: Fair Housing Assistance Program  
Performance Assessment  
South Carolina Human Affairs Commission

On July 30 – 31, 2014, your Fair Housing Assistance Program (FHAP) monitor, Vicki Ray, and Isabel Torres-Davis, Program Analyst, conducted an on-site performance assessment of your agency. The assessment covered the period from July 1, 2013, through June 30, 2014. Based upon the practices and performance of the agency at the time of the review, the U. S. Department of Housing and Urban Development recommends that the South Carolina Human Affairs Commission receive continuing certification as a substantially equivalent agency under Section 810 (f) (3) of the Fair Housing Act.

Enclosed is a copy of the performance assessment report for your information. Your attention is directed to the concern and findings that are noted in the report. Please ensure that they are addressed within 30 days from receipt of this letter. If you should have questions, please contact your Government Technical Representative (GTR), Vicki Ray, at (502) 618-8150.

We appreciate your cooperation during this performance assessment, and look forward to our continued partnership to ensure equal housing opportunities for all our citizens.

Sincerely Yours,

Carlos Osegueda  
FHEO Region IV Director  
Regional Office of FHEO

Enclosure

***HUD's mission is to create strong, sustainable, inclusive communities and quality, affordable homes for all.***

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United State Department of Housing and Urban Decvelopment  
Office of Fair Housing and Equal Opportunity  
Region IV

Performance Assessment Report

SOUTH CAROLINA HUMAN AFFAIRS COMMISSION

1026 Sumter Street, Suite 101  
Columbia, South Carolina 29204

**Purpose:** To determine whether the South Carolina Human Affairs Commission (SCHAC) engages in timely, comprehensive, and thorough fair housing complaint investigation conciliation and enforcement activities and therefore warrants continued certification as a substantially equivalent agency. This determination is based on SCHAC's compliance with the performance standards and requirements set forth in regulations implementing the Fair Housing Assistance Program, at 24 C.F.R. Part 115.

**Period of Performance:** July 1, 2013 – June 30, 2014

**Date(s) of Onsite Assessment:** July 30 – 31, 2014

**HUD Reviewer:** Vicki A. Ray, Equal Opportunity Specialist/GTR  
Isabel Torres-Davis, Program Analyst (HQ)

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**I. Organizational Structure and Staffing**

SCHAC has participated in the FHAP for numerous years and are scheduled for their next recertification on March 10, 2016. During the performance period, the following persons were responsible for enforcing and administering the fair housing law.

NAME	TITLE	RACE	SEX	ETHNICITY	DATE OF HIRE	DATE STARTED IN HOUSING UNIT
Raymond Buxton, II	Commissioner	Black	Male	Non-Hispanic	7/17/2012	7/17/2012
Delaine Frierson	Fair Housing Director	Black	Female	Non-Hispanic	9/19/1988	9/01/1990
Lee Wilson	Staff Attorney	White	Female	Non-Hispanic	7/02/2013	7/02/2013
Joshua Barr	Staff Attorney	Black	Male	Non-Hispanic	10/17/2013	10/17/2013
Connie Jenkins	Investigator	Black	Female	Non-Hispanic	3/02/1999	9/19/2011
Jessica Brown	Investigator	White	Female	Non-Hispanic	5/17/2013	5/17/2013
Jesse Olivares	Outreach Coordinator	Black	Male	Hispanic	6/18/2012	6/18/2012
Deborah Thomas	Intake Investigator	Black	Female	Non-Hispanic	10/02/1996	3/01/2012
Larry McBride	Mediator	Black	Female	Non-Hispanic	6/08/1980	3/01/2013
Lori Dean	Finance Director	Black	Female	Non-Hispanic	1/02/2013	1/02/2013
John Wilson	Enforcement Manager	White	Male	Non-Hispanic	1985	1/24/2014

The following persons were identified as Commissioners during the performance period:

NAME	RACE	ETHNICITY	SEX	APPOINTED	TERM EXPIRATION
John A. Oakland, Chair	White	Non-Hispanic	Male	12/30/2004	06/20/2011*
Wade C. Arnette	White	Non-Hispanic	Male	06/30/2006	06/30/2012*
Melanie G. Stith	White	Non-Hispanic	Female	06/30/2006	06/30/2014
Cheryl F. C. Ludlam	Asian	Filipino	Female	06/30/2005	06/30/2011*
Joe Fragale	White	Non-Hispanic	Male	05/05/2005	06/30/2011*
Susan Davis Bowers	White	Non-Hispanic	Female	05/17/2002	06/30/2005*
Rev. Willie Albert Thompson	Black	Non-Hispanic	Male	04/01/2004	06/30/2012*

\*The Commissioners serve until they are replaced by the Governor.

## II. Performance Standards

### A. Performance Standard #1 (24 CFR 115.206(e)(1): Commence complaint proceedings, carry forward such proceedings, complete investigations, issue determinations, and make final administrative dispositions in a timely manner.

The specific procedures the agency uses for processing complaints include: intake of complaint, determine jurisdiction, identify the issues in the complaint, determine approaches to resolution, investigate complaint, compose letters of findings and resolution, and develop settlement agreements.

The initial intake of the complainant is conducted by the Fair Housing Director or the intake investigator and notification letters are immediately sent to all parties once jurisdiction has been established. The Fair Housing Director then assigns the case to an investigator for investigation. However, if the complaint is a HUD referral generated by TEAPOTS, the complaint is immediately assigned an investigator by the Fair Housing Director.

The monthly case reviews and the onsite review of closed case files confirmed that the processing of cases was initiated within 30 days of receipt of complaint.

Once the complaint has been assigned to an investigator, the investigator must complete the investigation within 90 days and notify the Fair Housing Director that the case is ready for administrative review. However, if the investigation is not completed within 100 days, the complainant and respondent are notified by certified letter the reason why the investigation has not been completed. After the Fair Housing Director has reviewed the entire case file, it is then forwarded to legal and the Commissioner for signature. If the Commissioner or legal disagrees with the recommendation or type of closure, the parties will meet to discuss the case or the case is returned to the investigator for further investigation. This process is utilized for all case closures, including "Cause" cases.

Final Investigative Reports (FIRs) and determinations were prepared, and submitted as part of the case closure packages for all cases.

Our records reveal that the agency closed a total of 47 cases between July 1, 2013 and June 30, 2014. The chart below depicts the types and number of closures for that same time period.

TYPE OF CASE CLOSURE	NUMBER OF CLOSURES	PERCENTAGE
No Cause	18	38%
Cause	2	4%
Conciliation	20	43%
Complaint Withdrawn with Resolution	0	0%
Administrative Closures	7	15%
<b>TOTAL</b>	<b>47</b>	<b>100%</b>

\*One cause case resulted in a post-cause conciliation so it was only counted as cause. See Performance Standard 8 for information related to the cause cases.

Of the 47 cases closed between July 1, 2013 - June 30, 2014, a total of 16 (34%) were closed within 100 days of filing. A total of 31 (66%) of the 47 cases will receive reduced payments for timeliness. Also, no cases were over 365 days old at FHAP closure.

The chart below depicts the number of cases closed by age at FHAP closure.

NUMBER OF DAYS	NUMBER OF CASES	PERCENTAGE
0-100	16	34
101-150	13	28
151-200	8	17
201-250	8	17
Over 250	2	4
<b>TOTAL</b>	<b>47</b>	<b>100%</b>

The TEAPOTS generated FHAP open cases report reflected that the agency had a total of 51 open cases as of 6/30/2014. Of that number, a total of 25 (49%) were aged over 100 days. The table below depicts the number of days open and number of cases in each category.

NUMBER OF DAYS	NUMBER OF CASES	PERCENTAGE
0-100	26	51%
101-150	11	22%
151-200	4	8%
201-250	5	10%
Over 250	5	10%
<b>TOTAL</b>	<b>51</b>	<b>100%</b>

**Conclusion: The standard has been met.**

**B. Performance Standard #2 (24 CFR 115.206 (e) (2): Administrative closures are utilized only in limited and appropriate circumstances.**

Administrative closures are defined as cases that are closed for the following reasons:

1. The complaint lacked jurisdiction
2. The agency was unable to locate the complainant
3. The complainant failed to cooperate with the investigation
4. The complaint withdrawn by the complainant without resolution
5. Inability to locate respondent
6. Trial already commenced

The agency closed a total of 47 cases between July 1, 2013 and June 30, 2014. Of that number, a total of 7 (15%) were closed administratively. It did not appear that the agency used the administrative closure process to keep from closing the cases on their merit.

Case Name	HUD Case Number	FHAP Closure Date	Closure Reason	Age
Tucker, Thomas, IV & Maria Manning v. Island Realty; Ashley Bos	04-13-0387-8	07/25/13	Complainant Failed to Cooperate	167
Cave, Ernest v. Thomas and Paula Gaston	04-13-0597-8	07/18/13	Complainant Failed to Cooperate	99
Ricardo, Loida v. Twin Lakes Estates; Susan & Church Kewin, DRS	04-13-0774-8	09/12/13	Complainant Failed to Cooperate	100
Rodriguez, Bibiana & Julio Infante v. Twin Lakes Estates;	04-13-0775-8	01/21/14	Withdrawal Without Resolution	231
Myers, Robert v. Bolchoz, Carolyn	04-13-0906-8	11/25/13	Complainant Failed to Cooperate	137
Jimenez, Cristina Perez Vs. Twin Lakes Estates	04-14-0073-8	01/20/14	Complainant Failed to Cooperate	76
Riley & Green v Heddy, Amanda L., et al	04-14-0122-8	02/07/14	Withdrawal Without Resolution	78

**Conclusion: The standard has been met.**

- C. Performance Stand #3 (24 CFR 115.206(e)(3): During the period beginning with the filing of a complaint and ending with filing a charge or dismissal, the agency, to the extent feasible, attempts to conciliate the complaint. After the charge has been issued, the agency, to the extent feasible, continues to attempt settlement until a hearing or a judicial proceeding has begun.**

SCHAC indicated that they attempt to conciliate all cases. In some instances, they begin the process during intake; however, the investigators are required to attempt conciliation, starting when the case is assigned to them and continuing throughout the investigation. They also use the agency's mediator in some instances. Their methods for conducting conciliation include in person, by phone, and email. In most cases, conciliation is ongoing. In a few cases, the complainant or respondent may be adamant about not wanting to conciliate. The conciliation attempts are documented in the conciliation section and the case chronology in TEAPOTS.

Further, when the agency issues a cause determination, they attempt to conciliate after the determination is issued. During the performance period, one caused case was conciliated post cause.

The review of TEAPOTS confirmed that SCHAC investigators consistently attempted conciliation, to the extent feasible, on cases that were investigated during the performance period.

See Performance Standard #5 for a list of cases that were conciliated/settled during the performance period.

**Conclusion: The performance standard has been met.**

**D. Performance Standard (24 CFR 115.206(e) (4): the agency conducts compliance reviews for settlements, conciliation agreements, and orders resolving discriminatory housing practices.**

The agency conciliated a total of 20 (43%) cases between July 1, 2013 and June 30, 2014. All relief obtained in conciliations, pre and post cause, was adequate.

The agency indicated that if necessary, a recommendation would be made to the South Carolina Attorney General to file a civil action seeking the enforcement of the terms of agreements in the event a breach occurs. There were no breaches noted during the performance period.

**Conclusion: The performance standard has been met.**

**E. Performance Standard #5 (24 CFR 115.206(e)(5): the agency must consistently and affirmatively seek and obtain the type of relief designed to prevent recurrences of discriminatory practices.**

Of the 47 cases closed as of June 30, 2014, a total of 20 successful conciliation/settlements were obtained. The complainant received benefits of actual monetary damages, reasonable accommodations and housing. Additionally, relief sought by the agency included but was not limited to: training of respondents, requiring respondents to agree to consistently apply its policies and procedures to all applicants and residents in a nondiscriminatory manner and changes in policies. No cases proceeded to an administrative hearing during the performance cycle. No cases proceeded to judicial proceedings during the performance period.

Case Name	HUD Case Number	FHAP Closure Date	Closure Reason	Age
Johnson, Robert and Donna v. Ray Watts; Apex Homes, Inc.; Apex	04-13-0481-8	09/25/13	Conciliated/Settled	204
Smith, Deandra v. Jennifer Kemp; The Biltmore, Arruth Associate	04-13-0596-8	09/09/13	Conciliated/Settled	152
Williams, Cecilia v. Intermark Associates, et. al.	04-13-0649-8	10/21/13	Conciliated/Settled	181
Lyles, Karen v. Carolina Crossing LLC, et al	04-13-0750-8	01/22/14	Conciliated/Settled	245
Alonso, Rafaela v. Twin Lakes Estates; Susan & Chuck Kewin; D.R	04-13-0768-8	09/11/13	Conciliated/Settled	99
Lopez, Jaime v. Twin Lakes Estates; Susan & Chuck Kewin; D.R.S.	04-13-0769-8	09/11/13	Conciliated/Settled	99
Mariano, Francis v. Twin Lakes Estates; Susan & Chuck Kewin; D.	04-13-0770-8	09/11/13	Conciliated/Settled	99
Miramontes, Erika v. Twin Lakes Estates	04-13-0771-8	09/11/13	Conciliated/Settled	99
Alonso, Perla & Armando Renteria v. Twin Lakes Estates; et al	04-13-0773-8	09/11/13	Conciliated/Settled	99
Garduza, Noelia vs. Twin Lakes Estate, et al	04-13-0776-8	10/21/13	Conciliated/Settled	139
Mejia, Martha v Twin Lakes, et al	04-13-0779-8	10/21/13	Conciliated/Settled	139
Acosta, Fernando v Twin Lakes	04-13-0817-8	09/09/13	Conciliated/Settled	83
Alvarado, Maria Vs. Twin Lakes Estate	04-13-0818-8	10/21/13	Conciliated/Settled	125

Smith, Lonnie v. Ashley Guy; The Corners Apartments; PRG Manage	04-13-0982-8	10/25/13	Conciliated/Settled	78
Leon, Manuel Olvera and Diaz, Prisca Vs. Twin Lakes Estates	04-13-1027-8	12/16/13	Conciliated/Settled	111
Bowman, Jillian v. Parkway Village, LP, et. al	04-13-1126-8	02/04/14	Conciliated/Settled	134
Jones, Kathleen v. Hartsville Garden, LLC, et.al	04-14-0071-8	06/25/14	Conciliated/Settled	232
Montgomery, Rita v Florence Housing Authority	04-14-0082-8	03/27/14	Conciliated/Settled	140
Montgomery, Rita v Kirby, Dewey Jr. & Margaret & Dewey III	04-14-0139-8	04/08/14	Conciliated/Settled	132
Anderson, Martha v. CompassRock Real Estate, LLC, et al.	04-14-0203-8	02/11/14	Conciliated/Settled	53
Gadsden, Krystale vs. Oakridge Townhouses	04-14-0243-8	05/15/14	Conciliated/Settled	114

The agency reported the following notable conciliations:

CASE NAME	HUD CASE NUMBER	RELIEF OBTAINED
Cecilia Williams v. WRH Realty Services	04-13-0649-8	Respondents agreed to pay complainant \$5,000 in compensation and attend fair housing training.
Twin Lakes Estate Cases (Systemic Cases)	Various (See above)	Respondents agreed to reimburse all complainants for rent charged per child. Respondents agreed to revise the code of conduct rules for children to reflect a neutral policy that applies to all residents of the community. Respondents agreed to attend fair housing training.
Jones, Kathleen v. Hartsville Garden	04-14-0071-8	Respondents agreed to pay complainant \$4,632 in out of pocket rent payment expenses, from February 2013 – April 2014. Respondents granted complainant's reasonable accommodation request for a ground floor unit. Respondents agreed to attend fair housing training.

**Conclusion: The performance standard has been met.**

**F. Performance Standard #6 (24 CFR 115.206(e)(6): The agency must consistently and affirmatively seek to eliminate all prohibited practices under its housing law.**

The chart depicting the agency's education and outreach activities for the performance period is attached as **Exhibit 1**. The agency indicated that after they participate in various events, they measure effectiveness by whether or not they receive calls, inquiries, requests for information, or complaints. On radio talk shows, they gauge effectiveness by the response of the call-in audience or comments from people who tuned in.

When people file complaints, they measure effectiveness based on how they heard about the Fair Housing Act and the agency. As a result of their outreach, they have had an increase in the number of complaints and inquiries from Hispanics. All of them do not result in fair housing complaints; some of them are employment related, but they mention that they heard about the agency because of their brochures.

**Conclusion: The performance standard has not been fully met. SCHAC concentrated the majority of its education and outreach efforts in and around the Columbia area. However, as the state agency, SCHAC is responsible for conducting education and outreach activities throughout the State of South Carolina.**

- G. Performance Standard #7 (24 CFR 115.206(e)(7): The agency must demonstrate that it receives and processes a reasonable number of complaints cognizable under both the Fair Housing Act and the agency's fair housing statute or ordinance.**

The agency's state fair housing statute does not specify how many cases must be received and processed to determine a reasonable number of fair housing complaints. HUD's regulations also do not state how many complaints constitute a reasonable number. However, factors such as the population of the jurisdiction, length of time of participation in program, number of complaints received and process in the past, and other factors are considered.

States

Very Small	up to 1, 500,000	15 complaints
Small	1,500,001 to 4, 500,000	25 complaints
Medium	4,500,001 to 9,000,000	50 complaints
Large	9,000,001 to 15,000,000	80 complaints
Very Large	15,000, 0001 and over	150 complains

According to the 2012 Census estimates, the population of South Carolina is 4,723,723.

RACE/ETHNICITY	PERCENTAGE
White persons	68.4%
Black persons	28.1%
American Indian and Alaska Native persons	0.5%
Asian persons	1.4%
Native Hawaiian and Other Pacific Islander persons	0.1%
Persons of Hispanic or Latino Origin	5.3%

The agency received a total of 71 new complaints for investigation and closed a total of 47 between July 1, 2013 and June 30, 2014. Therefore, based on the framework above, the agency has processed a reasonable number of cases during the performance period.

**Conclusion: The performance standard has been met.**

**H. Performance Standard #8 (24 CFR 115.206(e)(8): The agency must report to HUD on the final status of all dual-filed complaints where a determination of reasonable cause was made.**

The agency caused a total of two (2) dual-filed cases between July 1, 2013 and June 30, 2014. The chart below lists the cases.

CASE NUMBER AND NAME	CAUSE DATE	FHAP CLOSURE	CLOSURE REASON	RELIEF
04-14-0243-8 Gadsden, Krystale vs. Oakridge Townhouses	4/25/2014	5/15/2014	Conciliated/Settled	Respondents agreed to pay complainant a total of \$1,381.34 which is the difference of the Complainant's commute between the home which the complainant inquired about through the respondents and the property the complainant was forced to occupy.
04-13-1174-8 Manfredini, Maddington Pl. Prop. Owners Assoc., Inc., et al	6/05/2014	Open	Open	N/A

In order to be in compliance with this performance standard, the agency must keep HUD updated on the final status of all dual-filed reasonable cause complaints. The agency must report this information to HUD via TEAPOTS.

During the performance period, the agency failed to notify HUD of the status of a previously caused as required. HUD was notified by the complainant that her case was being dismissed by the agency after they had filed a civil action on her behalf and sought HUD's intervention to stop the dismissal. The matter was reviewed by the GTR and Isabel Torres-Davis, Program Analyst (HQ). It was determined that HUD would not take any further action related to the complaint. The complainant retains the option of pursuing the civil action with private counsel.

CASE NUMBER AND NAME	CAUSE DATE
04-13-0397-8 Crotty, Elizabeth v. Windjammer Village	6/28/2013

**Conclusion: The performance standard has not been fully met.**

**I. Performance Standard #9 (24 CFR 115.206(e)(9): The agency must conform its performance to the provisions of any written agreements executed by the agency and HUD related to substantial equivalence certification, including but not limited interim agreement or MOU.**

Conformance with provisions of the MOU not contemplated elsewhere in the report:

a. Paragraph IV.C. Initial Contact Date

Requirement: The MOU requires the agency to use the Initial Contact Date field in TEAPOTS to record the actual date on which the complainant first contacts the agency or FHEO to inquire about filing a housing discrimination complaint, or to report an alleged discriminatory housing practice.

Conclusion: The agency is in compliance with this requirement.

b. Performance Measures

FHAP agencies will close 50% of fair housing complaints referred by HUD within 100 days, excluding recommended cause and systemic complaints;

FHAP agencies will close or charge 95% of its aged fair housing complaints within the fiscal year.

**50% Efficiency Goal**

The agency received a total of 71 cases that could have aged over 100 days during the performance period through June 30, 2014. Of that number, a total of 14 were systemic cases and one was a cause case. As a result, the total number of closed cases used for calculation purposes of this goal is 56. The agency closed 16 (29%) of those cases in 100 days or fewer. Therefore, the efficiency goal has not been met.

**95% Aged Case Closure Goal**

At the beginning of the performance period, the agency had a total of four (4) aged open cases. The agency closed all four of them during the performance period. Therefore the aged case closure goal has been met.

HUD Case Number	Case Name	HUD Date Filed	Age at 7/01/2013	FHAP Closure Date
04-13-0387-8	Tucker, Thomas, IV & Maria Manning v. Island Realty; Ashley Bos	02/08/2013	143	7/25/2013
04-13-0481-8	Johnson, Robert and Donna v. Ray Watts; Apex Homes, Inc.; Apex	03/05/2013	118	9/25/2013
04-13-0509-8	Thompson, John & Kombert, Marie v. G & C Housing, LP. et al	03/12/2013	111	7/31/2013
04-13-0535-8	Smith, Lesroy v. Wyndham Pointe, LP, et al	03/19/2013	104	9/24/2013

**Conclusion: The requirements have not been fully met.**

### III. Budget and Finance

- A. The agency did not provide an annual certifications to HUD, confirming that the agency spends at least 20% of its total operating budget (not including FHAP funds ) on fair housing activities as required at 24 CFR§115.307 (5). However, the agency provided documentation to demonstrate that the requirement has been met.
- B. FHAP funds must be segregated from the agency's and the state government's other funds, and must be used for the purpose that HUD provided the funds as required at 24CFR§115.307(6). The agency did not commingle any FHAP funds with other funds.
- C. FHAP funds were used for the purpose of investigation complaints, training under the Fair Housing Act, maintenance of data and information systems and creation and maintenance of data and information systems, development and enhancement of fair housing education and outreach projects.
- D. The agency draws down its funds in a timely manner as required at 24 CFR.
- E. Audit Report: The agency received a total of \$300,864 from HUD during FY 2013. As a result, they did not reach the threshold for an audit. However, a financial report of SCHAC was issued October 28, 2013 by the State of South Carolina Office of the State Auditor for the period ending June 30, 2012. A copy of the report was provided to us for our records. The report did not reflect any deficiencies and/or findings related to FHAP.

**Conclusion: The requirement has been met. The budgets and financial report are attached as Exhibit 2.**

### IV. Reporting and Record Keeping Requirements

- A. The agency maintains records demonstrating its financial administration of FHAP funds (24 CFR§ 115.308(a) (1). The agency also utilizes the South Carolina Enterprise Information System (SCEIS) for financial reporting.
- B. The agency maintains records of its performance under the FHAP, including all past performance assessment reports, performance improvement plans and other documents relative to the agency's performance in the FHAP (24 CFR§115.308(a)(2)).
- C. The agency permits reasonable public access to its records as required at 24CFR§115.308(c) (i.e. are the records made available at the agency's office during normal working hours for public review).
- D. The Secretary of HUD, Inspector General of HUD, and Comptroller General of the United States, and any of their authorized representatives, has access to all the pertinent books, accounts, reports, files and other payments for surveys, audits, examinations, excerpts and transcripts as they relate to the agency's participation in FHAP (24 CFR§115.308(d)).

- E. All files are kept in such a fashion as to permit the audits under applicable Office of Management and Budget circulars, procurement regulations and guidelines, and the Single Audit requirements for state and local agencies (24CFR§115.308(e)).

**Conclusion: The requirements have been met. The agency's record keeping and financial management has shown significant improvement since the last performance assessment. The Business Manager is to be commended for this level of performance.**

## V. Testing Requirements

The agency does not do testing as part of their routine operations; however, they proposed to begin a testing program as part of the Partnership Funds Projects. They conducted six tests under their Partnership Funds Projects during the performance period.

## VI. Additional Requirements

- A. **Training** (24 CFR 115.306 (b): Each agency must send staff to mandatory FHAP training sponsored by HUD, including, but not necessarily limited to, the National Fair Housing Training Academy and the National Fair Housing Policy Conference.

The agency staff attended courses at the NFHTA as required. The chart depicting the specific trainings and staff is attached as **Exhibit 3**.

**Conclusion: The requirement has been met.**

- B. **Data Support System Requirement** (24 CFR 115,307 (a)(3): The agency must use the Department's official complaint data information system and must input all relevant data and information into the system in a timely manner.

The agency utilizes TEAPOTS appropriately.

**Conclusion: The requirement has been met.**

- C. **Changes Limiting Effectiveness of Agency's Law** (24 CFR 115.211):

There were no changes to the agency's law during the performance period.

**Conclusion: The requirement has been met.**

- D. **Civil Rights Requirements**

The agency is in compliance with all relevant federal civil rights laws, including Title VI of the Civil Rights Act of 1964, the Americans with Disabilities Act, Section 504 of the Rehabilitation Act of 1973, Section 508 of the Rehabilitation Act, and the standards of Section 3 of the Housing and Urban Development Act of 1968. There was no evidence that any complaints were filed against the agency related to those laws. The agency

also hired a Hispanic Outreach Coordinator through one of their Partnership Funds Projects who assists Spanish-speaking LEP clients.

**Conclusion: The requirement has been met.**

**E. Subcontracting Requirement (24 CFR § 115.309)**

SCHAC does not subcontract to a public or private organization of any activity for which it receives FHAP funds.

**Conclusion: The requirement is not applicable.**

**F. FHAP and the First Amendment**

The agency does not use funding made available under FHAP to investigate or prosecute any activity that may be protected by the First Amendment of the United States Constitution as prohibited at 24 CFR § 115.310.

**Conclusion: The requirement has been met.**

**VII. Conclusion and Any Corrective Actions**

The assessment of the SCHAC's performance reveals that the agency has met the majority of the performance requirements in administering its law. As a result, we believe SCHAC has demonstrated its ability to perform as a substantially equivalent agency and recommend that the agency maintains its certification as a substantially equivalent agency under the Fair Housing Assistance Program.

However, the following concern and findings noted during the performance assessment will need to be addressed within 30 days from receipt of the report. Please see below for specifics.

**A. Performance Standard #1**

Concern: Though SCHAC has met the requirements of this standard, it should be noted that the agency should implement a plan now to address the high number of open aged cases. These cases will count towards the aged case closure performance goal during the FY 2014-2015 performance period.

**B. Performance Standard #6**

Finding: SCHAC concentrated the majority of its education and outreach efforts in and around the Columbia area. However, as the state agency, SCHAC is responsible for conducting education and outreach activities throughout the State of South Carolina.

Corrective Action: The agency must develop and implement a statewide education and outreach plan. The agency must provide a copy of the plan to HUD.

### C. Performance Standard #8

Finding: During the performance period, SCHAC failed to notify HUD of the status of a previously caused case as required. HUD was notified by the complainant that her case was being dismissed by the agency after a civil action had been filed on her behalf and sought HUD's intervention to stop the dismissal. The matter was reviewed by the GTR and Isabel Torres-Davis, Program Analyst (HQ). It was determined that HUD would not take any further action related to the complaint. The complainant retains the option of pursuing the civil action with private counsel.

Corrective Action: SCHAC must ensure that HUD is updated as required via TEAPOTS.

### D. Performance Standard #9

Finding: FHAP agencies are required to close 50% of fair housing complaints referred by HUD within 100 days, excluding recommended cause and systemic complaints. The agency received a total of 71 cases that could have aged over 100 days during the fiscal year through June 30, 2014. Of that number, a total of 14 were systemic cases and one was a cause case. As a result, the total number of closed cases used for calculation purposes is 56. The agency closed 16 (29%) of those cases in 100 days or fewer. Therefore, the efficiency goal has not been met.

Corrective Action: The agency must develop and implement a plan to meet this goal during the FY 2014-2015 performance period. The agency must provide a copy of the plan to HUD.

### E. Partnership Funds Projects

The grantee received two Partnership Funds Project grants during the FY 2013 performance period for a combined total of \$143,000. The agency proposed to conduct education/outreach in Richland County to address concerns raised in their AI (\$49,000). Additionally, they proposed to provide education/outreach (including media campaign) to and investigate complaints from LEP persons across the State through the hiring of a bilingual staff person (\$94,000).

The agency had completed both projects at the time of the onsite. However, the agency had excess funds from both. As a result, they are required to provide a plan for use of the funds to the GTR for review. This plan is to be submitted within 30 days from receipt of this report. The final outcome reports are attached as **Exhibit 4**.

Project	Original Funding	Balance
Richland County Outreach	\$49,000.00	\$14,859.00
Hispanic Outreach	\$94,000.00	\$16,032.57
<b>TOTAL</b>	<b>\$143,000.00</b>	<b>\$30,891.57</b>

## **VIII. Exhibits**

1. Education and Outreach Activities
2. Budgets and Financial Report
3. NFHTA Training Activities
4. Partnership Funds Project Final Outcome Reports

SIGNATURE PAGE



Vicki A. Ray, GTR  
Office of Fair Housing and Equal Opportunity

8/26/2014  
Date



Carlos Osegueda  
FHEO Region IV Director  
Regional Office of Fair Housing and Equal Opportunity

9/30/2014  
Date

FAIR HOUSING OUTREACH 2013-2014			
Date	Type of Outreach	Description	Contact Information
July 25, 2014	Radio Talk Show	Delaine Frierson was a guest on <i>The Urban Scene 620AM Radio</i> . Listeners called in with housing questions.	Don Frierson WGCV
September 26, 2013	South Carolina Community Development Corporation	Delaine Frierson made a presentation about fair housing at the conference in Charleston.	
October 9-18, 2013	South Carolina State Fair	The Housing Division had a booth at the fair and distributed brochures and other fair housing	
October 17, 2013	Radio Talk Show	Delaine Frierson was a guest on <i>The Urban Scene 620AM Radio</i> . Listeners called in with housing questions.	Don Frierson
December 5, 2013	Radio Talk Show	Delaine Frierson was a guest on <i>The Urban Scene 620AM Radio</i> . Listeners called in with housing questions.	Don Frierson
December 2013	SC Black Pages	The Fair Housing division bought an ad in the <i>SC Black Pages</i> . This is a publication by McCants media in which advertisers market to the minority community in South Carolina. It is distributed statewide. The division was also given a page to write information about housing discrimination.	Darren Thomas McCants Media 1806 Washington Street Columbia, SC 29201 (803) 254-6404 Blackexposouth.com
March 11, 2014	Columbia Stakeholders	This was a meeting at	Larry Knightner

	Meeting	HUD to discuss the needs of Columbia concerning housing how the HUD office can better serve those who work with HUD.	Columbia HUD Office Assembly Street
March 12, 2014	Hispanic Ministry	Jesse Olivares spoke to Hispanic members of St. Peters Catholic Church about fair housing.	María Smoak, Hispanic Ministry Director St. Peters Catholic Church 1529 Assembly Street Columbia, SC 29201 (803) 779-0942
March 15, 2014	Lexington Health Fair	The Housing Division distributed brochures at the health fair. Marvin Caldwell answered questions and informed people how to contact the agency.	
March 21, 2014	Distribution of brochures	Jesse Olivares spoke with the owner of The Dominican Blowout, a Hispanic salon. He provided information about fair housing.	Jose The Dominican Blowout 7364 Two Notch Road Columbia, SC (803) 233-9626
April 16, 2014	Fair Housing Seminar	Delaine Frierson and Connie Jenkins attended a forum for Sumter County Realtors. Delaine made a presentation about fair housing.	Linda Johnson
April 16, 2014	South Carolina Housing Center	Marvin Caldwell met with representatives from Richland and Lexington Counties, the SC Housing Center, and Legal Aid to discuss creative ways to do Fair Housing outreach	Tina Brown
April 17, 2014	The Greater Columbia Community Relations Council	Delaine Frierson made a presentation about the state of Fair Housing in Richland County. Other	Henrietta Baskins Greater Columbia Community Relations Council 930 Richland Street Columbia, SC 29202

		participants who work in housing also made presentations.	(803) 733-1130
April 22, 2014	Outreach	Jesse Olivares presented information about fair housing to the ESL class at the Lexington-Batesburg Adult Education Center.	Sandy Butler (803) 532-2141 (803) 920-8208
April 23, 2014	Palmetto Affordable Housing Forum	Delaine Frierson made a presentation about the state of Fair Housing in Richland County. Other participants who work in housing also made presentations.	
April 24, 2014	National Association of Hispanic MBAs	Jesse Olivares attended a gathering of Hispanic MBAs and professionals at the Blue Marlin in Columbia and distributed fair housing brochures.	Lorenzo Bocanegra National Society of Hispanics MBAs (956) 453-3101
April 26, 2014	Disaster Awareness Day	Jesse Olivares and Delaine Frierson attended the Disaster Awareness Day in Columbia. The Fair Housing Division distributed brochures to the attendees.	Johnny Williams First Nazareth Baptist Church 2351 Gervais Street Columbia, SC 29204 (803) 719-7070
April 29, 2014	Letter to the Editor	Delaine Frierson wrote a letter to the editor in <i>The State</i> newspaper about housing discrimination.	www.thestate.com
May 3, 2014	Sweet Potato Festival	Connie Jenkins and Delaine Frierson distributed fair housing brochures at this festival.	Hopkins, SC
May 4, 2014	Cinco de Mayo Festival	The Cinco de Mayo Festival was held at	Gustavo (803) 765-0560

		the South Carolina State Museum. Jesse Olivares distributed 300 fair housing brochures	
May 5, 2014	Cinco de Mayo Celebration	Jesse Olivares distributed 30 brochures at the Batesburg-Leesville Branch Library. They held the event to celebrate Hispanic culture.	Maria Arroyo Batesburg-Leesville Branch Library 203 Armory Street Batesburg, SC 29006 (803) 532-9223 marroyo@lexington.net
May 6, 2014	PASOs	Jesse Olivares attend the PASOs event which promotes healthy Latino families in the Midlands.	PASOs Julie Smithwick, Executive Director 730 Devine Street Suite 108 Columbia, SC (803) 777-5466
May 14, 2014	Alianza Latina	Jesse Olivares attended the monthly meeting of Alianza Latina. The group consists of Hispanic Liaisons and coordinators throughout the South Carolina workforce.	Julie Smithwick, Executive Director 730 Devine Street Suite 108 Columbia, SC (803) 777-5466
May 17, 2014	Black Expo	Marvin Caldwell, Jesse Olivares, and Connie Jenkins attended. Black Expo is an annual statewide event where vendors from that state provide information about the services they provide. The housing division distributed brochures and gave away a basket with fair housing information.	Darren Thomas McCants Media 1806 Washington Street Columbia, SC 29201 (803) 254-6404 Blackexposouth.com
April 24, 2014	Webinar sponsored by Coastal Carolina Realtors	Delaine Frierson presented "Know Your Fair Housing Rights	Kathleen Williams, e-PRO Vice President of Professional & Business Development

		and Responsibilities.” This webinar was for member of the Coastal Carolina Realtors. They were able to ask questions about fair housing.	Coastal Carolinas Association of REALTORS® 951 Shine Avenue Myrtle Beach, SC 29577 843-839-8061 <a href="http://www.ccarsc.org">www.ccarsc.org</a>
May 2014	Article in <i>The Advocate</i>	Delaine Frierson wrote an article for <i>The Advocate</i> , a publication of the South Carolina Methodist Conference on treating others fairly, including making sure people’s fair housing rights are not violated.	
May 2014	Human Affairs Commission newsletter	Delaine Frierson provided information for the agency’s newsletter about Fair Housing. The newsletter will be uploaded to the agency’s website.	
June 11, 2014	Alianza Latina	Jesse Olivares attended the monthly meeting of Alianza Latina. The group consists of Hispanic Liaisons and coordinators throughout the South Carolina workforce.	Julie Smithwick, Executive Director 730 Devine Street Suite 108 Columbia, SC (803) 777-5466
June 13, 2014	Tri-County Housing Summit	Jesse Olivares attended the annual Tri-County Housing Summit at Trident Technical College in North Charleston, SC.	Michelle Winters Trident Technical College 7000 Rivers Avenue North Charleston, SC
June 19, 2014	Home Ownership Month Forum	Jesse Olivares and Deborah Thomas distributed brochures and answered questions about fair	DeAnna Bookert Red Bank Crossing 1070 South Lake Drive Lexington, SC (803) 733-1124

		housing	
June 19, 2014	Training for Property Managers	Fair Housing training for Charleston Area Property Managers	Judy Wolk 147 Wappo Creek Drive Suite 103 Charleston, SC 29412 (843) 737-0173 (w) (843) 696-8403 (c)
June 23, 2014	Home Ownership Market Update Forum	Marvin Caldwell attended the forum and distributed housing information	Earlwood Park 111 Parkside Drive Columbia, SC The Greater Columbia Community Relations Council
June 25, 2014	Training for Property Managers	Delaine Frierson made a presentation to the property managers about fair housing, concentrating on disability discrimination. This was in Florence, and it was attended by property manager from North and South Carolina.	Jason Buffkin, Director Partnership Property Management P.O. Box 26405 Greensboro, NC 27404 P 336.544.2300 x257 F 336.387.8400 <a href="http://www.partnershippm.com/">http://www.partnershippm.com/</a>
June 25, 2014	Newberry College	Jesse Olivares attended a meeting at Newberry College to discuss diversity. He spoke about the service of the Fair Housing Division.	Dr. Peggy Winter Newberry College College Street Newberry, SC (793) 832-8163
June 28, 2014	Post-Homeownership Workshop	This was an event held at the Home Depot during Home Ownership month. Delaine Frierson made a presentation on their fair housing rights.	Jocelyn Jennings Richland County Community Development jennkinsj@rcgov.us
June 28, 2014	Fair Housing Forum	Delaine Frierson made a presentation about housing discrimination.	Venue Sabb, Housing Coordinators Benedict-Allen Community Development Corporation Benedict College Business Development Center 2601 Read Street Columbia, SC 29203

July 2014	Certification from South Carolina Department of Labor, Licensing and Regulation, Real Estate Commission	Delaine Frierson has met all of the requirements of the Real Estate Commission for approval as a real estate provider. This is to provide continuing education units to real estate agents when teaching about fair housing.	Joi Middleton LLR South Carolina Real Estate Commission Synergy Business Park, Kingstree Building 110 Centerview Drive Columbia, SC 29211-1847 (803) 896-4425
July 9, 2014	Alianza Latina	Jesse Olivares attended the monthly meeting of Alianza Latina. The group consists of Hispanic Liaisons and coordinators throughout the South Carolina workforce.	Julie Smithwick, Executive Director 730 Devine Street Suite 108 Columbia, SC (803) 777-5466
July 11, 2014	Outreach	Jesse Olivares distributed 30 brochures at the Monterrey Restaurant.	Miguel Gnate Monterrey Mexican Restaurant 199 Knox Abbott Drive Columbia, SC (803) 794-3974 (803) 629-5535
July 18-19, 2014	Outreach	Jesse Olivares distributed 232 brochures to Hispanics who were seeking help from the Mexican Consulate.	Freddy Rivera Fuente de Vida Church 101 Carol Ann Drive Columbia, SC 29223 (803) 509-2510
July 25-26, 2014	Outreach	Jesse Olivares distributed 265 brochures to Hispanics who were seeking help from the Mexican Consulate.	Freddy Rivera Fuente de Vida Church 101 Carol Ann Drive Columbia, SC 29223 (803) 509-2510

**Personnel Pd by HUD FUNDS and Salary & Fringe Amounts PD**

	Salaries	Fringe
Delaine Frierson	\$ 55,068	\$ 19,824.48
Jessica Brown	\$ 16,959	\$ 6,105.24
Connie Jenkins	<u>\$ 37,754</u>	<u>\$ 13,591.44</u>
	\$ 109,781	\$ 39,521.16
<b>Total FY13/14 Salaries &amp; Fringe pd by HUD Funds</b>		<b>\$ 149,302.16</b>

FY 13/14

Salary	Jessie Olivares		41000
Fringe	Jessie Olivares		14760
Salary	Jessica Brown	7/1-4/21 Pd 50% state & 50% Federal	16959
Fringe	Jessica Brown	7/1-4/21	6105.24
Salary	Marvin Caldwell		33987
Fringe	Marvin Caldwell		12235.32
Salary	Deborah Thomas		44469
Fringe	Deborah Thomas		16008.84
Salary	Tamiko Johnson	2/17-6/30	9207
Fringe	Tamiko Johnson	2/17-6/30	3314.52

**TOTAL SALARY & FRINGE**

**\$ 198,045.92**

Workers Compensation Yearly Premium	1145.8
Unemployment Compensation	1500.6
Insurance Reserve Fund	404
AT&T - Phone Service	4190.28
ID's For Staff	30
Best Buy (1/2 of costs for 1st floor Wi-Fi)	58.3
Div of Technology (Web hosting & Internet Usage)	9564.72
Copy Pick-up (Binding of Agency Training Manuals)	75.6
Corrections - Printing (Name Plates & Holders)	70.5
Corrections - Printing (Business Cards)	200
Corrections - Printing (Envelopes)	163.52
Replacement Memory (For Computers)	302
Office Supplies	900
Joshua Barr - John Marshall Law School Training	650
Midlands Tech (Business Writing Class-Jessica, Jesse, & Marvin)	266
Pitney Bowes (Yearly Lease)	1245
Pitney Bowes (Yearly Postage - Calculations only from Sept to June)	3974.02
Building Rent (Old & New Locations)	19469.3
Post Office Box Rental	81.2
Fair Housing Coach - Subscription	277
Xerox - Copiers	2845
State Fleet (State Cars)	3500
Spirit Communicatons - Long Distance Telephone Service	2052

**Total Expenditures paid toward Fair Housing Activities**

**\$ 251,010.76**

**Total 2013/2014 Budget**

**\$ 2,043,236.00**

**% of Total Operating Budget Spent on Fair Housing Activities  
(please note funds were not received until 9/30/13)**

**12.2850%**

**FY 2013 HUD FUNDS  
FUNDS DESIGNATION**

<u>HOW FUNDS WERE ALLOCATED</u>		<u>Remaining Balance</u>
\$ 96,282.00	Case Processing	\$ 55,282.00
\$ 1,000.00	Cause Case Bonus	\$ 1,000.00
\$ 16,000.00	Training Funds	\$ 493.89
\$ 20,000.00	Administrative Costs	\$ -
<u>\$ 133,282.00</u>		<u>\$ 56,775.89</u>
	41K of 61K taken from Case processing to cover salaries thru FYE	
	not used as of today	
	\$15,506.11	
	\$61K used to cover shortage in salaries, employer contributions, & other operating funds thru FYE	

Name	Dates	Purpose	Total	\$ 16,000.00
Marvin Caldwell	5/4-5/9/14	NFHTA Training	\$ 1,044.00	Travel Advance
Marvin Caldwell	5/4-5/9	NFHTA Training	\$ 479.80	
	5/4-5/9 (Air Fare)	NFHTA Training	\$ 534.50	
Jessica Brown	4/13-4/18	NFHTA Training	\$ 1,140.80	Travel Advance
Jessica Brown	4/13-4/18	NFHTA Training	\$ 450.60	
Joshua Barr	11/17-11/22	NFHTA Training - DC	\$ 876.80	Did not attend, but ticket was pd
Joshua Barr	1/29-2/1	Attorney Litigation Training	\$ 443.98	Travel Advance
Joshua Barr	1/29-2/1	Attorney Litigation Training	\$ 244.69	
Joshua Barr	1/29-2/1	Attorney Litigation -Air Fare	\$ 630.80	
Lee Wilson	8/4-8/9	NFHTA Training	\$ 922.04	Travel Advance
Lee Wilson	8/4-8/9	NFHTA Training	\$ 379.04	
Lee Wilson	8/4-8/9 (Air Fare)	NFHTA Training - DC	\$ 692.20	
Delaine Frierson	25-Jun	Florence (Training)	\$ 79.04	
Delaine Frierson	19-Jun	Charleston (Training)	\$ 143.36	
Delaine Frierson	9/8-9/13	Tampa FL (Training)	\$ 874.30	
Delaine Frierson	9/8-9/13 (Air Fare)	Tampa FL (Training)	\$ 687.44	
Delaine Frierson	9/25-9/26	Charleston (Training)	\$ 173.50	
Jessica Brown	9/8-9/13	Tampa FL (Training)	\$ 820.80	
	9/8-9/13 (Air Fare)	Tampa FL (Training)	\$ 687.44	
Marvin Caldwell	9/8-9/13	Tampa FL (Training)	\$ 825.80	
	9/8-9/13 (Air Fare)	Tampa FL (Training)	\$ 687.44	
Larry McBride	9/8-9/13	Tampa FL (Training)	\$ 838.30	
	9/8-9/13 (Air Fare)	Tampa FL (Training)	\$ 687.44	
Connie Jenkins	7/6-7/11	NFHTA Training -Air Fare	\$ 581.00	
Deborah Thomas	7/6-7/11	NFHTA Training -Air Fare	\$ 581.00	
		<b>Total Spent</b>	<b>\$ 15,506.11</b>	
		<b>Remaining</b>	<b>\$ 493.89</b>	

# FY 2013 FHAP PARTNERSHIP FUNDS BUDGETS

**Hispanic Outreach**

	Delaine's Totals	Lori's Totals
Jesse's Salary	35,961.17	40014.11

**Advertising**

Ads/Promo (P&B)	1,056.63	Inv 1745	1106.63	1/2 of total
Ads/Promo (P&B)	1,115.47	Inv 1701	1115.47	1/2 of total
Motor Vehicle Network	5,985.00	Inv 47710	5985	
<b>2012 State Fair Rental-Admission</b>	<b>152.50</b>		<b>152.5</b>	
<b>2012 State Fair Rental- Booth Rental</b>			<b>615</b>	
<b>2012 State Fair Rental- Exhibitor Space</b>			<b>50</b>	
<b>Displays Unlimited (Table &amp; Skirt for 2012 Fair)</b>			<b>144.45</b>	
Latin Festival	144.45		600	
2013 Booth Rental (State Fair)	400.00			
Black Pages		2500	1250	1/2 of total
Promotional Items (P&B)	2,500.00	Inv 1782	2515.28	
Booth Rental (AME Church)	150.00		150	
SC Network Hispanic Radio Ads	2,190.00		2990	
Blak Expo I Rental - May 2014	189.00		175	
Promotional Items (P&B)		Inv 1694	1178.87	1/2 of total
Forms & Supply (Chairs)		138.24	69.12	1/2 of total
<b>Total</b>	<b>13,883.05</b>		<b>18097.32</b>	

**Printing**

Copy Picku (Brochures)	909.50	1819	909.5	1/2 of total
Copy Picku (Brochures)		1284	642	1/2 of total
1000 Brochures (Dept Of Correct	530.04		530.04	
Laser Print Plus		642	321	1/2 of total
<b>Total</b>	<b>1,439.54</b>		<b>2402.54</b>	

**Equipment**

3 iPads	1,887.00		2019.09	
Apple Care for 3 iPads	297.00		317.79	
2 Wireless Keyboards & Cases	299.98		232.58	
1 Wireless Keyboard & Case	121.70		94.71	
3 SIM Cards	113 6/25		111.76	2 SIMS Cards
2 Screen Protectors	29.99		32.38	
Verizon Wireless (Internet - Jesse, Delaine, Jessica)			1279.68	
<b>Total</b>	<b>2,748.91</b>		<b>4087.99</b>	

**Printers**

2 Printers @ 179	358.00		386.64	
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Ink Cartridges	85.96	92.84
<b>Total</b>	<b>443.96</b>	
<b>1 Scanner</b>	<b>79.99</b>	<b>86.39</b>
<b>1/2 of Shipping Costs for Printers, Cartridges, &amp; Scanners</b>		<b>92.5</b>
		<b>658.37</b>

**Travel**

Columbia to Aiken	72.32	72.32
Columbia to Charleston (3 people	1,111.00	1136.04
State Car Expenditures (Jesse's Outreach)		5925.3
<b>Total</b>	<b>1,183.32</b>	<b>7133.66</b>

**Testing**

Tester Training	2,499.00	Inv#121313	2499	
John Marshall Travel Reimbursen	605.74		605.24	1/2 of total
Background Checks for Testers	225.00		250	1/2 of total
Funds paid to Testers	775.00		1075	1/2 of total
Airfare (10/28-10/29 John Marshall Testers)		1009.5	504.6	1/2 of total
Airfare (12/9-11 John Marshall Testers)		1279.2	639.6	1/2 of total
<b>Total</b>	<b>4,104.74</b>		<b>5573.44</b>	

<b>Total of all categories</b>	<b>59,844.68</b>	<b>77,967.43</b>
<b>Total Grant</b>		<b>94000</b>
<b>Total Remaining</b>		<b>16,032.57</b>

**Richland County Outreach**

P & B Promotional material	1,056.63	Inv 1745	1106.62	1/2 of total
P & B Promotional material	1,178.87	Inv 1694	1178.88	1/2 of total
Booth Rental (State Fair)	152.50			
P & B Promotional material	1,115.47	Inv 1701	1115.48	1/2 of total
Motor Vehicle Network - ads	2,565.00	Inv 47710	2565	1/2 of total
Palmetto Classic Ad	1,500.00		1500	
<b>2013 Booth Rental (State Fair)</b>	<b>400.00</b>		<b>875</b>	
<b>Displays Unlimited (Table &amp; Skirt 2013 Fair)</b>			<b>171.2</b>	
<b>Sponsor Source (2013 Fair-Parking &amp; Exhibitor Passes)</b>			<b>485</b>	
<b>Delaine (Reim for Basket Giveaway 2013 Fair)</b>			<b>48.55</b>	
Black Pages		2500	1250	1/2 of total
P & B Promotional items	2,500.00	Inv 1781	2497.5	
Booth Rental AME Church	150.00		150	
WWDM Radio Ad	2,156.76		1997	

Summit Communications Radio A	1,841.40		1705
Glory Communications Radio Ads	680.40		630
Cumulus Radio Ads - Florence	1,144.80		1480
Cumulus Radio Ads - Charleston	1,134.00		1390
Cumulus - Myrtle Beach			1060
Black Expo Booth Rental - May 20	189.00		175
Forms & Supply (Chairs)		138.24	69.12 1/2 of total
<b>Total</b>	<b>17,764.83</b>		<b>21449.35</b>

#### Printing

Copy Pickup (Brochures)	1,887.00	1819	909.5 1/2 of total
Copy Pickup (Brochures)		1284	642 1/2 of total
3000 Brochures (Dept of Correcti	591.68		591.68
Laser Print Plus		642	321 1/2 of total
<b>Total</b>	<b>2,478.68</b>		<b>2464.18</b>

#### Equipmment

3 iPads	1,887.00		1917.38
3 Apple Care Protection	297.00		318.78
3 Wireless Keyboards & Cases	449.97		348.88
3 SIM Cards	113.97		167.64
3 Screen Protectors	44.97		48.57
Verizon Wireless (Internet - Marvin, Connie, Deborah)			954.62
<b>Total</b>	<b>2,792.91</b>		<b>3755.87</b>

#### Printers

3 Printers @ 179	537.00		579.96
Ink Cartridges	128.94		139.26
<b>Total</b>	<b>665.94</b>		

<b>1 Scanner</b>	<b>79.99</b>		<b>86.39</b>
<b>1/2 of Shipping Costs for Printers, Cartridges, &amp; Scanners</b>			<b>92.5</b>
			<b>898.11</b>

#### Testing

Tester Training	2,499.00	Inv#121613	2499
John Marsahh Travel Reimbursen	605.74		605.24 1/2 of total
Background Checks for Testers	225.00		250 1/2 of total
Funds paid to Testers	975.00		1075 1/2 of total
Airfare (10/28-10/29 John Marshall Testers)		1009.5	504.6 1/2 of total

Airfare (12/9-11 John Marshall Testers)		1279.2	639.6 1/2 of total
<b>Total</b>	<b>4,304.74</b>		<b>5573.44</b>
<b>Total of all categories</b>	<b>28,087.09</b>	<b>34,140.95</b>	
<b>Total Grant</b>		<b>49000</b>	
<b>Total Remaining</b>		<b>14,859.05</b>	

**SOUTH CAROLINA  
HUMAN AFFAIRS COMMISSION  
COLUMBIA, SOUTH CAROLINA**

**STATE AUDITOR'S REPORT**

**JUNE 30, 2012**

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# State of South Carolina



## Office of the State Auditor

1401 MAIN STREET, SUITE 1200  
COLUMBIA, S.C. 29201

RICHARD H. GILBERT, JR., CPA  
DEPUTY STATE AUDITOR

(803) 253-4160  
FAX (803) 343-0723

### INDEPENDENT ACCOUNTANT'S REPORT ON APPLYING AGREED-UPON PROCEDURES

October 28, 2013

The Honorable Nikki R. Haley, Governor  
and  
Members of the Commission  
South Carolina Human Affairs Commission  
Columbia, South Carolina

We have performed the procedures described below, which were agreed to by the governing body and management of the South Carolina Human Affairs Commission (the Commission), solely to assist you in evaluating the performance of the Commission for the fiscal year ended June 30, 2012, in the areas addressed. The Commission's management is responsible for its financial records, internal controls and compliance with State laws and regulations. This agreed-upon procedures engagement was conducted in accordance with attestation standards established by the American Institute of Certified Public Accountants. The sufficiency of these procedures is solely the responsibility of the specified parties in this report. Consequently, we make no representation regarding the sufficiency of the procedures described below either for the purpose for which this report has been requested or for any other purpose.

The procedures and the associated findings are as follows:

1. **Cash Receipts and Revenues**
  - We inspected selected recorded receipts to determine if these receipts were properly described and classified in the accounting records in accordance with the agency's policies and procedures and State regulations.
  - We inspected selected recorded receipts to determine if these receipts were recorded in the proper fiscal year.
  - We made inquiries and performed substantive procedures to determine if revenue collection and retention or remittance were supported by law.
  - We compared current year recorded revenues at the subfund and general ledger code level from sources other than State General Fund appropriations to those of the prior year. We investigated changes in the general, earmarked and federal funds to ensure that revenue was classified properly in the agency's accounting records. The scope was based on agreed upon materiality levels (\$400 - general fund, \$6,400 - earmarked fund, and \$5,400 - federal fund) and  $\pm 10$  percent.

The Honorable Nikki R. Haley, Governor  
and  
Members of the Commission  
South Carolina Human Affairs Commission  
October 28, 2013

The individual transactions selected were chosen randomly. Our finding as a result of the procedures is presented in Account Coding in the Accountant's Comments section of this report.

**2. Non-Payroll Disbursements and Expenditures**

- We inspected selected recorded non-payroll disbursements to determine if these disbursements were properly described and classified in the accounting records in accordance with the agency's policies and procedures and State regulations, were bona fide disbursements of the Commission, and were paid in conformity with State laws and regulations; if the acquired goods and/or services were procured in accordance with applicable laws and regulations.
- We inspected selected recorded non-payroll disbursements to determine if these disbursements were recorded in the proper fiscal year.
- We compared current year expenditures at the subfund and general ledger account code level to those of the prior year. We investigated changes in the general, earmarked and federal funds to ensure that expenditures were classified properly in the agency's accounting records. The scope was based on agreed upon materiality levels (\$13,800 – general fund, \$6,200 – earmarked fund, and \$3,800 – federal fund) and  $\pm 10$  percent.

The individual transactions selected were chosen randomly. Our finding as a result of the procedures is presented in Account Coding in the Accountant's Comments section of this report.

**3. Payroll Disbursements and Expenditures**

- We inspected selected recorded payroll disbursements to determine if the selected payroll transactions were properly described, classified, and distributed in the accounting records; persons on the payroll were bona fide employees; payroll transactions, including employee payroll deductions, were properly authorized and were in accordance with existing legal requirements and processed in accordance with the agency's policies and procedures and State regulations.
- We inspected payroll transactions for selected new employees and those who terminated employment to determine if the employees were added and/or removed from the payroll in accordance with the agency's policies and procedures, that the employee's first and/or last pay check was properly calculated and that the employee's leave payout was properly calculated in accordance with applicable State law.
- We compared current year payroll expenditures at the subfund and major object code level to those of the prior year. We investigated changes in the general, earmarked and federal funds to ensure that expenditures were classified properly in the agency's accounting records. The scope was based on agreed upon materiality levels (\$13,800 – general fund, \$6,200 – earmarked fund, and \$3,800 – federal fund) and  $\pm 10$  percent.
- We compared the percentage change in recorded personal service expenditures to the percentage change in employer contributions; and computed the percentage distribution of recorded fringe benefit expenditures by fund source and compared the computed distribution to the actual distribution of recorded payroll expenditures by fund source. We investigated changes of  $\pm 10$  percent to ensure that payroll expenditures were classified properly in the agency's accounting records.

The Honorable Nikki R. Haley, Governor  
and  
Members of the Commission  
South Carolina Human Affairs Commission  
October 28, 2013

The individual transactions selected were chosen randomly. We found no exceptions as a result of the procedures.

4. **Journal Entries and Appropriation Transfers**

- We inspected selected recorded journal entries and appropriation transfers to determine if these transactions were properly described and classified in the accounting records; they agreed with the supporting documentation, the purpose of the transactions was documented and explained, the transactions were properly approved, and were mathematically correct; and the transactions were processed in accordance with the agency's policies and procedures and State regulations.

The individual journal entry transactions selected were chosen randomly. We found no exceptions as a result of the procedures.

5. **Appropriation Act**

- We inspected agency documents, observed processes, and/or made inquiries of agency personnel to determine the Commission's compliance with Appropriation Act general and agency specific provisions.

Our finding as a result of these procedures is presented in Personal Property Inventory in the Accountant's Comments section of this report.

6. **Reporting Packages**

- We obtained copies of all reporting packages as of and for the year ended June 30, 2012, prepared by the Commission and submitted to the State Comptroller General. We inspected them to determine if they were prepared in accordance with the Comptroller General's Reporting Policies and Procedures Manual requirements and if the amounts reported in the reporting packages agreed with the supporting workpapers and accounting records.

Our finding as a result of these procedures is presented in Reporting Packages in the Accountant's Comments section of this report.

7. **Schedule of Federal Financial Assistance**

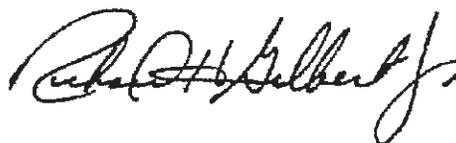
- We obtained a copy of the schedule of federal financial assistance for the year ended June 30, 2012, prepared by the Commission and submitted to the State Auditor. We inspected it to determine if it was prepared in accordance with the State Auditor's letter of instructions; if the amounts agreed with the supporting workpapers and accounting records.

We found no exceptions as a result of the procedures.

The Honorable Nikki R. Haley, Governor  
and  
Members of the Commission  
South Carolina Human Affairs Commission  
October 28, 2013

We were not engaged to and did not conduct an audit, the objective of which would be the expression of an opinion on the specified elements, accounts, or items. Accordingly, we do not express such an opinion. Had we performed additional procedures, other matters might have come to our attention that would have been reported to you.

This report is intended solely for the information and use of the Governor and of the governing body and management of the South Carolina Human Affairs Commission and is not intended to be and should not be used by anyone other than these specified parties.



Richard H. Gilbert, Jr., CPA  
Deputy State Auditor

**ACCOUNTANT'S COMMENTS**

## **VIOLATIONS OF STATE LAWS, RULES OR REGULATIONS**

Management of each State agency is responsible for establishing and maintaining internal controls to ensure compliance with State Laws, Rules or Regulations. The procedures agreed to by the agency require that we plan and perform the engagement to determine whether any violations of State Laws, Rules or Regulations occurred.

The conditions described in this section have been identified as violations of State Laws, Rules or Regulations.

## REPORTING PACKAGES

Section 1.7 of the Comptroller General's Reporting Policies and Procedures Manual states, "Each agency's executive director and finance director are responsible for submitting to the Comptroller General's Office reporting packages and/or financial statements that are: Accurate and prepared in accordance with instructions, complete, and timely." Our testing of the Commission's reporting packages disclosed the following exceptions:

The Commission submitted four of its reporting packages several days to several weeks after their respective due dates.

Although no additional errors or omissions were noted as a result, two answers on the Master Reporting Checklist, form 2.0.1, were answered inaccurately. This was also the case for one question on the capital assets questionnaire, form 3.8.1.

Our testing of the Grants and Contributions Revenue Reporting Package revealed two grant numbers reported incorrectly on the grants activity form, 3.3.1. Also, although the details are included on the grants activity form, no amounts for grants receivable or deferred revenue were reported on the summary form, 3.3.2, in accordance with the reporting package instructions.

On the Refund Receivables Reporting Package no amounts were reported on the refund receivables and related accounts summary form, 3.5.2, even though the responses on the refunds collected and related transactions form, 3.5.1, indicate reportable refunds receivable.

## ACCOUNT CODING

In our testing of revenue and expenditure transactions we found the following coding exceptions: A receipt received to reimburse the Commission for a vehicle lease (account 5051540000) was recorded as in-state auto mileage (account 50500400000).

A disbursement transaction for a copier contingent rental payment (account 5040050000) was posted to the copying equipment service account (account 5020020000).

For another disbursement, the supporting documentation shows that the disbursement was to reimburse a firm for an overcharge of a photocopying fee (account 4380050000), but the disbursement was recorded as copying equipment supplies (account 5030020000).

Effective internal controls require safeguards to ensure that transactions are properly recorded. Expenditures and revenues reimbursed in the same fiscal year that the expenditure or revenue occurred should be recorded in the account that the transaction was originally charged. The Comptroller General's Office Policies and Procedures include the specific definitions for coding transactions to the proper revenue and expenditure accounts.

We recommend that the Commission strengthen its internal controls over the recording of financial transactions. The Commission should ensure that the person reviewing and approving accounting transactions verify that the preparer used the proper account code.

## PERSONAL PROPERTY INVENTORY

Section 10-1-140 of the South Carolina Code of Laws, as amended, states, "The head of each department, agency or institution of this state is responsible for all personal property under his supervision and each fiscal year shall make an inventory of all such property under his supervision, except expendables."

The Commission was unable to demonstrate compliance with Section 10-1-140 because it could not provide documentation supporting the performance of the inventory.

We recommend the Commission implement procedures to include documenting the performance of a property inventory to demonstrate compliance with Section 10-1-140.

**MANAGEMENT'S RESPONSE**

STATE OF SOUTH CAROLINA  
HUMAN AFFAIRS COMMISSION

Raymond Buxton, II  
Commissioner

1026 Sumter Street, Columbia SC (29201)  
Post Office Box 4490  
Columbia, South Carolina 29240-4490  
(803) 737-7800 FAX: (803) 253-4191

To file complaints dial (803) 737-7800  
or 1-800-521-0725 (In-State Only)

November 25, 2013

Mr. Richard H. Gilbert, Jr. CPA  
1401 Main Street, Suite 1200  
Columbia, SC 29201

RE: Report Release Authorization

Dear: Mr. Gilbert:

In response to the preliminary drafted copy of the SC Human Affairs Audit, we would like to submit the following responses to violations of State Laws, Rules or Regulations.

**Reporting Packages**

At the time reporting packages were due in 2012, the Agency's Budget Director was forced to retire due to illness. Therefore, the Senior Accountant was left to complete the 2012 Reporting Packages. The Senior Accountant had never completed these packages and with the workload of the daily operations of the Agency, she was unable to process them in a timely manner.

**Accounting Codes**

The incorrect use of accounting codes was clerical errors that should have been caught during processing. In the future, the SC Human Affairs Commission's Business Manager will closely monitor coding.

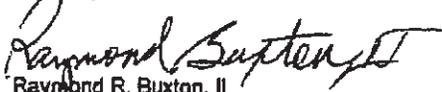
**Personal Property Inventory**

Again, because the Senior Accountant was the only financial person on staff, she was unable to perform inventory for that fiscal year. The SC Human Affairs Commission's Business Manager will ensure yearly property inventory is completed to demonstrate compliance with Section 10-1-140.

Per this letter we are giving our written release authorization of the 2012 SC Human Affairs Commission's State Auditor's Report. As requested, we are also attaching a current list of our Commission members and their mailing and email addresses.

Please contact me or our Business Manager, Lori Dean, should you have additional questions or concerns.

Sincerely,

  
Raymond R. Buxton, II  
Commissioner

4 copies of this document were published at an estimated printing cost of \$1.43 each, and a total printing cost of \$5.72. Section 1-11-125 of the South Carolina Code of Laws, as amended requires this information on printing costs be added to the document.

<b>HOUSING DIVISION TRAINING</b>			
<b>DATE</b>	<b>COURSE</b>	<b>PERSONS ATTENDING</b>	<b>TITLE</b>
August 5-9, 2013	NFHTA Fair Housing Enforcement for Public Sector Attorney	Lee Wilson	Staff Attorney
September 9-13, 2014	NFHTA Fair Housing in a Nutshell	Delaine A. Frierson Jessica Brown Larry McBride Marvin Caldwell	Housing Director Investigator Mediator Investigator
September 16-20, 2013	NFHTA Taught Advanced Intake	Delaine A. Frierson	Housing Director
October 28, 2013	Webinar sponsored by the National Fair Housing Alliance Training Condominium, Cooperatives and Homeowners' Associations	Marvin Caldwell	Investigator
January 20 – February 1, 2014	John Marshall School of Law Fair Housing Legal Support Center & Clinic, 22 <sup>nd</sup> Annual Litigation Skills Training Program	Joshua Barr	Staff Attorney
January 2014	NFHTA Week One Online Fair Housing Law and Ethics Effective Fair Housing Intake and Introduction to TEAPOTS Critical Thinking and Investigation including Interview Techniques	Lee Wilson Jesse Olivares	Staff Attorney Investigator
April 2014	NFHTA Week Two Online Theories of Proof and Data Analysis Discovery Techniques and Evidence	Jesse Olivares	Investigator
April 7-8, 2014	NFHTA Taught Advance Intake	Delaine A. Frierson	Housing Director
April 14-18, 2014	NFHTA Week Four Fair Housing Investigation Review and Application Writing cases/FIRs Using TEAPOTS Briefing Techniques for Complaint Investigations	Jessica Brown	Investigator
May 5-9, 2014	NFHTA Week Two	Marvin Caldwell	Investigator
July 7-11, 2014	NFHTA Week Two	Connie Jenkins Deborah Thomas	Investigator

Fair Housing Assistance Program Partnership Funds Projects Using 2011 Funds  
Final Report

FHAP Agency	Partner(s)	Amount Received For Partnership Project	Amount Spent on Partnership Project
South Carolina Human Affairs Commission (SCHAC)	Hispanic Liaison	\$94,000.00	\$77,967.43
Project Completion Date	Description of Project	What was the outcome of this project? (How did this project further HUD's national priorities, how did this project further fair housing, etc.)	What was the numerical output of this project? (How many people were served, how many cases were investigated, how many tests were conducted, etc.)
June 30, 2014	SCHAC hired a bilingual individual, Jesse Olivares, to provide fair housing outreach to LEP individuals, outreach in the Hispanic community, and to investigate fair housing cases. With this project, SCHAC targeted the 11 counties with the highest percentage of Hispanics by conducting outreach, developing and providing brochures, appearing on talk shows, and producing PSAs. The targeted counties were: <ol style="list-style-type: none"> <li>1. Beaufort</li> <li>2. Berkeley</li> <li>3. Charleston</li> <li>4. Dorchester</li> <li>5. Greenville</li> </ol>	This projects furthered HUD's national priorities by making the Hispanic residents of South Carolina more aware of their fair housing rights. It is an on-going process wherein trust has been established in some areas. They know who to call in case they had fair housing issues. There has been an increase in complaints filed by Hispanic residents. There has also been an increase in inquiries. Some of the Hispanic residents are still afraid to come forward, but information has been made available for them via brochures, ads, and PSAs. It is our goal to continue to build trust so that Hispanics will not be afraid to	We served the residents of South Carolina in the following ways: <ol style="list-style-type: none"> <li>1. 42 cases investigated</li> <li>2. 5138 brochures distributed</li> <li>3. 48 workshops/events</li> <li>4. 3 ads in the Department of Motor Vehicles</li> <li>5. Radio ads with a market of 863,679 people</li> <li>6. Advertisement in SC Black Pages with a market of over 100,000</li> <li>7. We conducted 6 fair housing tests.</li> </ol>

Fair Housing Assistance Program Partnership Funds Projects Using 2011 Funds  
Final Report

	<p>6. Horry          7. Lexington          8. Newberry          9. Richland          10. Saluda          11. Spartanburg</p>	<p>file complaints.           Because of the agency's presence, different entities know that they can refer Hispanics to the agency for assistance.</p>	
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**Fair Housing Assistance Program Partnership Funds Projects Using 2011 Funds  
Final Report**

FHAP Agency	Partner(s)	Amount Received For Partnership Project	Amount Spent on Partnership Project
South Carolina Human Affairs Commission (SCHAC)	Richland County Community Development Division of Richland County	\$49,000.00	\$34,140.95
<b>Project Completion Date</b>  June 30, 2014	<b>Description of Project</b>  SCHAC partnered with the Richland County Community Development Division of Richland County to provide fair housing outreach and education, addressing concerns raised in the County's Analysis of Impediments to Fair Housing Choice, which was completed in September 20, 2011. SCHAC worked with Richland County to disseminate fair housing brochures, provide training and seminars, and increase awareness of fair housing issues.	<b>What was the outcome of this project? (How did this project further HUD's national priorities, how did this project further fair housing, etc.)</b>  The agency addressed concerns raised in Richland County's Analysis to Impediments to Fair Housing Choice (AI), which was completed on September 20, 2011.  The goal was to address residents in ethnic and minority areas, apartment and property managers, homeowners associations.  <i>To affirmatively further fair housing, the housing division partnered with Richland County to:</i>  1. Conduct workshops on	<b>What was the numerical output of this project? (How many people were served, how many cases were investigated, how many tests were conducted, etc.)</b>  We served the residents of South Carolina in the following ways:  1. 18 cases investigated 2. 1435 brochures distributed 3. 5 workshops/events 4. 1 ad in the Department of Motor Vehicles 5. Radio ads with a total market of 863,679 people 6. Advertisement in SC Black Pages with a market of over 100,000 7. We conducted 6 fair housing tests

Fair Housing Assistance Program Partnership Funds Projects Using 2011 Funds  
Final Report

		<p>fair housing and first-time homebuyers workshops</p> <ol style="list-style-type: none"> <li>2. Recognize Fair Housing Month with a County Council Resolution</li> <li>3. Participate in the Greater Columbia Community Relations Council (GCCRC) Poster Contest. This contest involves elementary and middle school students and introduces them to fair housing principles</li> <li>4. Serve on the housing committee of the GCCRC and the training sub-committee</li> <li>5. Run fair housing PSAs in Richland County</li> <li>6. Run fair housing ads in Richland County</li> <li>7. Distribute fair housing literature, brochures and other paraphernalia at events.</li> </ol>
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Fair Housing Assistance Program Partnership Funds Projects Using 2011 Funds  
Final Report

		<p><i>In response to Impediment One – Discrimination in the Housing Market Recommendations:</i></p> <ol style="list-style-type: none"> <li>1. We continued to provide fair housing literature and training</li> <li>2. We provided education material in English and Spanish</li> <li>3. We conducted fair housing testing of rental properties</li> <li>4. We worked with the Benedict-Allen CDC to provide first-time homebuyers training</li> </ol> <p><i>In response to Impediment Two – Fair Housing Advocacy and Outreach:</i></p> <p>The fair housing division provided on-going education, awareness, and outreach by distributing brochures, attending community organization meetings, updating our webpage, and appearing on radio talk shows</p>	
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U.S. Department of Housing and Urban Development  
Georgia State Office  
Five Points Plaza  
40 Marietta Street  
Atlanta, GA 30303-2906

**CERTIFIED MAIL — RETURN RECEIPT REQUESTED**

December 11, 2015

Mr. Raymond Buxton, II  
Commissioner  
South Carolina Human Affairs Commission  
1026 Sumter Street, Suite 101  
Columbia, South Carolina 29204

Dear Commissioner Buxton:

Subject: Fair Housing Assistance Program; Performance Assessment  
South Carolina Human Affairs Commission

On July 22-23, 2015, your Fair Housing Assistance Program (FHAP) monitor, Adoniram Vargas conducted an on-site performance assessment of your agency for the period from July 1, 2014 through June 30, 2015.

Based upon the practices and performance of the agency at the time of the review, the U. S. Department of Housing and Urban Development recommends that the South Carolina Human Affairs Commission receive continuing certification as a substantially equivalent agency under Section 810 (f) (3) of the Fair Housing Act.

Enclosed is a copy of the performance assessment report for your information. Your attention is directed to the report's concerns and recommendations. Please address them within 30 days from receipt of this letter. If you should have questions, please contact your Government Technical Representative (GTR), Don Vargas, at (305) 520-5031.

We appreciate your cooperation during this performance assessment, and look forward to our continued partnership to ensure equal housing opportunities for all our citizens.

Sincerely Yours,

Carlos Osegueda  
FHEO Region IV  
Director Regional  
Office of FHEO

Enclosure

**United State Department of Housing and Urban Development  
Office of Fair Housing and Equal Opportunity  
Region IV**

**Performance Assessment Report**

**FHAP Agency:** South Carolina Human Affairs Commission  
**Address:** 1026 Sumter Street, # 101  
Columbia, South Carolina 29204  
**Commissioner:** Raymond Buxton, II  
**Commissioner's phone #:** 803-737-7826  
**Commissioner's email:** [rbuxton@schac.sc.gov](mailto:rbuxton@schac.sc.gov)

**Assessment Purpose:** To determine whether the South Carolina Human Affairs Commission engages in timely, comprehensive, and thorough fair housing complaint investigation, conciliation and enforcement activities, and therefore warrants continued certification as a participant in the Fair Housing Assistance Program. This determination is based on the South Carolina Human Affairs Commission's compliance with the performance standards and requirements set forth in regulations implementing the Fair Housing Assistance Program, at 24 CFR part 115 and the Criteria for Processing.

**Performance Period:** July 1, 2014-June 30, 2015

**Date of Assessment:** July 22-23, 2015

On-Site  Remote

**HUD Reviewer(s):** Adoniram Vargas, Equal Opportunity Specialist/GTM

**Recommended for certification or recertification:** Yes  No

**Recommendation must be made by Region Director both here and in conclusion narrative.**

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**I. Organizational Structure and Staffing<sup>1</sup>**

The South Carolina Human Affairs Commission (SCHAC) was created by the General Assembly in 1972 to encourage fair treatment, eliminate and prevent unlawful discrimination, and foster mutual understanding and respect among all people in the state. Based on the tenets of Title VII of the 1964 federal Civil Rights Act, the Age Discrimination in Employment Act, and the Americans with Disability Act, the South Carolina General Assembly declared that the practice of discrimination within the state because of a person's race, religion, color, sex, age, national origin, or disability to be unlawful, and in conflict with the ideals of the State of South Carolina and the nation.

SCHAC strives to alleviate these problems of discrimination through the enforcement of the South Carolina Human Affairs Law, the South Carolina Fair Housing Law, and the South Carolina Equal Enjoyment and Privileges to Public Accommodations Law. Additionally, the General Assembly mandated that the Commission would be responsible with the monitoring of South Carolina state government agency Affirmative Action Plans. The Commission also seeks to establish Community Relations Councils throughout the state to foster more effective community relations, goodwill and mutual understanding, and respect among the residents of South Carolina.

SCHAC has participated in the FHAP for numerous years and is scheduled for their next recertification on May 25, 2015. During the performance period, the following persons were responsible for enforcing and administering the fair housing law.

<i>NAME</i>	<i>TITLE</i>	<i>DATE OF HIRE</i>	<i>DATE STARTED IN HOUSING DIVISION</i>
<i>Raymond Buxton, II</i>	<i>Commissioner</i>	<i>07/17/2012</i>	<i>07/17/2012</i>
<i>Joshua V. Barr</i>	<i>Staff Attorney/Director</i>	<i>10/17/2013</i>	<i>10/17/2013</i>
<i>Lee Ann W. Rice</i>	<i>Staff Attorney</i>	<i>11/02/2014</i>	<i>11/02/2014</i>
<i>Marvin Caldwell</i>	<i>Investigator</i>	<i>08/02/2013 (rehire)</i>	<i>08/02/2013</i>
<i>Connie Jenkins</i>	<i>Investigator</i>	<i>03/02/1999</i>	<i>09/19/2011</i>
<i>Jesse Olivares</i>	<i>Outreach Coordinator/Intake</i>	<i>06/18/2012</i>	<i>06/18/2012</i>
<i>Deborah Thomas</i>	<i>Intake Investigator</i>	<i>10/02/1996</i>	<i>03/01/2012</i>
<i>Larry McBride</i>	<i>Mediator</i>	<i>7/1/2014</i>	<i>03/01/2013</i>
<i>Tamiko Johnson</i>	<i>Administrative Assistant</i>	<i>8/2/2011</i>	<i>03/01/2014</i>

Delaine Frierson, not included on table above, was the agency's Fair Housing Manager until January 30, 2015, date in which Commissioner Raymond Buxton dismissed her. Joshua Barr was appointed Fair Housing Director for the remaining of the performance period. On October 6, 2015 Mr. Barr accepted a new position as the Executive Director of the Des Moines, Iowa Civil and Human Rights Commission. Mr. Marvin Caldwell is the newly appointed Fair Housing Manager as of the date of this report.

<sup>1</sup> Exhibit 1 – SCHAC Organizational Chart

## II. Performance Standards

### **A. Performance Standard #1: Commence complaint proceedings, carry forward such proceedings, complete investigations, issue determinations, and make final administrative dispositions in a timely manner. [24 C.F.R. § 115.206(e)(1)]**

As an ongoing practice in monitoring SCHAC, on December 5, 2014 HUD communicated to SCHAC its concerns about the agency's poor performance<sup>2</sup>.

In answering FY 2014 PAR, SCHAC informed HUD that the majority of the aged cases would be closed in November, 2014. However, SCHAC's inventory aging trend continued. Eleven open cases older than 100 days on June 30, 2014 had aged to an average of 339 days on November 26, 2014. And eighteen cases that were between 6 and 89 days old on June 30, 2014 had aged to an average of 196 days on November 26, 2014. Of the total SCHAC open cases on June 30, 2014, 62% continued to age. On November 26, 2014 SCHAC's open case inventory showed 35 cases (81%) with an average age of 228 days. Only 8 cases (18%) on SCHAC's inventory were aged below 100 days<sup>3</sup>.

HUD advised SCHAC that urgent and effective actions were needed immediately and it expected within the following 60 days SCHAC would implement measures to stop the aging trend. HUD further stated by January 31, 2015 SCHAC should provide a full update on the results achieved toward a more age-balanced inventory. Additionally, HUD indicated should SCHAC have difficulties on managing its case inventory by January 31, 2015, HUD would consider placing SCHAC under a performance improvement plan (PIP). A PIP would require SCHAC to submit a written plan detailing the projected closure dates for all open cases in its pending inventory, with special emphasis on the aged cases. A detailed action plan to address the timeliness of the complaints also would be required

On January 30, 2015 SCHAC's Commissioner Raymond Buxton, II emailed HUD communicating the replacement of the Fair Housing Division Director<sup>4</sup>. Subsequently, SCHAC underwent an overhaul in operations to improve its intake and investigations. SCHAC's ability to process cases in a timely manner improved drastically. Mandatory meetings with the newly appointed Director on days 21, 42, 63, and 84 were adopted for all investigations<sup>5</sup>.

A review of the closures submitted during the case processing year shows that the agency consistently begins the processing of fair housing complaints within 30 days of receipt.

During the period of performance SCHAC investigated and closed 82<sup>6</sup> cases with an average age of 184 days. See table below.

<sup>2</sup> Exhibit 2 – RD's letter to SCHAC 12/5/14

<sup>3</sup> Exhibit 3 – SCHAC inventory 11/26/14

<sup>4</sup> Exhibit 4 – SCHAC replaces Fair Housing Division Director

<sup>5</sup> Exhibit 5 – State of Fair Housing Division Address 2015

<sup>6</sup> Exhibit 6 – List of cases processed by SCHAC during FY 2015

During the period of performance the agency processed 22 (27%) of its cases before 100 days. Twenty four cases (29%) were processed between 100 and 200 days. Twenty two cases (27%) were processed between 200 and 300 days. And 14 cases (17%) were processed after they aged to 300 days.

Days	100 <	<101 - 150<	<151 - 200<	<201 - 250<	<251 - 300<	<301	Total
# of Cases	22	10	14	15	7	14	82
Average days	61	120	174	226	267	346	184
% of all cases	27%	12%	17%	18%	9%	17%	100%

The next table depicts all processed cases by closure type.

Closure Type	Total closures	%
Cause	5	6.1%
No Cause	49	59.8%
Conciliation	14	17.1%
Withdrawn w/res	11	13.4%
Administrative	3	3.7%
Total	82	100.0%

An additional analysis of all the cases filed and investigated after January 30, 2015—which is a subset of the 82 cases processed in the year—date in which SCHAC adopted corrective staffing decisions, shows that 94% of all cases were closed before they reached 100 days.

Days	100 <	<101 - 150<	<151 - 200<	<201 - 250<	<251 - 300<	<301	Total
# of Cases	17	1	0	0	0	0	18
Average days	57	103	0	0	0	0	59
% of all cases	94%	6%	0%	0%	0%	0%	100%

By June 30, 2015 SCHAC's inventory showed 15 open cases<sup>7</sup>, as the next table shows. The oldest one—Coley v. Greenville Housing Authority—was originally closed on day # 273 as cause, following GTM's advise. However, a subsequent review of the 504 OA file ended up being no cause and SCHAC rendered a new Title VIII determination—no cause. Eighty per cent of all cases were processed under 100 days, with an average age of 44 days.

Days	100 <	<101 - 150<	<151 - 200<	<201 - 250<	<251 - 300<	<301	Total
# of Cases	12	1	0	0	1	1	15
Average days	44	126	0	0	266	390	88
% of all cases	80%	7%	0%	0%	7%	7%	100%

Three months later—October 7, 2015—only four of the cases that were opened on June 30, 2015 were still opened<sup>8</sup>, showing an even healthier average age of 31 days, as the next table shows.

<sup>7</sup> Exhibit 7 - Open case inventory 30 June 2015

<sup>8</sup> Exhibit 8 - Open case inventory 30 June 2015 still open 7 Oct 2015

Days	100 <	<101 - 150 <	<151 - 200 <	<201 - 250 <	<251 - 300 <	<301	Total
# of Cases	4	0	0	0	0	0	4
Average days	31	0	0	0	0	0	31
% of all cases	100%	0%	0%	0%	0%	0%	100%

SCHAC provides GTM periodic updates and it is actively working on these four cases.

SCHAC's FY 2015 review shows two distinctive periods: before and after January 30, 2015. Before January 30, 2015 SCHAC was lagging significantly in producing determinations of cause, or no cause within 100 days or beyond. Only 27% of all investigations were closed within 100 days, which greatly impacted the overall yearly performance. After SCHAC made staffing changes, 94% of all investigations have been closed before 100 days.

SCHAC's determinations are based on investigations with enough considerations of the parties' evidence and sufficiently documented in TEAPOTS. The review also confirmed that the hardcopy files contain all the required documentation. When cases submitted for review and approval have lacked TEAPOTS documentation, SCHAC has responded rapidly in correcting minor deficiencies.

SCHAC rendered cause determinations in five cases during the current year. In four of the five cause cases SCHAC filed charges in civil court. In addition, another case caused in the previous year (Manfredini) was taken to court on behalf of CP during this year.

Cause cases - court filing	
Hagoood, Mara vs Signature Pointe Apartments	04-13-0981-8
Manfredini v. Maddington	04-13-1174-8
Engelmann, Suzanne v. The Summit HOA	04-14-0229-8
Woods, Stacy vs. Chen, Zeyi & Yang, Zhirong	04-14-0292-8
Bentley, Dolores v. Kenneth W. Dunn	04-14-0444-8

The fifth case caused during the year—Kline v. Belle Hall Apts., 04-14-0072-8—is still under SCHAC's consideration and preparation for court filing.

Records of all court filings are found in TEAPOTS' deliberative tab.

Customarily SCHAC offers an election of remedies or civil action in all charged cases, with specific language included in the closing letters.

All complaints reviewed during the year have complete and final investigative reports. In addition, all final determinations are sent to all parties at case final closing time, and appropriate records are kept on file demonstrating that such documents were properly mailed out. Final investigative reports include all the required information.

**Conclusion:** SCHAC experienced two distinctive phases throughout the period of performance. Between July 1, 2014 and January 30, 2015 the agency's performance was not acceptable. As a result of HUD's actions, including formal analyses and communication of deficiencies, timely and repeated technical assistance, and SCHAC's

adopted actions to remedy the deficiencies after January 30, 2015, we conclude that SCHAC met all of the requirements of 24 C.F.R. § 115.206(e)(1). HUD's GTM onsite visit confirmed that SCHAC is on the right path to continue fulfilling the requirements of Performance Standard # 1.

**B. Performance Standard #2: Administrative closures are utilized only in limited and appropriate circumstances. [24 CFR § 115.206(e)(2)]**

SCHAC closed three cases (4%) administratively during the case processing year. The reasons for the administrative closures are all fully documented and justified. GTM, however, call SCHAC's attention to the fact that two of the cases—Fabrizio, 197 days; and Corona, 160 days—aged unnecessarily and they could have been closed much earlier. Sanchez was closed on day number 43.

Case Name	HUD Case Number	Closure Reason	Comments
Fabrizio, Sarah v. McDonald, Kristye	04-14-0581-8	Complainant Failed to Cooperate	Fully documented
Sanchez, Naimi v. Ziegler, Tom and Betty	04-15-0500-8	Lack of Jurisdiction	The case came to the FHAP from HUD Intake and there was no indication of LOJ. However, FHAP discovered that RP own 3 properties only, including his own residence, thus LOJ payment is authorized
Corona, Ana and Garcia, Francisco Vs. Twin Lakes Estates	04-14-0537-8	Withdrawal Without Resolution	Paid by HUD as WW/ORes as opposed to FHAP's WWR. There was no resolution. CP just decided to withdraw and no remedy was afforded to CP.

**Conclusion:** SCHAC met the standard required of 24 CFR § 115.206(e)(2).

**C. Performance Standard #3: During the period beginning with the filing of a complaint and ending with filing a charge or dismissal, the agency, to the extent feasible, attempts to conciliate the complaint. After the charge has been issued, the agency, to the extent feasible, continues to attempt settlement until a hearing or a judicial proceeding has begun. [24 CFR § 115.206(e)(3)]**

SCHAC indicated that they attempt to conciliate all cases as soon as the investigator contacts the Respondent, based on what the Complainant would accept to redress the alleged discrimination. The investigator also asks the parties whether they would accept mediation. All conciliation steps are recorded in TEAPOTS and GTM reviewed all records throughout the year.

SCHAC's attorneys continually seek settlement throughout the litigation process in all the cases that reach civil court. This is particularly important since the litigation process in the South Carolina Court System is slow, which further delays justice for complainants. The agency sets forth the terms of acceptance at the beginning of the case and work toward the acceptance of such terms throughout litigation.

To facilitate conciliation agreements, SCHAC determines what each side agrees to and the investigator drafts the conciliation agreement. The agreement is then reviewed by Legal Counsel to determine if the conciliation agreement is sufficient and addresses all issues in the complaint. After any necessary revisions the conciliation is forwarded to all parties for signature.

The review of TEAPOTS and the case files sampled (18, 22%) confirmed that SCHAC investigators consistently attempted conciliation, to the extent feasible, in all the cases that were investigated during the performance period.

**Conclusion:** The performance standard has been met.

**D. Performance Standard #4: The agency conducts compliance reviews for settlements, conciliation agreements, and orders resolving discriminatory housing practices. [24 CFR § 115.206(e)(4)]**

The agency conciliated 14 cases (17%) between July 1, 2014 and June 30, 2015. All relief obtained in conciliations was adequate.

The agency indicated that if necessary, a recommendation would be made to the South Carolina Attorney general to file a civil action seeking the enforcement of the terms of agreements in the event a breach occurs. There were no breaches noted during the performance period.

Each investigator is responsible for compliance review of conciliation agreements. Currently, the agency is working on a review process to have a compliance officer determine if Respondents are abiding by their conciliation agreements and court orders. Once this process is finalized the agency will update HUD on the adopted policies.

**Conclusion:** While the agency does not customarily conduct compliance reviews for settlements, conciliation agreements, and orders resolving discriminatory housing practices the agency monitors most of the agreements through the submission of documents to the agency and required confirmation of participation in fair housing training or RP's policy changes as each agreement requires. While there is no formal procedure for conducting compliance reviews the agreements customarily include provisions for ensuring compliance. The agency met the standard requirements.

**E. Performance Standard #5: The agency must consistently and affirmatively seek and obtain the type of relief designed to prevent recurrences of discriminatory practices. [24 CFR § 115.206(e)(5)]**

In all cases where the agency finds cause, the agency analyzes actual damages and includes them in the damages amount for conciliation purposes. For cases that move to litigation, the agency maintains the actual damages sought for the complainant. In those cases submitted for litigation it is up to the courts to determine if they will assess punitive damages, but the agency asks for them in the complaint. The agency does not have the authority to assess civil penalties.

The agency customarily includes public interest provision in all conciliations. Most times they include training and redrafting of policies. In one case (04-14-0014-8), conciliated at the end of the previous year, and as a follow up on the agreement, the agency assisted the Respondent during this performance period to rewrite their policies in a neutral tone that

did not discriminate against families with children. In all instances, remedies included on each agreement directly redress the alleged discriminatory harm.

During this performance period the agency did not have any cases proceeding to an administrative hearing.

At the time of the onsite review, the agency had five cases filed in court. However, no outcome or settlement has been reached yet.

Cause cases - court filing	
Hagood, Mara vs Signature Pointe Apartments	04-15-0981-8
Manfredini v. Maddington	04-13-1174-8
Engelmann, Suzanne v. The Summit HOA	04-14-0229-8
Woods, Stacy vs. Chen, Zeyi & Yang, Zhirong	04-14-0292-8
Bentley, Dolores v. Kenneth W. Dunn	04-14-0444-8

On a sixth caused case—04-13-0397-8—filed in court in the previous performance period, the court dismissed SCHAC from the case and allowed the complainant to pursue the case on their own behalf.

The next table shows the cases conciliated during the year.

Case Name	HUD Case Number	Relief
Atkins, Rochelle vs. Dogwood Crossing Circle	04-14-0450-8	RA - Parking space
Son, Ann v. BBF Corporation, et al	04-14-0457-8	Letter of apology
McAfee, Susan J. v. Waccamaw Management, LLC	04-14-0709-8	RA - Parking space - \$150
Mullinax, Barbara v. Loris Garden Apartments	04-14-0747-8	RP training - \$480
Woods, Stacy v. Springhouse Apartments	04-14-0749-8	Lease extended - Full deposit return - \$550
Kelly, Laqueta & Hunter, Quansuela v. Roper Mountain Woods Apts	04-14-0981-8	Carpet cleaned at no cost to CP
Christopher, Tonja v. Julia Lee; The Reserve at Cavalier	04-15-0020-8	\$305
Proleau, Nerin v. Housing Authority of the City of Charleston	04-15-0021-8	Housing accommodation provided as requested by CP
Edmond, Perry & Raquel v. Columbia Housing Authority, et al	04-15-0259-8	Past due rent forgiven - \$3,485
Grose, Brenda v. CAP Community Assistance Provider, et al	04-15-0341-8	Deposit reimbursement - \$500
Jones-Carter, Bernita & Carter, Detrick v. Alright Agency, Inc.	04-15-0405-8	Training - Rental renewal
McPeake, Bonnie v. Maisons-sur-Mer COA, Inc.	04-15-0485-8	ESA - Penalties waived - \$5,000
Lesusne, Gary v. Atlantic Appraisal, LLC, et al	04-15-0495-8	New property appraisal - Small claims court dropped
Jones, Janice v. Greenville Housing Authority	04-15-0501-8	Upgrade to 2-bedroom unit - \$350

**Conclusion:** The agency's practices include diverse kinds of relief to remedy the alleged harm and public interest relief that affirmatively prevents recurrences of discrimination. The agency met the standard requirements.

**F. Performance Standard #6: The agency must consistently and affirmatively seek to eliminate all prohibited practices under its fair housing law. [24 CFR § 115.206(e)(6)]**

In an attempt to reach out to a larger variety of audiences, SCHAC produced a formal Marketing and Outreach Strategy to guide its education and outreach efforts in the State of South Carolina<sup>9</sup>. The agency also made formal presentations and participated in

<sup>9</sup> See Exhibit 9 – SCHAC Marketing and Outreach Strategy

several events throughout the year<sup>10</sup>. Two events for all audiences reached hundreds of persons. Seventeen events targeting Hispanics reached 714 persons. Four events for African Americans reached 545 persons. And nine events for all audiences reached 772 persons.

Agency managers and staff interviewed explained in full detail some of the efforts undertaken by the agency to reach out to a variety of audiences and make them aware on their rights under both the Fair Housing Act and South Carolina's Fair Housing Statute.

**Conclusion:** SCHAC has met the requirements of 24 CFR § 115.206(e)(6).

**G. Performance Standard #7: The agency must demonstrate that it receives and processes a reasonable number of complaints cognizable under both the Fair Housing Act and the agency's fair housing statute or ordinance. [24 CFR § 115.206(e)(7)]**

With an estimated 2014 population of 4,832,000 in the State of South Carolina, SCHAC is expected to process at least 50 complaints a year. The agency processed 82 complaints, that is 32 (64%) above the minimum threshold

**Conclusion:** The agency has exceeded the standards required of 24 CFR § 15.206(e)(7).

**H. Performance Standard #8: The agency must report to HUD on the final status of all dual-filed complaints where a determination of reasonable cause was made. [24 CFR § 115.206(e)(8)]**

At the time of the onsite review, the agency had five cases filed in civil court. However, no outcome or settlement has been reached yet.

Cause cases - court filing	
Hagood, Mara vs Signatures Pointe Apartments	04-13-0981-8
Manfredini v. Maddington	04-13-1174-8
Engelmann, Suzanne v. The Summit HOA	04-14-0229-8
Woods, Stacy vs. Chen, Zeyi & Yang, Zhirong	04-14-0292-8
Bentley, Dolores v. Kenneth W. Dunn	04-14-0444-8

On a sixth caused case—04-13-0397-8—filed in court in the previous performance period, the court dismissed SCHAC from the case and allowed the complainant to pursue the case on their own behalf.

TEAPOTS has been properly updated on each case.

**Conclusion:** The agency has met the standards of 24 CFR § 115.206(e)(8).

<sup>10</sup> See exhibit 10 – Outreach and Education reports

**I. Performance Standard #9: The agency must conform its performance to the provisions of any written agreements executed by the agency and HUD related to substantial equivalence certification, including but not limited to the interim agreement or MOU. [24 CFR § 115.206(e)(9)]**

Conformance with provisions of the MOU not contemplated elsewhere in the report:

a. Paragraph IV.C. Initial Contact Date

Requirement: The MOU requires the agency to use the Initial Contact Date field in TEAPOTS to record the actual date on which the complainant first contacts the agency or FHEO to inquire about filing a housing discrimination complaint, or to report an alleged discriminatory housing practice.

Conclusion: The agency is in compliance with this requirement.

b. Performance Measures

FHAP agencies will close 50% of fair housing complaints referred by HUD within 100 days, excluding recommended cause and systemic complaints;  
FHAP agencies will close or charge 95% of its aged fair housing complaints within the fiscal year.

**50% Efficiency Goal**

The agency processed a total of 82 cases that could have aged over 100 days during the performance period through June 30, 2015. Of that number, 5 were cause cases. As a result, the total number of closed cases used for calculation purposes of this goal is 77. The agency closed 22 (29%) of those cases in 100 days or fewer. Therefore, the efficiency goal has not been met.

**95% Aged Case Closure Goal**

At the beginning of the performance period, the agency had a total of eleven (11) aged open cases. The agency closed all of them during the performance period. Therefore the aged case closure goal has been met

Conclusion: The agency partially met the requirements of 24 CFR § 115.206(e)(9).

**III. Budget and Finance Requirements [24 CFR § 115.307]**

SCHAC does not spend at least 20% of the agency's total operating budget (not including fair housing funds) on fair housing activities. Commissioner Buxton offered an explanation to RD in which he clearly stated that SCHAC will not be able to meet this

requirement any time soon due to very specific structural financial conditions of his agency<sup>11</sup>.

SCHAC does not commingle any FHAP funds with any other funds as the onsite reviewer confirmed.

All FHAP funds were used for the purpose of investigating complaints, training under the Fair Housing Act, maintenance of data and information systems, development of fair housing education and outreach projects, and salaries and fringe benefits of the fair housing staffs.

During the performance period the agency did not unilaterally reduced the level of financial resources committed to fair housing assistance.

The agency draws down its funds in a timely manner following HUD directions,

The latest financial report issued in October 2013 by the State of South Carolina Office of the State Auditor for the period ending June 30, 2013 did not reflect any deficiencies or findings related to FHAP.

**Conclusion:** The agency partially met the standard requirements.

#### **IV. Reporting and Record Keeping Requirements [24 CFR § 115.308]**

The agency maintains records demonstrating its financial administration of FHAP funds (24 CFR§ 115.308(a) (1). The agency also utilizes the South Carolina Enterprise Information System (SCEIS) for financial reporting.

The agency maintains records of its performance under the FHAP, including all past performance assessment reports, performance improvement plans and other documents pertaining to the agency's performance in the FHAP (24 CFR§115.308(a)(2)).

The agency permits reasonable public access to its records as required at 24CFR§115.308(c) (i.e. are the records made available at the agency's office during normal working hours for public review).

The Secretary of HUD, Inspector General of HUD, and Comptroller General of the United States, and any of their authorized representatives, have access to all the pertinent books, accounts, reports, files and other payments for surveys, audits, examinations, excerpts and transcripts as they relate to the agency's participation in FHAP (24 CFR§115.308(d)).

All files are kept in such a fashion as to permit the audits under applicable Office of Management and Budget circulars, procurement regulations and guidelines, and the Single Audit requirements for state and local agencies (24CFR§115.308(e)).

**Conclusion:** The requirement has been met.

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<sup>11</sup> Exhibit 11 - Financials

#### V. Testing Requirements [24 CFR § 115.311]

The agency has not engaged in testing activities during the performance period.

#### VI. Training Requirement [24 CFR § 115.306(b)]

The agency staff attended training courses as follows.

<i>Staff name</i>	<i>Training attended</i>	<i>Dates</i>	<i>Location</i>
Deborah Thomas	Week 2 NFHTA	July 7 – 11, 2014	Washington, DC
Connie Jenkins	Week 2 NFHTA	July 7 – 11, 2014	Washington, DC
Joshua Barr	Attorney Training	August 4 -8, 2014	Washington, DC
Joshua Barr	Week 1 NFHTA	January 25 – 30, 2015	Washington, DC
Lee Ann Rice	Week 1 NFHTA	January 25 – 30, 2015	Washington, DC
Anthony Sellers	Week 1 NFHTA	January 25 – 30, 2015	Washington, DC
Tamiko Johnson	Week 1 NFHTA	February 2 -6, 2015	Washington, DC
Joshua Barr	Accessibility for Investigators Training	March 8 – 10, 2015	Washington, DC
Marvin Caldwell	Accessibility for Investigators Training	March 8 – 10, 2015	Washington, DC
Deborah Thomas	Week 3 NFHTA	May 10 - 15, 2015	Washington, DC
Connie Jenkins	Week 3 NFHTA	May 10 - 15, 2015	Washington, DC

No member of the staff has completed all 5 weeks of the NFHTA training. The agency plans to continue the NFHTA training in the following year.

There was no HUD approved training offered to the staff through the year.

**Conclusion:** The requirement has been met.

#### VII. Data Support Systems Requirement [24 CFR § 115.307(a)(3)]

The agency consistently uses the Department's complaint data information system, TEAPOTS. The agency uses TEAPOTS to enter cases for dual filing requests, investigative activities as well as conciliation-related discussion.

The agency routinely inputs relevant data and information into TEAPOTS timely with few exceptions in cases not involving a reasonable cause determination.

**Conclusion:** The requirement has been met.

#### VIII. Changes Limiting Effectiveness of Agency's Law: [24 CFR § 115.211]

As of the date of the review there have been no changes to the state fair housing law.

**Conclusion:** The requirement has been met.

## IX. Civil Rights Requirement

There have been no complaints against the agency alleging violations of civil rights laws prohibiting discrimination by recipients of federal funding. At the time of the review the agency had two bi-lingual (English-Spanish) staffs that conduct intake, investigations, education and outreach and provide technical assistance in cases involving Spanish speaking parties. The agency's offices in Columbia are fully accessible to disabled persons.

On June 22, 2015 the former director of Fair Housing—dismissed on January 30, 2015—filed a complaint with the EEOC alleging race, age, sex, retaliation and equal pay as factors in her being dismissed from the agency.

**Conclusion:** The requirement has been met.

## X. Subcontracting Requirement [24 CFR § 115.309]

The agency does not subcontract any of its work.

**Conclusion:** N/A

## XI. FHAP and the First Amendment [24 CFR § 115.310]

A review of the case files and financial records did not show any activity that may be protected by the First Amendment.

**Conclusion:** The requirement has been met.

## XII. Summary of Performance / Corrective Actions

### A. Organizational Structure and Staffing

**Concern:** SCHAC experienced significant staffing changes during the period of performance, which led the agency to achieve significant improvements on the second semester. Two months after the onsite review, additional changes took place as a result of the newly appointed Fair Housing Manager accepting a new position with a different agency. This new change provided the opportunity to promote another experienced staffer within the agency to become the latest Fair Housing Division Manager.

**Recommendation:** The agency is encouraged to continue working closely with the GTM to make sure that all adopted changes continue making positive impacts on next year's results.

### B. Performance Standard # 1

**Concern:** Between July 1, 2014 and January 30, 2015 the agency paid very little attention to the processing of all cases in a timely and effective manner. The changes adopted by the agency beginning on January 30, 2015 made a significant impact in the overall yearly results. In fact, while the overall yearly rate of case processing only reached 27% of all cases processed under 100 days, the second semester reached a full 94% of all cases closed under 100 days.

**Recommendation:** The agency is encouraged to sustain the progress reached in the second semester of the performance period by paying permanent close attention to its inventory aging, and discussing with GTM any case that requires processing beyond 100 days as soon as the agency learns about it.

#### C. Performance Standard # 2

**Concern:** While it is a positive fact that only 3 (4%) of all cases processed in the year were closed administratively, the agency's attention is called about the fact that two of those cases were closed at 160 and 197 days. The payment forms indicate that the three cases should have been closed no later than 30, 60, and 75 days after filing date.

**Recommendation:** The agency must make all possible efforts to follow the recommended closure timeframes for all cases closed administratively as indicated on each payment form.

#### D. Performance Standard # 4

**Concern:** The agency does not have a written protocol or policy about compliance review for settlements or conciliation agreements, and it relies on a reactive mode by which settlements are reviewed only if it is brought to the agency's attention that any of the parties has breached the signed conciliation.

**Recommendation:** The agency is encouraged to discuss with GTM the efforts currently underway to adopt written policies for the customary review of settlements or conciliation agreements' Furthermore, the agency is encouraged to share with the GTM the full policy one it is formally adopted.

#### E. Budget and Finance Requirements

**Concern:** The agency has formally communicated HUD that its financial structure and budget size is an impediment for the agency to spend at least 20% of the total operating budget (not including fair housing funds) on fair housing activities.

**Recommendation:** The agency is advised to continue seeking options to reach the 20% threshold, even if this effort takes more than one year.

### **XIII. Conclusion and Recommendations**

The South Carolina Human Affairs Commission has demonstrated a strong willingness to be a valuable fair housing partner. Following on HUD's notice on an impending Performance Improvement Plan (PIP) due to the agency's poor performance during the first five months of the year, SCHAC made difficult and significant staffing changes that radically improved the direction and results under the Fair Housing Assistance Program.

The onsite visit, which included the review of a significant number of file cases and other documentation, as well as interviews with staffs and managers, revealed an agency fully committed to ensuring fair housing rights for all and a willingness to quickly respond to any performance matters identified or best practices suggested.

The onsite review conducted July 22-23, 2015 has found the South Carolina Human Affairs Commission in substantial compliance with the requirements of the Fair Housing Assistance Program (FHAP). The concerns noted above only complement the agency's already adopted decisions, and once addressed, they will contribute to a farther strengthening of SCHAC's results as a FHAP partner.

Within thirty days of receipt of this report, the agency should submit a formal answer addressing the concerns and recommendations identified above.

Therefore, based on the practices and performance of the agency, the United States Department of Housing and Urban Development recommends the South Carolina Human Relations Commission for continuing certification as a substantially equivalent agency under Section 810(f)(3) of the Fair Housing Act. The Atlanta FHEO Regional Office will continue to provide technical assistance to the agency as needed in support of its efforts to maintain a high level of performance in achieving program standards and requirements.

### **XIV. Exhibits**

1. Organizational Chart
2. Regional Director letter to SCHAC 12/5/14
3. Inventory 11/26/14
4. SCHAC replacement of Fair Housing Division Director
5. State of Fair Housing Division Address 2015
6. List of cases processed by SCHAC during FY 2015
7. Open case inventory 6/30/15
8. Open case inventory 6/30/15 still open on 10/7/15
9. SCHAC Marketing and Outreach Strategy
10. Outreach and Education Reports
11. Financials

**XV. Signature Page**

**South Carolina Human Affairs Commission**

**Performance Assessment Review July 22-23, 2015**

**Signature Page**



October 23, 2015

**FHEO Government Technical Monitor**

**Date**

**FHEO Government Technical Representative**

**Date**



**FHEO Region Director**

10/11/15

**Date**

# Attachment E



Raymond Buxton, II  
Commissioner

# STATE OF SOUTH CAROLINA HUMAN AFFAIRS COMMISSION

1026 Sumter Street, Suite 101  
Columbia, South Carolina 29201  
(803) 737-7800 (803) 737-7835 Fax



www.schac.sc.gov  
1-800-521-0725

January 7, 2016

Mr. Carlos Osegueda  
FHEO Region IV Director  
U.S. Department of Housing and Urban Development  
Five Points Plaza  
40 Marietta Street  
Atlanta, GA 30303-2906

**SUBJECT:** Fair Housing Assistance Program Performance Assessment  
South Carolina Human Affairs Commission

Dear Mr. Osegueda:

Enclosed is our response to the areas of concern noted in the 2015 Assessment Report. As a result of the Agency's restructuring, significant progress has been made to remedy our case management process.

We appreciate and value our partnership with you and HUD and look forward to continuing to serve the people of South Carolina.

Should you have any questions, please do not hesitate to contact me.

Sincerely,

  
Raymond Buxton, II  
Commissioner

Enclosure

c: Mr. Kirk Ashmeade  
EOS/Program Analyst

Marvin Caldwell  
Interim Housing Director

*Our mission is to eliminate and prevent unlawful discrimination in employment, housing and public accommodations.*

## **XII. Summary of Performance / Corrective Actions**

### **A. Organizational Structure and Staffing**

**Concern:** SCHAC experienced significant staffing changes during the period of performance, which led the agency to achieve significant improvements on the second semester. Two months after the onsite review, additional changes took place as a result of the newly appointed Fair Housing Manager accepting a new position with a different agency. This new change provided the opportunity to promote another experienced staffer within the agency to become the latest Fair Housing Division Manager.

**Recommendation:** The agency is encouraged to continue working closely with the GTM to make sure that all adopted changes continue making positive impacts on next year's results.

**Response:** The Interim Director and GTM have had communication within the past week and the Director ensures that he will continue to work closely and establish a working relationship with the GTM.

### **B. Performance Standard # 1**

**Concern:** Between July 1, 2014 and January 30, 2015 the agency paid very little attention to the processing of all cases in a timely and effective manner. The changes adopted by the agency beginning on January 30, 2015 made a significant impact in the overall yearly results. In fact, while the overall yearly rate of case processing only reached 27% of all cases processed under 100 days, the second semester reached a full 94% of all cases closed under 100 days.

**Recommendation:** The agency is encouraged to sustain the progress reached in the second semester of the performance period by paying permanent close attention to its inventory aging, and discussing with GTM any case that requires processing beyond 100 days as soon as the agency learns about it.

**Response:** A procedure with the former Director of Housing has been established in which the Director meets with each investigator on the 21<sup>st</sup>, 42<sup>nd</sup>, 63<sup>rd</sup>, 84<sup>th</sup>, and 100<sup>th</sup> day. The Interim Director will continue with that procedure and meet with the investigator weekly after it is over 100 days. The Director will discuss and stay abreast in cases over 100 days with the GTM.

### **C. Performance Standard # 2**

**Concern:** While it is a positive fact that only 3 (4%) of all cases processed in the year were closed administratively, the agency's attention is called about the fact that two of those cases were closed at 160 and 197 days. The payment forms

indicate that the three cases should have been closed no later than 30, 60, and 75 days after filing date.

**Recommendation:** The agency must make all possible efforts to follow the recommended closure timeframes for all cases closed administratively as indicated on each payment form.

**Response:** The Fair Housing Division will make all possible efforts to make administrative closures as soon as it is detected that the case needs to be closed administratively. The meetings on the 21<sup>st</sup>, 42<sup>nd</sup>, 63<sup>rd</sup>, and 84<sup>th</sup> day should resolve that issue.

#### **D. Performance Standard # 4**

**Concern:** The agency does not have a written protocol or policy about compliance review for settlements or conciliation agreements, and it relies on a reactive mode by which settlements are reviewed only if it is brought to the agency's attention that any of the parties has breached the signed conciliation.

**Recommendation:** The agency is encouraged to discuss with GTM the efforts currently underway to adopt written policies for the customary review of settlements or conciliation agreements' Furthermore, the agency is encouraged to share with the GTM the full policy once it is formally adopted.

**Response:** The agency has not had agreements in which there was a need for a compliance review. If an Agreement contains a public interest requirement for Fair Housing training, the agency schedules and completes the training as well as issues certificates for the training. There have been times in the past in which the agency reviewed and approved a respondent's revised policy. The agency also requests proof of the change when the respondents make their tenants aware of the policy change.

The agency will work with GTM to construct a written protocol or policy about compliance reviews so there will be one in place when there is a need to have a compliance review.

#### **E. Budget and Finance Requirements**

**Concern:** The agency has formally communicated HUD that its financial structure and budget size is an impediment for the agency to spend at least 20% of the total operating budget (not including fair housing funds) on fair housing activities.

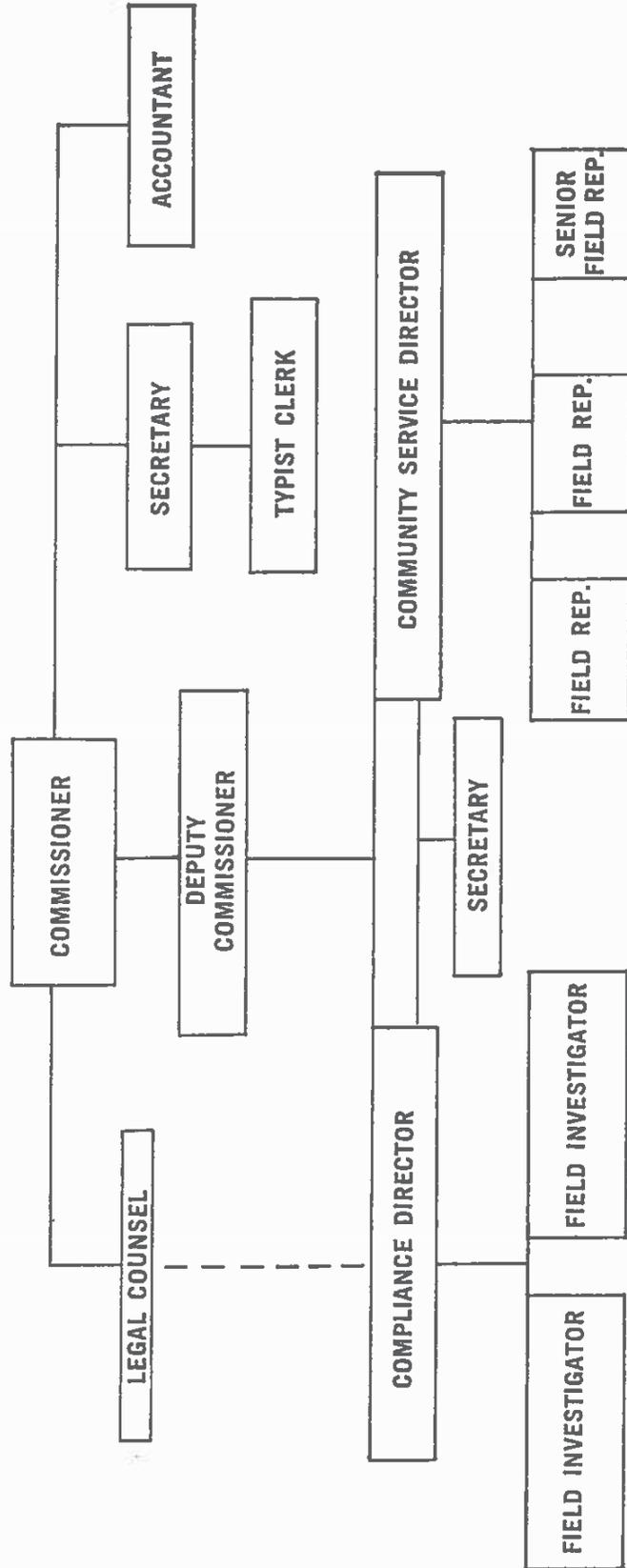
**Recommendation:** The agency is advised to continue seeking options to reach the 20% threshold, even if this effort takes more than one year.

**Response:** The Agency continues to seek additional funds from the state legislature to cover growing expenses as well as this particular requirement.

# Attachment F

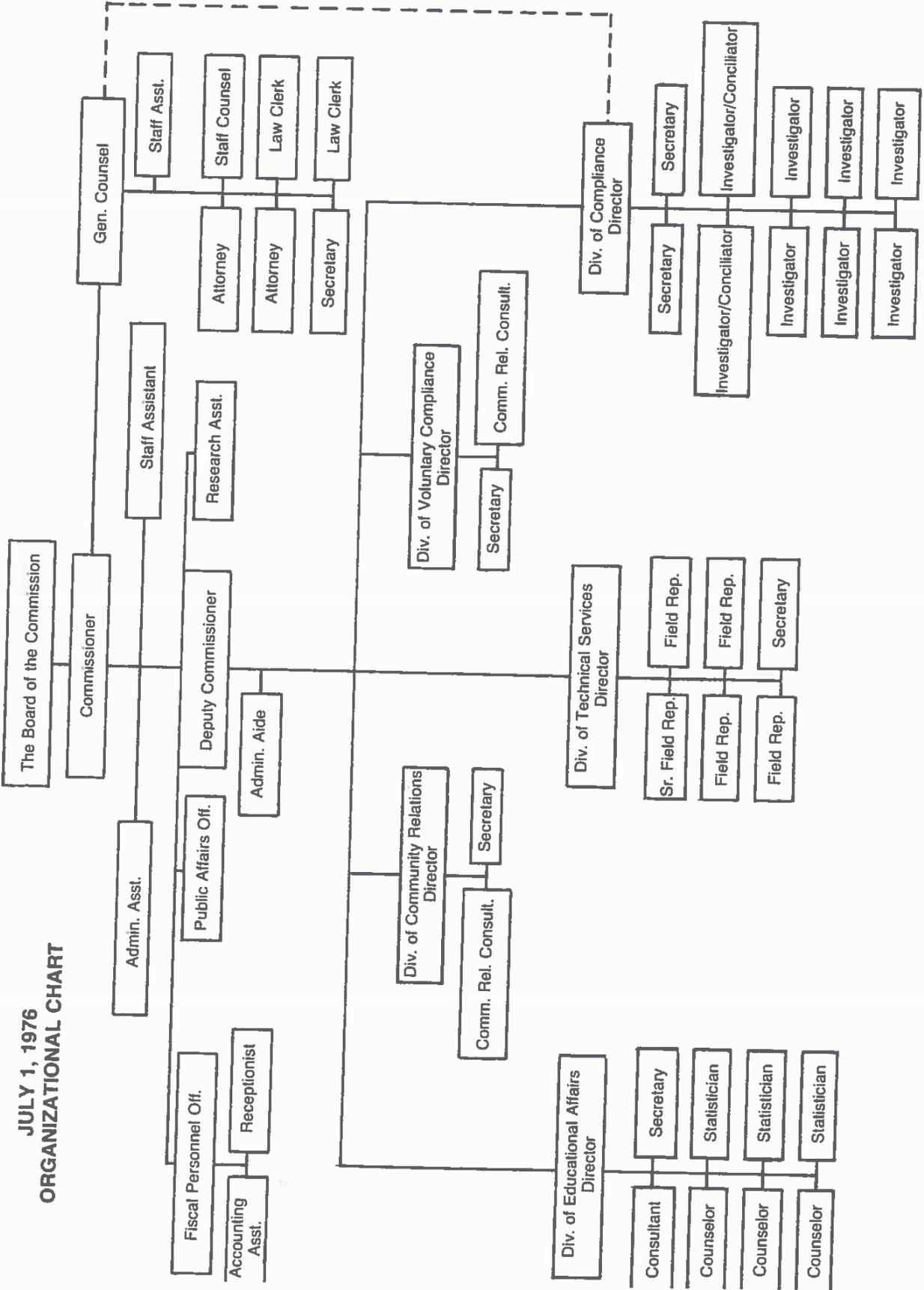
1/2-13

### SOUTH CAROLINA COMMISSION ON HUMAN AFFAIRS ORGANIZATIONAL CHART

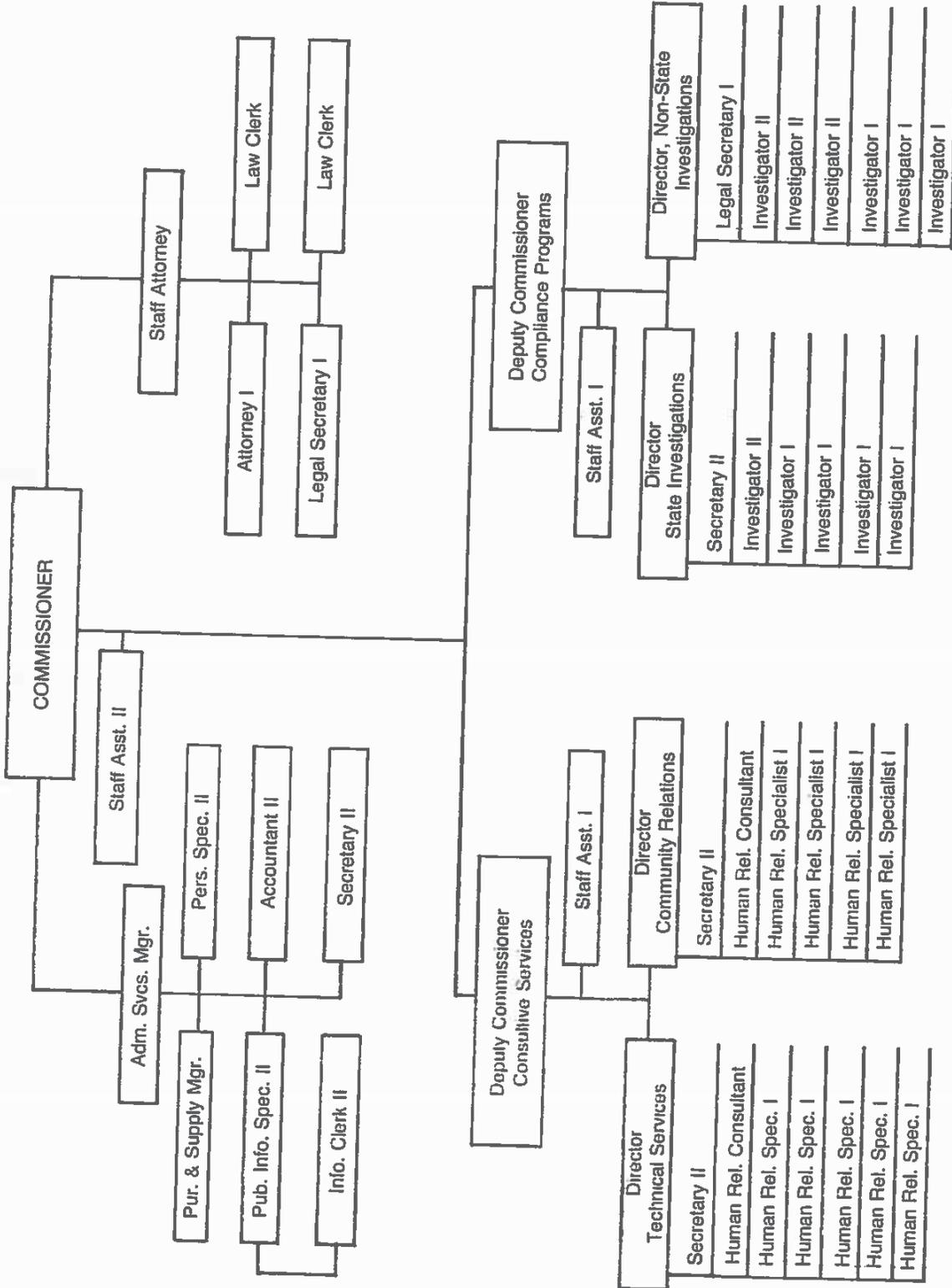


15-14

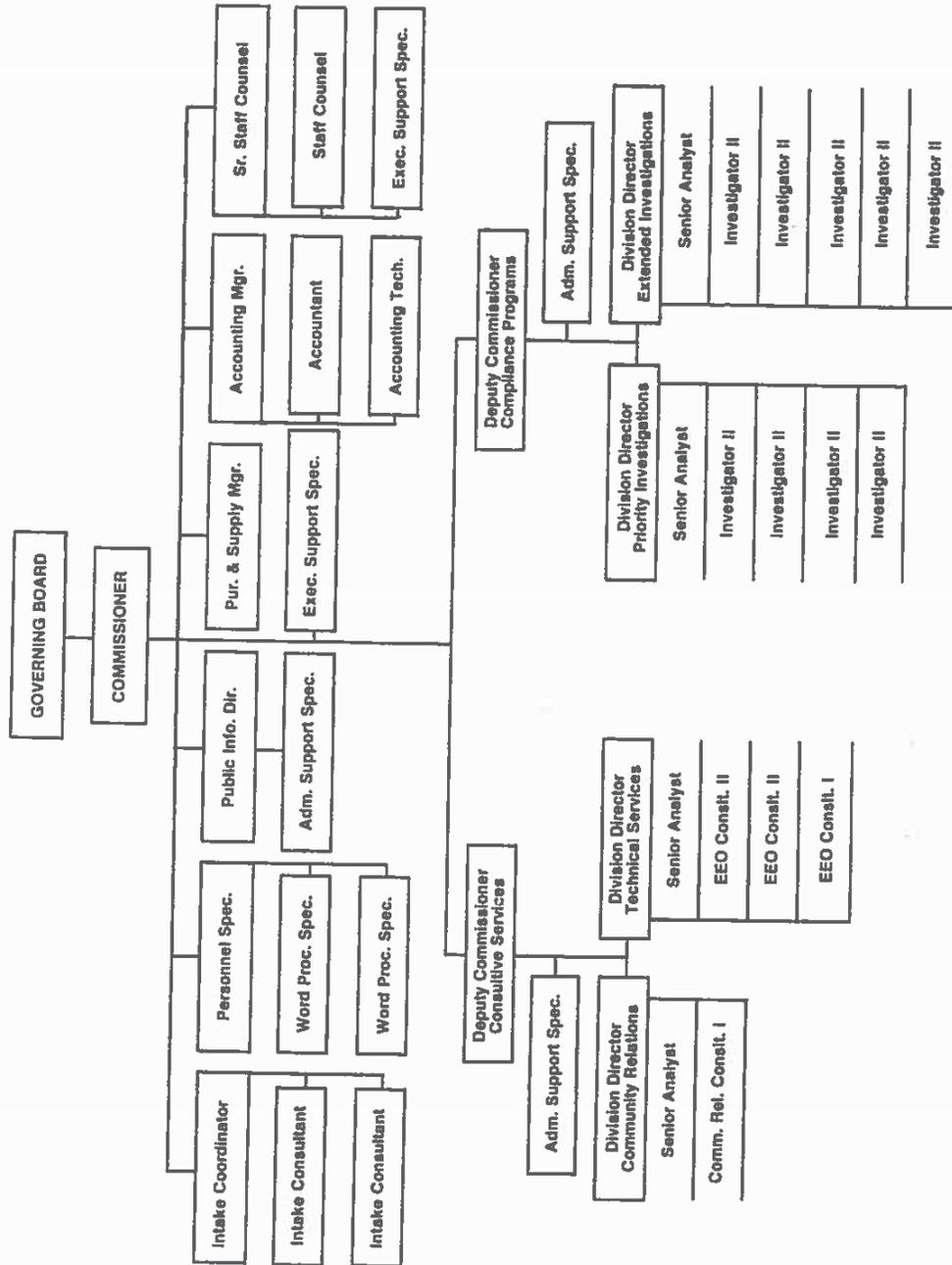
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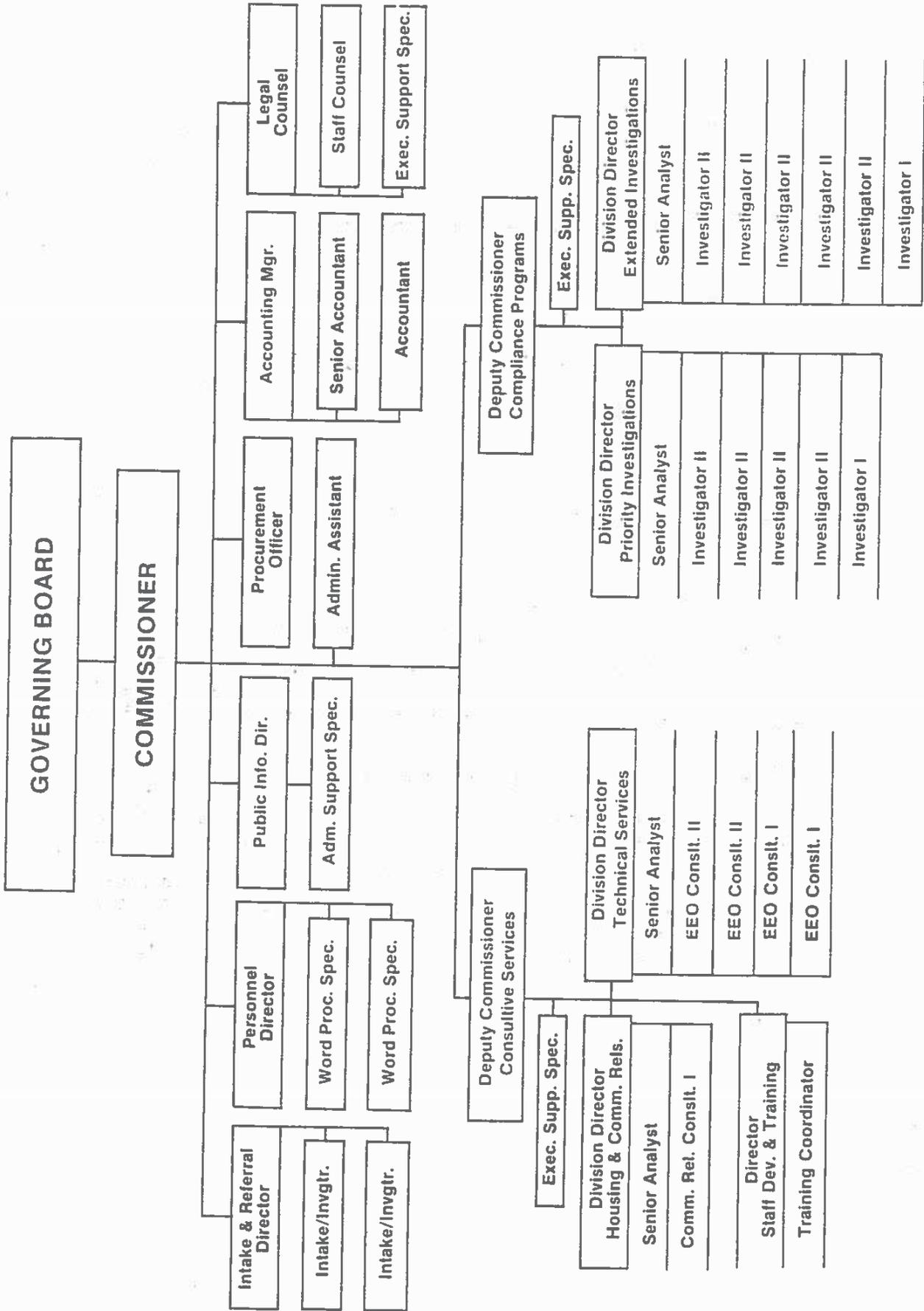


18-79



83-84





88-84

GOVERNING BOARD  
COMMISSIONER

ADMINISTRATIVE ASSISTANT

EXECUTIVE ASSISTANT  
PUBLIC INFO. DIRECTOR  
ADMSTV. SPECIALIST

PERSONNEL DIRECTOR  
INFO. RESOURCE COORDINATOR  
WORD PROC. SPECIALIST

ACCOUNTING MANAGER  
SENIOR ACCOUNTANT  
PROCUREMENT OFFICER

LEGAL COUNSEL  
STAFF COUNSEL  
EXEC. SUPP. SPECIALIST

DEPUTY COMMISSIONER CONSULTATIVE SERVICES

EXEC. SUPP. SPECIALIST  
DIRECTOR COMMUNITY RELATIONS  
SENIOR ANALYST  
COMM. REL. CONSULTANT  
DIRECTOR INTAKE & REFERRAL  
EXEC. SUPP. SPECIALIST  
INTAKE INVESTIGATOR  
INTAKE INVESTIGATOR  
INTAKE INVESTIGATOR

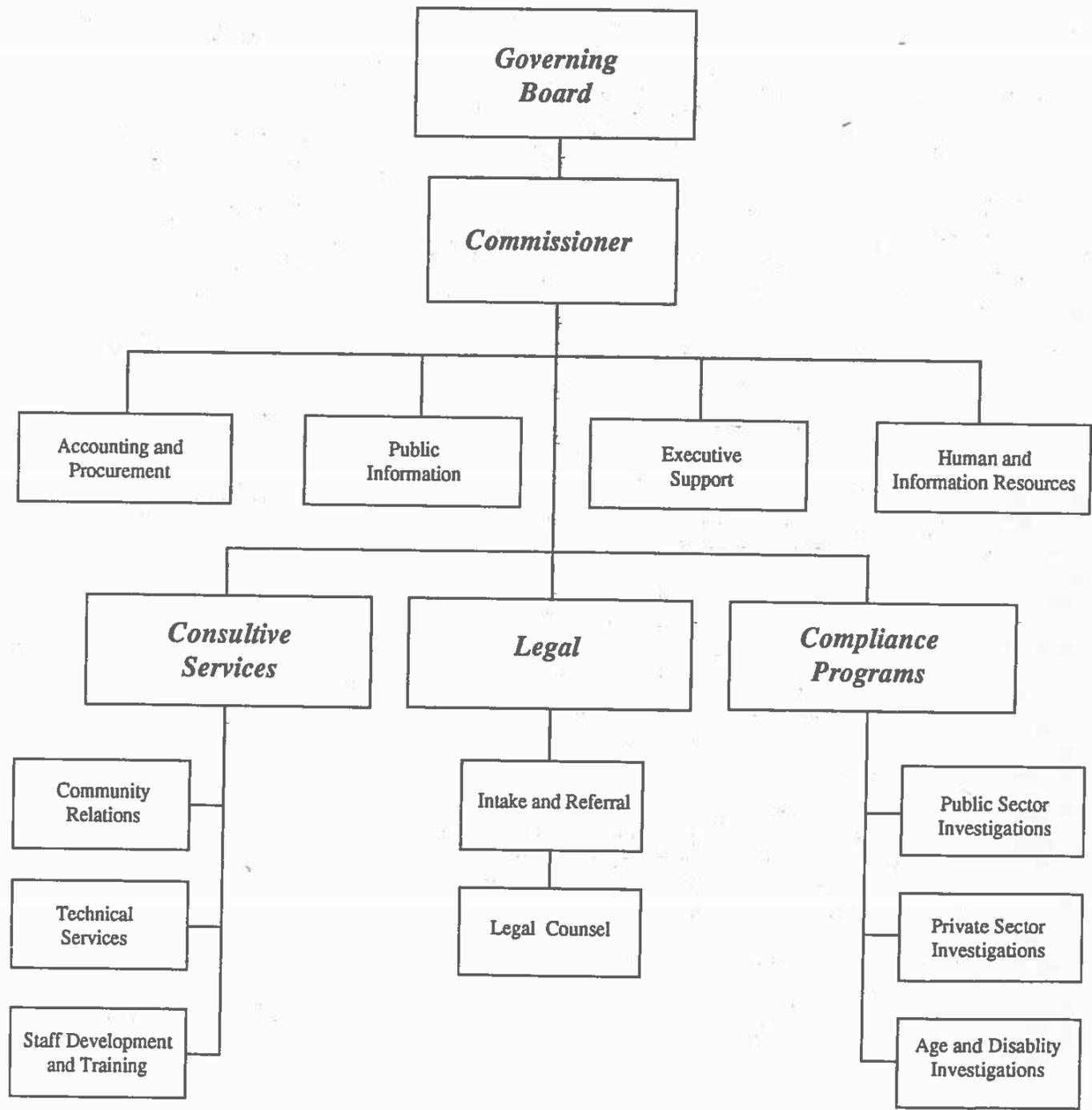
DEPUTY COMMISSIONER COMPLIANCE PROGRAMS

DIRECTOR PRIORITY INVSGTNS.  
SENIOR ANALYST  
COMPLIANCE INVGTR.  
COMPLIANCE INVGTR.

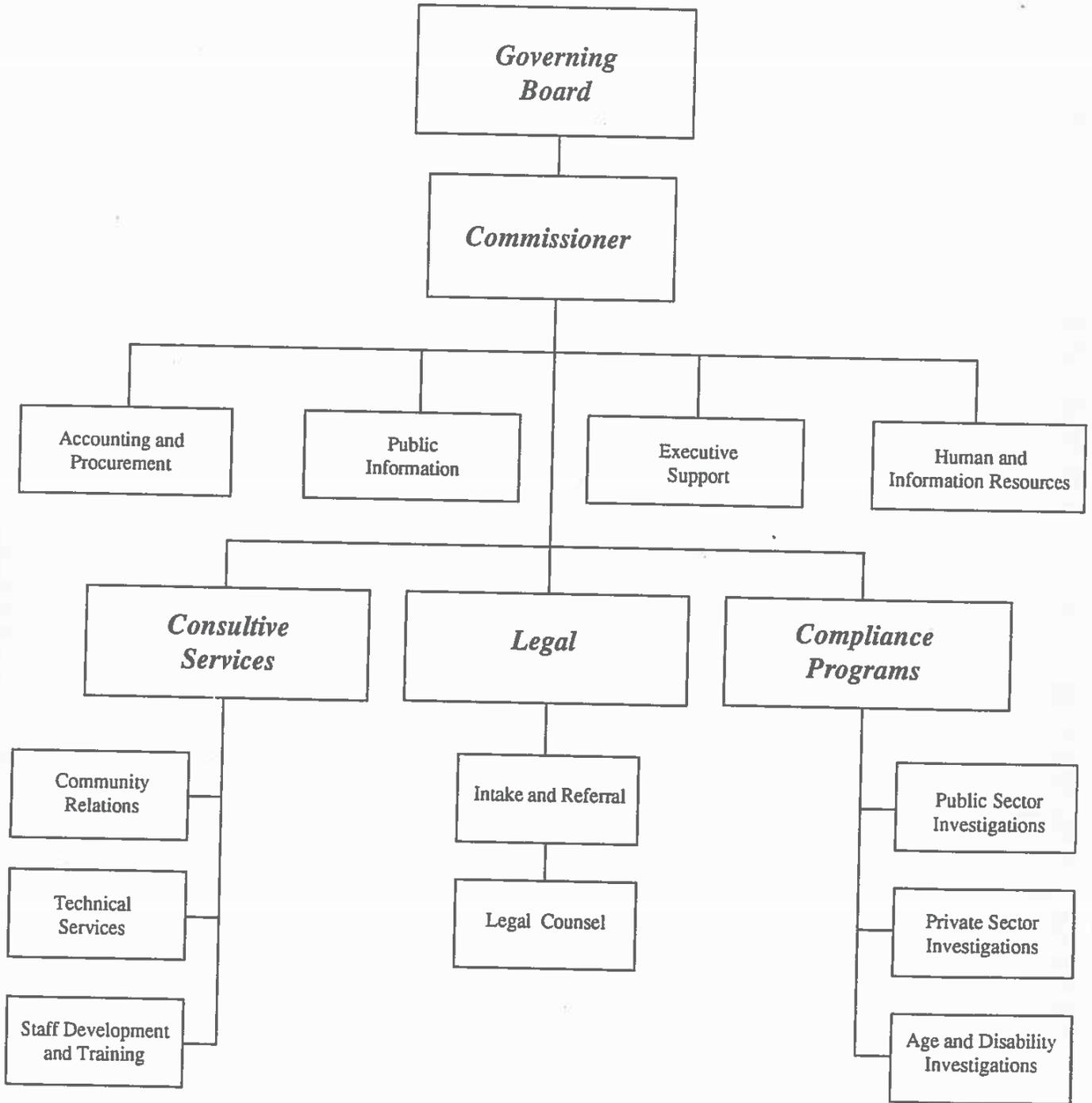
DIRECTOR TECHNICAL SERVICES  
EEO CONSULTANT  
EEO CONSULTANT  
EEO CONSULTANT  
EEO CONSULTANT  
DIRECTOR STAFF DEV. & TRAINING

EXEC. SUPP. SPECIALIST  
DIRECTOR EXTENDED INVSGTNS.  
SENIOR ANALYST  
COMPLIANCE INVGTR.  
COMPLIANCE INVGTR.  
COMPLIANCE INVGTR.  
COMPLIANCE INVGTR.  
COMPLIANCE INVGTR.  
COMPLIANCE INVGTR.  
COMPLIANCE INVGTR.

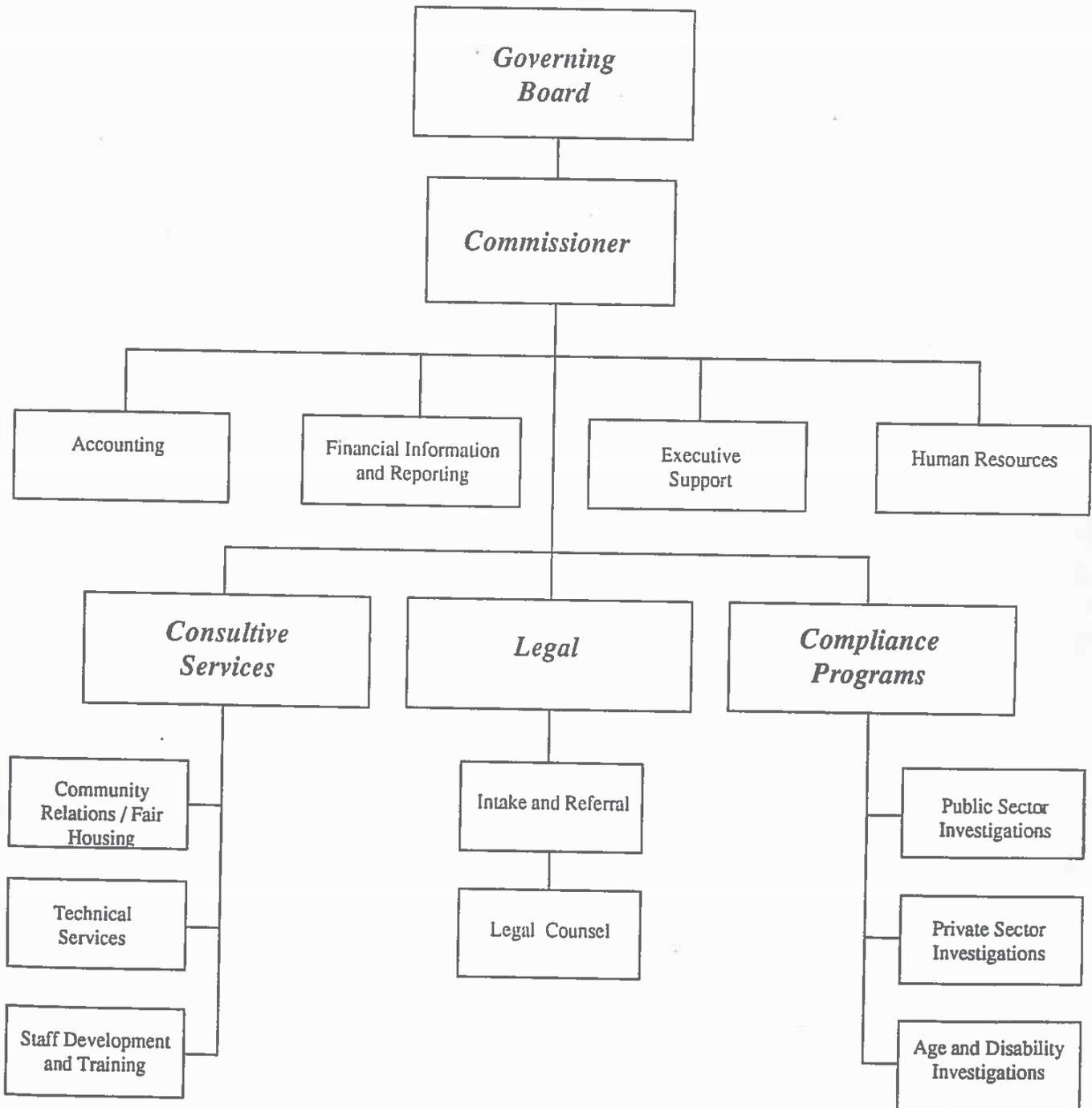
# Organization Chart



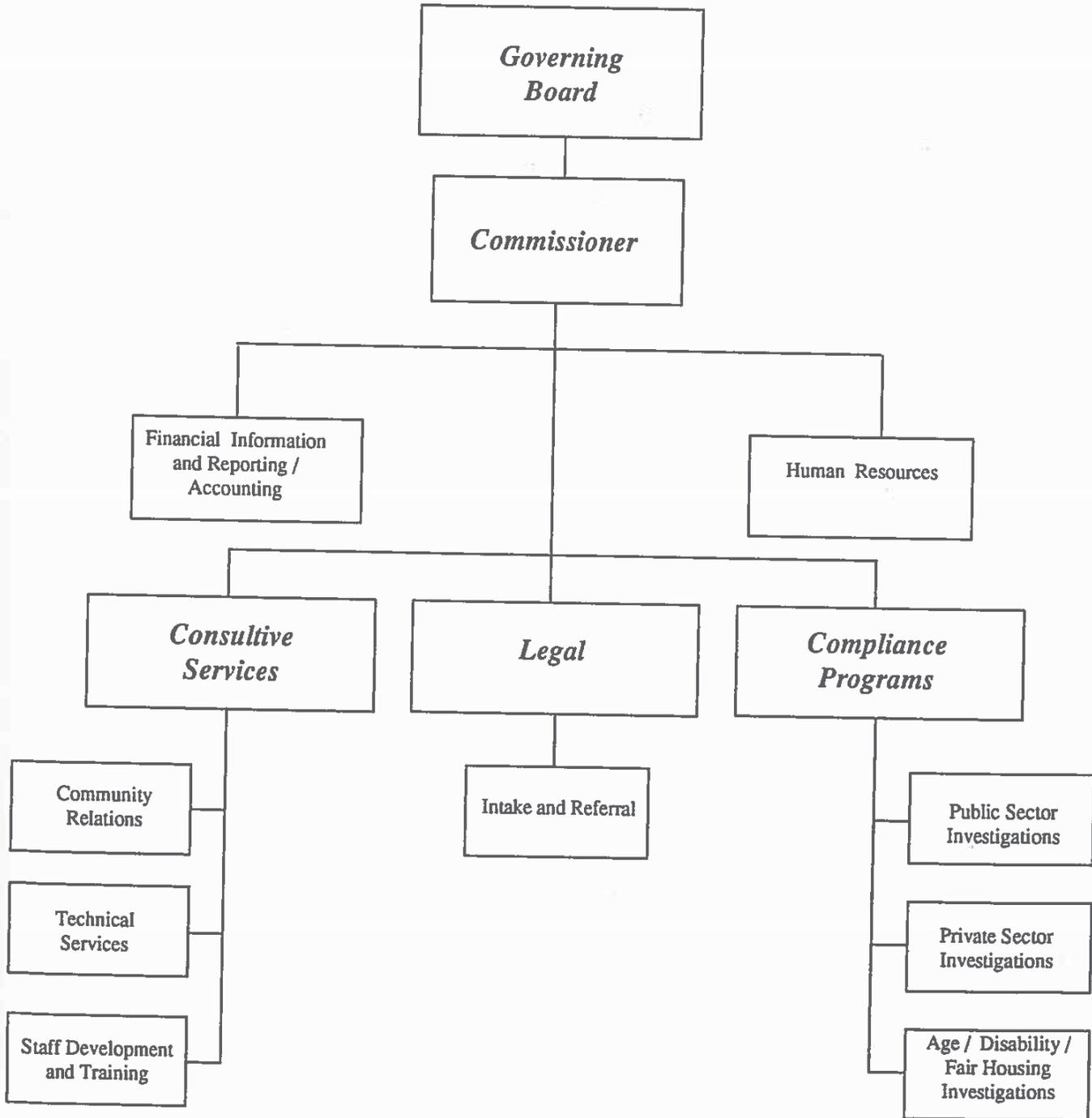
# Organization Chart



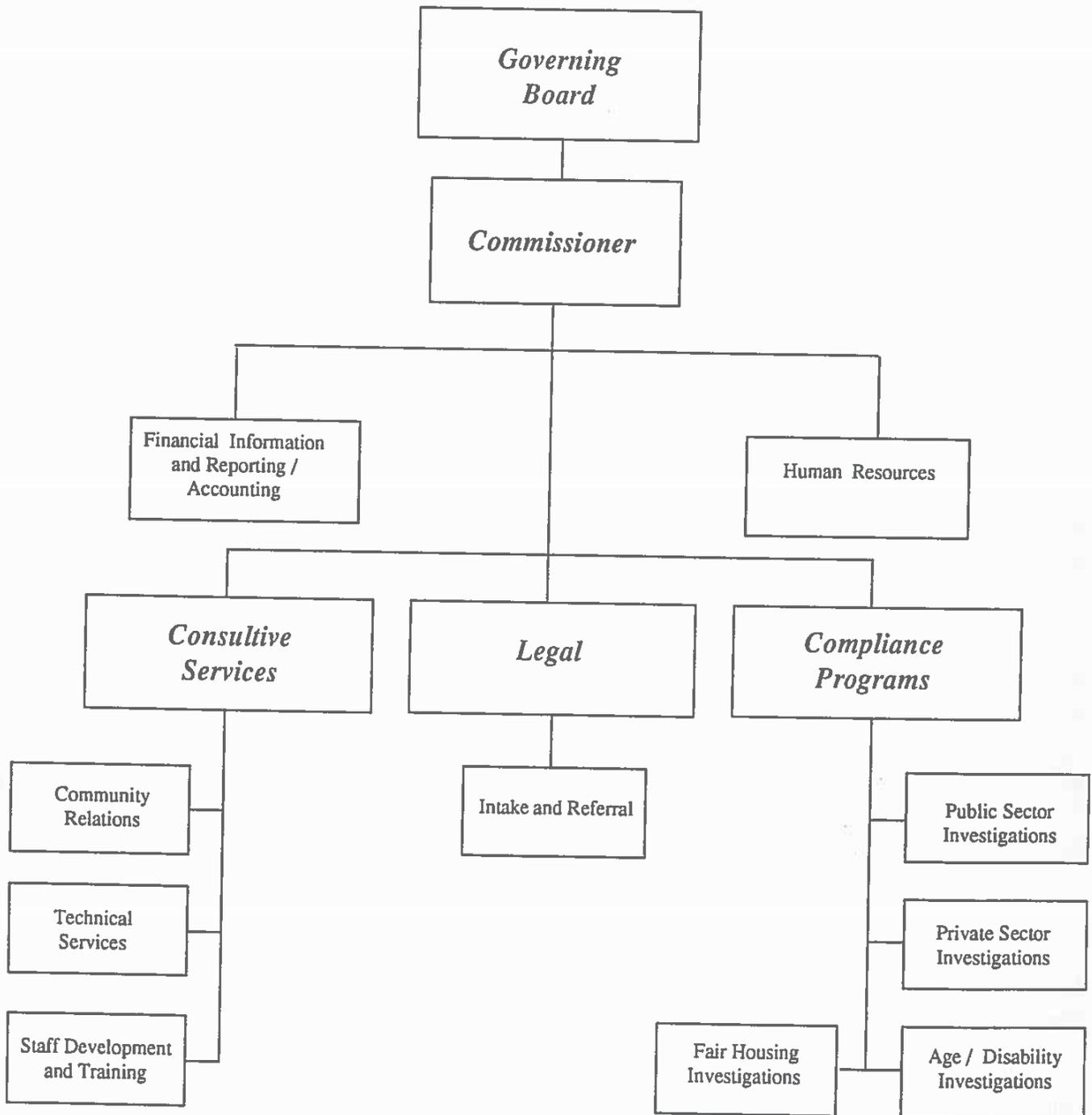
# Organization Chart



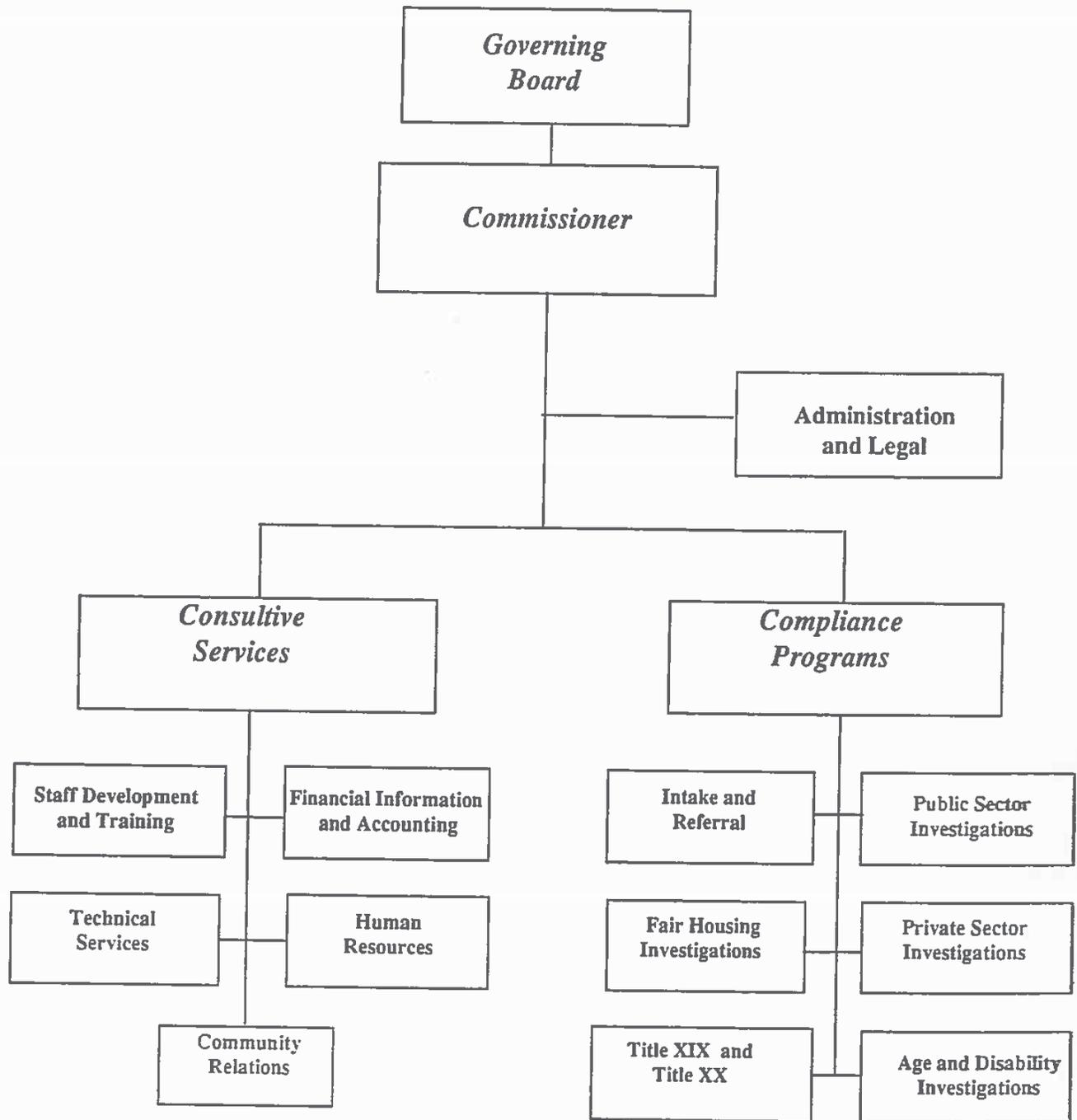
# Organization Chart



# Organization Chart

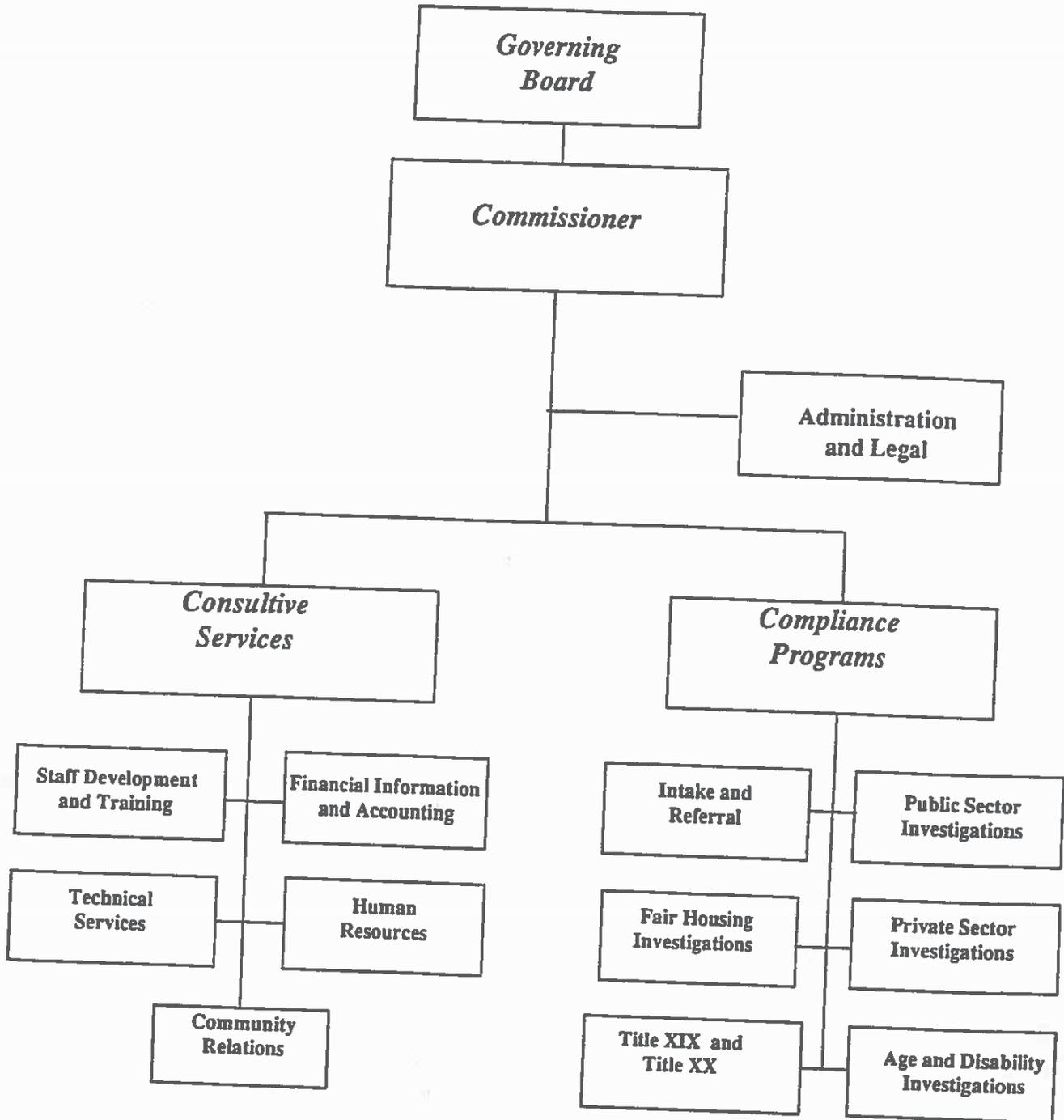


# Organizational Chart

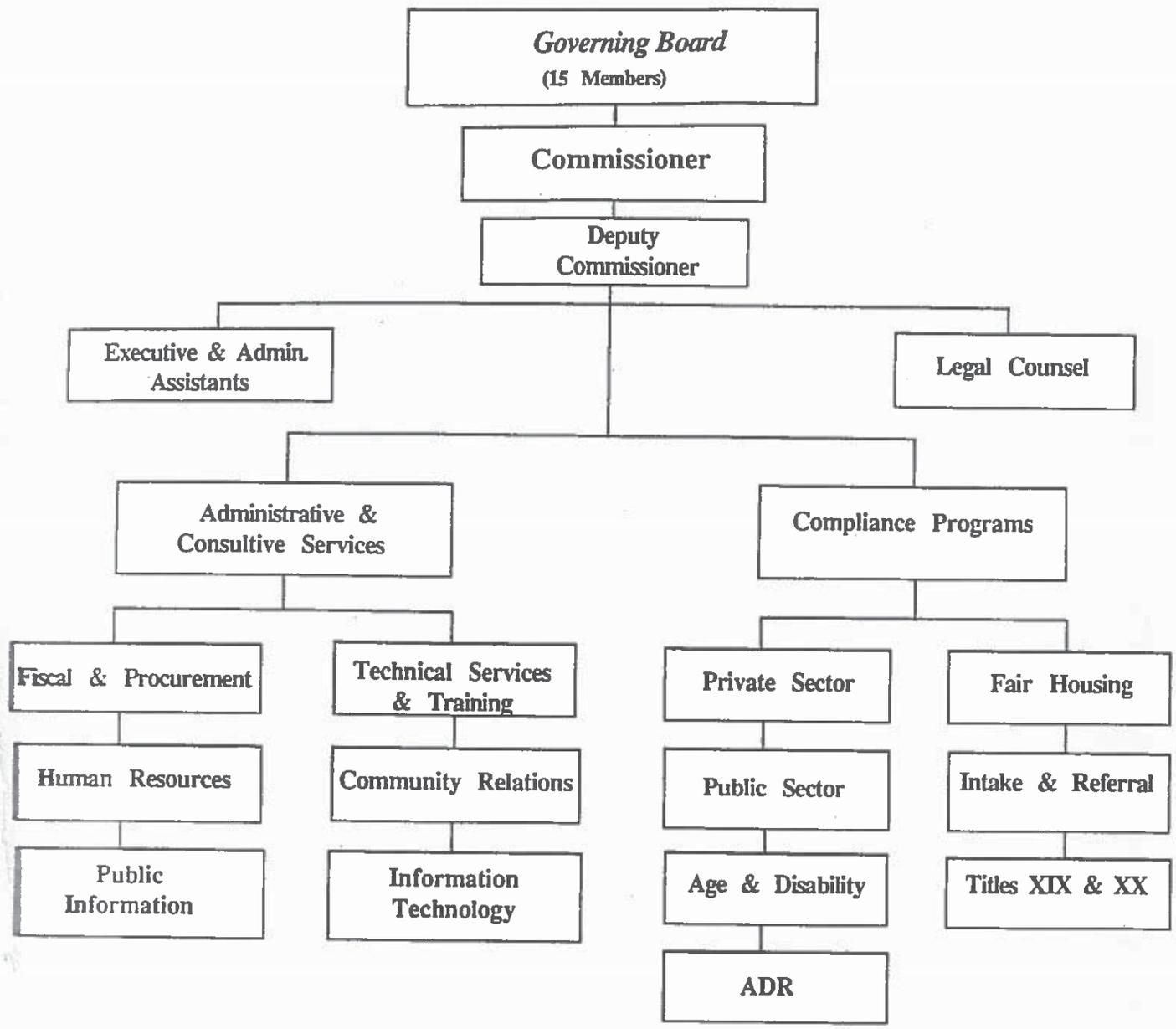


### III

## ORGANIZATION CHART

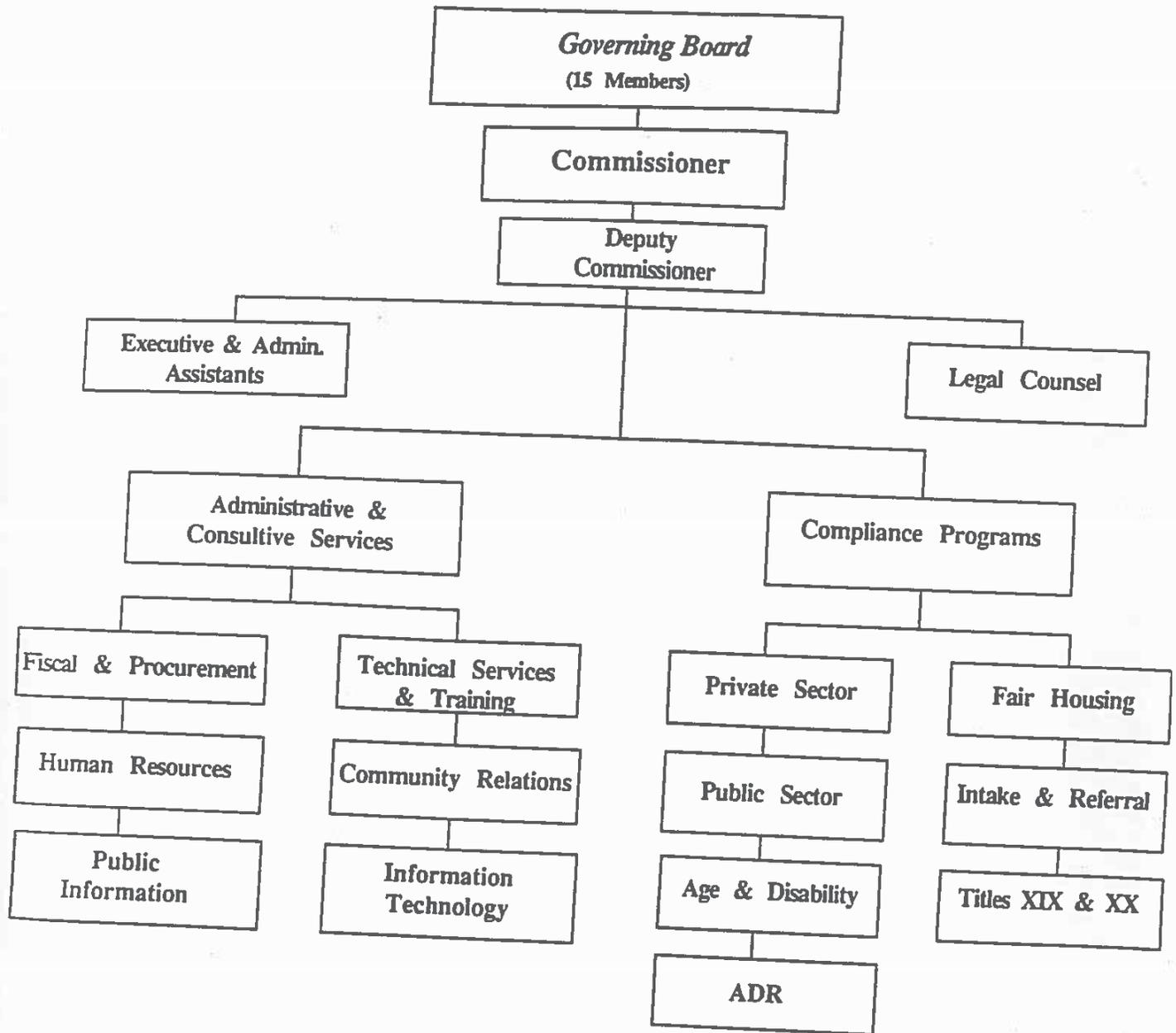


# Organizational Chart



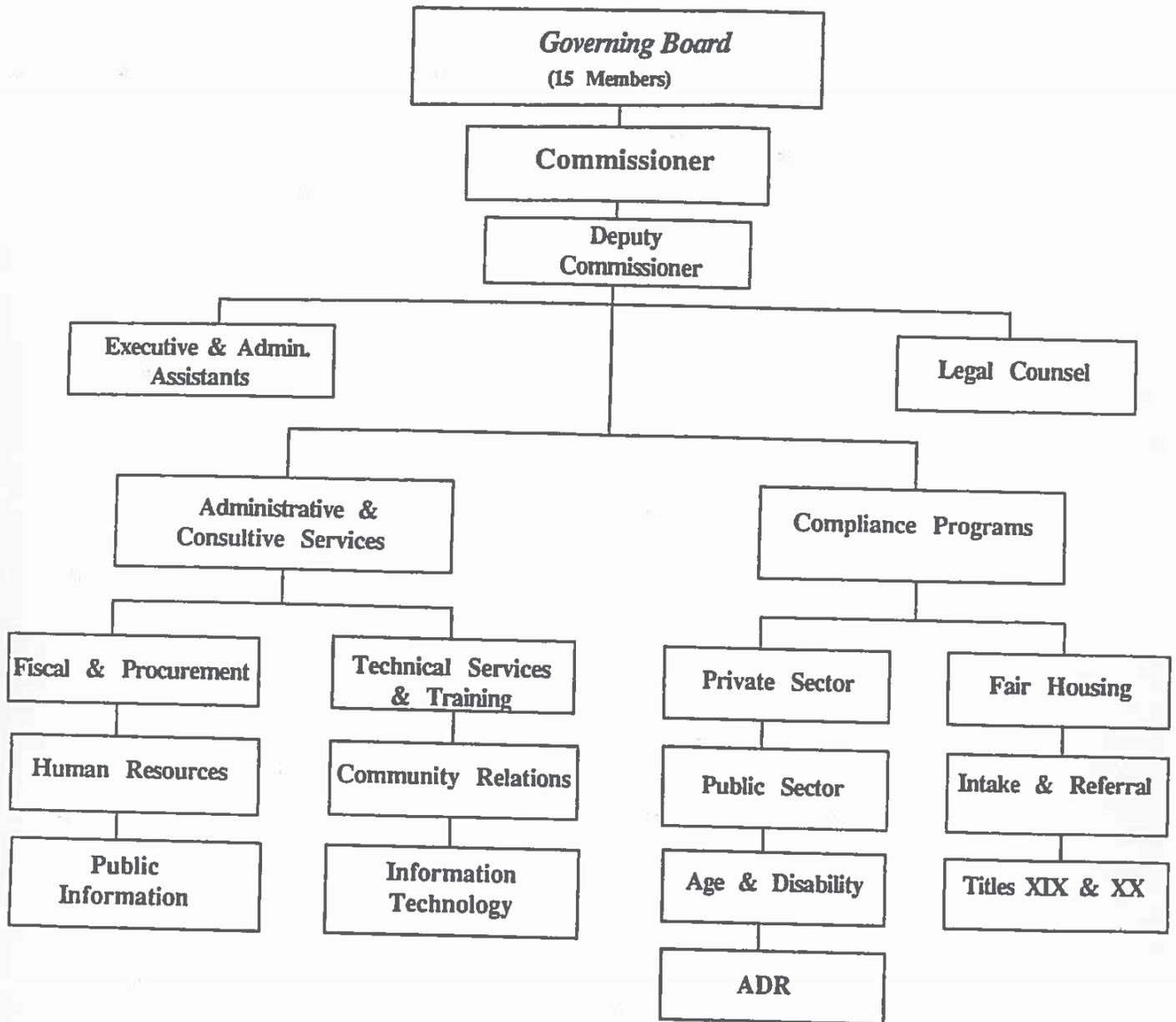
Revised 11/26/97

# Organizational Chart



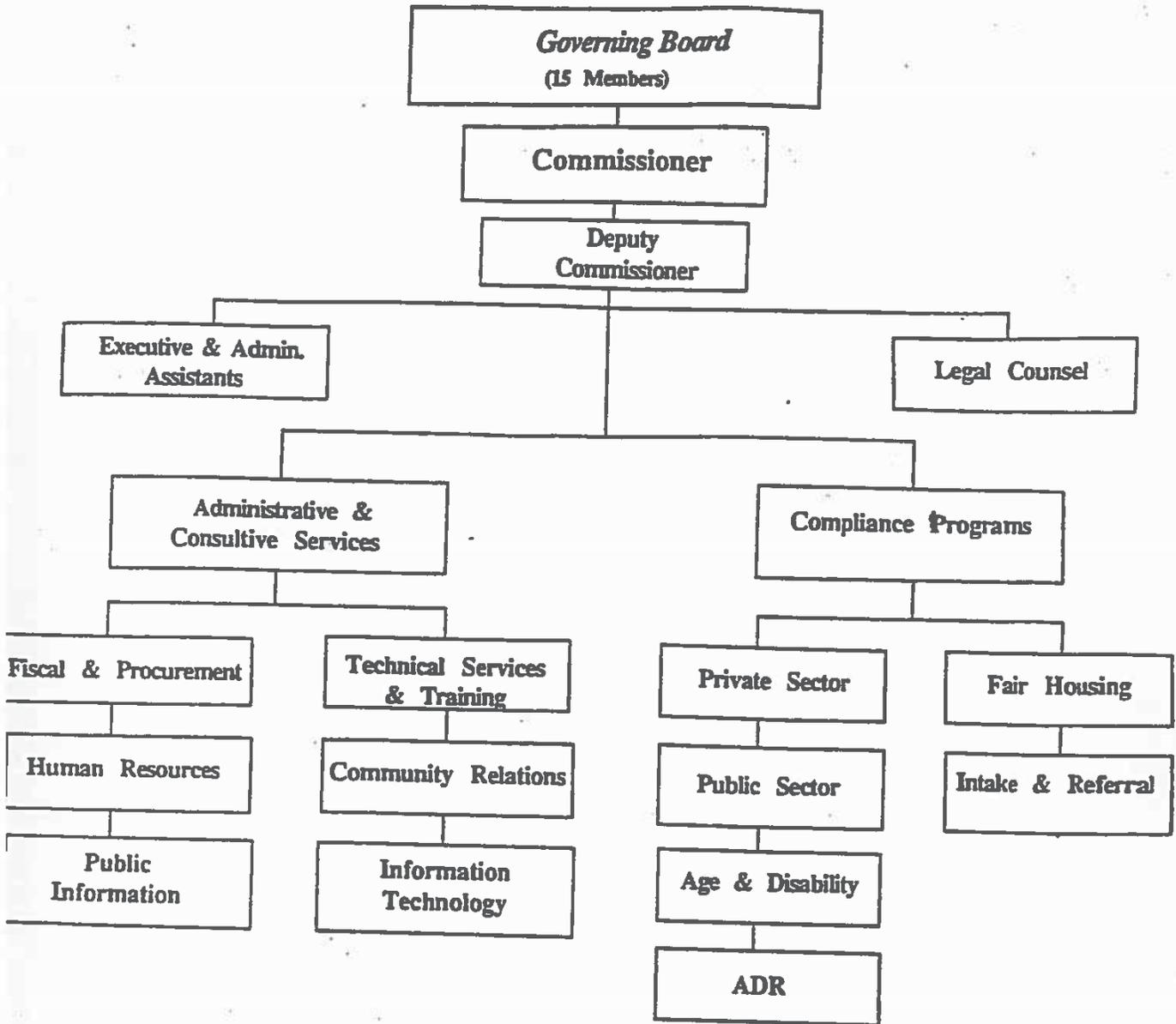
Revised 11/26/97

# Organizational Chart



Revised 11/26/97

# Organizational Chart



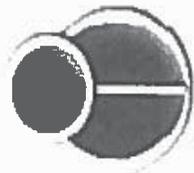
Revised 11/26/97

# South Carolina Human Affairs Commission

## Organizational Chart



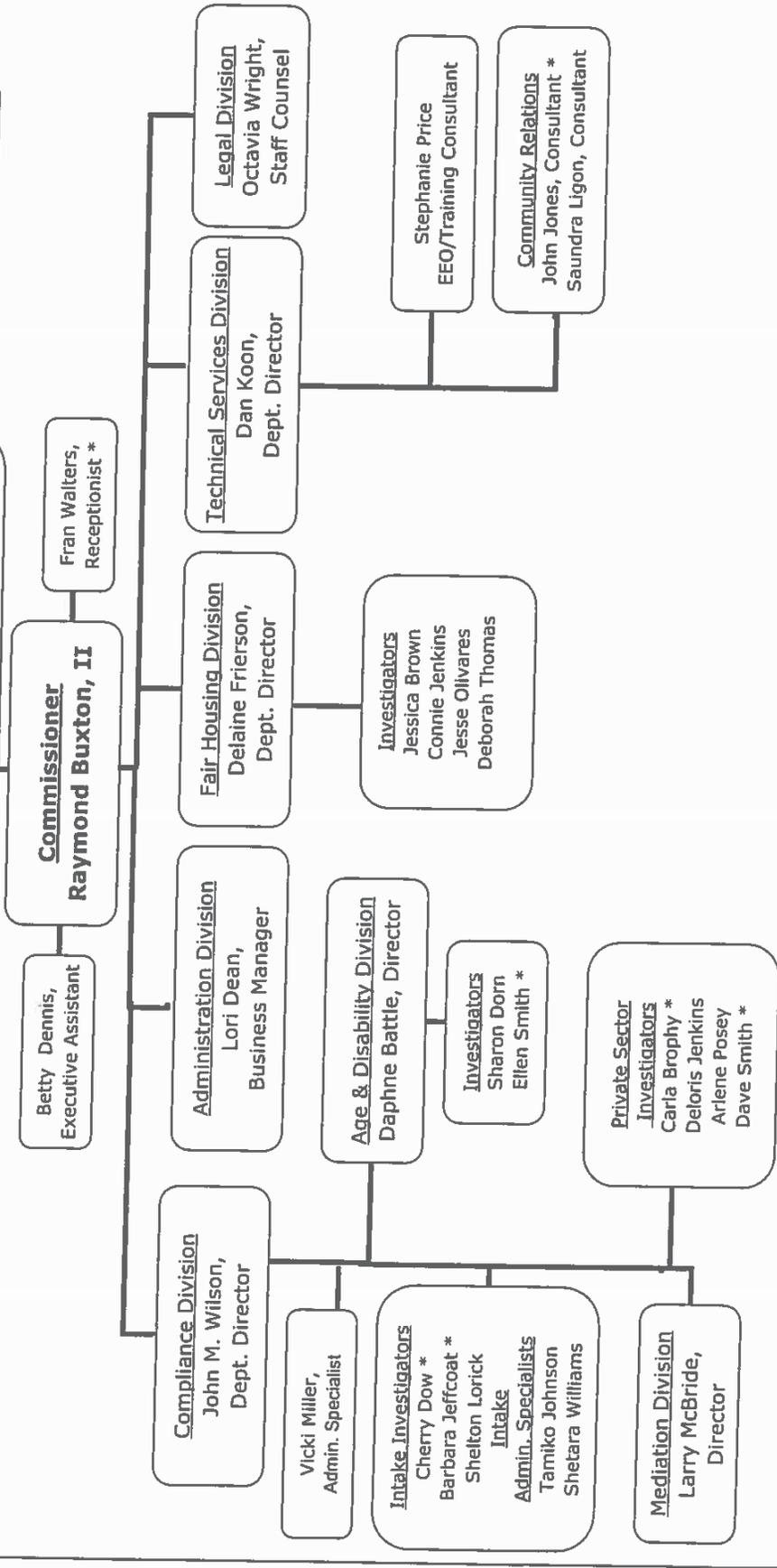
# South Carolina Human Affairs Commission Organizational Chart FY 2013-2014



## Board of Commissioners

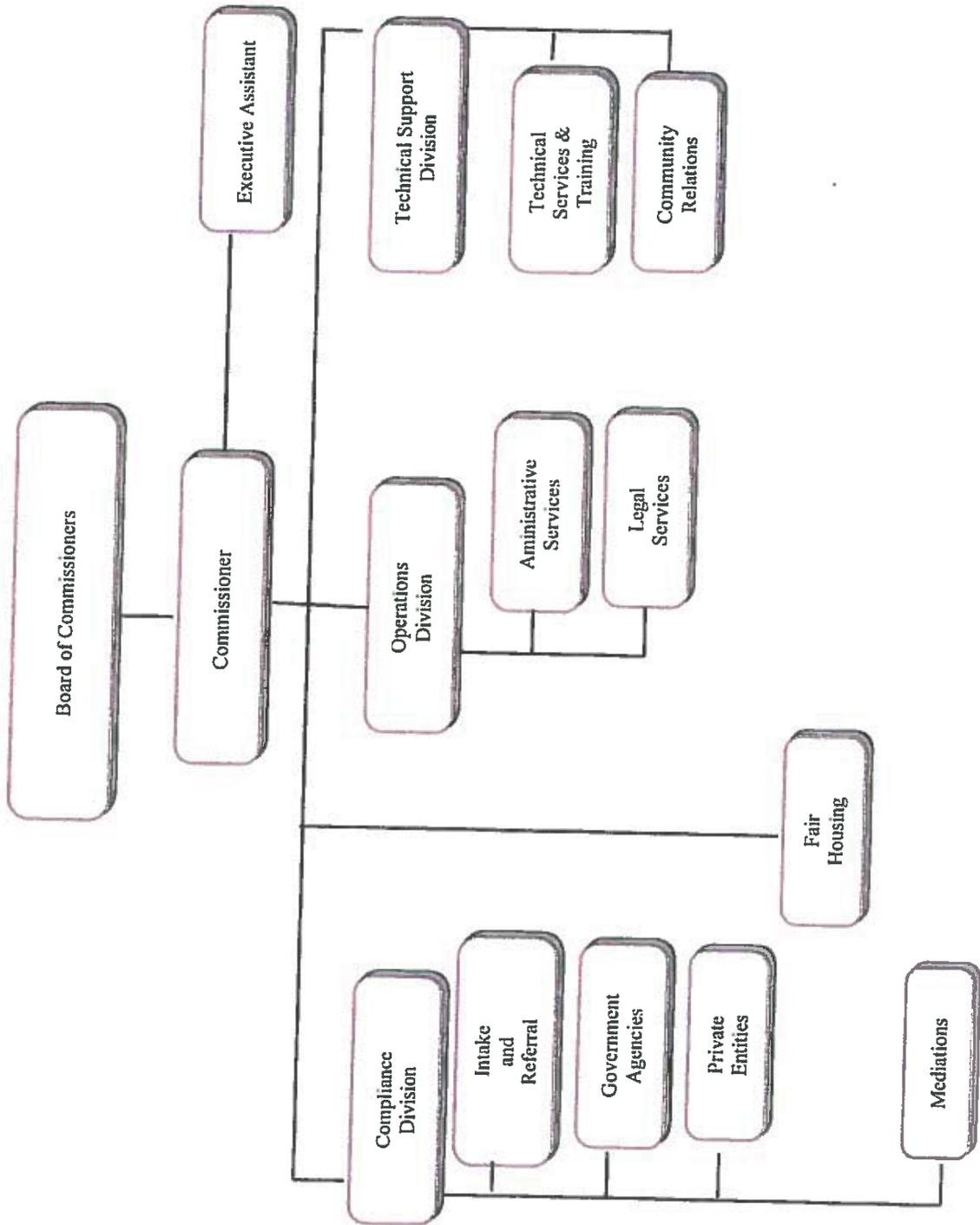
John A. Oakland, Chair

Wade C. Arnette    Susan Davis Bowers    Joe Fragale  
Cheryl F.C. Ludlam    Melanie Stith    Rev. Willie A. Thompson



\* Temp/Fill-in Fund Source

*South Carolina Human Affairs Commission  
Organizational Chart  
FY 2013 - 2014*



# South Carolina Human Affairs Commission Organizational Chart FY 2013-2014



## Board of Commissioners John A. Oakland, Chair

Wade C. Arnette    Susan Davis Bowers    Joe Fragale  
Cheryl F.C. Ludlam    Melanie Stith    Rev. Willie A. Thompson

### Commissioner Raymond Buxton, II

Betty Dennis,  
Executive Assistant

Fran Walters,  
Receptionist \*

Compliance Division  
John M. Wilson,  
Div. Director

Vicki Miller,  
Admin. Specialist

Intake Dept.  
Cherry Dow  
Henley Ellis  
Intake  
Admin. Specialists  
Tamiko Johnson  
Shetara Williams

Mediation Dept.  
Larry McBride,  
Chief Mediator

Administration Division  
Lori Dean,  
Business Manager

Age & Disability Department  
Daphne Battle,  
Dept. Director

Investigators  
Sharon Dorn  
Ellen Smith \*

Private Sector Dept.  
Investigators  
Carla Brophy \*  
Deloris Jenkins  
Shelton Loric  
Arlene Posey  
Dave Smith \*

Fair Housing Division  
Delaine Frierson,  
Div. Director

Investigators  
Jessica Brown  
Marvin Caldwell  
Connie Jenkins  
Jesse Olivares  
Deborah Thomas

Technical Services and Community Relations Division  
Dan Koon,  
Div. Director

Legal Division  
Lee Wilson,  
Staff Counsel  
Jawanda Moore,  
Admin. Specialist

Technical Services Dept.  
Stephanie Price,  
EEO/Training Consultant  
Erin Wilson,  
Admin. Specialist

Community Relations Dept.  
John Jones, Consultant \*  
Saundra Ligon, Consultant

\* Temp/Fill-in Fund Source

# South Carolina Human Affairs Commission Organizational Chart FY 2013-2014



## Board of Commissioners

John A. Oakland, Chair

Wade C. Arnette Susan Davis Bowers Joe Fragale

Cheryl F. C. Ludlam Melanie Stith Rev. Willie A. Thompson

Betty Dennis,  
Executive Assistant

Commissioner  
Raymond Buxton, II

Fran Walters,  
Receptionist \*

Compliance Division  
John M. Wilson,  
Div. Director

Vicki Miller,  
Admin. Specialist

Intake Dept.  
Cherry Dow  
Henley Ellis

Admin. Specialists  
Tamiko Johnson  
Shetara Williams

Mediation Dept.  
Larry McBride,  
Chief Mediator

Administration Division  
Lori Dean,  
Business Manager

Age & Disability  
Department  
Daphne Battle,  
Dept. Director

Investigators  
Sharon Dorn  
Ellen Smith \*  
LaTarnya Whitmire

Public and Private Sector Dept.  
Investigators  
Carla Brophy \*  
Deloris Jenkins  
Shelton Lorick  
Arlene Posey  
Dave Smith \*

Fair Housing Division  
Delaine Frierson,  
Div. Director

Investigators  
Jessica Brown  
Marvin Caldwell  
Connie Jenkins  
Jesse Olivares  
Deborah Thomas

Technical Services and  
Community Relations  
Division  
Dan Koon,  
Div. Director

Legal Division  
Joshua Barr,  
Staff Counsel  
Lee Wilson,  
Staff Counsel  
Jawanda Moore,  
Admin. Specialist

Technical Services Dept.  
Stephanie Price,  
EEO/Training Consultant  
Erin Wilson,  
Admin. Specialist

Community Relations Dept.  
John Jones, Consultant \*  
Saundra Ligon, Consultant

\* Temp/Fill-in Fund Source

Latest Revision November 5, 2013

# South Carolina Human Affairs Commission Organizational Chart FY 2014-2015



## Board of Commissioners

**John A. Oakland, Chair**

Susan Davis Bowers Harold Jean Brown Ashley P. Case

Joe Fragale Cheryl F. C. Ludlam

Rev. Willie A. Thompson

**Commissioner  
Raymond Buxton, II**

Betty Dennis,  
Executive Assistant

Compliance Division  
Dan Koon,  
Acting Director

Vicki Miller,  
Admin. Specialist

Davon  
Reaves,  
Receptionist

Intake Dept.  
Angela D. Adams  
Cherry Dow  
Henley Ellis  
Shetara Williams  
Admin. Specialist  
Fran Walters \*

Mediation Dept.  
Larry McBride \*  
Chief Mediator

Fair Housing Division  
Delaine Frierson,  
Div. Director

Investigators  
Marvin Caldwell  
Connie Jenkins  
Jesse Olivares  
Anthony Sellers  
Deborah Thomas  
Admin. Specialist  
Tamiko Johnson

Public and Private  
Sector Dept.  
Investigators  
Carla Brophy \*  
Deloris Jenkins  
Shelton Lorick  
Tenika Moore  
Arlene Posey  
Dave Smith

Administration Division  
Lori Dean,  
Business Manager

Technical Services and  
Community Relations  
Division  
Dan Koon,  
Div. Director

Legal Division  
Joshua Barr,  
Staff Counsel  
Lee Ann Wooten  
Rice  
Staff Counsel  
Jawanda Moore,  
Admin. Specialist

Technical Services Dept.  
Stephanie Price,  
EEO/Training Consultant  
Erin Wilson,  
Admin. Specialist

Community Relations  
Dept.  
John Jones, Consultant \*  
Saundra Ligon, Consultant

Age & Disability  
Department

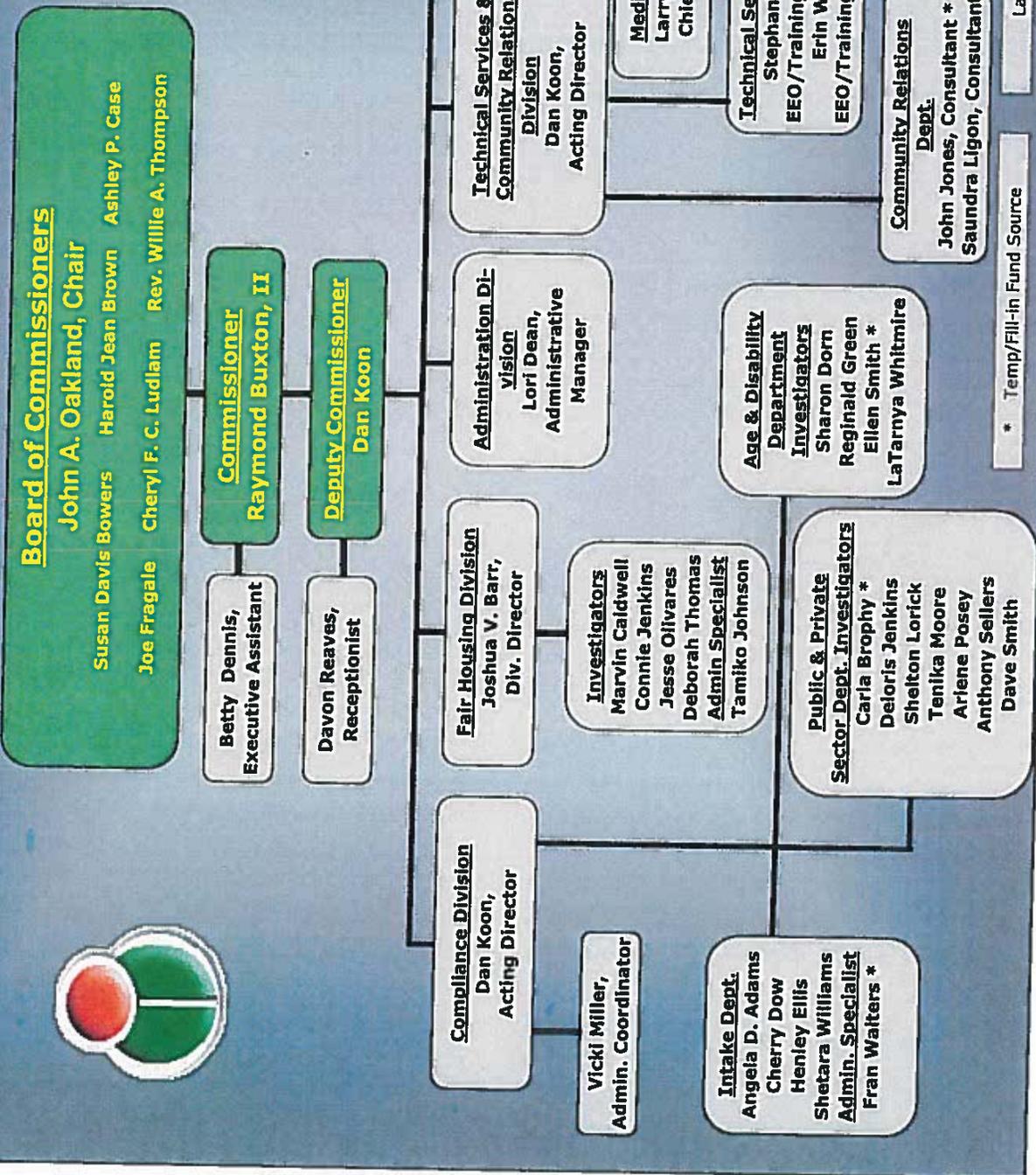
Investigators  
Sharon Dorn  
Reginald Green  
Eileen Smith \*  
LaTarnya Whitmire

\* Temp/Fill-in Fund Source

Latest Revision November 1, 2014

Effective 2/2/15

# South Carolina Human Affairs Commission Organizational Chart FY 2014-2015



\* Temp/Fill-in Fund Source

Latest Revision Feb. 4, 2015

Effective 3/5/15

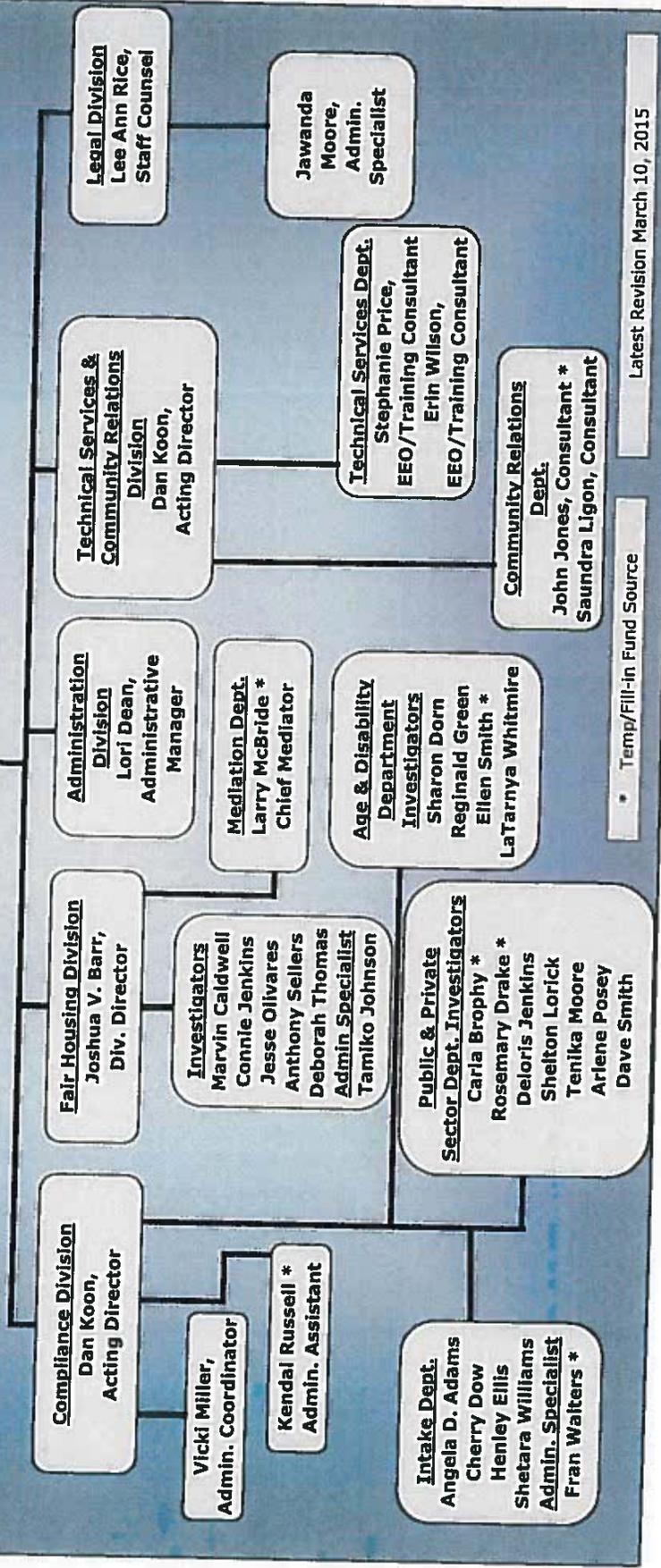
# South Carolina Human Affairs Commission Organizational Chart FY 2014-2015



**Board of Commissioners**  
**John A. Oakland, Chair**  
 Susan Davis Bowers Harold Jean Brown Ashley P. Case  
 Joe Fragale Cheryl F. C. Ludlam Rev. Willie A. Thompson

**Commissioner**  
**Raymond Buxton, II**

**Deputy Commissioner**  
**Dan Koon**



• Temp/Fill-in Fund Source

Latest Revision March 10, 2015

Effective 4/2/15

# South Carolina Human Affairs Commission Organizational Chart FY 2014-2015



## Board of Commissioners

**John A. Oakland, Chair**

Susan Davis Bowers    Harold Jean Brown    Ashley P. Case  
Joe Fragale    Cheryl F. C. Ludlam    Rev. Willie A. Thompson

**Commissioner**  
**Raymond Buxton, II**

**Deputy Commissioner**  
**Dan Koon**

**Compliance Division**  
**Dan Koon, Acting Director**

**Vicki Miller,**  
Admin. Coordinator

**Kendal Russell \***  
Admin. Assistant

**Intake Dept.**  
Angela D. Adams ✓  
Cherry Dow ✓  
Henley Ellis ✓  
Shetara Williams ✓  
Admin. Specialist  
Fran Waiters \*

**Fair Housing Division**  
**Joshua V. Barr, Div. Director**

**Investigators**  
Marvin Caldwell ✓  
Connie Jenkins ✓  
Jesse Olivares ✓  
Anthony Sellers ✓  
Deborah Thomas ✓  
Admin. Specialist  
Tamiko Johnson

**Public & Private Sector Dept. Investigators**  
Carla Brophy \* ✓  
Rosemary Drake \* ✓  
Laura Herrera ✓  
Deloris Jenkins ✓  
Shelton Lorick ✓  
Tenika Moore ✓  
Nikki Owens ✓  
Arlene Posey ✓  
Dave Smith ✓

**Administration Division**  
**Lori Dean, Administrative Manager**

**Mediation Dept.**  
Larry McBride \*  
Chief Mediator

**Age & Disability Department Investigators**  
Sharon Dorn ✓  
Reginaid Green ✓  
LaTanya Whitmire ✓

**Technical Services & Community Relations Division**  
**Dan Koon, Acting Director**

**Technical Services Dept. EEO/Training Consultant**  
Stephanie Price,  
Erin Wilson,  
EEO/Training Consultant

**Community Relations Dept.**  
John Jones, Consultant \*  
Saundra Ligon, Consultant

**Legal Division**  
**Lee Ann Rice, Staff Counsel**

**Jawanda Moore, Admin. Specialist**

\* Temp/Fill-in Fund Source

Latest Revision April 2, 2015

Effective 9/1/15

# South Carolina Human Affairs Commission Organizational Chart FY 2014-2015



## Board of Commissioners

**John A. Oakland, Chair**

Susan Davis Bowers Harold Jean Brown Ashley P. Case  
Joe Fragale Cheryl F. C. Ludlam Rev. Willie A. Thompson

**Betty Dennis,  
Executive Assistant**

**Commissioner  
Raymond Buxton, II**

**Davon Reaves,  
Receptionist**

**Deputy Commissioner  
Dan Koon**

**Compliance Division  
Dan Koon,  
Acting Director**

**Vicki Miller,  
Admin. Coordinator**

**Andrew Blankenship\*  
Admin. Assistant**

**Intake Dept.  
Angela D. Adams  
Cherry Dow  
Henley Ellis  
Shetara Williams  
Admin. Specialist  
Fran Walters \***

**Fair Housing Division  
Joshua V. Barr,  
Div. Director**

**Investigators  
Marvin Caldwell  
Connie Jenkins  
Jesse Olivares  
Anthony Sellers  
Deborah Thomas  
Admin. Specialist  
Tamiko Johnson**

**Public & Private  
Sector Dept. Investigators  
Carla Brophy \*  
Rosemary Drake \*  
Laura Herrera  
Deloris Jenkins  
Shelton Loricck  
Tenika Moore  
Nikki Owens  
Arlene Posey  
Dave Smith**

**Administration  
Division  
Lori Dean,  
Administrative  
Manager**

**Mediation Dept.  
Larry McBride \*  
Chief Mediator**

**Age & Disability  
Department  
Investigators  
Sharon Dorn  
Reginaid Green  
LaTarnya Whitmire**

**Technical Services &  
Community Relations  
Division  
Dan Koon,  
Acting Director**

**Technical Services Dept.  
EEO/Training Consultant  
EEO/Training Consultant  
Stephanie Price,  
Erin Wilson,**

**Community Relations Dept.  
John Jones, Consultant \*  
Saundra Ligon, Consultant**

**Legal Division  
Lee Ann Rice,  
Staff Counsel**

**Jawanda Moore,  
Admin.  
Specialist**

\* Temp/Fill-in Fund Source

Latest Revision May 4, 2015

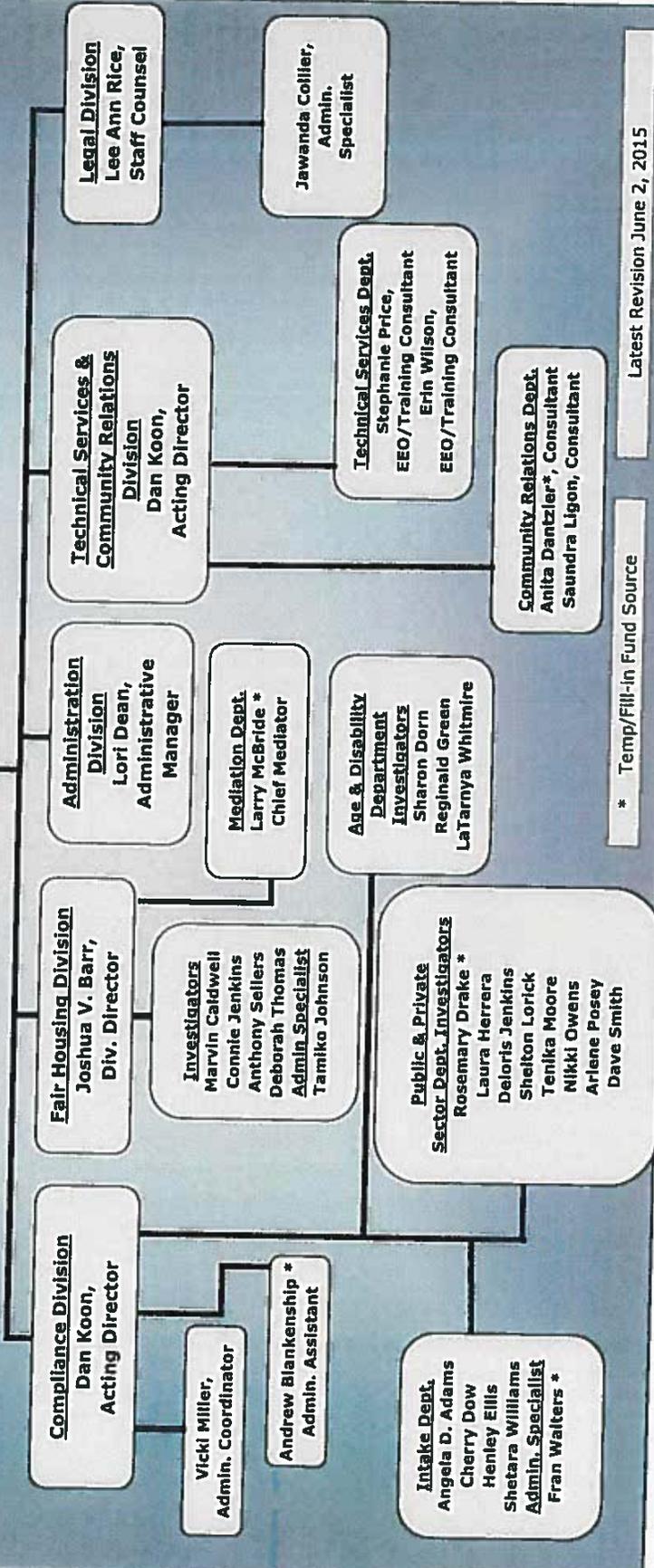
Effective 6/2/15

# South Carolina Human Affairs Commission Organizational Chart FY 2014-2015



**Board of Commissioners**  
**John A. Oakland, Chair**  
 Susan Davis Bowers Harold Jean Brown Ashley P. Case  
 Joe Fragale Cheryl F. C. Ludlam Rev. Willie A. Thompson

**Commissioner**  
**Raymond Buxton, II**  
**Deputy Commissioner**  
**Dan Koon**



\* Temp/Fill-in Fund Source  
 Latest Revision June 2, 2015

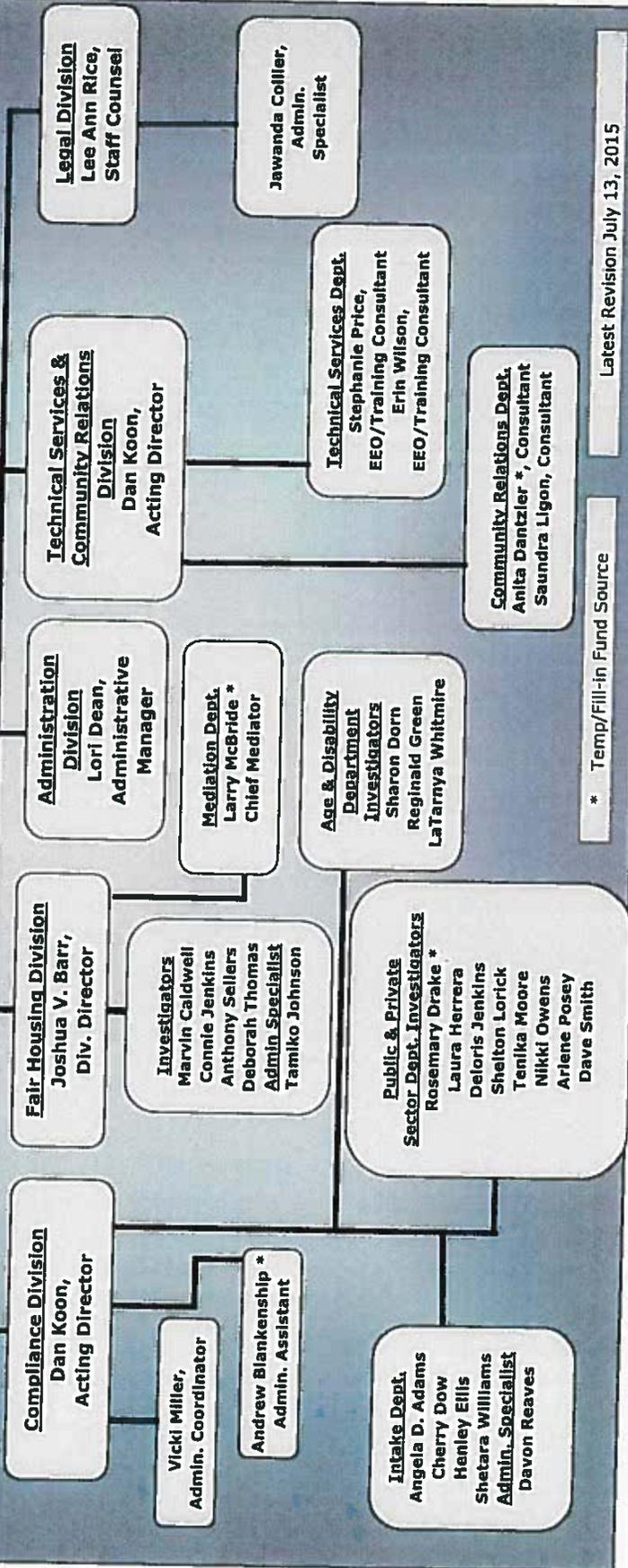
C740276 7/13/15

# South Carolina Human Affairs Commission Organizational Chart FY 2014-2015



**Board of Commissioners**  
**John A. Oakland, Chair**  
 Susan Davis Bowers Harold Jean Brown Ashley P. Case  
 Joe Fragale Cheryl F. C. Ludlam Rev. Willie A. Thompson

**Commissioner**  
**Raymond Buxton, II**  
**Deputy Commissioner**  
**Dan Koon**

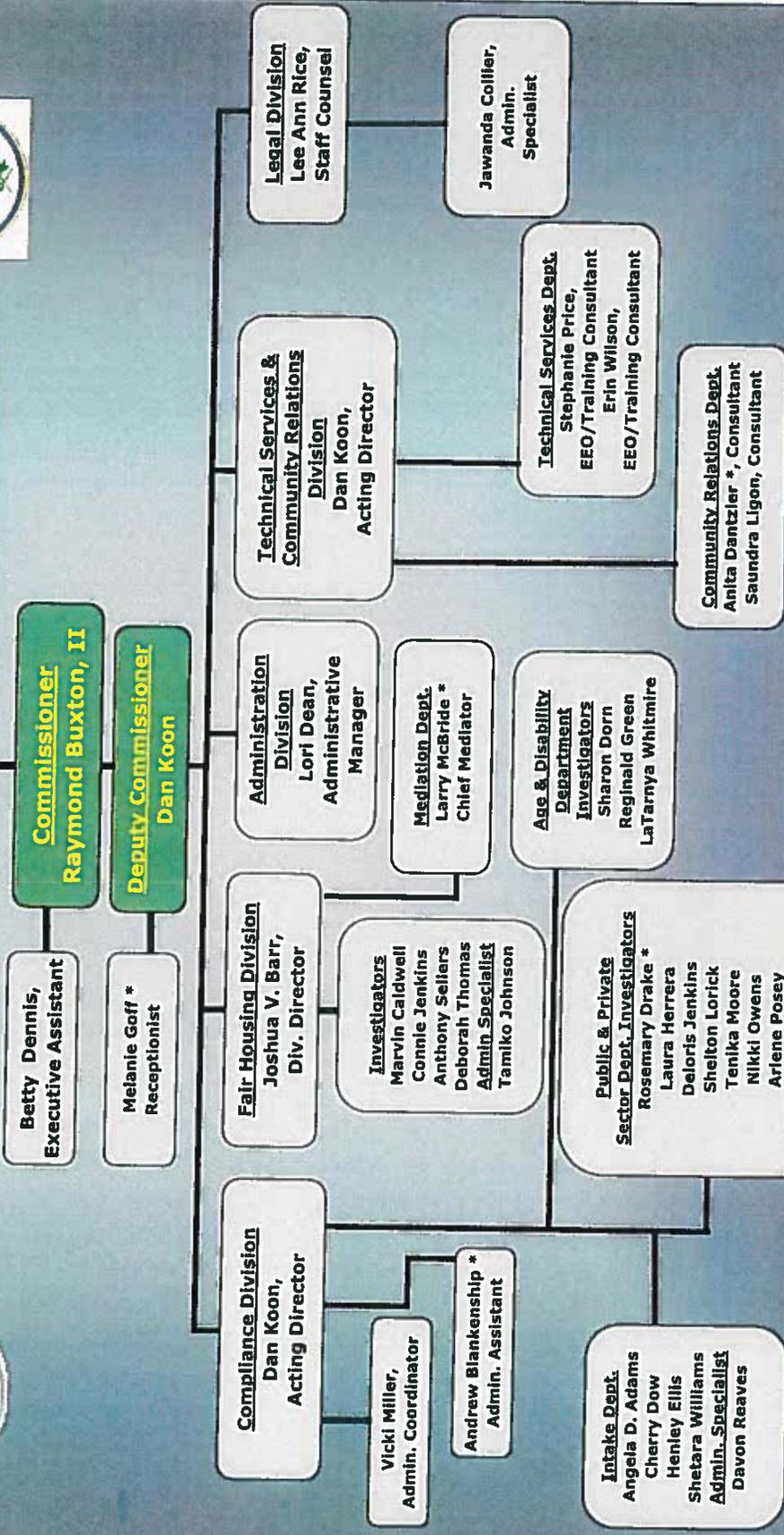


\* Temp/Fill-in Fund Source  
 Latest Revision July 13, 2015

# South Carolina Human Affairs Commission Organizational Chart FY 2015-2016



**Board of Commissioners**  
**John A. Oakland, Chair**  
 Susan Davis Bowers Harold Jean Brown Ashley P. Case  
 Joe Fragale Cheryl F. C. Ludlam Rev. Wille A. Thompson  
**A C Williams**



\* Temp/Fill-in Fund Source

Latest Revision July 24, 2015

Effective 9/17/15

# South Carolina Human Affairs Commission Organizational Chart FY 2015-2016

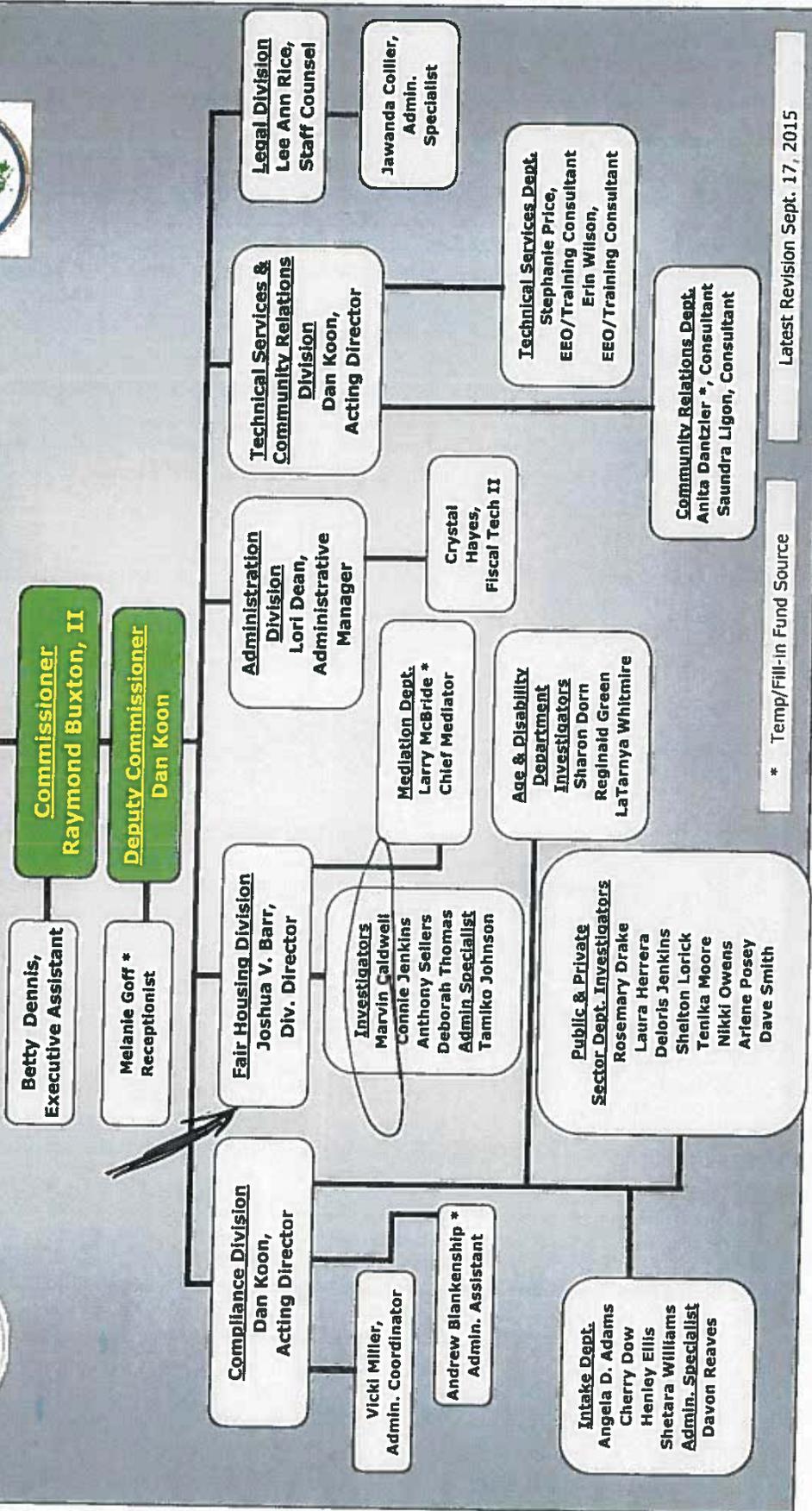
## Board of Commissioners

John A. Oakland, Chair

Susan Davis Bowers Harold Jean Brown Ashley P. Case

Joe Fragale Cheryl F. C. Ludlam Rev. Willie A. Thompson

A C Williams



\* Temp/Fill-in Fund Source  
Latest Revision Sept. 17, 2015

Effective 10/19/15

# South Carolina Human Affairs Commission Organizational Chart FY 2015-2016

## Board of Commissioners

John A. Oakland, Chair

Susan Davis Bowers Harold Jean Brown Ashley P. Case

Joe Fragale Cheryl F. C. Ludlam Rev. Willie A. Thompson

A C Williams



**Commissioner**  
Raymond Buxton, II

**Deputy Commissioner**  
Dan Koon

Betty Dennis,  
Executive Assistant

Melanie Goff  
Receptionist

**Compliance Division**  
Dan Koon,  
Acting Director

Vicki Miller,  
Admin. Coordinator

Admin. Assistant

**Intake Dept.**  
Angela D. Adams  
Cherry Dow  
Henley Ellis  
Shetara Williams  
Admin. Specialist  
Davon Reeves

**Fair Housing Division**  
Marvin Caldwell,  
Interim Div. Director

**Investigators**  
Connie Jenkins  
Anthony Sellers  
Deborah Thomas  
Admin. Specialist  
Tamiko Johnson

**EEO Enforcement  
Investigators**  
Andrew Blankenship  
Rosemary Drake  
Melanie Goff  
Timmie Gibson-Hatten  
Laura Herrera  
Deloris Jenkins  
Shelton Lorick  
Tenika Moore  
Nikki Owens  
Arlene Posey  
Dave Smith

**Administration  
Division**  
Lori Dean,  
Administrative  
Manager

**Mediation Dept.**  
Larry McBride \*  
Chief Mediator

**EEO Enforcement  
Investigators**  
Sharon Dorn  
Reginald Green  
LaTanya Whitmire

Crystal  
Hayes,  
Fiscal Tech II

**Technical Services &  
Community Relations  
Division**  
Dan Koon,  
Acting Director

**Technical Services Dept.**  
Stephanie Price,  
EEO/Training Consultant  
Erin Wilson,  
EEO/Training Consultant

**Community Relations Dept.**  
Anita Dantzler \*, Consultant  
Saundra Ligon, Sr. Consultant

**Legal Division**  
Lee Ann Rice,  
Staff Counsel

Jawanda Collier,  
Admin.  
Specialist

\* Temp/Fill-in Fund Source

Latest Revision Oct. 19, 2015

Effective 12/2/15

# South Carolina Human Affairs Commission Organizational Chart FY 2015-2016

## Board of Commissioners

John A. Oakland, Chair

Harold Jean Brown Ashley P. Case

Joe Fragale Cheryl F. C. Ludlam Rev. Willie A. Thompson

A C Williams



**Commissioner**  
Raymond Buxton, II

**Deputy Commissioner**  
Dan Koon

Betty Dennis,  
Executive Assistant

Melanie Goff  
Receptionist

**Compliance Division**  
Dan Koon,  
Acting Director

Vicki Miller,  
Admin. Coordinator

Admin. Assistant

**Intake Dept.**  
Angela D. Adams  
Cherry Dow  
Henley Ellis  
Shetara Williams  
Admin. Specialist  
Davon Reaves

**Fair Housing Division**  
Marvin Caldwell,  
Interim Div. Director

**Investigators**  
Connie Jenkins  
Anthony Sellers  
Deborah Thomas  
Admin Specialist  
Tamiko Johnson

**EEO Enforcement Investigators**  
Aiston, Brian  
Andrew Blankenship  
Rosemary Drake  
Melanie Goff  
Timmie Gibson-Hatten  
Laura Herrera  
Deloris Jenkins  
Shelton Lorick  
Tenika Moore  
Nikki Owens  
Arlene Posey  
Dave Smith

**Administration Division**  
Lori Dean,  
Administrative Manager

**Mediation Dept.**  
Larry McBride \*  
Chief Mediator

Crystal Hayes,  
Fiscal Tech II

**EEO Enforcement**  
Sharon Dorn  
Reginald Green  
LaTanya Whitmire

**Technical Services & Community Relations Division**  
Dan Koon,  
Acting Director

**Legal Division**  
Lee Ann Rice,  
Staff Counsel

Jawanda Collier,  
Admin. Specialist

**Technical Services Dept.**  
EEO/Training Consultant  
Erin Wilson,  
EEO/Training Consultant

**Community Relations Dept.**  
Anita Dantzler \*, Consultant  
Saundra Ligon, Sr. Consultant

\* Temp/Fill-in Fund Source

Latest Revision Dec. 2, 2015

# South Carolina Human Affairs Commission Organizational Chart FY 2015-2016

## Board of Commissioners

John A. Oakland, Chair  
 Harold Jean Brown Ashley P. Case  
 Joe Fragale Cheryl F. C. Ludlam Rev. Willie A. Thompson  
 A C Williams



Betty Dennis,  
Executive Assistant

**Commissioner**  
Raymond Buxton, II

Kelly Williams\*  
Receptionist

**Deputy Commissioner**  
Dan Koon

**Compliance Division**  
Dan Koon,  
Acting Director

Vicki Miller,  
Admin. Coordinator

Admin. Assistant

**Intake Dept.**  
Angela D. Adams  
Cherry Dow  
Henley Ellis  
Shetara Williams  
**Admin. Specialist**  
Davon Reaves

**Fair Housing Division**  
Marvin Caldwell,  
Interim Div. Director

**Investigators**  
Donald Frierson  
Connie Jenkins  
Anthony Sellers  
Deborah Thomas  
**Admin. Specialist**  
Tamiko Johnson

**EEO Enforcement Investigators**  
Melanie Goff  
Laura Herrera  
Deloris Jenkins  
Shelton Lorick  
Alex Nelson  
Nikki Owens  
Arlene Posey  
Taylor Rhodes  
Dave Smith

**Administration Division**  
Lori Dean,  
Administrative Manager

**Mediation Dept.**  
Larry McBride \*  
Chief Mediator

Crystal Hayes,  
Fiscal Tech II

**EEO Enforcement Investigators**  
Brian Alston  
Rosemary Drake  
Sharon Dorn  
Timmie Gibson  
Reginald Green  
Tenika Moore  
LaTanya Whitmire

**Technical Services & Community Relations Division**  
Dan Koon,  
Acting Director

**Technical Services Dept.**  
Sheila Gibbs,  
EEO/Training Consultant  
Stephanie Price,  
EEO/Training Consultant  
Erin Wilson,  
EEO/Training Consultant

**Community Relations Dept.**  
Anika Dantzler \*, Consultant  
Saundra Ligon, Sr. Consultant

**Legal Division**  
Lee Ann Rice,  
Staff Counsel

Jawanda Collier,  
Admin. Specialist

\* Temp/Fill-in Fund Source

Latest Revision Dec. 15, 2015

# South Carolina Human Affairs Commission Organizational Chart FY 2014-2015



## Board of Commissioners

**John A. Oakland, Chair**

Susan Davis Bowers Harold Jean Brown Ashley P. Case  
Joe Fragale Cheryl F. C. Ludlam Rev. Willie A. Thompson

**Betty Dennis,  
Executive Assistant**

**Commissioner  
Raymond Buxton, II**

**Davon Reaves,  
Receptionist**

**Deputy Commissioner  
Dan Koon**

**Compliance Division  
Dan Koon,  
Acting Director**

**Vicki Miller,  
Admin. Coordinator**

**Intake Dept.  
Angela D. Adams  
Cherry Dow  
Henley Ellis  
Shetara Williams  
Admin. Specialist  
Fran Walters \***

**Mediation Dept.  
Larry McBride \*  
Chief Mediator**

**Fair Housing Division  
Joshua V. Barr,  
Div. Director**

**Investigators  
Marvin Caldwell  
Connie Jenkins  
Jesse Olivares  
Deborah Thomas  
Admin Specialist  
Tamiko Johnson**

**Public & Private  
Sector Dept. Investigators  
Carla Brophy \*  
Deloris Jenkins  
Sheiton Lorick  
Tenika Moore  
Arlene Posey  
Anthony Sellers  
Dave Smith**

**Administration Division  
Lori Dean,  
Administrative Manager**

**Age & Disability  
Department  
Investigators  
Sharon Dorn  
Reginald Green  
Ellen Smith \*  
LaTarnya Whitmire**

**Technical Services &  
Community Relations  
Division  
Dan Koon,  
Acting Director**

**Legal Division  
Joshua V. Barr,  
Staff Counsel  
Lee Ann Rice,  
Staff Counsel**

**Jawanda Moore,  
Admin. Specialist**

**Technical Services Dept.  
Stephanie Price,  
EEO/Training Consultant  
Erin Wilson,  
EEO/Training Consultant**

**Community Relations  
Dept.  
John Jones, Consultant \*  
Saundra Ligon, Consultant**

\* Temp/Fill-in Fund Source

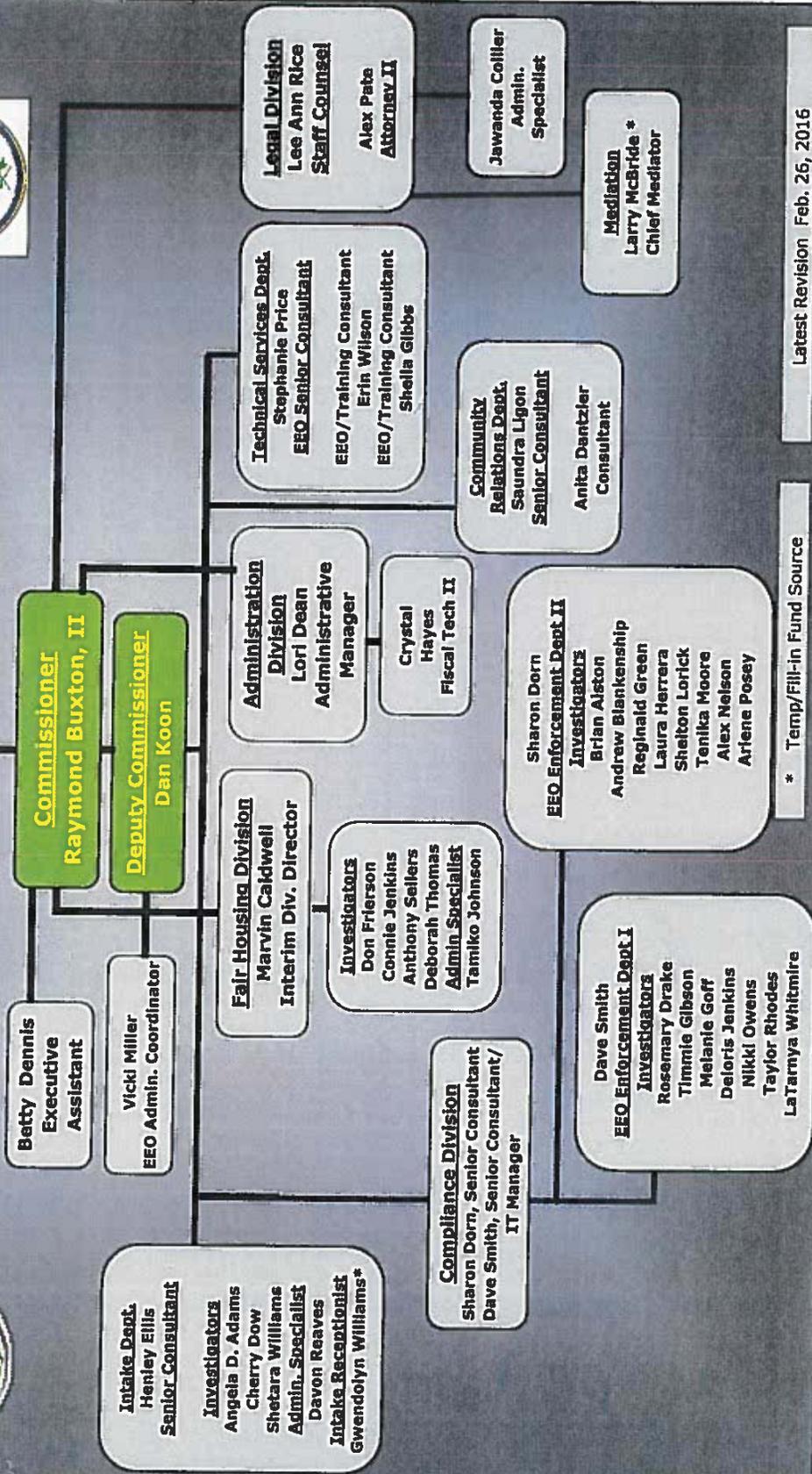
Latest Revision December 16, 2015

Effective 3/2/16

# South Carolina Human Affairs Commission Organizational Chart FY 2015-2016

## Board of Commissioners

**John A. Oakland, Chair**  
 Harold Jean Brown Ashley P. Case  
 Joe Fragale Cheryl F. C. Ludlam Rev. Willie A. Thompson  
 A C Williams

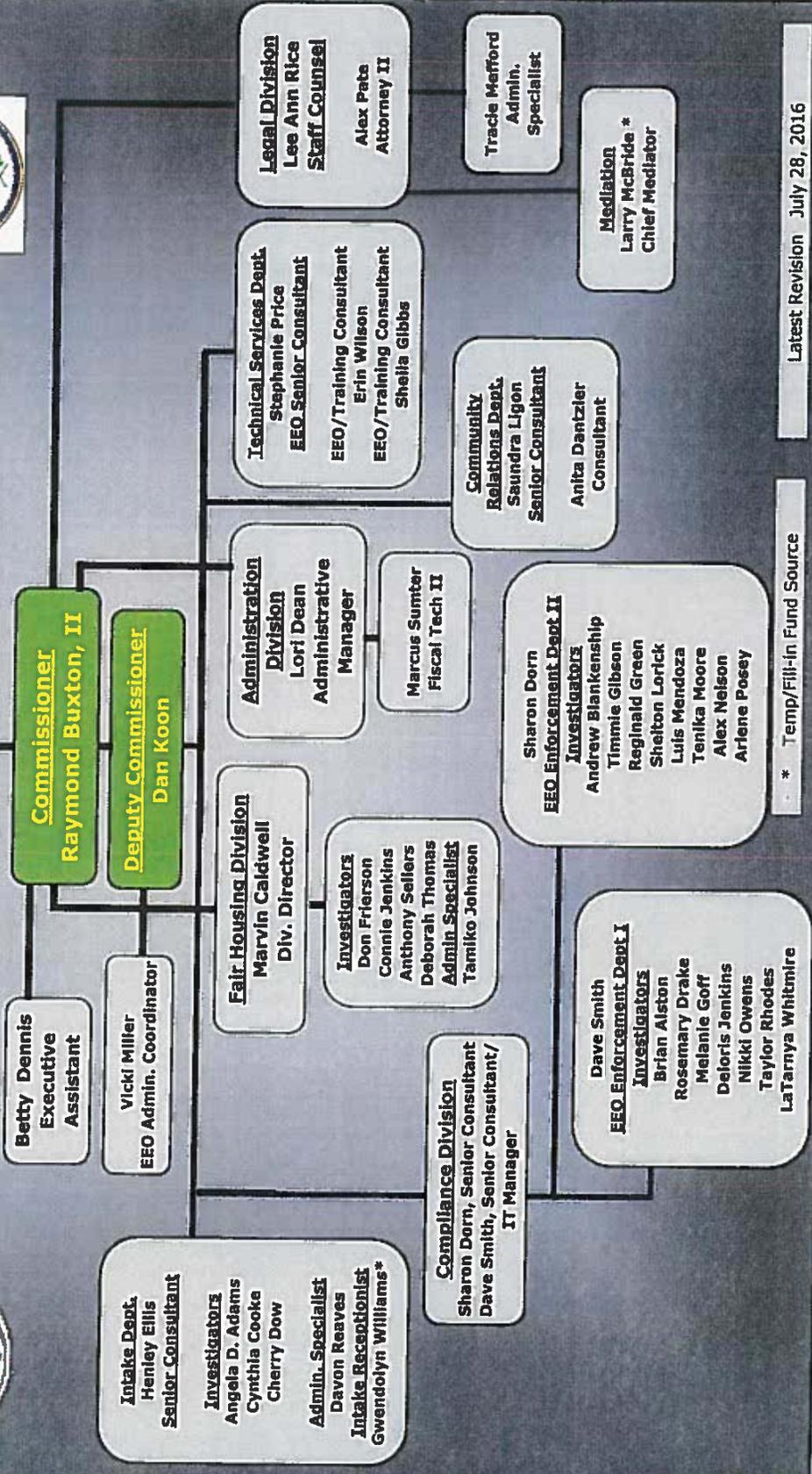


\* Temp/Fill-in Fund Source  
 Latest Revision Feb. 26, 2016

# South Carolina Human Affairs Commission Organizational Chart FY 2015-2016



**Board of Commissioners**  
**John A. Oakland, Chair**  
 Harold Jean Brown Ashley P. Case  
 Joe Fragale Cheryl F. C. Ludlam Rev. Willie A. Thompson  
 A C Williams



\* Temp/Fill-in Fund Source

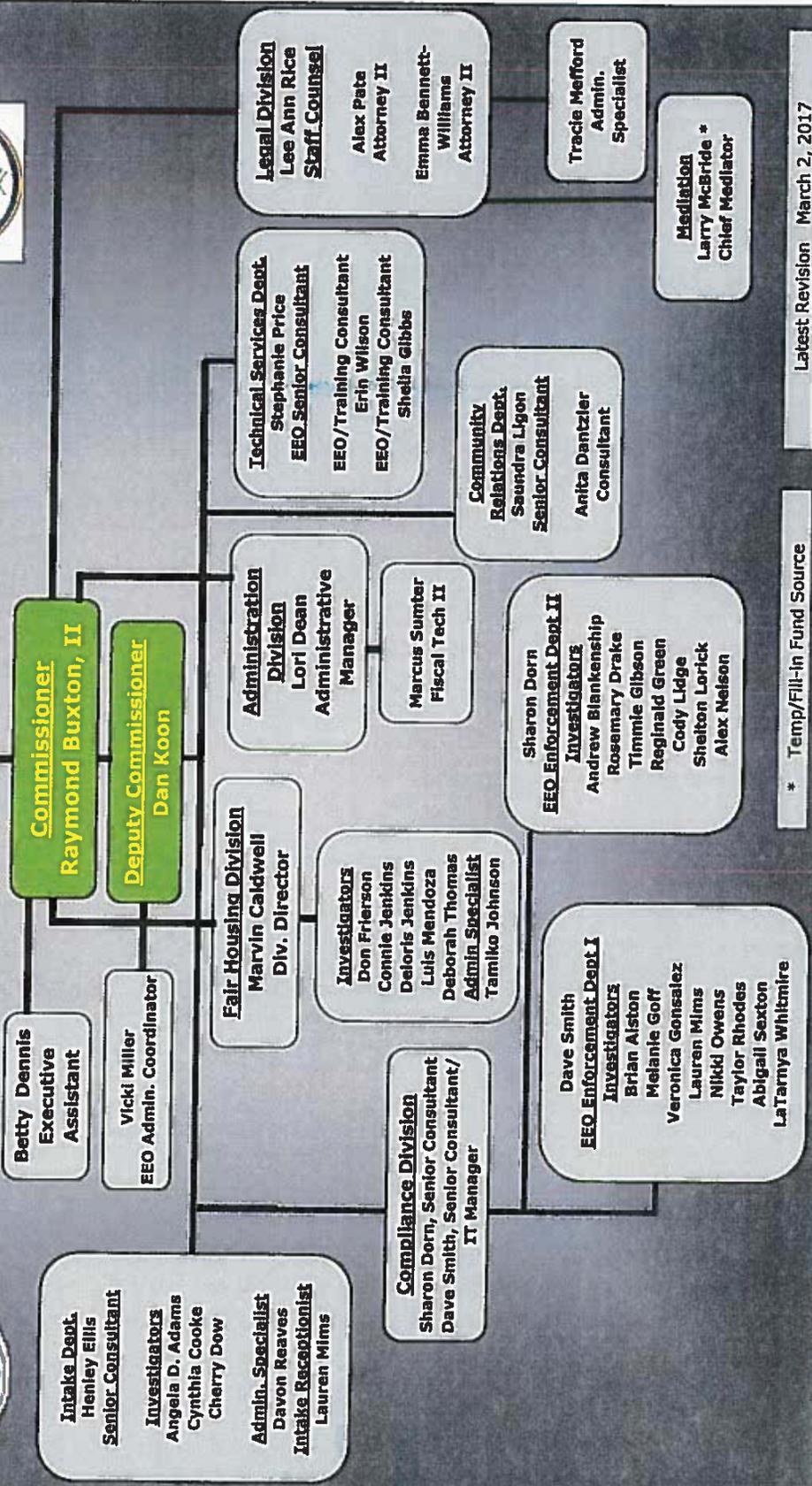
Latest Revision July 28, 2016

9/2/17

# South Carolina Human Affairs Commission Organizational Chart FY 2015-2016

## Board of Commissioners

John A. Oakland, Chair  
 Harold Jean Brown Ashley P. Case  
 Joe Fragale Cheryl F. C. Ludlam Rev. Willie A. Thompson  
 A C Williams



\* Temp/Fill-In Fund Source

Latest Revision March 2, 2017

# Attachment G

Glossary provided by SC Human Affairs Commission (March 22, 2017)

<b>Term, Phrase or Acronym</b>	<b>Meaning of the Term, Phrase or Acronym</b>
A	Age
AA	Affirmative Action
AAP	Affirmative Action Plan
ADEA	Age Discrimination in Employment Act
ADA	Americans with Disabilities Act
AFFH	Affirmatively Furthering Fair Housing
AG P	Aggrieved Party
AO	Waive Code
BF	Black Female
BFOQ	Bona fide Occupational Qualification
BM	Black Male
CAAMS	Computerized Affirmative Action Management System
CAFR	Comprehensive Annual Financial Reports
CG's Office	Comptroller General's Office
COA	Condominium Owners' Association
CofC	College of Charleston
C	Color
COL	Color
CON	Conciliation
CP	Complainant, Charging Party, Complaint or Charge of Discrimination
CP's Rep	Complainant's Representative or Attorney
CRC	Community Relations Councils
C1	Executive (Non-Academic)
C2	Executives (Academic)
C3	Professors
C4	Associate Professors
C5	Assistant Professors
C6	Instructors
C7	Lecturers

C8	Other (Academic)
C9	Other (Non-Academic)
D	Disability
DIS	Disability
EBO	Executive Budget Office
EEO	Equal Employment Opportunity
EEOC	Equal Employment Opportunity Commission
EES	Electronic Employer Service (Retirement Systems)
EIP	Employee Insurance Program
EHO	Equal Housing Opportunity
E1	Executives
E2	Professionals
E3	Technicians
E4	Protective Services
E5	Paraprofessionals
E6	Secretary/Clerical
E7	Skilled Craft
E8	Service/Maintenance
FEPA	Fair Employment Practices Agency
FHA	Fair Housing Act
FHAP	Fair Housing Assistance Program
FHEO	Fair Housing and Equal Opportunity
FHIP	Fair Housing Initiatives Program
FIR	Final Investigative Report
F S	Familial Status
FO	Final Action
GINA	Genetic Information Non-Discrimination Act
HOA	Home Owners' Association

HUD	US Department of Housing and Urban Development
IIQ	Initial Intake Questionnaire
IMS	Integrated Mission System
INV	Investigator
IP	Investigative Plan
IRAC	Issue, Rule, Analysis and Conclusion
LOD	Letter of Determination
MFS	Multi-Family Structure
MySCEmployee	Employee Access to Human Resources and Payroll Information
NFHTA	National Fair Housing Training Academy
NO	National Origin
NRTS / NORTS	Notice of Right to Sue
O AG P	Other Aggrieved Party
OF	Other Minority Females
OFCCP	Office of Federal Contracts and Compliance Programs
OHR	State Office of Human Resources
OM	Other Minority Males
PDA	Pregnancy Discrimination Act
PEBA	Public Employee Benefit Authority
POA	Property Owners' Association
PS	Position Statement
R	Race, Respondent
Rp	Respondent
R's Rep	Respondent's Representative
REL	Religion
RET	Retaliation

RFI	Request for Information
S	Sex
SCEIS	SC Enterprise Information System
SCFHL	South Carolina Fair Housing Law
SH	Sexual Harassment
SCHAC, SHAC	SC Human Affairs Commission
SCHACRA	SC Human and Community Relations Associations
SFH	Single Family Home
SOW	Statement of Work
STO	State Treasurer's Office
SWR	Substantial Weight Review
Tab Y	Persons Contacted
T	Total
Title VII	Title VII of the Civil Rights Act of 1964
TS	Technical Services
T1	Executives (Unclassified Institutional Officers)
T2	Managerial (Unclassified Level II Education Support Personnel)
T3	Faculty/Administrative/Teaching
T4	Faculty/Teaching
T5	Professionals (Unclassified Level I Educational Support Personnel)
WF	White Female
WIT	Witness
WM	White Male
131	Notice of Charge of Discrimination
212	Charge Transmittal for Dual Filing
322	Agency Contract Performance Report
903	Complaint or Charge of Discrimination
*	Underutilization less than one whole person related to the Affirmative Action Report to GA



October 18, 2017

Chairman John Oakland  
Commissioner Raymond Buxton, II  
South Carolina Human Affairs Commission  
1026 Sumter Street  
Columbia, SC 29201

Dear Chairman Oakland and Commissioner Buxton:

The Economic Development, Transportation, and Natural Resources Subcommittee appreciates the agency's partnership in the oversight process. After our meeting on October 17, the Subcommittee has some follow up questions for the agency. Please provide this information by Friday, October 20, 2017.

***Agency Law Recommendation #5: Mandatory Mediation for State Agencies and Employees***

1. Does this recommendation create a situation in which employees of state agencies have more limited rights than employees of private companies in employment disputes?
2. Does the agency expect the success rate of mediations to decrease if some parties are required to complete mediation? If so, by how much?
3. Please estimate the cost of the following to (1) SCHAC; and (2) state agencies responding to complaints.
  - a. Mediation
  - b. Investigation
4. What costs, both monetary and otherwise (e.g., time), might a complainant against a state agency incur due to mediation?
5. How much does mediation delay an investigation if the mediation does not lead to a resolution?

***Agency Law Recommendation #10: Clarification of Types of Relief for Public Accommodation Discrimination***

6. Please present some options for limiting in statute the amount of damages that may be awarded to a complainant under the proposed revision of S.C. Code §45-9-60.

Thank you for your service to the citizens of South Carolina and for your continued cooperation with the legislative oversight process. The Subcommittee looks forward to continuing its discussion of the study of the Human Affairs Commission with you on Tuesday, October 24, 2017.

Sincerely,



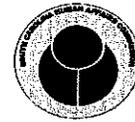
Laurie Slade Funderburk  
Committee First Vice-Chair

cc: Economic Development, Transportation, and Natural Resources Subcommittee Members



# STATE OF SOUTH CAROLINA

## HUMAN AFFAIRS COMMISSION



Raymond Buxton, II  
Commissioner

1026 Sumter Street, Suite 101 (29201)  
Post Office Box 4490  
Columbia, South Carolina 29240-4490  
(803) 737-7800 (803) 737-7835 Fax

[www.state.sc.us/schac](http://www.state.sc.us/schac)  
(800) 521-0725 In-State

October 20, 2017

The Honorable Laurie Slade Funderburk  
Committee First Vice-Chair  
Legislative Oversight Committee  
South Carolina House of Representatives  
Post Office Box 11867  
Columbia, South Carolina 29211

Dear Representative Funderburk:

In response to your letter dated, October 18, 2017, we are replying to the questions presented by the Economic Development, Transportation, and Natural Resources Subcommittee as part of the legislative oversight process.

### **Agency Law Recommendation #5: Mandatory Mediation for State Agencies and Employees**

1. Does this recommendation create a situation in which employees of state agencies have more limited rights than employees of private companies in employment disputes?

Response:

No. Mandatory Mediation would provide the complaining employee with an additional opportunity to resolve his or her complaint. Mediation would encourage a mutual resolution between the State agency and its employee, but would not force a resolution on the parties. Pursuant to the definition found in S.C. Code Ann. § 8-17-320 (14), the term mediation means “an alternative dispute resolution process whereby a mediator who is an impartial third party acts to encourage and facilitate the resolution of a dispute without prescribing what it should be. The process is informal and nonadversarial with the objective of helping the disputing parties reach a mutually acceptable agreement.”

The mediation process being proposed through Law Recommendation #5 in SCHAC’s Program Evaluation Report would mimic the non-adversarial process found in the code section addressing State grievances. Should any Mandatory Mediation fail, the complaining employee would then have his or her complaint investigated by an Agency investigator at SCHAC.

2. Does the agency expect the success rate of mediations to decrease if some parties are required to complete mediation? If so, by how much?

Response:

Currently, the Agency’s success rate for Voluntarily Mediations generally exceeds 50%. Between January 1, 2016, and July 31, 2017, 177 mediations were held with 117 resulting in a settlement (or approximately 66% resolved). (See Agency’s letter to the LOC dated July 31, 2017).

*Our mission is to eliminate and prevent unlawful discrimination in employment, housing and public accommodation.*

While the number of settlements *may* decrease if mediation became mandatory in charges against State agencies, any actual decline is difficult to project. The Agency asked the State Grievance Committee for a statistic related to its resolution rate for Mandatory Mediations, but given the short timeframe to respond, a definitive breakdown of settlements versus impasses is unavailable. However, to the Grievance Committee's best knowledge, a similar percentage of cases – or around 65-70% - are resolved in mediation, even when it is mandatory. Furthermore, of the cases that SCHAC handled, less than 10% of them are against State agencies, meaning the resolution rate would not decrease drastically, even if most Mandatory Mediations were unsuccessful (which is highly unlikely).

3. Please estimate the cost of the following to (1) SCHAC; and (2) state agencies responding to complaints.
  - a. Mediation
  - b. Investigation

Response:

In our letter dated July 7, 2017, we estimated that SCHAC's cost for resolving a case in mediation, before conducting investigation, is approximately \$545.21 per case. We estimated that SCHAC's cost for investigating a case that has not been mediated is approximately \$1,083.88. If a case is both mediated and then investigated following mediation's impasse, SCHAC's cost is approximately \$1,300.62.

A State agency's cost for engaging in mediation or investigation is hard to project. Many variables are involved, to include whether the agency is represented by an attorney, the number of decision-makers involved, the hourly rate of the decision-maker(s) involved, and the complexity of a case. Generally speaking, however, mediation is scheduled easily through phone calls or email with the respective stakeholders. The mediation itself takes approximately 2-5 hours in SCHAC's office or by phone. Therefore, the cost of mediation to a State agency would be based on the average hourly rate of the decision-makers involved multiplied by approximately 5 hours.

Investigations are more costly for State agencies, since relevant witnesses need to be interviewed, employment file contents need to be copied, policies need to be produced, and position statements must be written. While SCHAC does not solicit feedback from respondents on the number of hours spent responding to complaints, SCHAC has spent approximately \$4,070.25, on average, in recent history when responding to charges filed against it at its Federal counterpart, the EEOC.

4. What costs, both monetary and otherwise (e.g., time), might a complainant against a state agency incur due to mediation?

Response:

Mediation requires little or no preparation. Mediation does not require an attorney's presence. Additionally, mediation can be held in person, or by phone. While it is hard to assess the average costs of mediation for a complainant, the types of costs that may be incurred include 1) the complainant's time (including time off work, if necessary); 2) attorney fees; and 3) travel costs, if the mediation is held in person. Complainants generally will spend around 2-5 hours of time engaged in the actual mediation. Scheduling the mediation via email or phone would likely take under 30 minutes, on average. Should a complainant retain an attorney, the attorney is likely to charge an hourly rate for his or her attendance. Again, however, attorneys are not needed for the purposes of mediation or investigation. Finally, if a complainant chooses to have mediation at SCHAC's office rather than by phone, the complainant may incur travel costs for attendance at the mediation. SCHAC, on occasion, does dispatch mediators to the county of harm, when necessary, if travel costs are at issue in a particular matter.

*Our mission is to eliminate and prevent unlawful discrimination in employment, housing and public accommodation.*

5. How much does mediation delay an investigation if the mediation does not lead to a resolution?

Response:

The average delay will vary and, in recent months, has decreased due to the Agency's implementing a two-week deadline for scheduling mediations. However, as a sample, from January 1, 2017, through April 30, 2017, (very busy mediation months wherein scheduling becomes toughest), 42 files were referred to mediation. Of those 42 mediations, 28 resulted in settlements while 14 resulted in impasses. The 14 impasse cases averaged a total of 42 days of delay per case. Therefore, the average delay to an investigation moving forward would be 42 days or less.

6. Please present some options for limiting in statute the amount of damages that may be awarded to a complainant under the proposed revision of S.C. Code §45-9-60.

Response:

Prefacing the options presented, we should note that the State statute itself provides for *minimum* relief for successful civil actions in circuit court, rather than a limitation. In S.C. Code Ann. §45-9-100, the Circuit Court is directed that, "Upon a finding that a person has violated the provisions of Article 1, the amount of damages that an aggrieved party has sustained is declared to be a minimum of five thousand dollars. In addition, the court, upon a finding that a person violated the provisions of Article 1, shall award the aggrieved party reasonable attorney's fees, as determined by the court, and costs." As such, a limitation on a panel's award of damages following an administrative hearing before the panel conflicts with remaining provisions of the law.

Furthermore, Federal public accommodations laws do not cap damages. There is a statutory cap on *civil penalties* imposed to vindicate the public interest, which follows a similar structure to that found in the Federal Fair Housing Act (which limits penalties at \$19,787 for a first offence, \$49,467 for a second offence, etc.), but damages are determined based on the specific facts and subject to judicial review, as is done in the vast majority of damages determinations. The relevant Federal regulation section regarding caps on civil penalties in Federal law for public accommodations violations can be found at 28 CFR 36.504.

With that information in mind, below are several options for limiting an award of damages to an Aggrieved Party at a panel hearing:

Option 1

A defined/presumed damage amount that acts as a ceiling and floor, e.g., "The aggrieved party may elect, at any time before a final order is rendered, to recover, instead of actual damages, an award of statutory damages for all violations involved in the action in a sum of not less than \$5,000\* or more than \$30,000\* as the Panel considers just." \*These numbers are just samples but would be in keeping with the already established minimum found in S.C. Code Ann. § 45-9-100.

Option 2

A statutory cap on noneconomic damages, tied to the size of the entity through either:

- A) reference to 42 U.S. Code § 1981 (b), provided that public accommodations entities with fewer than 15 employees would be subject to the limitations as if they had 15 employees; or
- B) a code section outlining limits tied to size.

Option 3

No statutory cap on damages. This is in keeping with the way damages are calculated under the relevant Federal law and in the State court context. This approach preserves discretion in fact-finding and allows for full recovery in the (exceedingly rare) event that provable damages exceed whatever cap might be envisioned.

The Human Affairs Commission takes pride in our service to the citizens of South Carolina, and we value continued cooperation in the legislative oversight process. We look forward to continuing discussion with the Subcommittee.

Sincerely,



Raymond Buxton, II  
Commissioner

*Appendix G. October 24, 2017, Meeting Information*

*Economic Development, Transportation, and Natural Resources Subcommittee Meeting*

Tuesday, October 24, 2017

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# AGENDA

South Carolina  
House of Representatives



Legislative Oversight Committee

*ECONOMIC DEVELOPMENT, TRANSPORTATION,  
AND NATURAL RESOURCES SUBCOMMITTEE*

*The Honorable Neal A. Collins  
The Honorable Mandy Powers Norrell  
The Honorable Robert L. Ridgeway III*

*Tuesday, October 24, 2017*

*10:00 a.m.*

*427 - Blatt Building*

*Pursuant to Committee Rule 6.8, S.C. ETV shall be allowed access for internet streaming whenever technologically feasible.*

## AGENDA

- I. Approval of Minutes
- II. Discussion of the study of the Human Affairs Commission
- III. Discussion of the study of the Commission for Minority Affairs
- IV. Adjournment

# MEETING MINUTES

*Chairman Wm. Weston J. Newton*

*First Vice-Chair:  
Laurie Slade Funderburk*

## **Legislative Oversight Committee**

*Katherine E. "Katie" Arrington  
Gary E. Clary  
MaryGail K. Douglas  
Phyllis J. Henderson  
Joseph H. Jefferson Jr.  
Mandy Powers Norrell  
J. Todd Rutherford  
Tommy M. Stringer  
Bill Taylor*



*William K. (Bill) Bowers  
Neal Collins  
Raye Felder  
William M. "Bill" Hixon  
Robert L. Ridgeway III  
James E. Smith Jr.  
Edward R. Tallon Sr.  
Robert Q. Williams*

## **South Carolina House of Representatives**

*Jennifer L. Dobson  
Research Director*

**Post Office Box 11867**

**Columbia, South Carolina 29211**

**Telephone: (803) 212-6810 • Fax: (803) 212-6811**

**Room 228 Blatt Building**

*Charles L. Appleby IV  
Legal Counsel*

*Carmen J. McCutcheon Simon  
Research Analyst/Auditor*

*Cathy A. Greer  
Administration Coordinator*

*Kendra H. Wilkerson  
Fiscal/Research Analyst*

### **Economic Development, Transportation, and Natural Resources Subcommittee**

Tuesday, October 17, 2017

10:00 am

Blatt Room 108

#### **Archived Video Available**

- I. Pursuant to House Legislative Oversight Committee Rule 6.8, South Carolina ETV was allowed access for streaming the meeting. You may access an archived video of this meeting by visiting the South Carolina General Assembly's website (<http://www.scstatehouse.gov>) and clicking on *Committee Postings and Reports*, then under *House Standing Committees* click on *Legislative Oversight*. Then, click on *Video Archives* for a listing of archived videos for the Committee.

#### **Attendance**

- I. The Economic Development, Transportation, and Natural Resources Subcommittee meeting was called to order by Vice-Chair Laurie Slade Funderburk on Tuesday, October 17, 2017, in Room 108 of the Blatt Building. The following members of the Subcommittee were present for either all or a portion of the meeting: Representative Neal Collins, Representative Mandy Powers Norrell, and Representative Robert L. Ridgeway.

#### **Minutes**

- I. House Rule 4.5 requires standing committees to prepare and make available to the public the minutes of committee meetings, but the minutes do not

have to be verbatim accounts of meetings. It is the practice of the Legislative Oversight Committee to provide minutes for its subcommittee meetings.

- II. Representative Ridgeway makes a motion to approve the meeting minutes from the prior Subcommittee meeting. A roll call vote is held, and the motion passes.

Rep. Ridgeway’s motion to approve the minutes from the September 18, 2017 meeting:	Yea	Nay	Not Voting
Rep. Collins	✓		
Rep. Norrell			Not Present
Rep. Ridgeway	✓		
Rep. Funderburk	✓		

**Discussion of the Human Affairs Commission**

- I. Vice-Chair Funderburk provides an update on the Subcommittee’s work related to the Human Affairs Commission. She explains that the purpose of this meeting is to allow the agency to go through its responses to the Subcommittee’s follow-up questions, as well as to review the agency’s recommendations.
- II. Vice-Chair Funderburk reminds agency personnel who were sworn in during prior meetings that they remain under oath.
- III. Commissioner Raymond Buxton II presents the agency’s responses to the questions in the Subcommittee’s October 2, 2017, follow-up letter. Subcommittee members ask questions, which Commissioner Buxton and other agency representatives answer.
- IV. Vice-Chair Funderburk reviews each of the agency’s 23 law recommendations, which can be found on pp. 11-34 of the agency’s [Program Evaluation Report](#), p. 2 of the agency’s [letter from June 1, 2017](#), and pp. 1-3 of the agency’s [additional law recommendations submitted on July 31, 2017](#). Ms. Lee Ann Rice, Staff Counsel, and other agency representatives provide additional information about each recommendation. Subcommittee members ask questions, which agency representatives answer.
- V. During the discussion of the agency’s law recommendations, Subcommittee members make various motions, which are listed below:

Rep. Collins' motion to approve the agency's Law Recommendation #1.	Yea	Nay	Not Voting
Rep. Collins	✓		
Rep. Norrell	✓		
Rep. Ridgeway	✓		
Rep. Funderburk	✓		

Rep. Norrell's motion to approve the agency's Law Recommendation #2.	Yea	Nay	Not Voting
Rep. Collins	✓		
Rep. Norrell	✓		
Rep. Ridgeway	✓		
Rep. Funderburk	✓		

Rep. Collins' motion to approve the agency's Law Recommendation #3.	Yea	Nay	Not Voting
Rep. Collins	✓		
Rep. Norrell	✓		
Rep. Ridgeway	✓		
Rep. Funderburk	✓		

Rep. Collins' motion to approve the agency's Law Recommendation #4.	Yea	Nay	Not Voting
Rep. Collins	✓		
Rep. Norrell	✓		
Rep. Ridgeway	✓		
Rep. Funderburk	✓		

Rep. Collins' motion to approve the agency's Law Recommendation #6.	Yea	Nay	Not Voting
Rep. Collins	✓		
Rep. Norrell	✓		
Rep. Ridgeway	✓		
Rep. Funderburk	✓		

Rep. Collins' motion to approve the agency's Law Recommendation #7.	Yea	Nay	Not Voting
Rep. Collins	✓		
Rep. Norrell	✓		
Rep. Ridgeway	✓		
Rep. Funderburk	✓		

Rep. Collins' motion to approve the agency's Law Recommendations #9 and #11 as written, and to approve Law Recommendation #8 with an amendment to end the proposed additional language at "or sex."	Yea	Nay	Not Voting
Rep. Collins	✓		
Rep. Norrell	✓		
Rep. Ridgeway	✓		
Rep. Funderburk	✓		

Rep. Norrell's motion to include for information purposes only the agency's Law Recommendations #12-19.	Yea	Nay	Not Voting
Rep. Collins	✓		
Rep. Norrell	✓		
Rep. Ridgeway	✓		
Rep. Funderburk	✓		

Rep. Collins' motion to approve the agency's Law Recommendation #21.	Yea	Nay	Not Voting
Rep. Collins	✓		
Rep. Norrell	✓		
Rep. Ridgeway	✓		
Rep. Funderburk	✓		

Rep. Ridgeway's motion to include for information purposes only the agency's Law Recommendation #22.	Yea	Nay	Not Voting
Rep. Collins	✓		
Rep. Norrell	✓		
Rep. Ridgeway	✓		
Rep. Funderburk	✓		

Rep. Norrell's motion to include for information purposes only the agency's Law Recommendation #23.	Yea	Nay	Not Voting
Rep. Collins	✓		
Rep. Norrell	✓		
Rep. Ridgeway	✓		
Rep. Funderburk	✓		

Rep. Norrell's motion to include for information purposes only the agency's Law Recommendation #24.	Yea	Nay	Not Voting
Rep. Collins	✓		
Rep. Norrell	✓		
Rep. Ridgeway	✓		
Rep. Funderburk	✓		

Rep. Funderburk's motion to include for information purposes only the agency's implementation of recommendations from the 2014 Legislative Audit Council review of the agency.	Yea	Nay	Not Voting
Rep. Collins	✓		
Rep. Norrell	✓		
Rep. Ridgeway	✓		
Rep. Funderburk	✓		

VI. The meeting is adjourned.

# HUMAN AFFAIRS COMMISSION DOCUMENTS

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## STUDY TIMELINE: HUMAN AFFAIRS COMMISSION

- April 10, 2015 Agency submits its **Annual Restructuring and Seven-Year Plan Report**, which is available online.
- January 12, 2016 Agency submits its **Annual Restructuring Report**, which is available online.
- September 2016 Agency submits its 2015-16 Accountability Report/2017 Annual **Restructuring Report**.
- January 10, 2017 **Full committee votes** to make the agency the next agency for the Economic Development, Natural Resources, and Transportation Subcommittee to study. Video of the meeting is available online.
- January 17, 2017 **Agency receives notice** that it has been selected for study.
- February 9 - March 13, 2017 Committee solicits input from the public about the agency in the form of an **online public survey**. The results of the public survey are available online.
- March 9, 2017 Committee holds **public input meeting** about this and other agencies. Video of the meeting is available online.
- April 13, 2017 Agency submits its **Program Evaluation Report**, which is available online.
- June 22, 2017 Subcommittee meets with agency (**Meeting #1**).
- July 10, 2017 Subcommittee meets with agency (**Meeting #2**).
- September 2017 Agency submits its 2016-17 Accountability Report/2018 Annual **Restructuring Report**.
- September 18, 2017 Subcommittee meets with agency (**Meeting #3**).
- October 17, 2017 Subcommittee meets with agency (**Meeting #4**).
- October 24, 2017 (TODAY) Subcommittee meets with agency (**Meeting #5**).
- Ongoing Public may submit written comments on the Oversight Committee's webpage on the General Assembly's website ([www.scstatehouse.gov](http://www.scstatehouse.gov))

# FOLLOW-UP LETTER TO AGENCY

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*First Vice-Chair:  
Laurie Slade Funderburk*

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October 18, 2017

Chairman John Oakland  
Commissioner Raymond Buxton, II  
South Carolina Human Affairs Commission  
1026 Sumter Street  
Columbia, SC 29201

Dear Chairman Oakland and Commissioner Buxton:

The Economic Development, Transportation, and Natural Resources Subcommittee appreciates the agency's partnership in the oversight process. After our meeting on October 17, the Subcommittee has some follow up questions for the agency. Please provide this information by Friday, October 20, 2017.

### ***Agency Law Recommendation #5: Mandatory Mediation for State Agencies and Employees***

1. Does this recommendation create a situation in which employees of state agencies have more limited rights than employees of private companies in employment disputes?
2. Does the agency expect the success rate of mediations to decrease if some parties are required to complete mediation? If so, by how much?
3. Please estimate the cost of the following to (1) SCHAC; and (2) state agencies responding to complaints.
  - a. Mediation
  - b. Investigation
4. What costs, both monetary and otherwise (e.g., time), might a complainant against a state agency incur due to mediation?
5. How much does mediation delay an investigation if the mediation does not lead to a resolution?

***Agency Law Recommendation #10: Clarification of Types of Relief for Public Accommodation Discrimination***

6. Please present some options for limiting in statute the amount of damages that may be awarded to a complainant under the proposed revision of S.C. Code §45-9-60.

Thank you for your service to the citizens of South Carolina and for your continued cooperation with the legislative oversight process. The Subcommittee looks forward to continuing its discussion of the study of the Human Affairs Commission with you on Tuesday, October 24, 2017.

Sincerely,



Laurie Slade Funderburk  
Committee First Vice-Chair

cc: Economic Development, Transportation, and Natural Resources Subcommittee Members

# AGENCY RECOMMENDATIONS

Statute or Regulation	Approved 10.17.17 Recommendation #1 SC Code Section 1-13-70 (i) Powers of Commission
Explanation of Revision	While Section 1-13-90(d) clearly articulates that the Agency has the power to subpoena non-state Agency employers, the language in 1-13-70 (i) has not been updated to reflect the agency's jurisdiction.
Recommended Language	(i) To require from any <del>employer state agency or department or local subdivisions of a state agency or department</del> such reports and information at such times as it may deem reasonably necessary to effectuate the purposes of this chapter.
Other Agencies Impacted	None
Statute or Regulation	Approved 10.17.17 Recommendation #2 SC Code Section 1-13-90 (c)(16) Complaints, investigations, hearings and orders
Explanation of Revision	State and Federal Courts, as well as the Agency's federal counterpart, award broader damages to aggrieved parties in employment discrimination litigation, and state law should contemplate the full range of damage awards available to a prevailing party. Language similar to the proposed wording below is found in Tennessee and Kentucky code sections.
Recommended Language	(16) If upon all the evidence at the hearing the panel shall find that the respondent has engaged in any unlawful discriminatory practice, it shall state its findings of fact and serve upon the respondent in the name of the Commission an opinion and order requiring <u>the Respondent to cease and desist from the discriminatory practice and to take such affirmative action as in the judgment of the commission will carry out the purposes of this chapter. A copy of the order shall be delivered to the respondent, the complainant, and to such public officers and persons as the commission deems proper. Affirmative action ordered under this section may include, but is not limited to:</u> <u>(a) Hiring, reinstatement or upgrading of employees with or without back pay. Interim earnings or amounts earnable with reasonable diligence by the person or persons discriminated against shall operate to reduce the back pay otherwise allowable;</u> <u>(b) Admission or restoration of individuals to union membership, admission to, or participation in, a guidance program, apprenticeship, training program, on-the-job training program, or other occupational training or retraining program, and the utilization of objective criteria in the admission of individuals to such programs;</u> <u>(c) Reporting as to the manner of compliance;</u> <u>(d) Posting notices in conspicuous places in the respondent's place of business in the form prescribed by the commission and inclusion of such notices in advertising material;</u> <u>(e) Payment to the complainant of damages for an injury, including humiliation and embarrassment, caused by the discriminatory practice, and cost, including a reasonable attorney's fee; and</u> <u>(f) Such other remedies as shall be necessary and proper to eliminate all the discrimination identified by the evidence submitted at the hearing or in the record. <del>that such unlawful discriminatory practice be discontinued and requiring such other action including, but not limited to, hiring, reinstatement or upgrading of employees, with or without back pay to the persons aggrieved by such practice as, in the judgment of the panel, will effectuate the purposes of this chapter. Back pay liability shall not accrue from a date more than two years prior to the filing of a charge with the Commission. The Commission may retain jurisdiction of any such case until it is satisfied of compliance by the respondent with its order.</del></u>
Other Agencies Impacted	Any agency that unlawfully discriminates against an employee or potential employee

Statute or Regulation	Approved 10.17.17 Recommendation # 3 SC Code Section 1-13-90 (d)(6) Complaints, investigations, hearings and orders (Discussed by agency on July 10, 2017)
Explanation of Revision	Complainants may be thrown out of court, despite abiding by all the necessary deadlines, when a complainant brings a civil suit following an investigation by the Agency, if the EEOC has waived the case to the Agency. For example, if the EEOC accepted a charge 300 days after the date of harm (the EEOC's deadline for acceptance), then subsequently waived the case immediately the Agency, the Agency would not be able to issue a Notice of Right to Sue to the Complainant until 480 days after the date of harm. Currently, the statute states that a lawsuit must be filed within a year from the date of harm, if it is earlier than the 180 days the Agency has to investigate the case.
Recommended Language	((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 <del>later</del> <u>earlier</u> , except that this period may be extended by written consent of the respondent.
Other Agencies Impacted	Any agency against which an employment discrimination lawsuit is brought

Statute or Regulation	Approved 10.17.17 Recommendation # 4 SC Code Section 1-13-100 Construction and application of chapter
Explanation of Revision	In addition to limiting the types of civil causes of action that can be brought under the Human Affairs Law, a similar limitation to the relief awarded should also be established.
Recommended Language	Nothing in this chapter may be construed to create a cause of action other than those specifically described in Section 1-13-90 of this chapter. Nothing in this chapter may be construed to create a cause of action against a person not covered by Title VII of the Civil Rights Act of 1964, as amended, 42 U. S. C. Section 2000e et seq., if the cause of action arises from discrimination on the basis of race, color, religion, sex, or national origin. Nothing in this chapter may be construed to create a cause of action against a person not covered by the Age Discrimination in Employment Act of 1967, as amended, 29 U. S. C. Section 621 et seq., if the cause of action arises from discrimination on the basis of age. Nothing in this chapter may be construed to create a cause of action against a person not covered by the Americans with Disabilities Act of 1990, as amended, Public Law 101-336. <u>Nothing in this chapter may be construed to award relief greater than Title VII of the Civil Rights Act of 1964, as amended, 42 U. S. C. Section 2000e et seq., the Age Discrimination in Employment Act of 1967, as amended, 29 U. S. C. Section 621 et seq., or the Americans with Disabilities Act of 1990, as amended, Public Law 101-336.</u>
Other Agencies Impacted	None

Statute or Regulation	No Action Taken - Additional Information Requested Recommendation # 5 SC Code Section 1-13-90 (c) Complaints, investigations, hearings and orders
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Explanation of Revision

Similar to the Office of Human Resources in holding Grievance Committee Hearings and in South Carolina Circuit Courts, State Agencies and complainants should be required to engage in a preliminary mediation at the Agency.

Recommended Language

(c) For complaints asserting expressly or in substance a violation by a state agency or department or local subdivisions of a state agency or department of Section 1-13-80 the procedure shall be as follows:

- (1) Within sixty days of the complainant's filing of the complaint, the commissioner shall assign one or more of his employees or agents to hold a mandatory mediation conference. The mandatory mediation conference may not be used as a fact-finding conference. The mediator may hold additional mediation conferences to accommodate settlement discussions.
- (2) If the complaint is not resolved after the mandatory mediation conference, the complainant or the respondent may request the commission to hold additional mediation conferences.
- (3) The commission may dismiss the complaint if a complainant, after notice and without good cause, fails to attend a mandatory mediation conference, or the respondent has eliminated the discriminatory practice complained of, taken steps to prevent a like occurrence in the future, and offered full relief to the complainant, even though the complainant has refused the relief.
- (4) If the complaint is not resolved after the mandatory mediation conference, the commissioner shall assign one or more of the agency's employees or agents within fifteen days after the mandatory mediation conference to investigate the complaint as the designated investigator in charge of the complaint. Information gathered during an investigation under this item shall not be made public by the commission, its officers, or employees, except for information made public as a result of being offered or received into evidence in an action brought under this chapter.
- (5) The chairman of the commission or, upon the request of the chairman, the commissioner shall designate a member of the commission to supervise the processing of the complaint.
- (6) The complaint may be resolved at any time before a hearing by conference, conciliation, or persuasion, with the complainant and the respondent. The resolution must be embodied in a conciliation agreement, which shall include an agreement by the respondent to refrain from committing unlawful discriminatory practices in the future, and which may contain those further provisions as are agreed upon by the complainant and the respondent. No conciliation agreement may be considered an effective resolution by the commission unless the supervisory commission member has reviewed and approved the terms of the agreement. Positions taken by a witness in connection with these efforts toward conciliation shall not be made public or used against the interest of the witness in a subsequent proceeding.
- (7) In undertaking its investigation of a complaint, the commission shall have the authority:
  - (a) to issue a subpoena or subpoena duces tecum and thereby compel attendance of witnesses or production for examination of books, papers, and records, whenever it is considered necessary to compel the attendance of witnesses, or the production for examination of any books, payrolls, personnel records, correspondence, documents, papers, or any other evidence relating to any matter under investigation or in question before the commission. This authority may be exercised only by the joint action by the chairman of the commission and the commissioner;
  - (b) to require any party or witness to answer interrogatories at any time after the complaint is filed;
  - (c) to take depositions of witnesses including any party pursuant to a complaint or investigation made by the commission;
  - (d) pursuant to subitems (a), (b), (c), if a person fails to permit access, fails to comply with a subpoena, refuses to have his deposition taken, refuses to answer interrogatories, or otherwise refuses to allow discovery, the commission may request an order of a court of competent jurisdiction requiring discovery and other related good faith compliance.
- (8) If not sooner resolved, the investigator shall upon completion of his investigation submit to the supervisory commission member a statement of the facts disclosed by his investigation

and recommend either that the complaint be dismissed or that a panel of commission members be designated to hear the complaint. The supervisory commission member, after review of the case file and the statement and recommendation of the investigator, shall issue an order either of dismissal or for a hearing, which order is not subject to judicial or other further review.

(9) If the order is for dismissal, the supervisory commission member shall mail a copy of the order to the complainant and the respondent at their last known addresses.

(10) If the order is for a hearing, the supervisory commission member shall attach to the order a notice and a copy of the complaint and require the respondent to answer the complaint at a hearing at a time and place specified in the notice and shall serve upon the respondent a copy of the order, the complaint, and the notice.

(11) At any time before a hearing a complaint may be amended by the supervisory commission member upon the request of the investigator, complainant, or respondent. Complaints may be amended during a hearing only upon a majority vote of the panel of commission members for the hearing.

(12) Upon request by any party, the commissioner shall issue appropriate subpoenas or subpoenas duces tecum to any witnesses or other custodians of documents desired to be present at the hearing, or at prehearing depositions, unless the commissioner determines that issuance of the subpoenas or subpoenas duces tecum would be unreasonable or unduly burdensome.

(13) Upon notification by any party that any party or witness has failed to permit access, failed to comply with a subpoena or subpoena duces tecum, refused to have his deposition taken, refused to answer interrogatories, or otherwise refused to allow discovery, the commission, upon notice to the party or witness, shall apply to a court of competent jurisdiction for an order requiring discovery and other good faith compliance unless the commission determines that the discovery would be unreasonably or unduly burdensome.

(14) Upon request by the supervisory commission member, the chairman of the commission shall designate a panel of three members of the commission to sit as the commission to hear the complaint; provided, that no member of the commission may be a member of a panel to hear a complaint for which he has been a supervisory commission member.

(15) At any hearing held pursuant to this subsection, the case in support of the complaint shall be presented before the panel by one or more of the commission's employees or agents, and, with consent of the panel, by legal representatives of the complaining party; provided, that attempts at conciliation by the investigator must not be received into evidence nor otherwise made known to the members of the panel.

(16) The respondent shall submit a written answer to the complaint and appear at the hearing in person or by counsel and may submit evidence. The respondent shall have the power reasonably and fairly to amend his answer.

(17) The complainant is permitted to be present and submit evidence.

(18) These proceedings are subject to the Administrative Procedures Act and in case of conflict between the provisions of this chapter and the Administrative Procedures Act, the Administrative Procedures Act shall govern. A recording of the proceedings shall be made, which may be subsequently transcribed upon request and payment of a reasonable fee by the complainant or the respondent. The fee must be set by the commission or upon motion of the panel, in which case copies of this transcription shall be made available to the complainant or the respondent upon request and payment of a reasonable fee to be set by the commission.

(19) If upon all the evidence presented at the hearing the panel shall find that the respondent has engaged in any unlawful discriminatory practice, it shall state its findings of fact and serve upon the respondent in the name of the commission an opinion and order requiring that the unlawful discriminatory practice be discontinued and requiring such other action including, but not limited to, hiring, reinstating or upgrading of employees, with or without back pay to the persons aggrieved by the practice as, in the judgment of the panel, shall effectuate the

purposes of this chapter. Back pay liability shall not accrue from a date more than two years prior to the filing of the complaint with the commission. The commission may retain jurisdiction of any such case until it is satisfied of compliance by the respondent with its order.

(20) If upon all the evidence at the hearing the panel shall find that the respondent has not engaged in any unlawful discriminatory practice, the panel shall state its findings of fact and serve upon the complainant and the respondent an opinion and order dismissing the complaint as to the respondent.

(21) A copy of the opinion and order of the commission shall be delivered to the Attorney General and to those other public officers as the commission deems proper. Copies of the opinion and order shall be available to the public for inspection upon request, and copies shall be made available to any person upon payment of a reasonable fee set by the commission.

(22)(a) If an application for review is made to the commission within fourteen days from the date of the opinion and order of the commission, the commission, for good cause shown, shall review the opinion and order, the evidence, receive further evidence, rehear the parties or their representatives, and, if justified, amend the opinion and order.

(b) The opinion and order of the commission as provided in item (19), if not reviewed in due time, or an opinion and order of the commission upon review, as provided for in subitem (a), is conclusive and binding as to all questions of fact unless clearly erroneous in view of the reliable, probative, and substantive evidence in the whole record. Either party to the dispute, within thirty days after receipt of the opinion and order, may appeal the decision of the commission to the Administrative Law Court as provided in Chapter 23, Title 1. In case of an appeal from the decision of the commission, the appeal operates as a supersedeas for thirty days only, unless otherwise ordered by the administrative law judge, and the respondent is required to comply with the order involved in the appeal until the questions at issue are fully determined in accordance with the provisions of this chapter.

(c) The commission may institute a proceeding for enforcement of its order issued under item (19) or its amended order issued under subitem (a) after thirty days from the date of the order, unless otherwise prevented by the administrative law judge under subitem (b) above, by filing a request for enforcement in the court of common pleas of the county in which the hearing occurred, or where the person who is the subject of the commission's order resides or transacts business. A decree of the court for enforcement of the order may be granted upon a showing that a copy of the petition for enforcement was served upon the party subject to the dictates of the commission's order."

(1) The Commissioner shall assign one or more of his employees or agents to investigate the complaint, in which case one shall be designated the investigator in charge of the complaint. Information gathered during an investigation under this subsection shall not be made public by the Commission, its officers or employees, except for information made public as a result of being offered or received into evidence in an action brought under this subsection.

(2) The Chairman of the Commission or, upon the request of the Chairman, the Commissioner shall designate a member of the Commission to supervise the processing of the complaint.

(3) The complaint may be resolved at any time before a hearing by conference, conciliation and persuasion with the complainant and the respondent, such resolution to be embodied in a conciliation agreement, which shall include an agreement by the respondent to refrain from committing unlawful discriminatory practices in the future, and which may contain such further provisions as are agreed upon by the complainant and the respondent. No conciliation agreement shall be deemed an effective resolution by the Commission unless the supervisory commission member shall have reviewed and approved the terms thereof.  
Positions taken by a

witness in connection with such efforts toward conciliation shall not be made public or used against the interest of the witness in a subsequent proceeding.

(4) In undertaking its investigation of a complaint the Commission shall have the authority:

(i) To issue a subpoena or subpoena duces tecum and thereby compel attendance of witnesses or production for examination of books, papers, and records, whenever it is deemed necessary to compel the attendance of witnesses, or the production for examination of any books, payrolls, personnel records, correspondence, documents, papers or any other evidence relating to any matter under investigation or in question before the Commission. The power may be exercised only by the joint action by the Chairman of the Commission and the Commissioner.

(ii) To require any party or witness to answer interrogatories at any time after the complaint is

filed.

(iii) To take depositions of witnesses including any party pursuant to a complaint or investigation made by the Commission.

(iv) Pursuant to subitems (i), (ii), (iii), above, if a person fails to permit access, fails to comply with a subpoena, refuses to have his or her deposition taken, refuses to answer interrogatories, or otherwise refuses to allow discovery, the Commission may request an order of a court of competent jurisdiction requiring discovery and other related good faith compliance.

(5) If not sooner resolved, the investigator shall upon completion of his investigation submit to the supervisory commission member a statement of the facts disclosed by his investigation and recommend either that the complaint be dismissed or that a panel of commission members be designated to hear the complaint. The supervisory commission member, after review of the case file and the statement and recommendation of the investigator shall issue an order either of dismissal or for a hearing, which order shall not be subject to judicial or other further review.

(6) If the order be of dismissal, the supervisory commission member shall mail a copy of the

order to the complainant and the respondent at their last known addresses.

(7) If the order be for a hearing, the supervisory commission member shall annex thereto a notice and a copy of the complaint and require the respondent to answer the complaint at a hearing at a time and place specified in the notice and shall serve upon the respondent a copy of the order, the complaint, and the notice.

(8) At any time before a hearing a complaint may be amended by the supervisory commission member upon the request of the investigator or of the complainant or of the respondent. Complaints may be amended during a hearing only upon a majority vote of the panel of commission members for such hearing.

(9) Upon request by any party, the Commissioner shall issue appropriate subpoenas or subpoenas duces tecum to any witnesses or other custodians of documents desired to be present at the hearing, or at prehearing depositions, unless the Commissioner determines that issuance of the subpoenas or subpoenas duces tecum would be unreasonable or unduly burdensome.

(10) Upon notification by any party that any party or witness has failed to permit access, failed to comply with a subpoena or subpoena duces tecum, refused to have his or her deposition

taken, refused to answer interrogatories, or otherwise refused to allow discovery, the Commission, shall, upon notice to the party or witness, apply to a court of competent jurisdiction for an order requiring discovery and other good faith compliance unless the Commission determines that the discovery would be unreasonably or unduly burdensome.

(11) Upon request by the supervisory commission member, the Chairman of the

Commission shall designate a panel of three members of the Commission to sit as the Commission to hear the complaint; provided, that no member of the Commission shall be a member of a panel to hear a complaint for which he has been a supervisory commission member.

(12) At any hearing held pursuant to this subsection, the case in support of the complaint shall be presented before the panel by one or more of the commission's employees or agents, and, with consent of the panel, by legal representatives of the complaining party; provided, that endeavors at conciliation by the investigator shall not be received into evidence nor otherwise made known to the members of the panel.

(13) The respondent shall submit a written answer to the complaint and appear at such hearing in person or by counsel and may submit evidence. The respondent shall have the power reasonably and fairly to amend his answer.

(14) The complainant shall be permitted to be present and submit evidence.

(15) Proceedings under this section shall be subject to the Administrative Procedures Act, Sections 1-23-310 through 1-23-400 of the Code of Laws of South Carolina, 1976, as amended, and in case of conflict between the provisions of this chapter and the Administrative Procedures Act, the Administrative Procedures Act shall govern. A recording of the proceedings shall be made, which may be subsequently transcribed upon request and payment of a reasonable fee by the complainant or the respondent. The fee shall be set by the Commission or upon motion of the panel, in which case copies of such transcription shall be made available to the complainant or the respondent upon request and payment of a reasonable fee to be set by the Commission.

(16) If upon all the evidence at the hearing the panel shall find that the respondent has engaged in any unlawful discriminatory practice, it shall state its findings of fact and serve upon the respondent in the name of the Commission an opinion and order requiring that such unlawful discriminatory practice be discontinued and requiring such other action including, but not limited to, hiring, reinstatement or upgrading of employees, with or without back pay to the persons aggrieved by such practice as, in the judgment of the panel, will effectuate the purposes of this chapter. Back pay liability shall not accrue from a date more than two years prior to the filing of a charge with the Commission. The Commission may retain jurisdiction of any such case until it is satisfied of compliance by the respondent with its order.

(17) If upon all the evidence at the hearing the panel shall find that the respondent has not engaged in any such unlawful discriminatory practice, the panel shall state its findings of fact and serve upon the complainant and the respondent an opinion and order dismissing the complaint as to the respondent.

(18) A copy of the opinion and order of the Commission shall be delivered in all cases to the Attorney General and to such other public officers as the Commission deems proper. Copies of the opinion and order shall be available to the public for inspection upon request, and copies shall be made available to any person upon payment of a reasonable fee set by the Commission.

(19)(i) If an application for review is made to the commission within fourteen days from the date the order of the commission is given, the commission, for good cause shown, shall review the order and evidence, receive further evidence, rehear the parties or their representatives, and, if proper, amend the order.

(ii) The order of the commission, as provided in item (16) of subsection (c) of this section, if not reviewed in due time, or an order of the commission upon review, as provided for in subitem (i) of item (19) of this subsection, is conclusive and binding as to all questions of fact unless clearly erroneous in view of the reliable, probative, and substantive evidence in the whole record. Either party to the dispute, within thirty days after receipt of notice to be

sent by registered mail of the order may appeal the decision of the commission to the Administrative Law Court as provided in Sections 1-23-380(B) and 1-23-600(D). In case of an appeal from the decision of the commission, the appeal operates as a supersedeas for thirty days only, unless otherwise ordered by the administrative law judge, and the respondent is required to comply with the order involved in the appeal or certification until the questions at issue are fully determined in accordance with the provisions of this chapter.

(iii) The commission may institute a proceeding for enforcement of its order of item (16) of subsection (c) of this section, or its amended order of subitem (i) of item (19) of this subsection after thirty days from the date of the order, by filing a notice of appeal in the court of common pleas of the county in which the hearing occurred, or where a person required in the order to cease and desist from a practice which is the subject of the commission's order, or to take other affirmative action, resides, or transacts business. If no appeal pursuant to subitem (ii) of item (19) of this subsection is initiated, the commission may obtain a decree of the court for enforcement of its order upon a showing that a copy of the petition for enforcement was served upon the party subject to the dictates of the commission's order.

Other Agencies Impacted Any state agency against which a charge is filed

Statute or Regulation [Approved 10.17.17](#)

[Recommendation # 6 SC Code Section 31-21-70 \(G\) Application and expectations](#)

Explanation of Revision Disability discrimination related to modifications, accommodations and construction deficiencies in a housing investigation may involve the terms and conditions of a sale or rental of a dwelling, in addition to the denial of a dwelling.

Recommended Language (G) For purposes of Section 31-21-40(6) and 31-21-40(7), discrimination includes:

- (1) a refusal to permit, at the expense of the handicapped person, reasonable modifications of existing premises occupied or to be occupied by the person if the modifications are necessary to afford that person full enjoyment of the premises, except that in the case of a rental, the landlord, where it is reasonable to do so, may condition permission for a modification on the renter agreeing to restore the interior of the premises to the condition that existed before the modification, reasonable wear and tear excepted;
- (2) a refusal to make reasonable accommodations in rules, policies, practices, or services when such accommodations may be necessary to afford the person equal opportunity to use and enjoy a dwelling; or
- (3) in connection with the design and construction of covered multi-family dwellings for first occupancy after the date that is thirty months after the date of enactment of the Fair Housing Amendments Act of 1988, a failure to design and construct those dwellings in such a manner that:
  - (a) the public use and common use portions of such dwelling are readily accessible to and usable by handicapped persons;
  - (b) all the doors designed to allow passage into and within all premises within such dwellings are sufficiently wide to allow passage by handicapped persons in wheelchairs; and
  - (c) all premises within these dwellings contain the following features of adaptive design:
    - (i) an accessible route into and through the dwelling;
    - (ii) light switches, electrical outlets, thermostats, and other environmental controls in accessible locations;

(iii) reinforcements in the bathroom walls to allow later installation of grab bars; and  
 (iv) usable kitchens and bathrooms that an individual in a wheelchair can maneuver about the space

Other Agencies Impacted	None
Statute or Regulation	Approved 10.17.17 <a href="#">Recommendation # 7 SC Code Section 31-21-120 (B) Complaints; process and handling; conciliation; effect of local laws; civil action</a>
Explanation of Revision	The Agency and its Federal Counterpart agency (the Department of Housing and Urban Development) no longer require that a complaint or answer be verified, only that they be under oath. The Commission may contract and cooperate with Federal Equivalent Agencies (like the EEOC and HUD) in furthering the joint missions of the Agencies.
Recommended Language	(B) A complaint under subsection (A) must be filed within one hundred eighty days after the alleged discriminatory housing practice occurred. The complaint must be in writing and shall state the facts upon which the allegations of a discriminatory housing practice are based. A complaint may be reasonably and fairly amended at any time. A respondent may file an answer to the complaint against him, not later than ten days after receipt of notice, and may be amended reasonably and fairly by the respondent at any time. <del>Both complaint and answer must be verified.</del>
Other Agencies Impacted	None
Statute or Regulation	Approved 10.17.17 <a href="#">Recommendation # 8 SC Code Section 45-9-10 (A) All persons entitled to equal employment of and privileges to public accommodation; places of public accommodation; "supported by state action" defined</a>
Explanation of Revision	In recent years, the Attorney General and SLED have not engaged in any investigations related to public accommodation discrimination and instead all complaints are brought to the Human Affairs Commission for processing through conciliation efforts only. The Commission seeks to have the General Assembly encourage our partner Agencies to work with SCHAC in adjudicating allegations of public accommodation discrimination. Alternatively, SCHAC seeks that the statutes be changed to empower SCHAC with processing complaints. The language in the law, and new process, mirrors the Tennessee Human Rights Commission, which is substantially similar to the South Carolina Human Affairs Commission.
Recommended Language	(A) All persons shall be entitled to the full and equal enjoyment of the goods, services, facilities, privileges, advantages, and accommodations of any place of public accommodation, as defined in Article 1 of this chapter, without discrimination or segregation on the ground of race, color, religion, <del>or national origin, or sex.</del> <u>(Agency recommendation amended. though nothing in this part shall prohibit segregation on the basis of sex of bathrooms, health clubs, rooms for sleeping or changing clothes, or other places of public accommodation the commission specifically exempts on the basis of bona fide considerations of public policy.)</u>
Other Agencies Impacted	Office of the Attorney General and SLED Staff reached out for input from agencies (Attorney General - October 4) and SLED (October 2)

Statute or Regulation	<p>Approved 10.17.17</p> <p>Recommendation # 9 SC Code Section 45-9-40 Processing of complaints; review by State Human Affairs Commission; complaint by Attorney General</p>
Explanation of Revision	<p>In recent years, the Attorney General and SLED have not engaged in any investigations related to public accommodation discrimination and instead all complaints are brought to the Human Affairs Commission for processing through conciliation efforts only. The Commission seeks to have the General Assembly encourage our partner Agencies to work with SCHAC in adjudicating allegations of public accommodation discrimination. Alternatively, SCHAC seeks that the statutes be changed to empower SCHAC with processing complaints. The language in the proposed wording, and new process, mirrors the Tennessee Human Rights Commission, which is substantially similar to the South Carolina Human Affairs Commission.</p>
Recommended Language	<p>Section 45-9-40. Processing of <u>charges</u> <del>complaints</del>; review by State Human Affairs Commission; complaint by <u>Commission</u> <del>Attorney General</del>.</p> <p>Whenever the <u>State Human Affairs Commission</u> <del>Attorney General</del> receives a <u>charge</u> <del>complaint</del> and has cause to believe that a person or group of persons is engaged in a pattern or practice of resistance to the full enjoyment of any of the rights secured by the provisions of Article 1, and that the pattern or practice is of a nature so as to deny the full exercise of the rights described in the provisions of Article 1, the <u>Commission</u> <del>Attorney General</del> shall notify the <u>State Law Enforcement Division</u> <del>which</del> shall conduct an investigation. The results of this investigation must be reported to a <u>panel of the Board of the Commission</u> <del>the State Human Affairs Commission</del>. A panel of not fewer than three commission members, designated by the chairman, shall determine if there is reasonable cause to believe that the facts alleged, based upon the results of this investigation, are sufficient to state a violation of Article 1 by a pattern or practice of discrimination or segregation.</p> <p>If this panel finds reasonable cause, <u>they shall inform the chairman</u> <del>the chairman shall inform the Attorney General</del>, and the <u>Commission</u> <del>Attorney General or his designee</del> shall begin an action by <u>filing a complaint with the commission and serving a complaint and Order for hearing</u>, by certified mail, return receipt requested, <u>on</u> the parties named in the complaint. The commission members which serve on this panel may not serve on the panel conducting a hearing on the allegations contained in the complaint if a license revocation proceeding is initiated. If a person alleged to have violated the provisions of Article 1 by a pattern or practice of discrimination or segregation is an employee or agent of an establishment as defined in Section 45-9-10, the <u>Commission</u> <del>Attorney General</del> shall make a diligent effort to include in the complaint the name of the employer, principal, or a third party who may be the holder of a license or permit under which the establishment or an agent of the establishment operates. The complaint must set forth a description of the charges, including the facts pertaining to the pattern or practice of discrimination or segregation and a listing of those licenses or permits which are sought to be revoked under the provisions of this article and must state clearly the remedy or penalty available pursuant to Sections 45-9-60 and 45-9-80 if the allegations are found to be true.</p>
Other Agencies Impacted	<p>Office of the Attorney General and SLED</p> <p>Staff reached out for input from agencies (Attorney General - October 4) and SLED (October 2)</p>

Statute or Regulation	<p><b>No Action Taken - Additional Information Requested</b></p> <p>Recommendation # 10 SC Code Section 45-9-60 State Human Affairs Commission may establish rules of procedure for hearings; subpoenas; rights of persons charged; rules of evidence; scope of hearing; deliberations of panel; remedies for violation</p>
Explanation of Revision	<p>In recent years, the Attorney General and SLED have not engaged in any investigations related to public accommodation discrimination and instead all complaints are brought to the Human Affairs Commission for processing through conciliation efforts only. The Commission seeks to have the General Assembly encourage our partner Agencies to work with SCHAC in adjudicating allegations of public accommodation discrimination. Alternatively, SCHAC seeks that the statutes be changed to empower SCHAC with processing complaints. The language in the proposed wording, and new process, mirrors the Tennessee Human Rights Commission, which is substantially similar to the South Carolina Human Affairs Commission.</p>
Recommended Language	<p>State Human Affairs Commission may establish rules of procedure for hearings; subpoenas; rights of persons charged; rules of evidence; scope of hearing; deliberations of panel; remedies for violation. The commission may establish rules of procedure for the conduct of the panel hearings as provided in this article and is not governed by the Administrative Procedures Act in establishing these rules or in the conduct of panel hearings. The commissioner, upon request of the panel conducting a hearing, may issue subpoenas and subpoenas duces tecum to allow the panel to interview any person it deems necessary and review any document it deems relevant.</p> <p>A person or group of persons charged in the complaint with engaging in a pattern or practice of discrimination or segregation in violation of Article 1 shall have the right in the hearing to present physical and documentary evidence, the testimony of witnesses, and other relevant information. In procuring the testimony of witnesses, such persons shall have the benefit of the commissioner's subpoena power. Such persons shall have the right to appear before the panel and be represented by an attorney, to call witnesses, to confront and cross examine adverse witnesses, and to make oral and written legal arguments.</p> <p>All testimony given must be under oath in the presence of a court reporter who shall record the proceedings. The rules of evidence applicable in circuit court shall be used in all hearings. Except to the extent necessary to establish a pattern or practice of discrimination or segregation or to allow for the participation of those intervenors as may be allowed by Section 45-9-70, the panel conducting the hearing must limit the scope of the hearing to the items delineated in the description of the charges or in the allegations in the complaint.</p> <p>Notwithstanding any other provision of law to the contrary, all deliberations and votes of the panel may be conducted in executive session. The deliberations, findings, and conclusions of the panel are confidential and may not be disclosed by any person until the final order or determination is made public as provided in this article.</p> <p>Except as otherwise provided by this article, if it is determined that the rights and privileges secured by Article 1 have been violated by a pattern or practice of discrimination or segregation by an owner of an establishment, an employee of an establishment, or an agent of an establishment, the panel shall grant the relief authorized in Section 45-9-80. The panel may further order any persons found to have violated the provisions of Article 1 by a pattern or practice of discrimination or segregation to reimburse the State for the actual costs incurred in conducting the hearing, including reasonable attorney's fees. <u>Additionally, the Panel's Order shall be public and may require:</u></p> <ol style="list-style-type: none"> <li>(1) <u>Admission of individuals to a place of public accommodation, resort or amusement;</u></li> <li>(2) <u>The extension to all individuals of the full and equal enjoyment of the advantages, facilities, privileges and services of the respondent;</u></li> <li>(3) <u>Reporting as to the manner of compliance;</u></li> <li>(4) <u>Posting notices in conspicuous places in the respondent's place of business in the form prescribed by the commission and inclusion of such notices in advertising material;</u></li> </ol>

- (5) Payment to the complainant of damages for an injury, including humiliation and embarrassment, caused by the discriminatory practice, and cost, including a reasonable attorney's fee;
- (6) Such other remedies as shall be necessary and proper to eliminate all the discrimination identified by the evidence submitted at the hearing or in the record.

Other Agencies Impacted Office of the Attorney General  
Staff reached out for input from agencies (Attorney General - October 4)

Statute or Regulation [Approved 10.17.17](#)  
[Recommendation # 11 SC Code Section 45-9-80](#) Attorney General to notify permitting, regulatory or licensing authority of violations; immediate revocation of license or permit; enforcement of panel’s decision; violators not to obtain license or permit for three years

Explanation of Revision In recent years, the Attorney General and SLED have not engaged in any investigations related to public accommodation discrimination and instead all complaints are brought to the Human Affairs Commission for processing through conciliation efforts only. The Commission seeks to have the General Assembly encourage our partner Agencies to work with SCHAC in adjudicating allegations of public accommodation discrimination. Alternatively, SCHAC seeks that the statutes be changed to empower SCHAC with processing complaints. The language in the proposed law, and new process, mirrors the Tennessee Human Rights Commission, which is substantially similar to the South Carolina Human Affairs Commission.

Recommended Language ~~Commission Attorney General~~ to notify permitting, regulatory, or licensing authority of violations; immediate revocation of license or permit; enforcement of panel's decision; violators not to obtain license or permit for three years.  
Notwithstanding any other provision of law or ordinance to the contrary, if the panel determines that the provisions of Article 1 have been violated by a pattern or practice of discrimination or segregation by the owner of an establishment, an employee of an establishment, or an agent of an establishment of public accommodations as defined in Section 45-9-10, the ~~Commission Attorney General~~ must immediately notify the appropriate state or local permitting, regulatory, or licensing authority that those licenses or permits so designated in the panel's order must be revoked immediately, notwithstanding the provisions of Section 1-23-380(C), upon expiration of the time allowed for an appeal if no appeal has been filed. After appeals, if the panel's order is not reversed, the license or permit must be revoked as provided in this article. If necessary, a writ of mandamus may be sought by the ~~Commission Attorney General~~ or any individual to effectuate the provisions of this section. Nothing in this section shall be construed as requiring the issuance of a writ of mandamus, and no civil action shall lie against any regulatory or licensing official acting pursuant to an order of the panel.  
If the Commission notifies the appropriate state or local permitting, regulatory, or licensing authority that those licenses or permits so designated in the panel's order must be revoked immediately, ~~no~~ the owner of an establishment, employee of an establishment, or agent of an establishment who is found to have violated the provisions of Article 1 by a pattern or practice of discrimination or segregation shall not obtain a license or permit from the same regulatory or licensing entity or seek the reissuance of a revoked license or permit within three years from the date of the panel's order or a final determination of a court of competent jurisdiction, whichever is later.

Other Agencies Impacted Office of the Attorney General  
Staff reached out for input from agencies (Attorney General - October 4)

Statute or Regulation	Approved 10.17.17 (For Information Purposes Only in Subcommittee Report) Recommendation # 12 Regulation 65-2 Complaints (Approved in 2017 - Effective 5.26.17)
Explanation of Revision	The regulation should be changed to eliminate the unnecessary requirement of notarization on the Complaint Form, and should instead reflect the statutory requirement of a statement that is made under oath or affirmation. The proposed amendment parallels the requirements of the Agency's federal counterpart, the Equal Employment Opportunity Commission, thereby making the respective practices of the two entities substantially similar, which is required by the Worksharing Agreement between the Agency and the Equal Employment Opportunity Commission.
Recommended Language	B. Complaint Form. The complaint shall be in writing on a form provided by the Commission for this purpose. The complaint must be signed and sworn <u>under oath or affirmation</u> . <del>before a notary public or other person duly authorized by law to administer oaths and take acknowledgements. Notarial service shall be furnished without charge by the Commission.</del>
Other Agencies Impacted	None

Statute or Regulation	Approved 10.17.17 (For Information Purposes Only in Subcommittee Report) Recommendation # 13 Regulation 65-3 Investigations and Evidence Production (Changes Approved in 2017 - Effective 5.26.17)
Explanation of Revision	The regulation should be changed to decrease the timeframe for subpoena enforcement from 30 days to 14 days, additionally the timeframe to request a motion to quash and request for additional time are removed. The regulation should further provide Complainants and Respondents with equal access to the Agency's investigative files in order to be substantially equivalent to the EEOC, and the citation for the Freedom of Information Act is wrong and should be corrected. .
Recommended Language	65-3. Investigation and Production of Evidence. A. Investigation. (1) Investigator. The investigation of complaint shall be conducted by one or more investigators from the Commission's staff who shall be appointed by the Commissioner. If more than one investigator is appointed, one of the investigators shall be designated the "investigator in charge" and shall direct the investigation. (2) Duties of the Investigator. Investigators shall do those things necessary and proper to thoroughly investigate a complaint, but shall limit their investigations to their proper scope as described in Subsection 65-3A(5) herein. Investigators assigned to investigate complaints filed pursuant to Section 1-13-90(c) of the Act (State agencies or departments and their local subdivisions) shall upon completion of their investigations submit to the supervisory commission member a statement of the facts disclosed by their investigations and recommend to the supervisory commission member that the complaint be dismissed or that a panel of commission members be designated to hear the complaint. In complaints arising under Section 1-13-90(d) of the Act (employers, employment agencies or labor organizations, including municipalities, counties, special purpose districts, school districts and local governments), investigators shall upon completion of their investigation submit to the Commissioner a statement of the facts disclosed by the investigation and recommend either that the complaint be dismissed or that the Commission endeavor to formally conciliate the matter. (3) Supervisory Commission Members. If the complaint under investigation is brought pursuant to Section 1-13-90(c) of the Act, the Chairman of the Commission, or upon the request of the

Chairman, the Commissioner shall designate a member of the Commission to supervise the processing of the complaint who shall be known as the supervisory commission member. The supervisory commission member shall review the results of the investigation conducted by the investigator and review the investigator's recommendations for dismissal or other action.

(4) Commencement of the Investigation. The investigation shall commence immediately upon service by the Commission of a copy of the complaint or notice of complaint upon the respondent.

(5) Scope of Investigation. Insofar as practicable, the investigation shall be limited to a determination of the facts relating to the unlawful employment practice or practices under investigation or in question before the commission, alleged in the complaint and to the individual harm alleged to have been suffered by the complaining party. The investigator's inquiry for relevant facts shall be restricted to the relevant immediate environment in which the complaining party allegedly suffered harm such as a department or similar organizational structure of a respondent employer which is within the decision-making authority of a single person.

(6) Conduct of the Investigation.

(a) The investigator shall make a prompt and complete investigation of the allegations in the complaint which meet the standards of R.65-2.

(b) As part of each investigation the investigator:

(i) Will accept as evidence any statement of position and/or evidence concerning the allegations of the complaint which the complainant or respondent wishes to voluntarily submit.

(ii) Shall require the complainant or respondent to provide any evidence, including statements and documents, ~~if any, in his/her possession~~ which are relevant to the complaint, as well as, any information which is necessary to establish actual damages or to establish the date on which the alleged damages occurred.

(c) The investigator may require the complainant to provide a detailed statement which includes, but is not limited to:

(i) a statement of each specific harm that the complainant has allegedly suffered, and the date on which each alleged harm occurred;

(ii) for each alleged harm, a statement specifying the act, policy or practice of the respondent which is alleged to be unlawful; and

(iii) for each act, policy or practice alleged to have harmed the complainant a statement of the facts which lead the complainant to believe that the act, policy or practice is unlawfully discriminatory.

(d) During the investigation of a complaint, the investigator may conduct a fact-finding conference with the parties. The purpose of the conference shall be to clearly define the issues to determine which elements of the matter under investigation are undisputed, to resolve those issues that can be resolved and to determine whether there is any likelihood for a negotiated no-fault settlement of the complaint as described in Section 65-5A.

Discussions during a fact-finding conference are confidential. Any conciliation efforts during the conference are also confidential and are considered conciliation attempts within the meaning of the Act.

B. Production of Evidence.

~~(1) Investigator's Informal Request for Information. An investigator may, at any reasonable time after service of complaint, informally request access to records and documents in the possession of any person being investigated which are relevant to the complaint for purposes of inspection and copying.~~

~~(2)~~(1) Investigator's Formal Request for Information. An investigator may, at any reasonable time after service of complaint, formally request access to or production of records and documents in the possession of any person being investigated which are relevant to the complaint for purposes of inspection and copying. The investigator shall make the formal request for documents in writing by certified mail, transmitted to the person being investigated.

~~If any person refuses to comply with an investigator's informal request for access to documents and records, the investigator shall demand access to the documents in writing by certified mail, transmitted to the person being investigated.~~ The written demand shall notify the person that the investigator may apply to the Commission for a subpoena if access to or production of the documents and records is not permitted within thirty (30) days from the receipt of the investigator's written demand.

~~(3)(2)~~ Investigator's Application for Subpoena ~~Duces Tecum~~. If any person fails to comply with an investigator's formal written demand for information within thirty (30) days after receipt of the written demand, the investigator may apply to the Commission for a subpoena ~~duces tecum~~ by presenting to the Commission the investigator's written demand and the response of the person to whom the demand was made denying access to the information requested or, if no response was made, the investigator's affidavit that no response was received from the party to whom the demand for information was sent.

~~(4)(3)~~ Issuance of Subpoena ~~Duces Tecum~~. To effectuate the purpose of the Act, upon a showing by an investigator that a person has not complied with a written demand for information relevant to the complaint which was transmitted to the person by certified mail, the Chairman of the Commission and the Commissioner shall acting jointly have the authority to sign and issue a subpoena requiring:

- (a) the production of evidence including but not limited to books, papers, records, correspondence or documents in the possession or under the control of the person subpoenaed;
- (b) access to evidence for purposes of examination and the right to copy; and
- (c) under Section 1-13-90(c) of the Act, attendance at hearings or at prehearing depositions.

~~(5)(4)~~ Form and Content of Subpoenas.

(a) A subpoena issued by the Commission shall:

- (i) state the name and address of its issuer;
- (ii) briefly and clearly state the cause of issuance;
- (iii) identify the person to whom and the place, date and time at which the subpoena is returnable;
- (iv) identify the person or evidence subpoenaed with reasonable clarity, specificity and particularity to readily enable the person receiving the subpoena to identify the named person or evidence;
- (v) state the date and time access is requested if a subpoena ~~duces tecum~~ is issued.

(b) A subpoena shall only be returnable to a duly authorized investigator of the Commission of the Commissioner.

(c) Neither the complainant nor the respondent shall have the right to demand that an investigative subpoena be issued.

~~(6)(5)~~ Petitions to Revoke Subpoena. Within fourteen (14) ~~thirty (30)~~ days after a subpoena is issued, the person served with the subpoena may petition the Commission by mail to revoke or modify the subpoena and shall serve a copy of the petition upon the investigator who originally demanded the information. The petition shall separately identify the portion of the subpoena with which the petitioner does not intend to comply and shall state with respect to each portion, the grounds upon which the petitioner relies. A copy of the subpoena shall be attached to the petition and shall be designated "Attachment A". Within ten (10) days after receipt of the petition or as soon thereafter as practicable, the Commission shall review the petition and make a written determination upon the petition stating in detail the reasons for the Commission's determination and shall serve a copy of the determination upon the petitioner and the investigator demanding the information. When a petition to revoke a subpoena is served upon the Commission, no enforcement of a subpoena shall be sought until the Commissioner has made a determination on the petition and served the petitioner with the determination.

~~(7)~~(6) Applications For Enforcement.

(a) Failure to Comply and Enforcement. A person who receives a subpoena may refuse to comply by failing to respond to the subpoena or by affirmatively stating that he/she will not respond; it is not necessary for the person to serve a petition to revoke the subpoena. If a person fails to comply with a subpoena, the Commission may, after ~~fourteen (14)~~ ~~thirty (30)~~ thirty (30) days, apply to any state court of competent jurisdiction for an order requiring the person to comply with the subpoena as provided by the Act.

(b) Notice of Hearing. Any person against whom an order is sought shall be given at least four (4) days notice (excluding Saturdays, Sundays, and state holidays) of the time and place of the hearing, and may oppose the granting of the order.

~~(c) Requests for Additional Time. Except in extraordinary circumstances the Commission will not oppose requests for additional time not to exceed ten (10) days, to prepare for the hearing, if the request is made to the court and served upon the Commission at least two days before the scheduled hearing.~~

~~(d) Motions to Quash. As provided by the Act, any person may move before a court of competent jurisdiction for an order quashing a subpoena after giving the Commission four (4) days notice (excluding Saturdays, Sundays and state holidays).~~

~~(8)~~(7) Interrogatories and Depositions.

(a) A party or witness may be required to answer written interrogatories relevant to a complaint under investigation under Section 1-13-90(c) and (d) of the Act at any time after such complaint is served.

(b) At least ten (10) days written notice (excluding Saturdays, Sundays and state holidays) shall be furnished to any party or witness sought to be deposed.

(c) The scope of discovery shall be governed by the relevance to the content of the complaint under investigation as described in Subsection 65-3A(5) of these Regulations.

~~(9)~~(8) Petitions to Revoke Interrogatories and Depositions. If a person refuses to have his/her deposition taken or refuses to answer interrogatories, the person may petition to revoke the notice to take deposition or revoke the interrogatories within five (5) days after receipt of the notice to take deposition or within thirty (30) days after receipt of interrogatories. The petition shall be mailed to the Commission and shall be served upon the investigator who originally demanded the information. The petition shall separately identify each portion of the interrogatories with which the petitioner does not intend to comply and shall state, with respect to each such portion, the grounds upon which the petitioner relies. A copy of the notice to take deposition or the interrogatories, as the case may be, shall be attached to the petition and designated as "Attachment A". Within five (5) days after receipt of the petition or as soon thereafter as practicable, the Commission shall make a determination upon the petition stating in detail the reasons for its determination and shall serve a copy of its determination upon the petitioner. When a petition to revoke is served upon the Commission, no enforcement of a notice to take deposition or interrogatories shall be sought until the Commission has made its determination on the petition and served the petitioner.

~~(10)~~(9) Applications for Enforcement.

(a) Failure to Comply and Enforcement. A person who receives interrogatories or a notice to take deposition may refuse to comply by failing to respond or by affirmatively stating that he/she will not respond; it is not necessary for the person to serve a petition to revoke. If a person fails to comply with the notice to take deposition, the Commission may after ten (10) days apply to any state court of competent jurisdiction for an order requiring the person to comply as required by the Act. If a person fails to answer interrogatories the Commission may after thirty (30) days apply to any state court of competent jurisdiction for an order requiring the person to answer the interrogatories as provided by the Act.

(b) Notice of Hearing. Any person against whom an order is sought shall be given at least four (4) days notice (excluding Saturdays, Sundays and state holidays) of the time and place of the hearing, and may oppose the granting of the order.

~~(c) Requests for Additional Time. Except in extraordinary circumstances, the Commission will not oppose requests for additional time not to exceed ten (10) days to prepare for the hearing if the requests are made to the court and served upon the Commission at least two days before the scheduled hearing.~~

~~(d) Motions to Quash. Any person may move before a court of competent jurisdiction for an order quashing a motion to take depositions or interrogatories after giving the Commission four (4) days notice (excluding Saturdays, Sundays and state holidays).~~

~~(11)~~(10) Confidentiality.

(a) Public Access to Commission Files or Information Gathered During an Investigation. As provided in Sections 1-13-90(c)(1) and 1-13-90(d)(2) of the Act, information gathered during an investigation conducted under Section 1-13-90 of the Act, shall not be made public by the Commission, its officers or employees, unless and until that information is offered or received into evidence at a Commission hearing or court proceeding brought in accordance with the Act. In view of the prohibitions against making information public contained in Sections

1-13-90(c)(1) and 1-13-90(d)(2) of the Act, information gathered by the Commission during investigations and internal memoranda assessing evidence, discussing complaints or recommending action on complaints shall not be deemed "public records" within the meaning of the Code of Laws of South Carolina Section 30-4-20 ~~30-3-20~~. The provisions of this Subsection apply whether the Commission's investigative file is open for an ongoing investigation or closed after a matter is completely concluded.

(b) Public Access to Final Opinions and Orders and Determinations. The public shall have access to the Commission's final opinion and order concerning a complaint under Section 1-13-90(c) of the Act or the Commission's determination on whether to dismiss a complaint or sue in the state circuit court under Section 1-13-90(d) of the Act.

(c) Commission Requests for Information from Investigators. If the Commission requires reports on investigations or on the progress of investigations, the investigator's report shall be given to the Commission while the Commission sits in executive session with member of the public excluded.

(d) Access to Information by Complainant and Respondent.

(i) Information Provided by the Parties Themselves. The complainant may at all times have access to any information which the complainant has furnished the Commission. The respondent may at all times have access to any information which the respondent has furnished the Commission. However, neither the complainant nor the respondent shall have information furnished by the other party, except that this Subsection does not apply to disclosure to the parties or their attorneys where the disclosure is limited to matters necessary for determining appropriate relief and/or negotiating settlements or making conciliation offers and except that this Subsection does not apply to the complainant's or respondent's access to Commission files after a complaint against the respondent has been served as provided in subitem (ii), following.

(ii) Information Available to the Parties in a Proceeding. ~~a Respondent before a Hearing or Court Procedure.~~ If an action is brought against a respondent in accordance with the Act, either before the Commission pursuant to Section 1-13-90(c) of the Act or in a court of competent jurisdiction pursuant to Sections 1-13-90(c) and (d) of the Act, the complainant and respondent shall from the time the complaint is served be granted access to the investigative file of the Commission which shall include access to statements, affidavits or depositions of the complainant and ~~complainant's~~ witnesses, whether or not the complainant and the ~~complainant's~~ witnesses are employees of the respondent at the time the request for access is made. The complainant and respondent shall also have access to all other facts and data gathered by the Commission during its investigation,

provided however that ~~neither shall the respondent shall not~~ have access to deliberative memoranda, working papers, drafts and other work products of the Commission relating to a complaint and further provided that deletions may be made where necessary to protect the personal privacy of an affiant or an individual named in a document to insure the anonymity of confidential sources or information, and to protect the confidentiality of trade secrets, confidential financial information and the like.

(iii) Copy of the Complaint. A copy of the complaint will be served in all cases upon the respondent unless a complaint received pursuant to a federal contract expressly requires that the original complaint not be served. In the event that a copy of the complaint is not provided, the respondent shall be served with a notice of the complaint within ten (10) days of receipt. The notice of complaint shall include the place, circumstances and identity of the person filing the complaint, a description of the violations of the Act alleged to have been committed by the respondent and the date of the alleged violation.

(e) Reports and Compilations. The Commission may publish abstracts of data derived from its closed investigative files in a form which does not reveal the identity of the parties, trade secrets, financial information or competitive commercial information or processes.

(f) Sharing Information Between Agencies. The Commission shall not provide information to any state or federal agency which does not have written regulations providing essentially the same protection against unauthorized disclosure as provided in these regulations.

Other Agencies Impacted None

Statute or Regulation [Approved 10.17.17 \(For Information Purposes Only in Subcommittee Report\)](#)  
[Recommendation # 14](#)  
[Regulation 65-9 Procedure for instituting Civil Action \(Approved in 2017 - Effective 5.26.17\)](#)

Explanation of Revision The Regulation should be changed to reflect the One Hundred Twenty (120) day statutory deadline for filing a lawsuit. This deadline is found in South Carolina Code Section 1-13-90(d)(6).

Recommended Language (3) Content of Notice of Right to Sue. The notice of right to sue shall include:  
(a) authorization to the complainant to bring a civil action pursuant to Section 1-13-90(d) of the Act within one hundred twenty (120) ~~ninety (90)~~ days from issuance of such authorization by the Commission to the complainant, his/her attorney of record, or, in those instances covered by 65-2J(2)(d) hereof, from the date of mailing to the complainant's last known address;  
(b) advice concerning the institution of such civil action by the complainant, where appropriate;  
(c) a copy of the complaint;  
(d) the Commission's decision, determination, or dismissal as appropriate.

Other Agencies Impacted None

Statute or Regulation	Approved 10.17.17 (For Information Purposes Only in Subcommittee Report) Recommendation # 15 Regulation 65-22 Employment Records Retention (Approved in 2017 - Effective 5.26.17)
Explanation of Revision	Regulation 65-22 may confuse state agencies and may lead an agency to understand that records need only be retained for a period of six months, when in fact, federal recordkeeping obligations require longer retention periods for state agencies and other employers, specifically those found in 29 C.F.R. § 1602.
Recommended Language	<del>Each State Agency, department and local subdivision thereof shall preserve and retain any personnel or employment record made or kept by them, including but not necessarily limited to application forms submitted by applicants and other records having to do with hiring, promotion, demotion, transfer, layoff or termination, rates of pay or other terms of compensation, and selection for training or apprenticeship, for a period of six (6) months from the date of the making of the record or the personnel action involved, whichever occurs later. In the case of involuntary termination of an employee, the personnel records of the individual terminated shall be kept for a period of six (6) months from the date of termination. However, in no event is the six month record keeping requirement to be construed or interpreted as permitting the destruction of personnel records, after the expiration of the six month period, whenever a charge of discrimination has been filed and currently pending against a State Agency, department or local subdivision thereof.</del> <u>Repealed.</u>
Other Agencies Impacted	None

Statute or Regulation	Approved 10.17.17 (For Information Purposes Only in Subcommittee Report) Recommendation # 16 Regulation 65-23 Record Preservation for Discrimination Charge (Approved in 2017 - Effective 5.26.17)
Explanation of Revision	The law should apply to all employers, labor organizations, and employment agencies which are in the process of being investigated by the Human Affairs Commission. The regulation should clarify that charges originating with the Commission's federal counterpart, the Equal Employment Opportunity Commission, have the same requirement. Additionally, the Human Affairs Commission should have the right to infer that, if an employer, labor organization, or employment agency fails to retain personnel records which are relevant evidence to an investigation, such evidence may have adversely affected the party's position.
Recommended Language	65-23. Preservation of Records in Event of Charge of Discrimination. When a charge of discrimination has been filed <u>with the Commission or its federal equivalent, or if an action brought by either entity is pending the Commission, the employer, labor organization, or employment agency</u> <del>respondent State Agency, department or local subdivision,</del> shall preserve all personnel <u>or employment</u> records relevant to the charge or action until final disposition of the charge or the action. <u>Failure to retain relevant personnel or employment records may result in an adverse inference against the party during the course of an investigation.</u>
Other Agencies Impacted	None

Statute or Regulation	Approved 10.17.17 (For Information Purposes Only in Subcommittee Report) Recommendation # 17 Regulation 65-223 Investigation Procedures (Resolution to Approve Pending)
Explanation of Revision Recommended Language	The law should clarify that certain file contents may be protected from disclosure. (3) Notwithstanding the prohibitions and requirements with respect to disclosure of information contained in 65-225.F., the Commission will make information derived from an investigation, including the final investigative report, available to the aggrieved person and the respondent, <u>provided however that neither shall have access to deliberative memoranda, working papers, drafts and other work products of the Commission relating to a complaint and further provided that deletions may be made where necessary to protect the personal privacy of an affiant or an individual named in a document to insure the anonymity of confidential sources or information, and to protect the confidentiality of trade secrets, confidential financial information and personal identifiable information under S.C. Code 30-2-30, or those items exempt from disclosure under S.C. Code 30-4-30. Additionally, any records requested by a party or a non-party to an investigation under S.C. Code 30-4-30 will be assessed on a case by case basis.</u> Following the completion of investigation, the Commission shall notify the aggrieved person and the respondent that the final investigation report is completed and will be provided upon request.
Other Agencies Impacted	None
Statute or Regulation	Approved 10.17.17 (For Information Purposes Only in Subcommittee Report) Recommendation # 18 Regulation 65-227 Complaint Issuance (Approved in 2017 - Effective 5.26.17)
Explanation of Revision	The law needs to consistently and clearly use different terms when referring to different documents in an investigation deemed to be a 'reasonable cause' case.
Recommended Language	65-227. Issuance of <u>Reasonable Cause Determination</u> <del>Complaint</del> A . Reasonable cause determination. (1) If a conciliation agreement has not been executed by the complainant and the respondent, and approved by the Commissioner, within the time limits set forth in paragraph (3)(a) of this section, the Commission shall determine whether, based on the totality of the factual circumstances known at the time of the decision, reasonable cause exists to believe that a discriminatory housing practice has occurred or is about to occur. The reasonable cause determination will be based solely on the facts concerning the alleged discriminatory housing practice, provided by complainant and respondent and otherwise, disclosed during the investigation. (a) In all cases (i) If the Commission determines that reasonable cause exists the Commission will immediately issue a <u>reasonable cause determination</u> <del>complaint</del> on behalf of the aggrieved person, and shall notify the aggrieved person and the respondent of this determination by certified mail or personal service. (ii) If the Commission determines that no reasonable cause exists, the Commission shall: issue a short and plain written statement of the facts upon which the Commission has based the no reasonable cause determination; dismiss the complaint; notify the aggrieved person and the respondent of the dismissal (including the written statement of facts) by certified mail or personal service; and make public disclosure of the dismissal. Public disclosure of the dismissal may be by issuance of a press

release except that the respondent may request that no release be made. Notwithstanding a respondent's request that no press release be issued, the fact of the dismissal, including the names of the parties, shall be public information available on request.

(2) The Commission may not issue a reasonable cause determination ~~complaint~~ under paragraph (1) of this section regarding an alleged discriminatory housing practice, if an aggrieved person has commenced a civil action seeking relief with respect to the alleged discriminatory housing practice, and the trial in the action has commenced. If a complaint may not be issued because of the commencement of such a trial, the Commission will so notify the aggrieved person and the respondent by certified mail or personal service.

(3)(a) The Commission shall make a reasonable cause determination within 100 days after filing of the original complaint (or where the Commission has reactivated a complaint, within 100 days after service of the notice of reactivation), unless it is impracticable to do so.

(b) If the Commission is unable to make the determination within the 100 day period specified in paragraph (3)(a) of this section, the Commission will notify the aggrieved person and the respondent, by certified mail or personal service, of the reasons for the delay.

B. Issuance of Administrative Pleading ~~Complaint~~.

(1) An administrative pleading ~~complaint~~:

(a) Shall consist of a short and plain written statement of the facts upon which the Commission has found reasonable cause to believe that a discriminatory housing practice has occurred or is about to occur.

(b) Shall be based on the final investigative report; and

(c) Need not be limited to facts or grounds that are alleged in the original complaint if the record of the investigation demonstrated that the respondent has been given notice and an opportunity to respond to the allegation.

(2) Within three business days after the issuance of the reasonable cause determination ~~complaint~~ the Commission shall:

(a) Set a time and place for hearing;

(b) File the administrative pleading ~~complaint~~ along with the required notifications, with the Chairman; and

(c) Serve the administrative pleading ~~complaint~~ and notifications in accordance with the Act.

C. Election of civil action or provision of administrative proceeding.

(1) If an administrative pleading ~~complaint~~ is issued under 65-227.B., a complainant, a respondent, or an aggrieved person on whose behalf the complaint is filed may elect, in lieu of an administrative proceeding, to have the claims asserted in the complaint decided in a civil action.

(2) The election must be made no later than twenty days after the receipt of service of the reasonable cause determination ~~complaint~~. The notice of the election must be filed with the Commission, the respondent, and the aggrieved persons on whose behalf the complaint was filed. The notification will be filed and served in accordance with the procedures established under Article 3.

(3) If an election is not made under this section, the Commission will maintain an administrative proceeding based on the administrative pleading ~~complaint~~ in accordance with the procedures under Article 3.

(4) If an election is made under this section, the Commission shall cause to be commenced and maintained a civil action seeking relief as provided by the Fair Housing Law on behalf of the aggrieved person in the appropriate Court of Common Pleas.

Other Agencies Impacted    None

Statute or Regulation	Approved 10.17.17 (For Information Purposes Only in Subcommittee Report) Recommendation # 19 Regulation 65-233 Fair Housing Law Pleadings, Motions, and Discoveries (Approved in 2017 - Effective 5.26.17)
Explanation of Revision Recommended Language	The citation in this regulation is confusing, so clarity is needed. <del>Discovery.</del> K. <del>A.</del> Either party may cause to be taken the depositions of witnesses within or without the State. Such depositions shall be taken in accordance with and subject to the same provisions, conditions and restrictions as apply to the taking of like depositions in civil actions at law in the courts of common pleas of this State; and the same rules with respect to the giving of notice to the opposite party, the taking and transcribing of testimony, the transmission and certification thereof and matters of practice relating thereto shall apply. L. <del>B.</del> The Chief Hearing Commissioner shall on its own behalf, or, upon request, on behalf of any other party to the case, issue in the name of the Commission subpoenas for the attendance and testimony of witnesses and the production and examination of books, papers and records. M. <del>C.</del> The Court of Common Pleas shall, on application of the Commission, enforce by proper proceedings the attendance and testimony of witnesses and the production and examination of books, papers and records and shall have the power to punish as for contempt of court, by a fine or imprisonment or both, the unexcused failure or refusal to attend and give testimony or produce books, papers and records as may have been required in any subpoena issued by the Commission. N. <del>D.</del> If a party fails to comply with discovery, the hearing panel may: (1) Draw an inference in favor of the requesting party with regard to the information sought; (2) Prohibit the party failing to comply from introducing evidence or otherwise relying upon, testimony relating to the information sought; (3) Permit the requesting party to introduce secondary evidence concerning the information sought; (4) Strike any appropriate part of the pleadings or other submissions of the party failing to comply with such order; or (5) Take such other action as may be appropriate.
Other Agencies Impacted	None
Statute or Regulation	Recommendation # 20 - The agency skipped #20 in their numbering
Statute or Regulation	Approved 10.17.17 Recommendation # 21 - SC Code Section 1-13-40(j) Creation of the South Carolina Commission on Human Affairs
Explanation of Revision	This item should be deleted, as identified by the Legislative Audit Council in its December 2014 report, because “the agency’s last annual report addressing this section of law was in FY 00-01; however, the accountability report encompasses all the information which was previously in the annual report.”
Recommended Language	<del>(j) The Commission shall render each year to the Governor and to the General Assembly a written report of its activities and of its recommendations.</del>
Other Agencies Impacted	None.

Statute or Regulation	Approved 10.17.17 (For Information Purposes Only in Subcommittee Report) <a href="#">Recommendation # 22 - Regulation 65-2(d)(6) Complaints</a>
Explanation of Revision	The Agency's federal equivalent, the Equal Employment Opportunity Commission, accepts charges filed by fax or email.
Recommended Language	F. Manner of Filing. The complaint may be made in person to any member of the Commission's staff, <u>transmitted via facsimile or email</u> , or mailed to the Commission's office in Columbia, South Carolina. A complaint may also be filed in the above manner at any other Commission office subsequently established for the filing of complaints by the Commission at any other location in the State.
Other Agencies Impacted	None.

Statute or Regulation	Approved 10.17.17 (For Information Purposes Only in Subcommittee Report) <a href="#">Recommendation # 23 - Regulation 65-3(B)(10) (Additional Recommendation provided in July 31, 2017 letter)</a>
Explanation of Revision	The Commission is prohibited from allowing public access to information contained in employment investigation files. However, the parties to the file have certain restricted access to the file contents, primarily for processing purposes. The limitation currently prevents the charging party from gaining access to the respondent's written 'position statement' which contains its defenses.
Recommended Language	B. Production of Evidence. (10) Confidentiality. (a) Public Access to Commission Files or Information Gathered During an Investigation. As provided in Sections 1-13-90(c)(1) and 1-13-90(d)(2) of the Act, information gathered during an investigation conducted under Section 1-13-90 of the Act, shall not be made public by the Commission, its officers or employees, unless and until that information is offered or received into evidence at a Commission hearing or court proceeding brought in accordance with the Act. In view of the prohibitions against making information public contained in Sections 1-13-90(c)(1) and 1-13-90(d)(2) of the Act, information gathered by the Commission during investigations and internal memoranda assessing evidence, discussing complaints or recommending action on complaints shall not be deemed "public records" within the meaning of the Code of Laws of South Carolina Section 30-4-20 . The provisions of this Subsection apply whether the Commission's investigative file is open for an ongoing investigation or closed after a matter is completely concluded. (b) Public Access to Final Opinions and Orders and Determinations. The public shall have access to the Commission's final opinion and order concerning a complaint under Section 1-13-90(c) of the Act or the Commission's determination on whether to dismiss a complaint or sue in the state circuit court under Section 1-13-90(d) of the Act. (c) Commission Requests for Information from Investigators. If the Commission requires reports on investigations or on the progress of investigations, the investigator's report shall be given to the Commission while the Commission sits in executive session with member of the public excluded. (d) Access to Information by Complainant and Respondent. (i) Information Provided by the Parties Themselves. The complainant may at all times have access to any information which the complainant has furnished the Commission. The respondent may at all times have access to any information which the respondent has furnished the Commission. <u>During the investigation of the charge of discrimination, both parties may have access to the charge filed by the complainant, and the Respondent's initial response to the charge, or position statement, and non-confidential attachments. Confidential attachment should be labeled by the Respondent prior to being sent to the Commission.</u> However, nNeither the complainant nor the respondent shall

have other information furnished by the other party, except that this Subsection does not apply to disclosure to the parties or their attorneys where the disclosure is limited to matters necessary for determining appropriate relief and/or negotiating settlements or making conciliation offers and except that this Subsection does not apply to the complainant's or respondent's access to Commission files after a complaint against the respondent has been served as provided in subitem (ii), following.

(ii) Information Available to the Parties in a Proceeding. If an action is brought against a respondent in accordance with the Act, either before the Commission pursuant to Section 1-13-90(c) of the Act or in a court of competent jurisdiction pursuant to Sections 1-13-90(c) and (d) of the Act, the complainant and respondent shall from the time the complaint is served be granted access to the investigative file of the Commission which shall include access to statements, affidavits or depositions of the complainant and witnesses, whether or not the complainant and the witnesses are employees of the respondent at the time the request for access is made. The complainant and respondent shall also have access to all other facts and data gathered by the Commission during its investigation, provided however that neither shall have access to deliberative memoranda, working papers, drafts and other work products of the Commission relating to a complaint and further provided that deletions may be made where necessary to protect the personal privacy of an affiant or an individual named in a document to insure the anonymity of confidential sources or information, and to protect the confidentiality of trade secrets, confidential financial information and the like.

(iii) Copy of the Complaint. A copy of the complaint will be served in all cases upon the respondent unless a complaint received pursuant to a federal contract expressly requires that the original complaint not be served. In the event that a copy of the complaint is not provided, the respondent shall be served with a notice of the complaint within ten (10) days of receipt. The notice of complaint shall include the place, circumstances and identity of the person filing the complaint, a description of the violations of the Act alleged to have been committed by the respondent and the date of the alleged violation.

(e) Reports and Compilations. The Commission may publish abstracts of data derived from its closed investigative files in a form which does not reveal the identity of the parties, trade secrets, financial information or competitive commercial information or processes.

(f) Sharing Information Between Agencies. The Commission shall not provide information to any state or federal agency which does not have written regulations providing essentially the same protection against unauthorized disclosure as provided in these regulations.

Other Agencies Impacted    None.

Statute or Regulation	Approved 10.17.17 (For Information Purposes Only in Subcommittee Report) Recommendation # 24 - Regulation 65-223 (Additional Recommendation provided in July 31, 2017 letter)
Explanation of Revision	The Regulation explains the procedures for investigating a charge filed under the Fair Housing Law. The regulation should include provisions that allow for closure of an investigation when a complainant wants to withdraw the matter, or when complainant is offered full relief under the law and fails to accept it.
Recommended Language	D. Completion of investigation. <u>(1) At any time, the aggrieved person may seek to withdraw the complaint from the agency. The request must be in writing from the aggrieved party, or aggrieved party's representative, stating the reasons withdrawal. The request is subject to approval by the Commission. Such withdrawal shall be without prejudice to the rights of the aggrieved party. A withdrawn complaint may be re-filed, provided such filing occurs within one hundred eighty (180) days of the discriminatory act originally alleged.</u> <u>(2) If the respondent offers full relief to the aggrieved party, and the relief is rejected, the Commission may dismiss the matter.</u> <u>(3) If the aggrieved party fails to provide information necessary for the proper filing or processing of a complaint, fails or refuses to appear or to be available for scheduled interviews or conferences with Commission investigators, or otherwise refuses to cooperate with the Commission to the extent that the Commission is unable to resolve the complaint, then the Commission, after due written notice to the aggrieved party and fifteen (15) days in which to respond, may dismiss the complaint.</u> <u>(4) All other</u> The investigations will remain open until the reasonable cause determination is made or a conciliation agreement is executed and approved. Unless it is impracticable to do so, the Commission will complete the investigation of the alleged discriminatory housing practice within 100 days of the filing of the complaint (or where the Commission reactivates the complaint, within 100 days after service of the notice of reactivation). If the Commission is unable to complete the investigation within the 100 day period, the Commission will notify the aggrieved person and the respondent, by certified mail or personal service, of the reasons for the delay.
Other Agencies Impacted	None.
Statute or Regulation	Approved 10.17.17 (For Information Purposes Only in Subcommittee Report) Subcommittee Report Note that
Explanation	The Subcommittee Report will include for information purposes only the agency's implementation of recommendations from the 2014 Legislative Audit Council Review of the agency.

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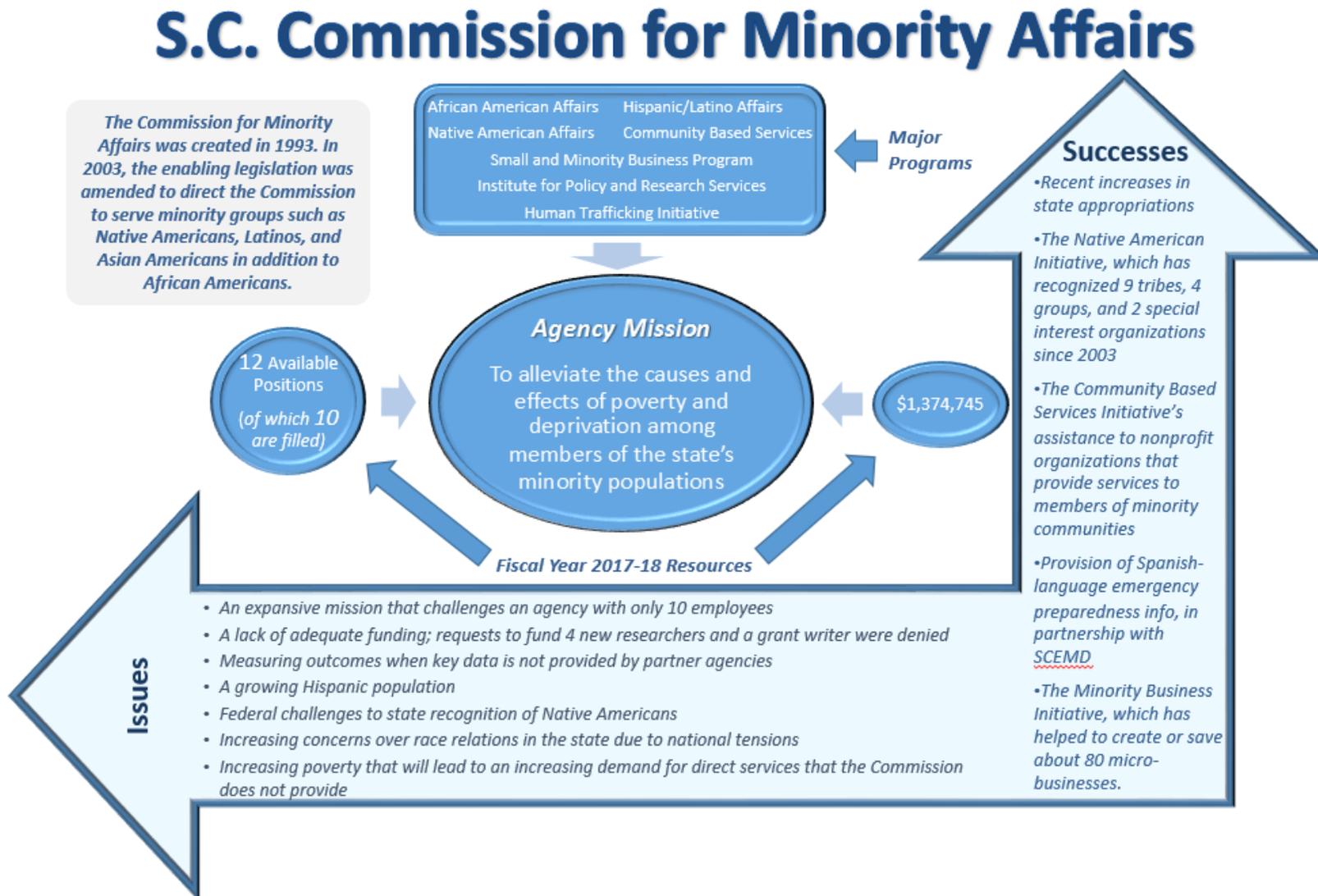
## STUDY TIMELINE: COMMISSION FOR MINORITY AFFAIRS

- August 7, 2015 Agency submits its **Annual Restructuring and Seven-Year Plan Report**, which is available online.
- March 30, 2016 Agency submits its **Annual Restructuring Report**, which is available online.
- September 2016 Agency submits its 2015-16 Accountability Report/2017 Annual **Restructuring Report**.
- May 10, 2017 **Full committee votes** to make the agency the next agency for the Economic Development, Natural Resources, and Transportation Subcommittee to study. Video of the meeting is available online.
- May 11, 2017 **Agency receives notice** that it has been selected for study.
- June 27 - July 28, 2017 Committee solicits input from the public about the agency in the form of an **online public survey**. The results of the public survey are available online.
- September 2017 Agency submits its 2016-17 Accountability Report/2018 Annual **Restructuring Report**.
- September 29, 2017 Agency submits its **Program Evaluation Report**, which is available online.
- October 16, 2017 Committee holds **public input meeting** about this and other agencies. Video of the meeting is available online.
- October 24, 2017 (TODAY) Subcommittee meets with agency (**Meeting #1**) to discuss the agency's purpose; mission; vision; laws enforced; organizational structure; major program areas; and relationships with other agencies.
- Ongoing Public may submit written comments on the Oversight Committee's webpage on the General Assembly's website ([www.scstatehouse.gov](http://www.scstatehouse.gov))

# AGENCY OVERVIEW

## Snapshot

Figure 1. Snapshot of agency that includes its history, mission, resources, successes, challenges, and emerging issues<sup>1</sup>



## History

The Commission for Minority Affairs (CMA) has provided the Committee with an overview of the agency's history.<sup>2</sup> In addition, Committee staff will confirm the accuracy of any assertion of legislative action.

- 1993 – The agency was created when signed into law by Governor Carroll A. Campbell.
- 2000 – Hispanic leaders met with Governor Jim Hodges to discuss the state's growing Hispanic population which led to the commission of an Ad Hoc Committee to study issues confronting this growing population and ultimately the establishment of the Hispanic Initiative at the Commission;
- 2002 – The agency received a Notable State Document Award for its *State of Minorities Abstract*.
- 2003 – The agency's statute was amended to authorize the Commission to work on the behalf of all minorities in the state as opposed to working exclusively on behalf of African Americans.
  - The creation of the agency's Native American initiative.
- 2004 – The creation of the agency's Hispanic initiative and the hiring of the agency's Hispanic Coordinator to administer the initiative.
- 2005 – State Recognition of the first Native American entity.
- 2006 – The agency received a Notable Document Award for its 2004 Edition of the *Statistical Profile by Counties* document.
- 2007 – The agency entered into a partnership with the SC Emergency Management Division to outreach to the Hispanic community during emergencies.
- 2008 – The creation of the agency's Small and Minority Business Assistance initiative and the hiring of a coordinator to administer the initiative.
  - The agency's statute amended to include its Human Trafficking Initiative.
- 2009 – The completion of the agency' Student Achievement and Vision Education (SAVE) report.
- 2013 – Partnered with Midlands Technical College to administer the ASSIST grant.
  - Produced the state's first *Native American Community Needs Assessment* report.
- 2016 – The agency developed a Human Trafficking Resource Notebook.
- 2017 – Creation of the agency's "Working Together Works" initiative to establish a statewide plan to address issues of poverty and deprivation among the state's minority populations.
  - Hiring of the agency's Human Trafficking Coordinator to administer its Human Trafficking initiative.

## Legal Directives

The Commission for Minority Affairs is primarily governed by Title 1, Chapter 31 of the S.C. Code of Laws. This statute also serves as the basis for the agency's mission. Additional statutes pertaining to the CMA include:

- Title 8, Chapter 30 of the S.C. Code of Laws, establishing a hotline to receive allegations of violations of immigration or human trafficking laws;
- S.C. Code of Laws §12-21-4200, directing \$131,000 of state bingo revenues to the CMA;
- S.C. Code of Laws §20-1-20, establishing that leaders of Native American entities recognized by the CMA may perform marriage ceremonies; and
- S.C. Code of Laws §50-11-515, allowing members of Native American tribes recognized by the CMA to use wild turkey feathers in works of art.

All of these statutes are included below.

### *Title 1, Chapter 31: Primary Governing Legislation*

#### **SECTION 1-31-10. Commission for Minority Affairs created; composition; majority to be African-American; term of office; filling vacancies.**

There is created a State Commission for Minority Affairs consisting of nine members and the Governor ex officio. The Governor must appoint one person from each of the congressional districts of the State and two persons from the State at large upon the advice and consent of the Senate. The Governor shall designate the chairman. The members serve for a term of four years and until their successors are appointed and qualify. A vacancy must be filled in the same manner as original appointment for the remainder of the unexpired term. A majority of the members of the commission must be African American.

*HISTORY: 1993 Act No. 164, Part II, Section 110; 2003 Act No. 85, Section 3; 2012 Act No. 279, Section 3, eff June 26, 2012.*

#### **SECTION 1-31-20. Commission to meet at least quarterly; purpose.**

The commission must meet quarterly and at other times as the chairman determines necessary to study the causes and effects of the socio-economic deprivation of minorities in the State and to implement programs necessary to address inequities confronting minorities in the State.

*HISTORY: 1993 Act No. 164, Part II, Section 110; 2001 Act No. 26, Section 1.*

#### **SECTION 1-31-30. Hiring of executive director and other personnel; appropriations.**

The commission is authorized to hire an executive director and other personnel necessary to carry out its duties and functions under this chapter. The General Assembly shall provide for the funds in the annual appropriations act.

*HISTORY: 1993 Act No. 164, Part II, Section 110.*

**SECTION 1-31-40. Powers and duties of Commission.**

(A) The commission shall:

- (1) provide the minority community consisting of African Americans, Native American Indians, Hispanics/Latinos, Asians, and others with a single point of contact for statistical and technical assistance in the areas of research and planning for a greater economic future;
- (2) work with minority officials on the state, county, and local levels of government in disseminating statistical data and its impact on their constituencies;
- (3) provide for publication of a statewide statistical abstract on minority affairs;
- (4) provide statistical analyses for members of the General Assembly on the state of minority communities as the State experiences economic growth and changes;
- (5) provide the minority community with assistance and information on Voting Rights Act submissions in the State, as well as other related areas of concern to the minority community;
- (6) determine, approve, and acknowledge by certification state recognition for Native American Indian entities; however, notwithstanding their state certification, the tribes have no power or authority to take any action which would establish, advance, or promote any form of gambling in this State;
- (7) establish advisory committees representative of minority groups, as the commission considers appropriate to advise the commission;
- (8) act as liaison with the business community to provide programs and opportunities to fulfill its duties under this chapter;
- (9) seek federal and other funding on behalf of the State of South Carolina for the express purpose of implementing various programs and services for African Americans, Native American Indians, Hispanics/Latinos, Asians, and other minority groups;
- (10) promulgate regulations as may be necessary to carry out the provisions of this article including, but not limited to, regulations regarding State Recognition of Native American Indian entities in the State of South Carolina;
- (11) establish and maintain a twenty-four hour toll free telephone number and electronic website in accordance with Section 8-30-10; and

(12) perform other duties necessary to implement programs.

(B) The commission may delegate these powers and duties as necessary.

(C) Nothing in this chapter recognizes, creates, extends, or forms the basis of any right or claim of interest in land or real estate in this State for any Native American tribe which is recognized by the State.

*HISTORY: 1993 Act No. 164, Part II, Section 110; 2003 Act No. 85, Section 4; 2008 Act No. 280, Section 2, eff June 4, 2008.*

**SECTION 1-31-50. Promulgation of regulations to carry out duties.**

The commission may promulgate those regulations necessary to carry out its duties under this chapter.

*HISTORY: 1993 Act No. 164, Part II, Section 110.*

*Title 8, Chapter 30: Immigration & Human Trafficking Hotline*

**SECTION 8-30-10. Recording and reporting allegations of federal immigration law violations; centralized tracking database.**

(A) The Executive Director of the State Commission for Minority Affairs, or a designee, shall establish and maintain a twenty-four hour toll free telephone number and electronic website to receive, record, collect, and report allegations of violations of federal immigration laws or related provisions of South Carolina law by any non-United States citizen or immigrant, and allegations of violations of any federal immigration laws or related provisions in South Carolina law against any non-United States citizen or immigrant. Such violations shall include, but are not limited to, E-Verify or other federal work authorization program violations, violations of Chapter 83, Title 40 of this code relating to immigration assistance services, or any regulations enacted governing the operation of immigration assistance services, false or fraudulent statements made or documents filed in relation to an immigration matter, as defined by Section 40-83-20, violation of human trafficking laws, as defined in Section 16-3-2020, landlord tenant law violations, or violations of any law pertaining to the provision or receipt of public assistance benefits or public services.

(B) The executive director, or a designee, shall establish and maintain a centralized tracking database consisting of all information received through the twenty-four hour toll free telephone number and electronic website, and shall report all alleged violations to the appropriate law enforcement, administrative, executive, or regulatory agency or political subdivision having law enforcement or regulatory

control over the subject matter, including, but not limited to the United States Bureau of Immigration and Customs Enforcement, consistent with 8 USC Section 1373.

*HISTORY: 2008 Act No. 280, § 6, eff June 4, 2008; 2015 Act No. 7 (S.196), § 6.A, eff April 2, 2015.*

**SECTION 8-30-20. Authority to hire personnel.**

The executive director is authorized to hire personnel necessary to carry out the duties prescribed in Section 8-30-10. The General Assembly shall provide for the funds in the annual appropriations act.

*HISTORY: 2008 Act No. 280, § 6, eff June 4, 2008.*

*Other Relevant Code Sections (see language in bold type)*

**SECTION 12-21-4200. Disbursement of revenues.**

The first nine hundred forty-eight thousand dollars of the total revenues derived from the provisions of this article which is collected from bingo within this State must be deposited monthly in twelve equal amounts into an account in the Office of the State Treasurer and called "Division on Aging Senior Citizen Centers Permanent Improvement Fund". All interest earned on monies in the Division on Aging Senior Citizen Centers Permanent Improvement Fund must be credited to this fund. Of the remaining revenue:

- (1) Seven and five one-hundredths percent of the annual revenue derived from the provisions of Section 12-21-4190(2) must be deposited with the State Treasurer to be credited to the account of the Division on Aging, Office of the Governor, but in no case shall this credit be less than six hundred thousand dollars. This amount must be allocated to each county for distribution in home community services for the elderly as follows:
  - (a) One-half of the funds must be divided equally among the forty-six counties.
  - (b) The remaining one-half must be divided based on the percentage of the county's population age sixty and above in relation to the total state population using the latest report of the United States Bureau of the Census.

The aging service providers receiving these funds must be agencies recognized by the Division on Aging, Office of the Governor and the area agencies on aging.

- (2) Twenty and eight-tenths percent of the annual revenue derived from the provisions of Section 12-21-4190(2), or two and one-half million dollars each

fiscal year, whichever is greater, must be deposited by the State Treasurer in a separate fund for the Department of Parks, Recreation and Tourism entitled the Parks and Recreation Development Fund. Interest earned by this fund must be added to it and credited to its various accounts in the same proportion that the annual allocation to each account bears to the total annual distribution to the fund. Unexpended amounts in the various fund accounts must be carried forward to succeeding fiscal years except as provided in Section 51-23-30. Fund proceeds must be distributed as provided in Chapter 23 of Title 51.

- (3) Subject to the distribution in item (2), seventy-two and fifteen one-hundredths percent of the annual revenue derived from the provisions of Section 12-21-4190(2) must be deposited with the State Treasurer and credited to the general fund, except that **the first one hundred thirty-one thousand of such revenues each year must be transferred to the Commission on Minority Affairs.** (emphasis added)

*HISTORY: 1996 Act No. 449, § 1; 2004 Act No. 172, § 11, eff August 2, 2003; 2006 Act No. 357, § 2, eff July 1, 2007; 2006 Act No. 359, § 2, eff July 1, 2006; 2016 Act No. 254 (H.5034), § 8, eff June 7, 2016.*

#### **SECTION 20-1-20. Persons who may perform marriage ceremony.**

Only ministers of the Gospel, Jewish rabbis, officers authorized to administer oaths in this State, and **the chief or spiritual leader of a Native American Indian entity recognized by the South Carolina Commission for Minority Affairs** pursuant to Section 1-31-40 are authorized to administer a marriage ceremony in this State. (emphasis added)

*HISTORY: 1962 Code § 20-2; 1952 Code § 20-2; 1942 Code § 8565; 1932 Code § 8565; Civ. C. '22 § 5530; Civ. C. '12 § 3751; 1911 (27) 131; 2008 Act No. 322, § 1, eff June 16, 2008.*

#### **SECTION 50-11-515. Use of wild turkey feathers in art.**

(A) An American Indian artist, **who is a member of a tribe recognized by** (1) Public Law 101-644, the Indian Arts and Crafts Board Act, and (2) **the state's Commission on Minority Affairs** pursuant to Section 1-31-40, may use wild turkey feathers in arts and crafts that are offered for sale and sold to the general public if the artist has on his person a tribal identification card demonstrating his authorization pursuant to the Indian Arts and Crafts Board Act.

(B) This section does not authorize the sale of other parts of wild turkeys, whether taken lawfully or unlawfully, including, but not limited to, capes, beards, and fans.

*HISTORY: 2008 Act No. 286, § 8, eff June 11, 2008 and by 2008 Act No. 300, § 1, eff June 11, 2008.*

# ORGANIZATION

## *Governing Body (i.e. director, commissioners, trustees, etc.)*

In the Program Evaluation Report, the Committee asks the agency to provide information about the agency's governing body.<sup>3</sup> The CMA is governed by a Board of Commissioners consisting of nine members and the Governor ex officio. The agency's statute provides that the Governor must appoint one person from each of the seven congressional districts of the state and two persons from the state at large upon the advice and consent of the Senate. The members serve for a term of four years and until their successors are appointed and qualify. Vacancies are filled in the same manner as original appointment for the remainder of the unexpired term. A majority of the members of the Commission must be African American (S.C. Code of Laws §1-31-10).

Table 1 lists the current agency board members, congressional district represented, and date the member's term expires.<sup>4</sup>

*Table 1. Agency board members, congressional district represented, and date term expires.*

<b>Board Members</b>	<b>Congressional District</b>	<b>Date Term Expires</b>
Chairman Mr. Kenneth Battle	First	June 30, 2017
Dr. Kent T. Washington	Second	June 30, 2019
Dr. Lamont A. Flowers	Third	June 20, 2021
Ms. Karen W. McGill	Fourth	June 30, 2019
Dr. William B. James, Jr.	Fifth	June 30, 2021
Reverend Eddie C. Guess	Sixth	June 30, 2011
Reverend Michelle Law-Gordon	Seventh	June 30, 2020
Mr. Louie C. Chavis	At Large	June 30, 2013
<i>Vacant</i>	At Large	N/A
Ms. Tia S. Brewer-Footman	Governor's Designee	N/A

## *Internal Audit*

In the Program Evaluation Report, the Committee asks the agency to provide information about internal audit process, if it has one. The CMA does not have an internal audit process. Agency audits are conducted by the Office of the State Auditor.<sup>5</sup>

## *Organizational Units*

The agency's Program Evaluation Report (PER) includes information about its seven organizational units:<sup>6</sup>

### **African American Affairs Initiative**

Responsible for confronting the disparate facts regarding African-Americans by working with local, state, and federal entities, as well as other organizations to develop strategies and be a catalyst to improve conditions in our community.

### **Hispanic Latino Affairs Initiative**

Addresses issues concerning the Hispanic Latino community of South Carolina to include economic, education, health, public safety, human rights and other pertinent issues that affect the Hispanic community.

### **Native American Affairs Initiative**

Serves as the South Carolina Indian Affairs Office with the mission to establish the framework to ensure social equity and economic prosperity for all Native American Indian citizens throughout the State of South Carolina through policy change, education, and increased awareness.

### **Small and Minority Business**

Promotes social and economic self-sufficiency primarily for disadvantaged minorities by providing entrepreneurial education and training, business technical assistance and provides information for microloan programs.

### **Community Based Services Initiative**

Provides and strengthens minority non-profit organizations and church affiliates with technical assistance, capacity building, collaboration and partnerships to better serve communities.

### **Research and Policy Services**

Provides current statistical data, conducts simple to complex applied statistical and survey research, conducts policy analysis of state and federal legislation, and helps disseminate key statistical information to state leaders for profit and non-profit organizations, and to individual citizens in the State of South Carolina. These research services assist the SC Commission for Minority Affairs in achieving its agency mission in utilizing research to help to study the causes and effects of socioeconomic poverty and deprivation in South Carolina.

### **Human Trafficking and Immigration Initiative**

Responsible for addressing and raising awareness on issues regarding human trafficking and immigration laws and provides opportunities for reporting via the hotlines concerning the issues addressed.

The agency reported that it had no turnover in 2014-15 and in 2016-17, and it lost only one employee in 2015-16. There was no exit interview process.

The agency did not evaluate employee satisfaction or allow for anonymous feedback during the last three fiscal years (2014-15 through 2016-17). None of the agency's jobs required a certification.

## *Organizational Chart*

*Figure 2: Organizational Chart, 2018<sup>7</sup>*

## Products, Services, and Customers

In the Program Evaluation Report, the Committee asks an agency to provide a list of its deliverables (i.e., products and services) as well as additional information related to laws, customers, costs, and potential negatives impacts. The CMA provided a list of 11 deliverables, all of which it reported that it is **required by law** to provide **free of charge**. The agency also indicated that none of these deliverables would fit within the mission of another state agency. The other information it provided about these deliverables is shown in Table 2 below.<sup>8</sup>

Table 2: List of Deliverables

Applicable Laws	Customer satisfaction evaluated?	Does the agency know the...			Greatest potential harm to the public if deliverable is not provided	Recommendations to the General Assembly to help avoid the greatest potential harm
		cost per unit?	annual # of potential customers?	annual # of customers served?		
1. Provide the minority community consisting of African Americans, Native American Indians, Hispanics/Latinos, Asians, and others with a single point of contact for statistical and technical assistance in the areas of research and planning for a greater economic future						
Code of Laws, §1-31-40	Yes	No	Yes	Yes	The agency will not be able to serve citizens, state agencies and other organizations through technical assistance and better access to cultural and community based research or statistical data for economic and community development.	<ol style="list-style-type: none"> <li>1. Provide additional FTE to carry out these duties.</li> <li>2. Require other agencies to partner and collaborate with the Commission regarding data and outreach initiatives to make current programs more effective.</li> <li>3. Support legislative and policy changes to positively affect minority communities as suggested through reports and research conducted by the CMA</li> </ol>
2. Work with minority officials on the state, county, and local levels of government in disseminating statistical data and its impact on their constituencies						
Code of Laws, §1-31-40	Yes	No	Yes	Yes	The agency will not be able to serve citizens, state agencies and other organizations through technical assistance and better access to cultural and community based research or statistical data for economic and community development.	<ol style="list-style-type: none"> <li>1. Provide additional FTE to carry out these duties.</li> <li>2. Require other agencies to partner and collaborate with the Commission regarding data and outreach initiatives to make current programs more effective.</li> <li>3. Support legislative and policy changes to positively affect minority communities as suggested through reports and research conducted by the CMA</li> </ol>

Applicable Laws	Customer satisfaction evaluated?	Does the agency know the...			Greatest potential harm to the public if deliverable is not provided	Recommendations to the General Assembly to help avoid the greatest potential harm
		cost per unit?	annual # of potential customers?	annual # of customers served?		
3. Provide for publication of a statewide statistical abstract on minority affairs						
Code of Laws, §1-31-40	Yes	No	Yes	Yes	Without the production of the "State of Minorities Report," the agency will not be able to provide statistics on how minorities fare and compare to the majority population or information to the legislature with the hopes of influencing changes in policy and law(s).	<ol style="list-style-type: none"> <li>1. Provide additional FTE to carry out these duties.</li> <li>2. Require other agencies to partner and collaborate with the Commission regarding data and outreach initiatives to make current programs more effective.</li> <li>3. Support legislative and policy changes to positively affect minority communities as suggested through reports and research conducted by the CMA</li> </ol>
4. Provide statistical analyses for members of the General Assembly on the state of minority communities as the State experiences economic growth and changes						
Code of Laws, §1-31-40	No	No	No	No	The agency will not be able to serve citizens, state agencies and other organizations through technical assistance and better access to cultural and community based research or statistical data for economic and community development.	<ol style="list-style-type: none"> <li>1. Provide additional FTE to carry out these duties.</li> <li>2. Require other agencies to partner and collaborate with the Commission regarding data and outreach initiatives to make current programs more effective.</li> <li>3. Support legislative and policy changes to positively affect minority communities as suggested through reports and research conducted by the CMA</li> </ol>
5. Provide the minority community with assistance and information on Voting Rights Act submissions in the State, as well as other related areas of concern to the minority community						
Code of Laws, §1-31-40* <i>No longer required due to Federal changes.</i>	No	No	No	No	This is no longer applicable due to a change in the Federal Voting Rights Act.	N/A

Applicable Laws	Customer satisfaction evaluated?	Does the agency know the...			Greatest potential harm to the public if deliverable is not provided	Recommendations to the General Assembly to help avoid the greatest potential harm
		cost per unit?	annual # of potential customers?	annual # of customers served?		
6. Determine, approve, and acknowledge by certification state recognition for Native American Indian entities; however, notwithstanding their state certification, the tribes have no power or authority to take any action which would establish, advance, or promote any form of gambling in this State						
Code of Laws, §1-31-40; §1-31-50; §20-1-20; §50-11-515 Code of Regs, §139-100; §139-105; §139-108; §139-109	Yes	No	Yes	Yes	Without the process of State Recognition, Native American entities will not have formal acknowledge from the State of South Carolina establishing a “government-to-government” relationship in addition to preventing access to programs and serves of at all levels of government and non-governmental agencies along with preventing compliance with Federal and State laws.	<ol style="list-style-type: none"> <li>1. Provide additional FTE to carry out these duties.</li> <li>2. Require other agencies to partner and collaborate with the Commission regarding data and outreach initiatives to make current programs more effective.</li> <li>3. Support legislative and policy changes to positively affect minority communities as suggested through reports and research conducted by the CMA</li> </ol>
7. Establish advisory committees representative of minority groups, as the commission considers appropriate to advise the commission						
Code of Laws, §1-31-40; Code of Regs, §139-106; §139-200; §139-202	Yes	No	Yes	Yes	The agency will not be able to serve citizens, state agencies and other organizations through technical assistance and better access to cultural and community based research or statistical data for economic and community development.	<ol style="list-style-type: none"> <li>1. Provide additional FTE to carry out these duties.</li> <li>2. Require other agencies to partner and collaborate with the Commission regarding data and outreach initiatives to make current programs more effective.</li> <li>3. Support legislative and policy changes to positively affect minority communities as suggested through reports and research conducted by the CMA</li> </ol>

Applicable Laws	Customer satisfaction evaluated?	Does the agency know the...			Greatest potential harm to the public if deliverable is not provided	Recommendations to the General Assembly to help avoid the greatest potential harm
		cost per unit?	annual # of potential customers?	annual # of customers served?		
8. Act as liaison with the business community to provide programs and opportunities to fulfill its duties under this chapter						
Code of Laws, §1-31-40	Yes	No	No	Yes	The agency will not be able to serve citizens, state agencies and other organizations through technical assistance and better access to cultural and community based research or statistical data for economic and community development.	<ol style="list-style-type: none"> <li>1. Provide additional FTE to carry out these duties.</li> <li>2. Require other agencies to partner and collaborate with the Commission regarding data and outreach initiatives to make current programs more effective.</li> <li>3. Support legislative and policy changes to positively affect minority communities as suggested through reports and research conducted by the CMA</li> </ol>
9. Seek federal and other funding on behalf of the State of South Carolina for the express purpose of implementing various programs and services for African Americans, Native American Indians, Hispanics/Latinos, Asians, and other minority groups						
Code of Laws, §1-31-40	No	No	No	No	The agency will not be able to serve citizens, state agencies and other organizations through technical assistance and better access to cultural and community based research or statistical data for economic and community development.	<ol style="list-style-type: none"> <li>1. Provide additional FTE to carry out these duties.</li> <li>2. Require other agencies to partner and collaborate with the Commission regarding data and outreach initiatives to make current programs more effective.</li> <li>3. Support legislative and policy changes to positively affect minority communities as suggested through reports and research conducted by the CMA</li> </ol>

Applicable Laws	Customer satisfaction evaluated?	Does the agency know the...			Greatest potential harm to the public if deliverable is not provided	Recommendations to the General Assembly to help avoid the greatest potential harm
		cost per unit?	annual # of potential customers?	annual # of customers served?		
10. Promulgate regulations as may be necessary to carry out the provisions of this article including, but not limited to, regulations regarding State Recognition of Native American Indian entities in the State of South Carolina						
Code of Laws, §1-31-40; §1-31-50; §20-1-20; §50-11-515; Code of Regs, §139-100; §139-105; §139-108; §139-109; §139-106; §139-200; §139-202	No	No	No	No	Without the process of State Recognition, Native American entities will not have formal acknowledge from the State of South Carolina establishing a “government-to-government” relationship in addition to preventing access to programs and serves of at all levels of government and non-governmental agencies along with preventing compliance with Federal and State laws.	<ol style="list-style-type: none"> <li>1. Provide additional FTE to carry out these duties.</li> <li>2. Require other agencies to partner and collaborate with the Commission regarding data and outreach initiatives to make current programs more effective.</li> <li>3. Support legislative and policy changes to positively affect minority communities as suggested through reports and research conducted by the CMA</li> </ol>
11. Establish and maintain a twenty-four hour toll free telephone number and electronic website in accordance with Section 8-30-10						
Code of Laws, §8-30-10; §8-30-20	No	No	No	No	The agency will not be able to serve citizens, state agencies and other organizations through technical assistance and better access to cultural and community based research or statistical data for prevention and prosecution of labor law violations including all forms of human trafficking.	<ol style="list-style-type: none"> <li>1. Provide additional FTE to carry out these duties.</li> <li>2. Require other agencies to partner and collaborate with the Commission regarding data and outreach initiatives to make current programs more effective.</li> <li>3. Support legislative and policy changes to positively affect minority communities as suggested through reports and research conducted by the CMA</li> </ol>

## Revenue Sources

In the Program Evaluation Report, the Committee asks the agency to provide information about its revenue sources. The CMA reported that all of its revenues remain with the agency. Table 3 is a summary of the information the agency provided.<sup>9</sup>

Table 3: Revenue Sources

Revenue Sources	Recurring?	Type	FY 16-17				FY 17-18 (Budgeted)			
			Revenue		Carried from Previous Year	Spent on Strategic Plan	Revenue		Carried from Previous Year	Budgeted for Strategic Plan
			Amount	% of Total			Amount	% of Total		
General Fund	Recurring	State	\$1,020,729	86.7%	\$39,585	\$884,827	\$1,028,806	84.2%	\$102,073	\$1,130,879
Bingo	Recurring	State	\$131,000	11.1%	\$29,240	\$136,476	\$131,000	10.7%	\$23,764	\$154,764
Other Funds Authorization	Non-Recurring	Other Funds	\$825	0.1%	\$27,062	\$160	\$1,375	0.1%	\$27,727	\$29,100
USDA	Non-Recurring	Federal	\$24,885	2.1%	\$0	\$16,688	\$60,000	4.9%	\$0	\$60,000
<b>TOTAL</b>			<b>\$1,177,439</b>		<b>\$95,887</b>	<b>\$1,038,152</b>	<b>\$1,221,181</b>		<b>\$153,564</b>	<b>\$1,374,743</b>

# COMMITTEE CONTACT INFORMATION



## Website

<http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee.php>

## Phone Number

(803) 212-6810

## Email

[HCommLegOv@schouse.gov](mailto:HCommLegOv@schouse.gov)

## Location

Blatt Building, Room 228

<sup>1</sup> SC House of Representatives, House Legislative Oversight Committee, “Agency PER (Program Evaluation Report) (September 29, 2017),” at [www.scstatehouse.gov](http://www.scstatehouse.gov) under “Committee Postings and Reports” > “House Legislative Oversight Committee” > “Minority Affairs, Commission for”  
<http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/MinorityAffairs/PER%20-%20Complete%20PDF.PDF> (Accessed October 10, 2017). Hereinafter, “Agency PER”

<sup>2</sup> [Agency PER](#), pp. 3-4.

<sup>3</sup> [Agency PER](#), pp. 4-5.

<sup>4</sup> SC Secretary of State, Boards and Commissions, Commission for Minority Affairs.

[http://search.scsos.com/boards\\_commissions/default.aspx](http://search.scsos.com/boards_commissions/default.aspx) (Accessed October 10, 2017).

<sup>5</sup> [Agency PER](#), p. 5.

<sup>6</sup> [Agency PER](#), p. 19.

<sup>7</sup> [Agency PER](#), p. 10.

<sup>8</sup> [Agency PER](#), pp. 13-18.

<sup>9</sup> [Agency PER](#), pp. 20-31.



- Website - <http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee.php>
- Phone Number - 803-212-6810
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- Location - Blatt Building, Room 228

*Appendix H. November 13, 2017, Meeting Information*

# *Legislative Oversight Committee*

Monday, November 13, 2017

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South Carolina  
House of Representatives



Legislative Oversight Committee

Monday, November 13, 2017

Room 110 - Blatt Building

10:30 a.m.

*Pursuant to Committee Rule 4.9, S.C. ETV shall be allowed access for internet streaming whenever technologically feasible.*

**AGENDA**

- I. Approval of minutes
- II. Discussion of the following:
  - Law Enforcement and Criminal Justice Subcommittee's Study of the Department of Public Safety (*study presentation made to the full Committee on August 16, 2017; further discussion on October 16, 2017*)
- III. Beginning at 1:00 p.m., an opportunity for agency heads of the Commission for Minority Affairs and Department of Natural Resources to respond to public comments received on October 16, 2017
- IV. Discussion of the following:
  - Executive Subcommittee's Study of the State Election Commission; and
  - Healthcare and Regulatory Subcommittee's Study of the Department of Health and Environmental Control (*study presentation made to the full Committee on October 16, 2017*); and
  - any other studies of agencies, if notice is received on or before November 13, 2017, in accordance with Standard Practice 12.5
- V. Discussion of Committee administrative matters
- VI. Adjournment

*Chair Wm. Weston J. Newton*

*First Vice-Chair:  
Laurie Slade Funderburk*

## **Legislative Oversight Committee**



*Katherine E. (Katie) Arrington  
Gary E. Clary  
MaryGail K. Douglas  
Phyllis J. Henderson  
Joseph H. Jefferson Jr.  
Mandy Powers Norrell  
J. Todd Rutherford  
Tommy M. Stringer  
Bill Taylor*

*William K. (Bill) Bowers  
Neal Collins  
Raye Felder  
William M. "Bill" Hixon  
Robert L. Ridgeway III  
James E. Smith Jr.  
Edward R. Tallon Sr.  
Robert Q. Williams*

### **South Carolina House of Representatives**

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Research Analyst/Auditor*

*Kendra H. Wilkerson  
Fiscal/Research Analyst*

### **Legislative Oversight Committee Meeting**

**Monday, October 16, 2017  
Blatt Building Room 110  
1:00 p.m.**

#### **Archived Video Available**

- I. Pursuant to House Legislative Oversight Committee Rule 6.8, South Carolina ETV was allowed access for streaming the meeting. You may access an archived video of this meeting by visiting the South Carolina General Assembly's website (<http://www.scstatehouse.gov>) and clicking on *Committee Postings and Reports*, then under *House Standing Committees* click on *Legislative Oversight*. Then, click on *Video Archives* for a listing of archived videos for the Committee.

#### **Attendance**

- I. The House Legislative Oversight Committee was called to order by Chair Wm. Weston J. Newton on Monday, October 16, 2017, in Room 110 of the Blatt Building. All members of the Committee were present for all or a portion of the meeting, except: Representative William K. Bowers, Representative James E. Smith, Jr., and Representative Tommy M. Stringer.

**Minutes**

- I. House Rule 4.5 requires standing committees to prepare and make available to the public the minutes of committee meetings, but the minutes do not have to be verbatim accounts of meetings.
  
- II. Representative Gary E. Clary moves to approve the minutes from the Committee’s meeting on August 16, 2017. A roll call vote is held, and the motion passes.

<b>Representative Clary’s motion to approve the minutes from the previous meeting:</b>	<b>Yea</b>	<b>Nay</b>	<b>Not Voting: Present</b>	<b>Not Voting: Absent</b>
Katherine E. Arrington	✓			
William K. Bowers				✓
Gary E. Clary	✓			
Neal Collins	✓			
MaryGail Douglas	✓			
Raye Felder	✓			
Laurie Slade Funderburk	✓			
Phyllis Henderson	✓			
Bill Hixon	✓			
Joseph H. Jefferson, Jr.	✓			
Mandy Powers Norrell	✓			
Robert L. Ridgeway, III	✓			
Todd Rutherford				✓
James E. Smith, Jr.				✓
Tommy Stringer				✓
Edward R. Tallon	✓			
Bill Taylor	✓			
Robert Q. Williams	✓			
Wm. Weston J. Newton	✓			

**Discussion of the Department of Agriculture**

- I. Representative Laurie Slade Funderburk provides an overview of the Economic Development, Transportation, and Natural Resources Subcommittee’s study of the Department of Agriculture.
  - a. Representative Funderburk moves, pursuant to Committee Standard Practice 13.2.3, that the Committee further evaluate the Subcommittee’s recommendations 5, 6, 7 and 11, which were proposed by the agency and include provisions relating to fees. She further moves that the full committee study reflect the portions of those recommendations relating to fees be received for information purposes only as these recommendations may be explored in the budget process.
  - b. Representative Raye Felder asks Representative Funderburk to explain Recommendations 5, 6, 7 and 11.
  - c. A roll call vote is held, and the motion passes.

<b>Representative Funderburk’s motion, pursuant to Committee Standard Practice 13.2.3, that the Committee further evaluate the Subcommittee’s recommendations 5, 6, 7 and 11, which were proposed by the agency and include provisions relating to fees. She further moves that the Full Committee study reflect the portions of those recommendations relating to fees be received for information purposes only as these recommendations may be explored in the budget process.</b>	<b>Yea</b>	<b>Nay</b>	<b>Not Voting: Present</b>	<b>Not Voting: Absent</b>
Katherine E. Arrington	✓			
William K. Bowers				✓
Gary E. Clary	✓			
Neal Collins	✓			
MaryGail Douglas	✓			
Raye Felder	✓			
Laurie Slade Funderburk	✓			
Phyllis Henderson	✓			
Bill Hixon	✓			
Joseph H. Jefferson, Jr.	✓			

Mandy Powers Norrell	✓			
Robert L. Ridgeway, III	✓			
Todd Rutherford	✓			
James E. Smith, Jr.				✓
Tommy Stringer				✓
Edward R. Tallon	✓			
Bill Taylor	✓			
Robert Q. Williams	✓			
Wm. Weston J. Newton	✓			

- d. Representative Funderburk moves to approve the completed study of the Department of Agriculture. A roll call vote is held, and the motion passes.

<b>Representative Funderburk's motion to approve the completed study of the Department of Agriculture as amended.</b>	<b>Yea</b>	<b>Nay</b>	<b>Not Voting: Present</b>	<b>Not Voting: Absent</b>
Katherine E. Arrington	✓			
William K. Bowers				✓
Gary E. Clary	✓			
Neal Collins	✓			
MaryGail Douglas	✓			
Raye Felder	✓			
Laurie Slade Funderburk	✓			
Phyllis Henderson	✓			
Bill Hixon	✓			
Joseph H. Jefferson, Jr.	✓			
Mandy Powers Norrell	✓			
Robert L. Ridgeway, III	✓			
Todd Rutherford	✓			
James E. Smith, Jr.				✓
Tommy Stringer				✓
Edward R. Tallon	✓			
Bill Taylor	✓			
Robert Q. Williams	✓			
Wm. Weston J. Newton	✓			

## **Discussion of the Department of Health and Environmental Control**

- I. Representative Phyllis J. Henderson provides an overview of the Healthcare and Regulatory Subcommittee's study of the Department of Health and Environmental Control. Her overview begins before public testimony and resumes after the Committee's receipt of public testimony.
  - a. Members ask questions about various topics, including, but not limited to:
    - i. Hazardous Waste Management Act;
    - ii. Waste Management Research Fund - Pinewood;
    - iii. Recommendation 37 - Oral Health; and
    - iv. Recommendation 39 - Resource for Maintaining Storage.
  - b. Representative Henderson requests that voting on the study occur at the next full committee meeting.

## **Agency Introductions**

- I. Chairman Newton states that an important purpose of this meeting is to hear public testimony regarding the Department of Natural Resources, Office of the Adjutant General, Commission for Minority Affairs, and Patriot's Point Development Authority.
- II. Since no one signed up to speak about Patriot's Point Development Authority and the Office of the Adjutant General, Chairman Newton advises the directors from those agencies that they are free to leave.

## **Public Testimony**

- I. Members of the public provide testimony about the Commission for Minority Affairs and Department of Natural Resources. Constituent testimony and Committee minutes summarizing testimony are not the comments or expression of the House Legislative Oversight Committee, any of its Subcommittees, the House of Representatives, or any of these entities staff.

Before each person testifies, Chairman Newton administers an oath to the person. Below are the names of each person who testifies and the time in the archived video at which the testimony begins. The testimony is grouped by the agency about which the testimony relates, instead of the order in which the individuals testify.

## **Commission for Minority Affairs (CMA)**

Chief Louis Chavis (57:52)

Chief Chavis testifies he is the Chief of the Beaver Creek Indian people in Orangeburg County, but he lives in Lexington County. He is an at-large Commissioner on the CMA Board. He testifies that a problem with the CMA is racism - towards him and the Indians. Even with the Inspector General's involvement, he has seen no changes. He testifies that he was not given a chance to participate in CMA's staff evaluations last summer. He is greatly displeased and saddened that no progress has been made as Indian people. He feels that nothing is being done to help them.

Mr. Ken Battle (1:03:02)

Mr. Battle testifies he lives in Dorchester County. He is Chairman of the CMA Board. He believes he is working with a passionate group of people. He believes the CMA is complying with statute and providing the information and statistical data the agency is required to disseminate to the legislature, stakeholders and the general public regarding poverty and socio-deprivation of minorities. He states the CMA is working on grants, working with emergency management, and building relationships with other agencies. He is proud to work with CMA and knows, with the proper funding, the agency can make a difference. He has tried to keep CMA board members abreast of events and happenings.

Ms. Lisa McQueen Starling (1:15:16)

Ms. Starling testifies she is the Chief Executive Officer of the Wassamasaw Indian Nation in Berkeley County and a descendent of the Etiwan Tribe in South Carolina. She testifies that in 2012, the Wassamasaw Indian Nation filed a Petition with the CMA of over 2,000 pages to be recognized as a Native American Indian tribe in South Carolina and on August 30, 2012, she received notice that the recognition committee submitted a report and recommendation to the CMA board for action. She testifies the CMA board meeting was thereafter canceled and no action taken. Prior to scheduling another meeting, she testifies she was advised that the CMA board was seeking legal advice regarding the operation of state boards and commissions and when that issue was resolved they would convene a meeting. She testifies the CMA board had 120 days from April 1, 2012, to notify her if the Wassamasaw Indians would be recognized, but nothing has happened. She has asked for an update, but she has not received a response. She feels her tribe was disregarded and discriminated against because they were black. She notes during that time, another tribe was recognized using her lineage.

Mr. Orell Simmons (1:22:14)

Mr. Simmons testifies he resides in Berkeley County. He testifies as to his disappointment that no action was taken on the petition described by Ms. Starling. He testifies that he does feel the CMA has been working very diligently to tackle the issue of minority poverty.

Chief Adajo Gentle (1:26:10)

Chief Adajo testifies he is the Chief of the Yamassee Indians in Allendale County. He confirms the concerns of the previous individuals who testified. Even though the Yamassee Indians are recognized, he testifies he received no information from the CMA. He further states CMA only gives resistance. The Yamassee Indians' main concern is to have a voice on issues involving Native Americans. He feels the CMA does not involve them because they are a multi-ethnic group and do not look like typical Indians. He testifies that while they have so much to contribute; the recognition process has created division. He feels the CMA concentrates on Hispanics and African Americans.

Mr. Dexter Sharpe (1:29:54)

Mr. Sharpe testifies he resides in Lexington County and is a member of the Cherokee Nation of South Carolina. He disagrees with the testimony of the previous individuals. He testifies he has been involved with the CMA since 1993. He testifies that before he became certified as a minority business holder, he went to the CMA for help, and they have always been responsive. He does not see the Yamassee or the Wamassasaw at the Pow Wows or meetings. He testifies he feels the Indians are their own biggest problem because they can never agree on anything. He testifies there have been problems in the past with the Governor not appointing people to serve on the CMA Board.

Dr. Will Moreau-Goings (1:34:35)

Dr. Goings testifies he represents the Eastern Cherokee and Southern Iroquois United Tribes of South Carolina and he resides in Richland County. He testifies that he has had numerous questions, letters and requests that have gone to the CMA with no response. He testifies he made a request for a description of all of the tribes recognized by South Carolina, and the request was denied. He testifies the CMA Director told him the information had been destroyed. Dr. Goings asked the CMA Director if the information could be recreated, and has received no response. He further testifies he has submitted the same Freedom of Information Act request since 2008, and the CMA has never fully complied.

Ms. Karen McGill (1:39:40)

Ms. McGill testifies she serves on the CMA Board and resides in Spartanburg County. She feels there is no clear state-based leadership. Ms. McGill testifies it is her belief that CMA staff is not applying for enough grants; they complain it is too time consuming. The report of the Inspector General stated there was a lack of leadership, mission drift, and no strategic planning. After the Inspector General's report, she received a report that there were funds left unspent with no explanation for the same. She testifies as to her concerns about the staff monthly activity reports. She asked that the CMA Board be involved in the hiring of two opening staff positions at the CMA. After getting an opinion from the Attorney General confirming the Board's right to be involved in the process, the Board set a policy. However, the Board has still been left out of the process.

Chief Michelle Mitchum (1:50:26)

Chief Mitchum testifies she is the Chief of the Pine Hill Indian Community in Orangeburg. She testifies the CMA's Native American coordinator excludes her tribe from participating in anything. She testifies they are repeatedly told the CMA Board's affairs are none of her business. She testifies she has reviewed the Inspector General's Report, the Accountability Reports and the performance reviews. She testifies as to her concerns about the CMA Board's knowledge of what really goes on at the CMA. She alleges the CMA Director allows the CMA program coordinators full autonomy without any accountability. She states Native Americans want fairness, equality, justice, and a voice. She testifies the CMA feels the Native Americans are so unruly as to need law enforcement presence at meetings. She testifies as to her concerns that CMA employees are creating non-profit organizations to assist the CMA. She wants to know what kind of assistance the non-profits provide and if the CMA Board is aware of these organizations. She testifies she wants to know why grant funds are being used to collect data from non-existent groups, which happened in the 2011 DHEC assessment. She testifies as to her concerns about CMA employees.

## **Department of Natural Resources**

Mr. Thomas Cousins (2:01:22)

Mr. Cousins testifies he is a resident of Berkeley County and teaches outdoor education at West Ashley High School. He coaches the shooting team and the archery team and testifies that DNR programs have had a profound impact on the quality of life of his students. Without DNR's support, he testifies they would be

cheating students out of their ability to compete on a state, national and worldwide level. According to Mr. Cousins, it has increased the students confidence, self-respect and school spirit. Additionally, Mr. Cousins testifies, the students learn skills that will last a lifetime, earn scholarships, and increase their volunteerism, such as assisting at DNR events, SEWEE, and the Charleston In-Water Boat Show.

Mr. John Williamson, III (2:05:40)

Mr. Williamson testifies he is a resident of Bamberg County and has been involved with DNR for approximately 40 years, mostly as a volunteer. He believes that, right now, DNR probably has the best management he has seen in those 40 years. Mr. Williamson testifies he serves on the law enforcement advisory committee. He compliments the archery and shooting sports in schools, stating they provide mentoring to students, many from single parent homes, and introduce students to the outdoors, which ordinarily might not be possible for those kids.

Mr. Leland Colvin (2:09:06)

Mr. Colvin testifies he resides in Richland County and is the Deputy Secretary of Engineering for the South Carolina Department of Transportation. He testifies there is a great camaraderie between the Department of Transportation and the Department of Natural Resources. According to Mr. Colvin, the two agencies share information to help streamline projects and how they affect the state's waterways and environment, assist with information related to rain events and flooding, and partner in natural disasters. Additionally, Mr. Colvin testifies DNR is a resource on permits that affect water quality and wetland mitigation.

Mr. Jim Goller (2:13:35)

Mr. Goller testifies he resides in York County, and is the Executive Director of the Harry Hampton Memorial Wildlife Fund, which assists DNR with funding and other cooperative efforts. He testifies he is proud to speak to the tremendous mission of DNR in South Carolina. According to Mr. Goller, South Carolina attracts advanced manufacturing and part of the reason is South Carolina's natural resources. He praises DNR's stewardship of natural resources. He feels the Director has done more for the youth engagement than any other director in his tenure.

Chief Mark Keel (2:17:37)

Chief Keel, Chief of the State Law Enforcement Division, testifies he is a resident of Richland County, and is a hunter and fisherman. He praises the leadership of all personnel DNR employs, stating they are all cut from the same cloth. He testifies they were instrumental in the rescues during the recent flooding. Additionally, he testifies the relationship that SLED has with DNR is second to none.

Mr. Kenny Mullis (2:20:06)

Mr. Mullis testifies he resides in Richland County and is the President of the South Carolina Association of Conservation Districts. He testifies the relationship between DNR and his organization has been very productive and mutually beneficial as DNR supports the 46 conservation districts in South Carolina. According to Mr. Mullins each district has five commissioners that are unpaid, passionate volunteers. He testifies the DNR Director is very supportive, and they hope to continue that relationship.

Mr. J.B. Schwiers (2:23:07)

Mr. Schwiers testifies he is a resident of Greenville. He states he is a longtime hunter, and compliments DNR on what a good job they do. He testifies at one time, he had a problem in Laurens County with someone who trespassed on his land, hunted out of season, stole deer stands and farm equipment, and shot at him. He testifies that he called DNR on multiple occasions, and they were always responsive. The person was caught and prosecuted. Mr. Schwiers also complements DNR's youth programs.

Mr. Andrew Sikes (2:27:00)

Mr. Sikes testifies he is a resident of Colleton County and is an avid fisherman and boater. He testifies he has had many encounters with DNR, and has never dealt with a more professional agency. The agents in the field are always courteous. He also sells to DNR. He compliments the Sportsman's Classic and the youth programs.

Mr. Buddy Jennings (2:29:36)

Mr. Jennings testifies he is from Newberry County and represents the Santee Cooper Country Promotion Commission. He testifies that one of their key partners is DNR. According to Mr. Jennings, his organization has worked with DNR and the General Assembly to pass critical legislation regarding hunting and fishing. He compliments

the leadership of the DNR Director. Mr. Jennings testifies he has spent 34 years in state government and 18 years in the private sector.

- II. Chairman Newton noted that agency heads would have an opportunity to respond to constituent testimony at a future meeting.

**Discussion of the Law Enforcement Training Council and Criminal Justice Academy**

- I. Representative Edward R. Tallon, Sr., provides an overview of the Law Enforcement and Criminal Justice Subcommittee’s study of the Law Enforcement Training Council and Criminal Justice Academy.
  - a. Representative Tallon moves to approve the completed study of the Law Enforcement Training Council and Criminal Justice Academy. A roll call vote is held, and the motion passes.

<b>Representative Tallon’s motion to approve the completed study of the Law Enforcement Training Council and Criminal Justice Academy.</b>	<b>Yea</b>	<b>Nay</b>	<b>Not Voting: Present</b>	<b>Not Voting: Absent</b>
Katherine E. Arrington	✓			
William K. Bowers				✓
Gary E. Clary	✓			
Neal Collins	✓			
MaryGail Douglas	✓			
Raye Felder	✓			
Laurie Slade Funderburk	✓			
Phyllis Henderson				✓
Bill Hixon	✓			
Joseph H. Jefferson, Jr.	✓			
Mandy Powers Norrell	✓			
Robert L. Ridgeway, III	✓			
Todd Rutherford				✓
James E. Smith, Jr.				✓
Tommy Stringer				✓
Edward R. Tallon	✓			
Bill Taylor	✓			
Robert Q. Williams	✓			

Wm. Weston J. Newton	✓			
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## Discussion of the Department of Public Safety

- I. The Committee continues its discussion of the Study of the Department of Public Safety.
  - a. State Inspector General Brian K. Lamkin provides a brief overview of his office's recently released report on the Department of Public Safety.
  - b. Members ask questions about various topics, including, but not limited to:
    - i. Morale;
    - ii. Troopers' fear of retaliation, scare tactics and threats;
    - iii. Administrative inquiry process;
    - iv. Lack of trust;
    - v. Lack of respect; and
    - vi. Recruitment.
  - c. Director Smith addresses the Committee.
  - d. Members ask questions about various topics, including, but not limited to:
    - i. Inspector General's report;
    - ii. Disciplinary process;
    - iii. Decrease in warnings and tickets;
    - iv. Patrol hours decrease; and
    - v. Fatal Collisions increase.
  - e. Chief Kenneth Phelps, who is in charge of the Office of Professional Responsibility at the Department of Public Safety, addresses the Committee.
  - f. Members ask questions about various topics, including, but not limited to the disciplinary process.
  
- II. Representative Clary states he has some substantive inquiries of the Department of Public Safety he would like addressed before proceeding with a vote on the Subcommittee's study of the agency. These concerns are attendant to the Committee's September 7, 2017, letter to the agency and the agency's October 6, 2017, response.
 

Chairman Newton notes a two-hour period will be allotted at the next full Committee meeting to address these concerns and any other Member's concerns.
  
- III. There being no further business; the meeting is adjourned.

*Chairman Wm. Weston J. Newton*

*First Vice-Chair:  
Laurie Slade Funderburk*

## **Legislative Oversight Committee**

*Katherine E. "Katie" Arrington  
Gary E. Clary  
MaryGail K. Douglas  
Phyllis J. Henderson  
Joseph H. Jefferson Jr.  
Mandy Powers Norrell  
J. Todd Rutherford  
Tommy M. Stringer  
Bill Taylor*



*William K. (Bill) Bowers  
Neal Collins  
Raye Felder  
William M. "Bill" Hixon  
Robert L. Ridgeway III  
James E. Smith Jr.  
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Research Analyst/Auditor*

**Room 228 Blatt Building**

September 7, 2017

Director Leroy Smith  
Department of Public Safety  
Post Office Box 1993  
Blythewood, South Carolina 29016

Dear Director Smith:

On August 16, 2017, the Law Enforcement and Criminal Justice Subcommittee presented its study of the Department of Public Safety to the House Legislative Oversight Committee. In preparation for the next full Committee meeting scheduled for October 16, 2017, the purpose of this letter is to request additional information from the agency. Please provide this information by Friday, October 6, 2017.

### ***Records Management***

- Is the agency current with transferring records, including electronic ones, to the Department of Archives and History? If not, why?
- Please provide the Committee a copy of the agency's records management policy, if any. If the agency does not have a records management policy, does the agency intend to create one?

### ***Study Recommendations***

- Does the agency disagree with any of the recommendations arising from the study of the agency? If yes, please share the agency's reason(s) for disagreement.
- Has the agency implemented any of the recommendations arising from the study? If yes, please share which ones.

- Does the agency intend to implement any of the recommendations arising from the study? If yes, please share which ones and the anticipated date for implementation.

### *Residency Policy*

- Please provide information, in an Excel document, with the headings provided in Attachment A.
- If any employees have been re-assigned since the new residency policy was implemented, please state the reason for the re-assignment.

### *Special Events and Transports*

- Please provide information, in an Excel document with the headings provided in Attachment B, related to time spent with special events for the past two years.
- During the August 16, 2017, meeting, Colonel Williamson testified troopers are only pulled off the road to attend “necessary” events. Please provide the following:
  - policy the agency utilizes when determining if an event or function is “necessary,” if any;
  - list of what is considered when determining if an event or function is necessary;
  - list of what is considered when determining which troopers to pull off the road;
  - agency personnel who have authority to make these determinations;
  - number of necessary events or functions in fiscal year 2016-17; and
  - list of some specific events or functions previously authorized which the Committee may consider as examples of the types of events or functions the agency may consider necessary.
- Please provide information, in an Excel document with the headings provided in Attachment C, regarding transport of non-agency personnel from January 1, 2017 to the present.

### *Personnel*

- Please provide information, in an Excel document with the headings provided in Attachment D, related to all agency personnel that have changed positions in the last six months.
- During the August 16, 2017, full Committee meeting, agency representatives were questioned about a communication within a troop advising personnel of an annual leave policy (i.e., annual leave may not be taken on the weekend and further there is a requirement of finding someone else to work.) Please provide an update on what, if anything, has been learned about this communication.

Director Smith  
Page Three

- Please provide the following information as of the most recent date available:
  - Total number of troopers, minus those still at the Criminal Justice Academy;
  - Total number of troopers on the road; and
  - For Troop Two (Abbeville, Edgefield, Greenwood, Laurens, McCormick, Newberry, and Saluda Counties)
    - Total number of troopers available to work the road; and
    - Total number of troopers typically working the road at any given time.

***Resources***

- During the Subcommittee's study of the agency, Colonel Oliver testified there are resources in the budget to hire more Highway Patrol officers and the lack of officers on the road is not the result of lack of funding. Please state whether you agree or disagree with this testimony and why or why not.

Thank you for your service to the citizens of South Carolina and for your continued cooperation during the study process. The Committee looks forward to continuing its discussion of the study of the Department of Public Safety with you on Monday, October 16, 2017.

Sincerely,



Wm. Weston J. Newton  
Committee Chair

cc: House Legislative Oversight Committee Members

# **Attachment A**

**Residency**

Employee with assigned state vehicle*	Troop #	# of miles from employee residence to Troop Headquarters	Estimated travel time from employee residence to Troop Headquarters	Post	Has this employee been assigned to this troop or post after the new residency policy was implemented?	# of miles from employee residence to Post Command	Estimated travel time from employee residence to Post Command	County in Post closest to employee residence	# of miles from employee residence to County line of County in Post closest to employee residence	Estimated travel time from employee residence to County line of County in Post closest to employee residence	Avg. number of shifts employee works per week^

\*Provide the employee’s rank and some other identifier the agency can utilize to double check addresses, other than the employee’s name, to protect the employee’s privacy.

^Please explain if the agency is providing this number based on a five or seven day week, along with any additional information that may help provide further explanation and clarity.

# **Attachment B**

**Special Events**

Date	Event	Type of Work (e.g., traffic control, Coach detail, etc.)	# of Troopers	Total # of Hours	# of Hours provided as Comp Time	# of Hours paid as Overtime

# Attachment C

**Transport of Non-Agency Personnel**

Date	Name(s) of Non-Agency Personnel	From City and To City	Purpose (e.g., name of event and/or reason for transport)	Agency Personnel's Name and Rank	Agency Personnel's Troop Number	Agency Personnel Authorizing Transport
		<u>From:</u> <u>To:</u>				

*Table Note: This information does not include transport of individuals due to a vehicle being broken down on the side of the road.*

# **Attachment D**

**Personnel Changes**

Individual's Name	Previous Position	Number of years in previous position (If trooper, then also, # of years as trooper)	New Position	Date of Position Change	Individual previously in the position	Number of years individual was in the position (If trooper, then also, number of years as trooper)	New position, or status, of individual previously in the position



# South Carolina Department of Public Safety

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BLYTHEWOOD, SC 29016  
[www.scdps.gov](http://www.scdps.gov)

HENRY MCMASTER  
GOVERNOR

LEROY SMITH  
DIRECTOR

October 6, 2017

Via E-mail

Hon. Wm. Weston J. Newton  
South Carolina House of Representatives  
P.O. Box 11867  
Columbia, SC 29211

Dear Committee Chairman Newton:

Thank you for your September 7, 2017 letter asking the South Carolina Department of Public Safety ("Department," "SCDPS," or "agency") to provide additional information to the Legislative Oversight Committee. The Committee's questions regarding the six referenced subjects are reproduced below along with the corresponding information requested.

## **Records Management**

Is the agency current with transferring records, including electronic ones, to the Department of Archives and History? If not, why?

### *Response*

The regulations governing the transfer of records to the Department of Archives and History ("DAH") permit a state agency to retain copies of records when the agency believes the records are active and required for daily operational use. The Department exercised this option and maintained copies of many records that would eventually require transfer to the DAH based on its operational needs. While the Department concedes that some older records that are not regularly consulted could be transferred to the DAH, the Department has not destroyed any records that would ultimately require transfer. The Department intends to review the manner in which it transfers records to DAH and implement strategies that would result in a regular transfer of records to DAH.

The agency has made budget requests for the upcoming fiscal year that would include funding for a case management system and corresponding software, which would automate much of the archiving and transfer process. Additionally, the agency has requested funding to migrate its e-mail system to the Department of Administration's ("DOA") e-mail system. The Department was hesitant to migrate to the DOA system until it became CJIS-compliant. The DOA secured that necessary compliance earlier this year, and the Department therefore feels comfortable with the migration if the funding is made available.

Please provide the Committee a copy of the agency's records management policy, if any. If the agency does not have a records management policy, does the agency intend to create one?



SOUTH CAROLINA HIGHWAY PATROL



STATE TRANSPORT POLICE



BUREAU OF PROTECTIVE SERVICES



IMMIGRATION ENFORCEMENT UNIT

Page 2

*Response*

A copy of SCDPS Policy No. 500.02 (Records Management) is attached.

### **Study Recommendations**

Does the agency disagree with any of the recommendations arising from the study of the agency? If yes, please share the agency's reason(s) for disagreement.

Has the agency implemented any of the recommendations arising from the study? If yes, please share which ones.

Does the agency intend to implement any of the recommendations arising from the study? If yes, please share which ones and the anticipated date for implementation.

*Response*

The Department has prepared the attached summary which includes a response to each of the recommendations arising from the study of the agency. In summary:

- The Department has implemented all or part of Recommendation Nos. 3 (partial), 4, 7 (current), 8, 9 (partial), 10, 11, 12, 13, 16, 19, and 27;
- The Department is considering the implementation of all or part of Recommendation Nos. 1, 2, 3, 6, 11, 15, and 20.
- The Department intends to implement all or part of Recommendation Nos. 5, 7 (ongoing), 8, and 26;
- The Department has no objection to Recommendation Nos. 18, 21, 22, 23, 24, and 25 and would support whatever decision was made by the General Assembly; and
- The Department disagrees with Recommendation Nos. 9 (partial), 14, and 17.

### **Residency Policy**

Please provide information, in an Excel document, with the headings provided in Attachment A.

*Response*

Based on the questions posed at the August 16, 2017, Legislative Oversight Committee Meeting, the Department understands this inquiry to be limited to officers who have been reassigned since the new residency policy was implemented on August 1, 2017. There is no database that tracks employee addresses as compared to the location of the Troops and Posts. For the individuals in Attachment A, the Department manually looked up the addresses and measured the distances using Google Maps assuming a travel time of Monday at 9:00 a.m. The requested fields are appropriate for an SCHP trooper who is

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assigned to a Post within a Troop; however, some of the fields cannot be completed for other types of officers (MAIT, STP, HQ personnel). Additionally, the majority of the employees described in Attachment A reside in the county where their post is located so the mileage to the county line is irrelevant and was not included.

The average number of shifts that an employee works per week was based on a seven day week for SCHP and STP road personnel and a five day week for HQ and MAIT personnel.

If any employees have been re-assigned since the new residency policy was implemented, please state the reason for the re-assignment.

*Response*

See the attached spreadsheet marked Attachment A(1).

### **Special Events and Transports**

Please provide information, in an Excel document with the headings provided in Attachment B, related to time spent with special events for the past two years.

*Response*

The Department does not track all of the information in the manner requested. Attachment B contains the information that is available. The Department is attaching payroll reports for the officers typically assigned to the road who were assigned to serve at the special events described in Attachment B. These reports capture the working time for these officers, but cannot fully document the amount of compensatory time earned or overtime paid that is specifically related to the special event.

In preparation for a special event, the agency typically schedules additional time off either before or after the event for the officers assigned to work the event. However, it is impossible to determine what additional circumstances might require the officer to work before or after his/her assigned shift at the special event. For instance, an officer enroute to work traffic control at a football game might encounter a serious traffic collision that requires attention. The officer might spend 2 hours working the collision before he arrives to work 10 hours at the game. However, his total hours for the date would reflect 12 total hours of work even though only 10 of those hours were directly related to the event. Time on the dates of these events is simply recorded as working time for the officer on the date of the event but may be associated with some other job function.

The amounts shown on Attachment B for compensatory time, straight time, and overtime reflect the maximum number of potential hours in each of these categories for the particular event. As described above, some of these hours may be more accurately assigned to a function unrelated to the event, but the agency does not track time in that manner.

During the August 16, 2017, meeting, Colonel Williamson testified troopers are only pulled off the road to attend “necessary” events. Please provide the following:

- policy the agency utilizes when determining if an event or function is “necessary,” if any;
- list of what is considered when determining if an event or function is necessary;
- list of what is considered when determining which troopers to pull off the road;
- agency personnel who have authority to make these determinations;
- number of necessary events or functions in fiscal year 2016-17; and
- list of some specific events or functions previously authorized which the Committee may consider as examples of the types of events or functions the agency may consider necessary.

*Response*

The agency does not have a specific policy that describes when an event or function is necessary. Rather, decisions regarding the use of troopers for special events are made by the Colonel with input from other staff.

The agency considers the following in making a determination if an event or function is necessary:

- the anticipated volume of traffic at the event or function;
- the anticipated volume of attendees at the event or function;
- the anticipated disruption in traffic flow to be caused by the event or function;
- patterns of traffic or attendees at prior events or functions;
- homeland security concerns;
- the manpower available at the current time;
- the availability of other law enforcement agencies to work the event or function;
- requests for assistance from other agencies; and
- the location of the event.

The agency considers the following in determining which troopers to pull off the road.

- trooper's experience in working events or functions of this type;
- continuity of calls for service in other areas;

- specialized experience or skills that may be needed at the event or function; and
- need for supervisors at the event or function.

The Director and Colonel of the Highway Patrol have the authority to make these determinations concerning special events and functions.

The agency identified 64 special events or functions from April 1, 2016, through September 9, 2017. This count does not account for smaller events where a small number of officers may be temporarily assigned to work an event or function of a short duration, such as escorting a visiting dignitary, providing traffic control for a funeral, or offering a presentation at a local school. Additionally, officers are regularly invited to Blythewood Headquarters to attend promotional and recognition ceremonies, the Public Servant Appreciation Ceremony, Trooper of the Year Ceremony, and other similar events.

The following are examples of the types of events or functions for which the agency has pulled troopers off the road.

- Clemson University football games (2016-2017);
- University of South Carolina football games (2016-2017);
- NASCAR races at Darlington Raceway (2016-2017);
- Atlantic Beach Bikefest (2016-2017); and
- Carolina Cup Horse Races (2016-2017).

Please provide information, in an Excel document with the headings provided in Attachment C, regarding transport of non-agency personnel from January 1, 2017 to the present.

#### *Response*

The Highway Patrol Manual of Operations and the State Transport Police Manual of Operations set the following criteria for transport of non-agency personnel:

Unless when carrying out duties set forth by instruction, orders, or regulations, persons not affiliated with DPS, or persons not a member of the Trooper's (Officer's) immediate family are prohibited from being transported in a Patrol (STP) vehicle unless permission is granted by the Troop Commander (District Commander). Troopers (Officers) may transport disabled motorists, collision victims or others in connection with Patrol (STP) business upon informing the duty supervisor.

The Bureau of Protective Services Manual of Operations sets the following criteria for transport of non-agency personnel:

Transporting of unauthorized persons in a patrol vehicle is prohibited unless to accomplish a police function or at the direction of a supervisor.

Insofar as these procedures permit agency personnel to transport non-agency personnel in a wide variety of situations without the need for approval, the Department has no way of knowing every instance in which agency personnel may have transported non-agency personnel in accordance with the procedures. The Department has polled those holding the rank of Captain and above in the Highway Patrol, the State Transport Police, and the Bureau of Protective Services. None of these supervisors were aware of any situations (1) where officers were in violation of the above-described procedures or (2) where officers sought permission to transport non-agency personnel in a situation not permitted by the above-described procedures.

### **Personnel**

Please provide information, in an Excel document with the headings provided in Attachment D, related to all agency personnel that have changed positions in the last six months.

#### *Response*

See attached.

During the August 16, 2017, full Committee meeting, agency representatives were questioned about a communication within a troop advising personnel of an annual leave policy (i.e., annual leave may not be taken on the weekend and further there is a requirement of finding someone else to work.) Please provide an update on what, if anything, has been learned about this communication.

#### *Response*

The Department has discovered a series of three e-mails dated March 5, 2017, July 10, 2017, and August 1, 2017 (attached) which it believes form the basis for the inquiry concerning annual leave. In the Troop Seven area, the Post Commander e-mailed troopers under his command asking for cooperation in mitigating scheduling conflicts. All such communications complied with the Department's Leave and Attendance policy, which outlines the guidelines and procedures that all supervisors must follow to ensure compliance with department policy and state regulations. The e-mails in question stated that every effort would be made to accommodate employee leave requests and further stipulated that consideration of workloads, work distribution, and other factors that could result in interruption of critical services may necessitate the denial of an annual leave request.

Please provide the following information as of the most recent date available:

- Total number of troopers, minus those still at the Criminal Justice Academy;
- Total number of troopers on the road; and

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*Response*

As of September 12, 2017, there are 766 troopers, not including those still at the Criminal Justice Academy, and 597 troopers on the road. For purposes of "on the road status," the Department counted troopers holding the rank of Corporal or lower.

For Troop Two (Abbeville, Edgefield, Greenwood, Laurens, McCormick, Newberry, and Saluda Counties)

- Total number of troopers available to work the road; and
- Total number of troopers typically working the road at any given time.

*Response*

As of September 18, 2017, Troop 2 currently has 47 troopers available to work the road. There are an additional two troopers assigned to work the road in Troop 2, but they are currently away on military duty.

In Troop 2, there are typically 7-8 troopers on each shift working the road at any given time.

**Resources**

During the Subcommittee's study of the agency, Colonel Oliver testified there are resources in the budget to hire more Highway Patrol officers and the lack of officers on the road is not t/he result of lack of funding. Please state whether you agree or disagree with this testimony and why or why not.

*Response*

The agency believes that Colonel Oliver's testimony as described above remains accurate but should be expanded upon further. The agency has funding in its budget to hire additional Highway Patrol troopers, but addressing officer recruitment and retention goes beyond having adequate funding to hire them. Manpower is driven by a variety of circumstances – many of which are not under our control. Law enforcement agencies across the state and nation have encountered similar challenges in recruiting and retaining officers – a fact that has been widely reported upon in the media. Since Ferguson, law enforcement has had to work diligently to rebuild trust in communities. Additionally, there have been numerous high-profile slayings of officers nationwide that has had a chilling effect on attracting applicants and sometimes even retaining seasoned officers. In the past, these realities have affected both recruiting efforts and retention for our department.

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While funding alone will not address all of these issues, we believe strongly that creating a more competitive salary structure, as we did in 2015, is one important means of helping attract and retain the most qualified applicants. In addition to salary, we continue to evaluate our efforts across the board and make adjustments that will enhance our manpower.

Sincerely,



Leroy Smith  
Director

LS/mg  
enc.

# South Carolina Department of Public Safety



Office of the Director

10311 Wilson Blvd. Blythewood, SC Post Office Box 1993 Blythewood SC 29016

<b>POLICY</b>	<b>500.02</b>
<b>EFFECTIVE DATE</b>	<b>MARCH 1, 1995</b>
<b>ISSUE DATE</b>	<b>AUGUST 16, 2004</b>
<b>SUBJECT</b>	<b>RECORDS MANAGEMENT</b>
<b>APPLICABLE STATUTES</b>	<b>Chapter 1, Title 30</b>
<b>APPLICABLE STANDARDS</b>	<b>82.1.3, 82.3.5</b>
<b>DISTRUBTION</b>	<b>TO ALL EMPLOYEES</b>

**THE LANGUAGE USED IN THIS DOCUMENT DOES NOT CREATE AN EMPLOYMENT CONTRACT BETWEEN THE EMPLOYEE AND THE AGENCY. THIS DOCUMENT DOES NOT CREATE ANY CONTRACTUAL RIGHTS OR ENTITLEMENTS. THE AGENCY RESERVES THE RIGHT TO REVISE THE CONTENT OF THIS DOCUMENT, IN WHOLE OR IN PART. NO PROMISES OR ASSURANCES, WHETHER WRITTEN OR ORAL, WHICH ARE CONTRARY TO OR INCONSISTENT WITH THE TERMS OF THIS PARAGRAPH CREATE ANY CONTRACT OF EMPLOYMENT.**

## **I. PURPOSE**

The Department of Public Safety is required by law to establish and maintain a records management system for the proper retention and disposition of official department records. See Chapter 1, Title 30, Code of Laws of South Carolina, 1976, as amended. Accordingly, the purpose of this directive is to establish a records management system within the department that meets the requirements of the State Records Act, and to provide guidelines for the orderly maintenance and storage of records within the department, and for their eventual disposition or disposal as required by law. [82.3.5]

## **II. POLICY**

For purposes of this directive, "record" or "records" means a "public record" as defined by § 30-4-20(c). Code of Laws of South Carolina, 1976, as amended. It is the policy of the department to establish, maintain and administer a records management system within the department. The department's records management system must be designed to preserve, safeguard, and, in cooperation with the Department of Archives and History, eventually dispose of all departmental records in accordance with the requirements of Chapter 1, Title 30, of the code, supra. [82.1.3]

## **III. LEGAL CUSTODIAL OF DEPARTMENTAL PUBLIC RECORDS**

The director is the legal custodian of all public records of the department.

#### **IV. APPOINTMENT AND AUTHORITY OF THE DEPARTMENT RECORDS OFFICER**

The director may appoint a records officer to act on his behalf. [82.1.3] Accordingly, the chief financial officer is appointed as records officer for the department and, as such, will report to the director from time to time regarding the department's record management system. The records officer is authorized to appoint an employee within the Office of Financial Services to serve as the department's records management officer, and to specifically task the records management officer with the actual, day to day, administration and functional management of the department's records management system. The records officer and the records management officer are delegated and have the authority to manage and control public records of the department that is necessary and commensurate with their duties and responsibilities under this directive and Chapter 1, Title 30, of the code, supra. [82.1.3]

#### **V. ADMINISTRATION OF RECORDS MANAGEMENT SYSTEM**

##### **A. Records Officer**

The department's records officer is responsible for ensuring that the department is in compliance with all statutes and regulations relating to the retention of public records.

##### **B. Records Management Officer [82.1.3]**

When designated and appointed by the records officer, the duties of the records management officer include, but are not limited to, the following:

1. Review and approve the adoption, modification or revocation of all record retention schedules for the department.
2. Maintain all original record retention schedules for the department.
3. Review and approve all requests for the disposition or destruction of records in accordance with state regulations before a request or notice for the disposition or destruction of records is forwarded to the Department of Archives and History, and before the records are actually destroyed.
4. Maintain the department's official record copy of all forms, notices and requests forwarded to or received from the Department of Archives and History including, but not limited to the following:
  - a. report on records destroyed (specific schedules);
  - b. authorization to destroy records under general schedule;
  - c. record series inventory forms;
  - d. public records storage standards compliance checklist;
  - e. microfilm transmittal and receipt forms;

- f. microfilm quality certifications for records disposition: and
  - g. state records center transfer forms.
5. Coordinate the procurement of microfilm, microfiche, optical disk systems or other technology for storage of the department's public records with the Information Technology Office.

C. Liaison Officers

Deputy directors, office heads, supervisors or unit managers shall appoint an individual from their respective division, office or unit to serve as a liaison officer. When appointed, and in cooperation with the records management officer, the liaison officer will handle the day-to-day administration of the records management system for division, office or unit. In addition to maintaining records for their respective division, office or unit, the duties of a liaison officer include, but are not limited to, the following: [82.3.5]

1. With the assistance and supervision of the Records Management Officer, and the Department of Archives and History, create record retention schedules for the liaison officer's respective division, office or unit. This includes advising the records management officer when a new record series is created that necessitates revising existing schedules.
2. Examine all public records maintained by the division, office or unit for which he is responsible and determine which public records, files or documents may be disposed of under current record retention schedules. Thereafter, upon compiling a list of public records, files or documents which may be properly disposed of, the liaison officer must forward a written request to the records management officer to obtain approval to dispose of the listed public records, files or documents as provided in Chapter 1, Title 30, of the code, supra. Additionally, the liaison officer shall purge records reduced to microfilm and optical disks on an annual basis to determine if, under current record retention schedules, any of the microfilm rolls or optical disks may be disposed. [82.3.5]
3. Provide written notice to and receive approval from the records management officer before transferring public records, files or documents to the State Records Center or to the Department of Archives and History pursuant to established transfer procedures.
4. Provide written notice to and receive approval from the Records Management Officer before authorizing the Department of Archives and History to dispose of records stored in the State Records Center once the retention period for the records has been met.
5. Supervise the reformatting of records onto microfilm, microfiche or optical disks, or any other medium created by new technology for the storage of documents, pursuant to those guidelines and standards established by the Department of Archives and History. This includes

ensuring that the Department of Archives and History receives the necessary security copy of the film or disks. [82.3.5]

6. Provide written notice to and receive approval from the record management officer for the disposal of records approved for destruction after reformatting onto microfilm, optical disk, or another medium suitable for the storage and preservation of records.

<b>By Order of the Director</b> <b>Date: August 16, 2004</b>
<b><i>James K. Schweitzer</i></b>
<b>Director</b> <b>S C Department of Public Safety</b>
<b>The Original Signed Copy of this Policy</b> <b>is on File in the Office of the General</b> <b>Counsel</b>

**SOUTH CAROLINA DEPARTMENT OF PUBLIC SAFETY'S RESPONSE TO THE LAW  
ENFORCEMENT AND CRIMINAL JUSTICE SUBCOMMITTEE'S STUDY OF THE DEPARTMENT  
SAFETY, HIRING, RECRUITMENT, AND RETENTION**

**1. Ensure the appropriate division head is involved in the hiring process. Ensure policies outline clearly which personnel provide input at which stages of the hiring process.**

In accordance with Policy 400.02 (Commissioned Law Enforcement Officer Application and Selection Process), each Law Enforcement Division (LED) has responsibility for and oversight of the recruitment, application, and selection process of potential employees. Each LED is responsible for selecting a coordinator to administer the process for its applicants.

Pre-selection activities include receiving the applications; testing and applicant processing; polygraph examinations; background investigations; and Selection Review Board (SRB). The SRB is composed of officers selected by the Deputy Director/Division Head and one non-voting member from the Office of Human Resources (OHR).

Following its review, the SRB recommends applicants to the Deputy Director/Division Head for review and selection. The Deputy Director/Division Head then submits his/her recommendations to the Director for final approval.

Post-selection activities include physical fitness testing and medical/psychological screenings.

The agency intends to revisit Policy 400.02 to consider changes that would include additional involvement of the LED directors in the final hiring decision.

**2. Research the cost and feasibility of implementing a career path for agency employees.**

The agency will revisit and update the cost and feasibility aspects of a possible Career Path for law enforcement.

**3. Track applicable data to determine which recruiting methods are effective in obtaining applicants with the temperament and ability to successfully complete appropriate Criminal Justice Academy courses. Include this data in the agency's Accountability Report each year.**

The agency currently tracks the various methods it uses for recruitment and the success rate of those efforts. The agency then adjusts its recruiting efforts to maximize its ability to locate successful applicants. Additionally, the agency tracks the stage at which applicants are screened out of the selection process and revises its process based on steps which may affect a disproportionate number of applicants.

The agency will consider revising its Accountability Report to include this information.

**4. Revisit policy which automatically disqualifies job applicants with visible tattoos.**

SCDPS Policy 200.10 (Dress Code) was revised and became effective August 1, 2017.

**5. Update the agency's Personnel Allocation Model to conform to national standards.**

The agency will revisit and update the formula that determines personnel allocation.

**6. Review industry best practices on trooper fatigue under various shift changes.**

The agency will review industry best practices on trooper fatigue under various shift changes and consider potential changes.

**EQUIPMENT REPLACEMENT**

**7. Request a permanent line item, which identifies funding for the equipment replacement schedules, in the General Appropriations Act.**

For the FY18 budget submission, the agency asked for the following sums:

- \$5,443,083 for law enforcement equipment, specifically vehicles, in-car video cameras, radars, portable radios, mobile radios, and TASERS;
  - \*\*The agency received a portion of these funds (\$939,600) dedicated to in-car video cameras
- \$1,006,000 to support a 4 year rotation for laptops/desktop computers; and
  - The agency did not receive these funds but is requesting these funds for the FY 2019 budget request
- \$88,000 to support a 5 year rotation for network infrastructure equipment (routers, switches, wireless access points).
  - The agency received \$88,000

\*\*The agency will continue to make budget requests of this nature.

**8. Develop a computer and technology replacement cycle; include this information in the agency's budget request.**

The agency has developed a plan for information technology equipment replacement. The agency intends to further refine this plan to include factors such as maintenance of the equipment.

**APPLYING POLICIES CONSISTENTLY**

**9. Implement the agency's existing Alcohol and Drug Deterrence Policy and perform random and post-accident drug testing of agency employees.**

The agency revised Policy 200.04 (Alcohol and Drug Deterrence Program, effective May 1, 2017) to include a random drug testing program that began July 1, 2017. Post-accident drug testing will be based upon reasonable suspicion. The revised version of Policy 200.04 is consistent with the alcohol and drug deterrence policies of sister agencies (e.g., SLED, S.C. Department of Corrections).

**10. Revise the agency's Residency Policy to have clear standards of which employees are required, and which are not required, to live within various requisite distances from their troop headquarters or their assigned post. Apply Residency Policy consistently.**

SCDPS Policy 300.47 (Residency Requirements for Commissioned Law Enforcement Officers) was revised and became effective August 1, 2017.

**11. Update the agency's Audio-Video Monitor Report form to include the reason the supervisor is reviewing a video. Track this information in the activity console (i.e., agency's internal database).**

The agency has revised its Audio/Video Monitor Report (DPS-LE-065) to include a space for the supervisor to document the reason that the video is being reviewed, including Supervisory Review, Training, Case Inquiry, or Complaint (see attached).

The agency will review the possibility of adding a tracking mechanism to the Trooper's Console for the purpose of recording time spent reviewing video tapes.

**12. Review the policies and format of the corrective action plans submitted by Troop Commanders in response to Staff Inspection Reports. Ensure these plans include deadlines and appropriate follow up.**

The 2016-2018 Staff Inspection Report has been revised to include sections for follow up actions when deficiencies are noted as well as deadlines to address those deficiencies. Under the new format, Command Staff will implement a plan of action to ensure deficiencies are properly corrected within an appropriate timeframe. The department continues to move toward a goal of electronic reporting for Staff Inspection Reports.

**COMMUNICATION AND MORALE**

**13. Distinguish between the number of active troopers and number of troopers who are still in training when reporting data.**

The agency has adjusted the manner in which it maintains records to ensure that its data distinguishes between the number of active troopers and the number of troopers who are still in training. This will result in reporting that creates the recommended distinction.

**14. Restructure the agency so both the Office of Professional Responsibility and Human Resources Office report to the Legal Department, whose attorneys are subject to requirements of legal ethics and rules of professional responsibility to remain licensed to practice law, then the Director.**

The OHR and the Office of Professional Responsibility (OPR) already consult with the Office of General Counsel (OGC) on a regular basis regarding personnel and disciplinary matters. The proposed restructuring would potentially jeopardize the attorney/client privilege that exists between the OGC and OHR and OPR staff. Additionally, under such an arrangement, attorneys could become witnesses to certain OHR and OPR matters, thereby making them witnesses for purposes of legal proceedings associated with the matters. Finally, the department is unaware of any other state agency which is structured in the suggested fashion.

**15. Adopt a process by which employees can provide feedback to the agency anonymously.**

The agency will investigate if technology will permit the department to establish a truly anonymous mechanism for employees to provide feedback (or) determine the availability of established vendors capable of providing such service and the budgetary requirements necessary to implement and maintenance (recurring funding).

**16. Have an outside entity perform a leadership climate and employee morale survey of the agency beginning this year and once every three years thereafter. Require agency leadership to generate and follow through with improvement plans based upon the results of the surveys.**

The Office of the Inspector General has completed their study of the agency and is in the process of finalizing their report.

**17. Require Troop Commanders and Supervisors in the Blythewood Office, including the Director, to spend one day per month on the road to stay abreast of troopers' daily activities.**

The Director, Deputy Directors (Colonels, Chiefs, Commanders), supervisors assigned to the Blythewood Office, and Administrative Command personnel regularly travel throughout the state in attendance, support, or command of numerous field operation assignments. [e.g., holiday enforcement, special duty assignments (bike weeks, state house rallies), promotional ceremonies, awards ceremonies (HP Trooper of the Year, HP TCO of the Year, STP Officer of the Year, BPS Officer of the Year, Public Servant of the Year), Highway Dedications for fallen troopers, emergency management operations (winter storms, hurricanes, floods, etc.), media-related events (e.g., highway safety campaigns)]. These assignments provide opportunities to interact with officers while gaining insight into their daily activities. These duties require the above requested personnel to far exceed the recommended one day per month on the road.

**FOCUSING ON ITS PRIMARY MISSION**

**18. Transfer the Illegal Immigration Enforcement Unit to the State Law Enforcement Division.**

The department will support the decision made by the General Assembly.

**19. Transfer grants programs unrelated to highway safety (i.e., criminal justice, juvenile justice, and crime victims) to another agency.**

The Victim Services Grant Programs have been transferred to the Office of the Attorney General. The department will support the General Assembly's decision in regard to the remaining Grant Programs.

**20. Coordinate a meeting with the division of State Human Resources and other agencies which may have similar scheduling situations (e.g., Department of Juvenile Justice, Department of Corrections, and Department of Social Services), to discuss ways to reduce the amount of time necessary to enter and update personnel hours in the South Carolina Enterprise Information System.**

The department has no objection to this recommendation and will coordinate a meeting with the division of State Office of Human Resources (SOHR) to discuss ways to reduce the amount of time necessary to enter and update personnel hours in SCEIS as it has the most direct way to impact the manner in which the department utilizes SCEIS. If SOHR is unable to provide workable solutions, the department may reach out to other similarly-situated agencies to seek advice.

**ANALYZING AND UPDATING INFORMATION**

**21. Research the costs involved in the agency producing reports from the Multi-Disciplinary Accident Investigation Team and private sector industry standards related to amounts charged for this type of information to determine appropriate charges for these reports.**

The department would request a change comparable to the fee schedule for private industry entities that provide accident reconstruction services.

**22. Revise S.C. Code § 23-6-187, relating to witness fees for troopers, trained in Advanced Accident Investigation, testifying in civil matters, to allow the agency to adjust the amount it charges each year with inflation.**

The department has no objection to this recommendation and would recommend that the current rate of \$135 per hour, adopted in 2009, be adjusted concomitantly with the proposed change.

**23. Revise S.C. Code § 23-6-20, relating to establishment of the agency, to remove references to transfers of divisions and, instead, require the agency to maintain a list of its divisions.**

The department has no objection to this recommendation. However, the department notes that Title 23, Chapter 6 does not contain any express provision creating the State Transport Police. To the extent that § 23-6-20 is amended as proposed utilizing the "as outlined in this chapter," an additional amendment may be necessary to include the State Transport Police.

The department's [website](#) outlines a brief history of the agency including the various divisions that have made up agency over its history.

**24. Update S.C. Code § 23-6-30, relating to the duties and powers of the agency, to remove a reference to a training program now provided by the Criminal Justice Academy.**

The department has no objection to this recommendation to the extent that S.C. Code § 23-6-30(5) refers to the training program operated by the Criminal Justice Academy. However, the department would not want an amendment that potentially eliminates the department's ability to train its officers through its own training division.

**25. Revise S.C. Code § 23-6-50, relating to an annual audit, carrying funds into the next fiscal year, and retention of revenue to meet the agency's expenses, to remove outdated references and allow the agency to expend certain funds for drug testing.**

The department has no objection to this recommendation.

**FOLLOW UP**

**26. Provide an update, in an approved format, once a quarter from April 3, 2017, until April 3, 2018, or the Committee re-visits the need for the updates.**

The department will provide quarterly updates beginning three months after the House Oversight Committee's Report is finalized and for one year following that date.

**27. Provide the Committee an update every 30 days about the status of payments to subgrantees (i.e., crime victim service providers grant requirements).**

The department provided the first of these reports on April 17, 2017 and continued to send these reports on a monthly basis through July 1, 2017 when these functions were transferred to the Office of the Attorney General.

Attachment A

	Employee with assigned state vehicle	Troop Number	Number of miles from employee residence to Troop Headquarters	Estimated travel time from employee residence to Troop Headquarters	Post	Has this employee been assigned to this troop or post after the new residency policy was implemented?	Number of miles from employee residence to Post Command	Estimated travel time from employee residence to Post Command	County in Post closest to employee residence	Number of miles from employee residence to County line of County in Post closest to employee residence	Estimated travel time from employee residence to County line of County in Post closest to employee residence	Average number of shifts employee works per week
1	Trooper	5	50	57 minutes	D	yes	14	21 minutes	Horry	-	-	3-4
2	Trooper	1	22	23 minutes	B	yes	35	35 minutes	Richland	-	-	3-4
3	Sergeant	11	26	28 minutes	11	yes	26	28 minutes	-	-	-	5
4	Lance Corporal	5	62	77 minutes	D	yes	18	32 minutes	Horry	-	-	3-4
5	Lance Corporal	4	9	13 minutes	B	yes	9	13 minutes	York	-	-	3-4
6	Trooper	3	15	26 minutes	D	yes	22	31 minutes	Greenville	-	-	3-4
7	Trooper	5	48	55 minutes	D	yes	5	9 minutes	Horry	-	-	3-4
8	Sergeant	8	10	16 minutes	Low-State	yes	10	16 minutes	Florence	-	-	3-4
9	Captain	TCO	4	8 minutes	11	yes	4	8 minutes	Greenville	-	-	5
10	Trooper	5	44	41 minutes	A	yes	36	42 minutes	Sumter	3	7 minutes	3-4
11	Captain	11	32	35 minutes	11	yes	32	35 minutes	-	-	-	5
12	Trooper	4	38	53 minutes	A	yes	10	18 minutes	Cherokee	-	-	3-4
13	Trooper	7	68	79 minutes	A	yes	71	94 minutes	Aiken	-	-	3-4
14	Lance Corporal	BPS	14	28 minutes	-	yes	14	28 minutes	BPS (Richland)	-	-	1-6
15	Lieutenant	11	5	8 minutes	11	yes	5	8 minutes	-	-	-	5
16	Lance Corporal	4	22	34 minutes	A	yes	30	38 minutes	York	-	-	3-4
17	Lieutenant	11	23	26 minutes	11	yes	23	26 minutes	-	-	-	5
18	Trooper First Class	4	66	81 minutes	A	yes	21	27 minutes	Spartanburg	-	-	3-4
19	Lance Corporal	6	21	32 minutes	A	yes	21	32 minutes	Berkeley	16	28 minutes	3-4
20	Captain	11	49	55 minutes	11	yes	49	55 minutes	-	-	-	5
21	Corporal	6	15	24 minutes	B	yes	35	49 minutes	Berkeley	10	20 minutes	3-4
22	Sergeant	STP	17	28 minutes	Region 1	yes	17	28 minutes	Lexington	-	-	3-4
23	Captain	11	70	81 minutes	11	yes	70	81 minutes	Aiken	-	-	5
24	Trooper	7	47	60 minutes	A	yes	44	53 minutes	Allendale	-	-	3-4
25	Lance Corporal	6	6	12 minutes	A	yes	6	12 minutes	Berkeley	-	-	3-4

Attachment A

	Employee with assigned state vehicle	Troop Number	Number of miles from employee residence to Troop Headquarters	Estimated travel time from employee residence to Troop Headquarters	Post	Has this employee been assigned to this troop or post after the new residency policy was implemented?	Number of miles from employee residence to Post Command	Estimated travel time from employee residence to Post Command	County in Post closest to employee residence	Number of miles from employee residence to County line of County in Post closest to employee residence	Estimated travel time from employee residence to County line of County in Post closest to employee residence	Average number of shifts employee works per week
26	Trooper First Class	7	57	71 minutes	C	yes	20	26 minutes	Aiken	-	-	3-4
27	Lance Corporal	4	7	15 minutes	B	yes	7	15 minutes	York	-	-	3-4
28	Trooper	1	42	42 minutes	B	yes	10	13 minutes	Kershaw	-	-	3-4

	<b>Employee</b>	<b>Reason for Reassignment</b>
1	Trooper	change of supervisor
2	Trooper	change of supervisor and Post
3	Sergeant	change of supervisor
4	Lance Corporal	change of supervisor
5	Lance Corporal	change of supervisor
6	Trooper	change of supervisor
7	Trooper	change of supervisor
8	Sergeant	promotion to Sergeant
9	Captain	Director's appointment
10	Trooper	change of supervisor and Post
11	Captain	Director's appointment
12	Trooper	change of supervisor
13	Trooper	change of supervisor and Post
14	Lance Corporal	change of supervisor
15	Lieutenant	change of supervisor and Post
16	Lance Corporal	change of supervisor
17	Lieutenant	change of supervisor
18	Trooper First Class	change of supervisor
19	Lance Corporal	officer request
20	Captain	Director's appointment
21	Corporal	change of supervisor
22	Sergeant	promotion to Sergeant
23	Captain	Director's appointment
24	Trooper	change of supervisor
25	Lance Corporal	change of supervisor
26	Trooper First Class	change of supervisor
27	Lance Corporal	change of supervisor
28	Trooper	change of supervisor and Post

## Attachment B

Date	Event	Type of Work (e.g., traffic control, Coach detail, etc.)	# of Troopers	Total # of Hours worked on date(s) of event	Maximum # of Hours provided as Comp Time Possibly Attributable to the Event	Maximum # of Hours paid as Straight Time Possibly Attributable to the Event	Maximum # of Hours Paid as OT Possibly Attributable to the Event
4/2/2016	2016 Cooper River Bridge Run	Traffic Control	28	284	0	29	9
4/6/2016	Carolina Cup	Traffic Control	35	408.5	0	22.5	7
4/11/2016 - 4/17/2016	2016 Heritage Golf Tournament	Traffic Control	29	1658.5	0	50	37
5/7/2016	Black Cats Motorcycle Rally 2016 (Greenwood)	Traffic Control	8	96	5	8.25	0
5/26/2016 - 5/30/2016	Memorial Bike Fest 2016	Traffic Control	123	6155	49.5	325	472
5/27/2016 - 5/28/2016	Saluda Tractor Pull 2016	Traffic Control	2	40	0	0	40
7/4/2016	July 4th Fireworks 2016 - York County	Traffic Control	18	160	14	0	0
7/10/2016	State House Secessionist Rally	Crowd Control	10	144	2	10	27
8/31/2016 - 9/1/2016	USC VS Vanderbilt	Coach's Detail	2	40	0	6	3
9/1/2016 - 9/4/2016	Clemson VS Auburn	Coach's Detail	1	48	0	0	0
9/2/2016 - 9/3/2016	SC State Football - Orlando, FL	Coach's Detail	1	16	5.5	0	0
9/4/2016	Darlington Race 2016	Traffic Control	52	570.5	301.63	0	0
9/9/2016 - 9/10/2016	USC VS Mississippi State	Coach's Detail	2	40	0	6	3
9/9/2016 - 9/10/2016	SC State Football - Ruston, LA	Coach's Detail	2	43	5.5	0	0
9/10/2016	Clemson VS Troy	Traffic Control	94	1214.5	266.13	17.5	8
9/16/2016 - 9/17/2017	SC State Football - Clemson, SC	Coach's Detail	1	16	3.5	0	0
9/17/2016	USC VS East Carolina	Traffic Control	80	983.33	161.71	26	62
9/17/2016	Clemson VS SC State	Traffic Control	95	1184	96.25	21	33
9/21/2016 - 9/23/2016	Clemson VS Georgia Tech	Coach's Detail	2	48	0	6	4
9/23/2016 - 9/24/2016	USC VS Kentucky	Coach's Detail	2	40	0	0	0
9/23/2016 - 9/24/2016	SC State Football - Tallahassee, FL	Coach's Detail	1	24	3.5	0	0
9/30/2016 - 10/1/2016	Fall Harley Rally 2016	Traffic Control	11	264	35	51.5	177.5
10/1/2016	USC VS Texas A&M	Traffic Control	80	952.08	89	133	715.08
10/1/2016	Clemson VS Louisville	Traffic Control	93	1345.67	156.5	175	1305.17
10/6/2016 - 10/8/2016	Clemson VS Boston College	Coach's Detail	2	72	24	24	8
10/8/2016	USC VS Georgia	Traffic Control	75	879	88	133	649
10/14/2016 - 10/15/2016	SC State Football - Washington, DC	Coach's Detail	1	29	3	5	0
10/15/2016	Clemson VS NC State	Traffic Control	91	1180.83	456.5	191.33	176.5
10/22/2016	USC VS UMASS	Traffic Control	79	980.5	174	104	296
10/22/2016	SC State Football	Traffic Control	14	141	31	21	56
10/27/2016 - 11/6/2016	2016 Coastal Carolina Fair	Traffic Control	5	242	21	1	0
10/28/2016 - 10/29/2016	SC State Football - Hampton, VA	Coach's Detail	1	19	11	0	0
10/28/2016 - 10/30/2016	Clemson VS Florida State	Coach's Detail	2	48	0	0	0
10/29/2016	USC VS Tennessee	Traffic Control	79	1018.5	195.75	45	34
11/4/2016 - 11/5/2016	SC State Football - Greensboro, SC	Coach's Detail	1	20	11	5	0
11/5/2016	USC VS Missouri	Traffic Control	77	898	173.5	24	74
11/5/2016	Clemson VS Syracuse	Traffic Control	94	1285.5	191.5	42	1
11/11/2016 - 11/12/2016	USC VS Florida	Coach's Detail	2	40	0	0	0
11/12/2016	Clemson VS Pittsburgh	Traffic Control	42	672	150	0	14
11/12/2016	SC State Football	Traffic Control	6	48	6	0	0
11/18/2016 - 11/20/2016	Clemson VS Wake Forest	Coach's Detail	2	48	0	0	0
11/19/2016	USC VS Western Carolina	Traffic Control	87	992	147.5	3	0
11/19/2016	SC State Football	Traffic Control	5	44	1	0	0
11/25/2016 - 11/27/2016	USC VS Clemson	Coach's Detail	2	44	0	0	0
11/26/2016	SC State Football	Traffic Control	5	40	4	0	0

## Attachment B

Date	Event	Type of Work (e.g., traffic control, Coach detail, etc.)	# of Troopers	Total # of Hours worked on date(s) of event	Maximum # of Hours provided as Comp Time Possibly Attributable to the Event	Maximum # of Hours paid as Straight Time Possibly Attributable to the Event	Maximum # of Hours Paid as OT Possibly Attributable to the Event
11/26/2016	Clemson VS South Carolina	Traffic Control	85	1131.75	150.75	28	12
12/2/2016 - 12/4/2016	Clemson VS Virginia Tech	Coach's Detail	2	48	0	0	0
12/26/2016 - 1/1/2017	Clemson VS Ohio State	Coach's Detail	2	168	21	0	0
12/26/2016 - 12/29/2016	USC VS USF	Coach's Detail	2	76	8	0	0
1/6/2017 - 1/10/2017	Clemson VS Alabama	Coach's Detail	2	120	8	0	0
4/1/2017	Carolina Cup	Traffic Control	38	442.5	57.5	0	33
4/1/2017	2017 Cooper River Bridge Run	Traffic Control	25	271	7.5	0	10
4/10/2017 - 4/16/2017	2017 Heritage Golf Tournament	Traffic Control	27	1625	41.5	0	0
5/5/2017 - 5/7/2017	McEntire Air Show	Traffic Control	10	303	38	0	0
5/6/2017	Black Cats Motorcycle Rally 2017 (Greenwood)	Traffic Control	10	96	11	0	0
5/11/2017 - 5/21/2017	Spring Harley Rally 2017	Traffic Control	72	4857	79.5	82	101
5/24/2017 - 5/29/2017	Memorial Bike Fest 2017	Traffic Control	209	10928	27	280.5	164.5
5/26/2017 - 5/27/2017	Saluda Tractor Pull 2017	Traffic Control	4	88	0	0	0
7/4/2017	July 4th Fireworks 2017 - York County	Traffic Control	19	177	9	0	0
9/1/2017 - 9/3/2017	USC VS NC State	Coach's Detail	2	54	0	3	0
9/2/2017 - 9/3/2017	SC State Football - Baton Rouge, LA	Coach's Detail	1	16	0	6	9
9/2/2017	Clemson VS Kent State	Traffic Control	89	1145	10	313	456
9/3/2017	Darlington Race 2017	Traffic Control	100	1592	83	319.75	423.25
9/9/2017	Clemson VS Auburn	Traffic Control	26	357	0	117	126

**Attachment D**

Individual's Name	Previous Position	Number of years in previous position	If officer then also, number of years as officer	New Position	Date of Position Change	Individual previously in the position	Number of years individual was in the position	If officer then also, number of years as officer	New position, or status, of individual previously in the position
ALLEN, MICHAEL	Corporal	7	20	Corporal	6/2/2017	Matthew Cook	0	26	Separated
BANISTER, DONALD	Lieutenant	1	23	Captain	8/17/2017	Shawn Stankus	1	26	Promoted
BASKIN, THERESA	Fiscal Analyst III	9	NA	Accountant/Fiscal Analyst II	7/2/2017	Peggy McBride	7	NA	Retired
BENNETT, JOSHUA	Trooper First Class	2	4	Trooper First Class	3/17/2017	Danny Calvert	7	10	Promoted
BENNETT, ROLAND	Lance Corporal	9	14	Corporal	7/17/2017	Johnnie Godfrey	1	23	Promoted
BOLAND, JAMES	Fiscal Manager I	0	NA	Director of Accounting	5/17/2017	Bruce Dorman	7	NA	Retired
BOWER, JOSHUA	Lance Corporal	0	5	Corporal	9/5/2017	Shaun Sherriff	5	15	Promoted
BROWN, QUINCY	Sergeant	4	17	First Sergeant	7/17/2017	Patrick Sigwald	0	27	Retired
BROWNING, SUSAN	Payroll Specialist	0	NA	Benefits Counselor I	4/2/2017	Caroline Jackson	0	NA	Separated
BROWNING, SUSAN	Benefits Counselor I	0	NA	Payroll Specialist	4/6/2017	Susan Browning	0	NA	Reassigned
BRUNSON, JOIE	Program Coordinator I	4	NA	Program Manager I	7/2/2017	Bonita Burns	7	NA	Retired
CALHOUN, MATTHEW	Lieutenant	5	18	Major	4/2/2017	John Hancock	2	23	Promoted
CAMPBELL, ANGELA	Fiscal Analyst III	0	NA	Fiscal Analyst III	4/17/2017	Craig Luccy	1	NA	Separated
CARDONA, JAIME	Sergeant	6	14	Lieutenant	8/17/2017	NA	NA	NA	NA
CAUGHMAN, WOFFORD	Lance Corporal	6	12	Corporal	7/17/2017	Joseph White	3	11	Reassigned
CRAVEN, STACY	Lieutenant	4	28	Captain	8/17/2017	Donald Dickerson	1	30	Reassigned
CRAVEN, STEPHEN	Sergeant	2	10	Sergeant	6/17/2017	Joshua Black	2	19	Terminated
CROSBY, SHAWN	Sergeant	5	20	Lieutenant	6/2/2017	Matthew Calhoun	2	18	Promoted
DANBACK, MARK	First Sergeant	2	17	Lieutenant	7/17/2017	Christopher Shelton	1	25	Reassigned
DEMIRER, EREN	Lance Corporal	0	6	Lance Corporal	7/17/2017	Gregory McCrackin	0	10	Reassigned
DEWITT, BRADLEY	Corporal	1	21	Sergeant	8/17/2017	Darrell Smith	1	14	Reassigned
DICKENS, CHARLES	Lance Corporal	14	11	Corporal	7/17/2017	Michael Geter	3	25	Retired
FLOYD, BILLY	Lieutenant	2	20	Captain	8/17/2017	Rickie Grubbs	1	30	Reassigned
FREEMAN, BRIAN	Sergeant	3	11	Sergeant	7/24/2017	Charles Kyzer	5	17	Terminated
GORE, MARCUS	Attorney III	4	NA	Attorney V	7/2/2017	Warren Ganjenshani	4	NA	Separated

**Attachment D**

Individual's Name	Previous Position	Number of years in previous position	If officer then also, number of years as officer	New Position	Date of Position Change	Individual previously in the position	Number of years individual was in the position	If officer then also, number of years as officer	New position, or status, of individual previously in the position
GRUBBS, RICKIE	Captain	1	17	Captain	8/17/2017	NA	NA	NA	NA
HANCOCK, JOHN	Major	4	20	Chief	4/2/2017	Zachary Wise	7	NA	Retired
HARRIS, DAVID	Lance Corporal	2	7	Lance Corporal	7/17/2017	Michael Harrison	3	17	Reassigned
HOFFMAN, GERALD	Lance Corporal	0	11	Lance Corporal	3/2/2017	Jeffrey Michlovitz	4	6	Promoted
HOUPT, STEVEN	IT Technician III	0	NA	Network and Systems Administrator I	5/2/2017	Tommy Brooks	0	NA	Separated
HUGHES, ROGER	Lieutenant	4	27	Captain	8/17/2017	NA	NA	NA	NA
JORDAN, ARTHUR	Corporal	8	18	Sergeant	7/17/2017	Timothy Yarborough	6	30	Retired
LADUE, CHRISTOPHER	Lance Corporal	4	9	Corporal	7/17/2017	Toni Gaylord	7	25	Retired
LAFFIN, TARA	Lieutenant	4	23	Captain	6/3/2017	Edward Talbot	2	27	Retired
LLOYD, NATHANIEL	Fiscal Manager I	0	NA	Fiscal Manager I	8/21/2017	Dana Ray	5	NA	Movement
LLOYD, NATHANIEL	Fiscal Analyst III	1	NA	Fiscal Manager I	7/17/2017	Karl Boston	1	NA	Movement
MCCRACKIN, GREGORY	Lance Corporal	0	10	Lance Corporal	3/2/2017	Mitchell Altman	7	12	Promoted
MCDOWELL, STEPHEN	Lance Corporal	4	10	Corporal	7/17/2017	Kevin Brown	1	12	Reassigned
MORF, JOSEPH	First Sergeant	2	13	Lieutenant	7/17/2017	Dennis Kelly	5	30	Retired
MORGAN, CEDRIC	Lance Corporal	0	6	Corporal	7/17/2017	Kirk Winburn	3	21	Promoted
NIMMONS, WILLIAM	Lance Corporal	11	17	Corporal	7/17/2017	Steven Adcox	5	28	Promoted
PARRISH, JACK	Lance Corporal	3	18	Corporal	9/5/2017	Arthur Jordan	8	18	Promoted
PATTERSON, EVERICK	First Sergeant	3	9	Lieutenant	7/17/2017	William Herrington	0	32	Retired
PAXTON, KELVIN	Supply Manager I	16	NA	Supply Manager II	4/2/2017	Thomas Gibbs	7	NA	Retired
PEARSON, CHADWICK	Sergeant	2	19	First Sergeant	7/17/2017	Robert Hardee	3	26	Retired
PROCTOR, TODD	Lance Corporal	5	17	Lance Corporal	8/2/2017	Christopher Sellars	3	4	Terminated
RAY, RICHARD	Captain	3	21	Captain	8/17/2017	Robert Woods	7	25	Promoted
REAP, JAMES	Lance Corporal	1	6	Corporal	7/17/2017	Phillip Harrell	1	12	Separated
RIKARD, JAMES	Corporal	1	2	Sergeant	7/17/2017	Matthew Coffin	4	24	Retired
ROGAN, WILLIAM	Sergeant	4	26	First Sergeant	7/17/2017	Joey Gambrell	1	18	Reassigned

**Attachment D**

Individual's Name	Previous Position	Number of years in previous position	If officer then also, number of years as officer	New Position	Date of Position Change	Individual previously in the position	Number of years individual was in the position	If officer then also, number of years as officer	New position, or status, of individual previously in the position
ROGERS, GEORGE	Lance Corporal	1	6	Corporal	7/17/2017	Lavonda Gabe	5	18	Promoted
ROWELL, DAVID	Lance Corporal	19	4	Corporal	7/17/2017	David Smith	4	18	Promoted
RUST, CHRISTOPHER	Skilled Trades Worker	3	NA	IT Technician II	7/17/2017	Steven Houpt	0	NA	Promoted
SHAW, BRADLEY	Sergeant	1	20	First Sergeant	7/17/2017	Jeffrey Bradley	0	23	Retired
SHERRIFF, SHAUN	Corporal	5	15	Sergeant	7/17/2017	Alfred Warren	6	25	Retired
SHULL, MICHAEL	Supply Manager I	6	NA	Supply Manager I	8/2/2017	Kevin Paxton	7	NA	Promoted
SKIPPER, DAVID	Lance Corporal	3	9	Corporal	7/17/2017	Joseph Alban	2	19	Retired
SMITH, BRONSON	Corporal	2	12	Corporal	7/17/2017	Benjamin Ross	6	18	Promoted
SMITH, GERALD	Corporal	1	17	Sergeant	9/2/2017	Brian Freeman	0	11	Reassigned
SOUTHERLAND, STEPHEN	Corporal	0	6	Immigration Enforcement Officer	7/3/2017	Ryan Shumpert	4	9	Separated
SPIVEY, DAVID	Corporal	6	14	Sergeant	7/2/2017	Shawn Crosby	2	20	Promoted
STEPHENS, CLYDE	Captain	7	27	Captain	8/17/2017	Michael Burgess	1	27	Retired
SUTHERLAND, BRADLEY	Lance Corporal	1	6	Lance Corporal	7/17/2017	Tony Keller	4	25	Retired
THOMPSON, CHARLES	Corporal	1	25	Sergeant	7/17/2017	Therese Alford	2	24	Reassigned
THREATT, JEREMY	Lance Corporal	2	7	Corporal	7/17/2017	Mark Caldwell	7	19	Retired
WAGNER, CHRISTOPHER	Lance Corporal	2	7	Corporal	7/2/2017	Christopher McKeller	3	14	Promoted
WALTERS, ALBERT	First Sergeant	3	26	Lieutenant	7/17/2017	Jeffrey Wade	0	26	Reassigned
WILES, COURTNEY	Administrative Asst.	7	NA	Administrative Coordinator I	7/2/2017	Ada Schmidt	4	NA	Separated
WILLIAMSON, CHRISTOPHER	Lieutenant Colonel	5	29	Colonel	7/17/2017	Michael Oliver	5	35	Retired
WINGO, CHERYL	Lance Corporal	1	4	Lance Corporal	7/17/2017	Gerald Hoffman	0	11	Reassigned
WRIGHT, MARC	Major	5	35	Lieutenant Colonel	7/18/2017	Christopher Williamson	5	29	Promoted

**From:** Rogan, William D.

**Sent:** Sunday, March 05, 2017 10:45 AM

**To:** Brown, Antonio M. <AntonioBrown@SCDPS.GOV>; Burriss, James H. <JamesBurriss@SCDPS.GOV>; Francis, John C. <JohnFrancis@SCDPS.GOV>; McCauley, Willie Jr. (WillieMcCauleyJr@SCDPS.GOV) <WillieMcCauleyJr@SCDPS.GOV>; Bird, Kenneth L. (KennethBird@SCDPS.GOV) <KennethBird@SCDPS.GOV>; Brown, Delvin A. <DelvinBrown@SCDPS.GOV>; David Askins (DGAskins@schp.org) <DGAskins@schp.org>; Enzor, Alan K. <AlanEnzor@SCDPS.GOV>; Gibson, James B. (JamesGibson@SCDPS.GOV) <JamesGibson@SCDPS.GOV>; Gleich, Robert HK. <RobertGleich@SCDPS.GOV>; Kendall, Kevin L. (KevinKendall@SCDPS.GOV) <KevinKendall@SCDPS.GOV>; Metts, Lewis M. <LewisMetts@SCDPS.GOV>; Norton, Aaron I. (AaronNorton@SCDPS.GOV) <AaronNorton@SCDPS.GOV>; Rice Jr., Freddie D. <FreddieRiceJr@SCDPS.GOV>; Shirer, Tessa M. <TessaShirer@SCDPS.GOV>; Tidwell, Tyler J. <TylerTidwell@SCDPS.GOV>; Vandenberg, Jonathan M. <JonathanVandenberg@SCDPS.GOV>; Williams, Steven M. <StevenWilliams@SCDPS.GOV>

**Cc:** King, Nicklous W. <NicklousKing@SCDPS.GOV>

**Subject:** Annual Leave

Post B,

I know that everyone wants to take their annual leave and have time off. I try my best not to deny your leave. But, it has gotten to the point that many of the request for annual leave is overlapping. Due to being short staffed, the annual leave will be first come, first serve (If there is an emergency, come to me). Just because you put in for AL does NOT mean it will be granted. Plus, when requesting, keep specials in mind. Each of you get every other weekend off, try to plan your leave accordingly. I know it cannot be helped some times, but try to avoid putting an unnecessary work load on your teammates on the weekends.

If you have any questions, please call me.

Thanks,

**SERGEANT W. D. ROGAN JR.**  
SC HIGHWAY PATROL- TROOP 7 / POST B  
SOUTH CAROLINA DEPARTMENT OF PUBLIC SAFETY  
1391 MIDDLETON STREET  
ORANGEBURG, SC 29115  
**803-531-6849 (OFFICE)**  
**803-531-6877 (FAX)**  
**WDROGAN@SCDPS.GOV**  
**WWW.SCDPS.GOV/SCHP**

**From:** Rogan, William D.

**Sent:** Monday, July 10, 2017 3:16 PM

**To:** Brown, Antonio M. ([AntonioBrown@SCDPS.GOV](mailto:AntonioBrown@SCDPS.GOV)) <[AntonioBrown@SCDPS.GOV](mailto:AntonioBrown@SCDPS.GOV)>; Burriss, James H. ([JamesBurriss@SCDPS.GOV](mailto:JamesBurriss@SCDPS.GOV)) <[JamesBurriss@SCDPS.GOV](mailto:JamesBurriss@SCDPS.GOV)>; Francis, John C. ([JohnFrancis@SCDPS.GOV](mailto:JohnFrancis@SCDPS.GOV)) <[JohnFrancis@SCDPS.GOV](mailto:JohnFrancis@SCDPS.GOV)>; McCauley, Willie Jr. ([WillieMcCauleyJr@SCDPS.GOV](mailto:WillieMcCauleyJr@SCDPS.GOV)) <[WillieMcCauleyJr@SCDPS.GOV](mailto:WillieMcCauleyJr@SCDPS.GOV)>; Bird, Kenneth L. ([KennethBird@SCDPS.GOV](mailto:KennethBird@SCDPS.GOV)) <[KennethBird@SCDPS.GOV](mailto:KennethBird@SCDPS.GOV)>; Brown, Delvin A. ([DelvinBrown@SCDPS.GOV](mailto:DelvinBrown@SCDPS.GOV)) <[DelvinBrown@SCDPS.GOV](mailto:DelvinBrown@SCDPS.GOV)>; David Askins ([DGAskins@schp.org](mailto:DGAskins@schp.org)) <[DGAskins@schp.org](mailto:DGAskins@schp.org)>; Enzor, Alan K. ([AlanEnzor@SCDPS.GOV](mailto:AlanEnzor@SCDPS.GOV)) <[AlanEnzor@SCDPS.GOV](mailto:AlanEnzor@SCDPS.GOV)>; Gibson, James B. ([JamesGibson@SCDPS.GOV](mailto:JamesGibson@SCDPS.GOV)) <[JamesGibson@SCDPS.GOV](mailto:JamesGibson@SCDPS.GOV)>; Gleich, Robert HK. ([RobertGleich@SCDPS.GOV](mailto:RobertGleich@SCDPS.GOV)) <[RobertGleich@SCDPS.GOV](mailto:RobertGleich@SCDPS.GOV)>; Kendall, Kevin L. ([KevinKendall@SCDPS.GOV](mailto:KevinKendall@SCDPS.GOV)) <[KevinKendall@SCDPS.GOV](mailto:KevinKendall@SCDPS.GOV)>; Metts, Lewis M. ([LewisMetts@SCDPS.GOV](mailto:LewisMetts@SCDPS.GOV)) <[LewisMetts@SCDPS.GOV](mailto:LewisMetts@SCDPS.GOV)>; Norton, Aaron I. ([AaronNorton@SCDPS.GOV](mailto:AaronNorton@SCDPS.GOV)) <[AaronNorton@SCDPS.GOV](mailto:AaronNorton@SCDPS.GOV)>; Rice Jr., Freddie D. <[FreddieRiceJr@SCDPS.GOV](mailto:FreddieRiceJr@SCDPS.GOV)>; Shirer, Tessa M. <[TessaShirer@SCDPS.GOV](mailto:TessaShirer@SCDPS.GOV)>; Tidwell, Tyler J. <[TylerTidwell@SCDPS.GOV](mailto:TylerTidwell@SCDPS.GOV)>; Vandenberg, Jonathan M. <[JonathanVandenberg@SCDPS.GOV](mailto:JonathanVandenberg@SCDPS.GOV)>; Williams, Steven M. ([StevenWilliams@SCDPS.GOV](mailto:StevenWilliams@SCDPS.GOV)) <[StevenWilliams@SCDPS.GOV](mailto:StevenWilliams@SCDPS.GOV)>

**Cc:** Grice, Anthony K. ([akgrice@schp.org](mailto:akgrice@schp.org)) <[AnthonyGrice@SCDPS.GOV](mailto:AnthonyGrice@SCDPS.GOV)>; King, Nicklous W. ([NW.King@schp.org](mailto:NW.King@schp.org)) <[NicklousKing@SCDPS.GOV](mailto:NicklousKing@SCDPS.GOV)>

**Subject:** FW: Annual Leave

Post B,

Some of you may have forgotten this email that was sent out. (Please read below) I will try to do what I can, but do not expect to have off just because you requested it. If you want off on a weekend that you are scheduled to work, you need to find someone to trade with. Times are tuff right now and I am asking each of you to share in the work load.

Thank you all for the hard work you do,

**SERGEANT W. D. ROGAN JR.**  
**SC HIGHWAY PATROL- TROOP 7 / POST B**  
**SOUTH CAROLINA DEPARTMENT OF PUBLIC SAFETY**  
**1391 MIDDLETON STREET**  
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**[WDROGAN@SCDPS.GOV](mailto:WDROGAN@SCDPS.GOV)**  
**[WWW.SCDPS.GOV/SCHP](http://WWW.SCDPS.GOV/SCHP)**

---

**From:** Rogan, William D.

**Sent:** Thursday, August 10, 2017 4:01 PM

**To:** Brown, Antonio M. ([AntonioBrown@SCDPS.GOV](mailto:AntonioBrown@SCDPS.GOV)) <[AntonioBrown@SCDPS.GOV](mailto:AntonioBrown@SCDPS.GOV)>; Burriss, James H. ([JamesBurriss@SCDPS.GOV](mailto:JamesBurriss@SCDPS.GOV)) <[JamesBurriss@SCDPS.GOV](mailto:JamesBurriss@SCDPS.GOV)>; Francis, John C. ([JohnFrancis@SCDPS.GOV](mailto:JohnFrancis@SCDPS.GOV)) <[JohnFrancis@SCDPS.GOV](mailto:JohnFrancis@SCDPS.GOV)>; McCauley, Willie Jr. ([WillieMcCauleyJr@SCDPS.GOV](mailto:WillieMcCauleyJr@SCDPS.GOV)) <[WillieMcCauleyJr@SCDPS.GOV](mailto:WillieMcCauleyJr@SCDPS.GOV)>; Bird, Kenneth L. ([KennethBird@SCDPS.GOV](mailto:KennethBird@SCDPS.GOV)); Brown, Delvin A. ([DelvinBrown@SCDPS.GOV](mailto:DelvinBrown@SCDPS.GOV)) <[DelvinBrown@SCDPS.GOV](mailto:DelvinBrown@SCDPS.GOV)>; David Askins ([DGAskins@schp.org](mailto:DGAskins@schp.org)) <[DGAskins@schp.org](mailto:DGAskins@schp.org)>; Enzor, Alan K. ([AlanEnzor@SCDPS.GOV](mailto:AlanEnzor@SCDPS.GOV)) <[AlanEnzor@SCDPS.GOV](mailto:AlanEnzor@SCDPS.GOV)>; Gibson, James B. ([JamesGibson@SCDPS.GOV](mailto:JamesGibson@SCDPS.GOV)) <[JamesGibson@SCDPS.GOV](mailto:JamesGibson@SCDPS.GOV)>; Gleich, Robert HK. ([RobertGleich@SCDPS.GOV](mailto:RobertGleich@SCDPS.GOV)) <[RobertGleich@SCDPS.GOV](mailto:RobertGleich@SCDPS.GOV)>; Kendall, Kevin L. ([KevinKendall@SCDPS.GOV](mailto:KevinKendall@SCDPS.GOV)) <[KevinKendall@SCDPS.GOV](mailto:KevinKendall@SCDPS.GOV)>; Metts, Lewis M. ([LewisMetts@SCDPS.GOV](mailto:LewisMetts@SCDPS.GOV)) <[LewisMetts@SCDPS.GOV](mailto:LewisMetts@SCDPS.GOV)>; Norton, Aaron I. ([AaronNorton@SCDPS.GOV](mailto:AaronNorton@SCDPS.GOV)) <[AaronNorton@SCDPS.GOV](mailto:AaronNorton@SCDPS.GOV)>; Rice Jr., Freddie D. <[FreddieRiceJr@SCDPS.GOV](mailto:FreddieRiceJr@SCDPS.GOV)>; Shirer, Tessa M. <[TessaShirer@SCDPS.GOV](mailto:TessaShirer@SCDPS.GOV)>; Tidwell, Tyler J. <[TylerTidwell@SCDPS.GOV](mailto:TylerTidwell@SCDPS.GOV)>; Vandenberg, Jonathan M. <[JonathanVandenberg@SCDPS.GOV](mailto:JonathanVandenberg@SCDPS.GOV)>; Williams, Steven M. ([StevenWilliams@SCDPS.GOV](mailto:StevenWilliams@SCDPS.GOV)) <[StevenWilliams@SCDPS.GOV](mailto:StevenWilliams@SCDPS.GOV)>  
**Cc:** King, Nicklous W. ([NW.King@schp.org](mailto:NW.King@schp.org)) <[NicklousKing@SCDPS.GOV](mailto:NicklousKing@SCDPS.GOV)>; Grice, Anthony K. ([akgrice@schp.org](mailto:akgrice@schp.org)) <[AnthonyGrice@SCDPS.GOV](mailto:AnthonyGrice@SCDPS.GOV)>; Taylor, William R. ([Taylor\\_WilliamR@scdps.net](mailto:Taylor_WilliamR@scdps.net)) <[WilliamTaylor@SCDPS.GOV](mailto:WilliamTaylor@SCDPS.GOV)>; Moore, Thomas E. ([ThomasMoore@SCDPS.GOV](mailto:ThomasMoore@SCDPS.GOV)) <[ThomasMoore@SCDPS.GOV](mailto:ThomasMoore@SCDPS.GOV)>  
**Subject:** FW: Annual Leave

Post B,

( Please read below) Some of you in Post B are not reading my emails. If you want a weekend off, that you are scheduled to work, you will need to find someone that will trade with you. If it is an emergency, I WILL WORK FOR YOU!!! Stop assuming that you can have leave just because it was requested. I have asked you to please plan your vacation accordingly. You are hurting your teammates.

It is now football season. If it is your weekend to work, please do not ask off. I am sorry, but we have to work together on this.

Also, No leave will be granted past December 10<sup>th</sup> due to the holiday season.

If you have any questions, please call me.

Thank you for everything you do,

**FIRST SERGEANT W. D. ROGAN JR.**  
**SC HIGHWAY PATROL- TROOP 7 / POST B**  
**SOUTH CAROLINA DEPARTMENT OF PUBLIC SAFETY**  
**1391 MIDDLETON STREET**  
**ORANGEBURG, SC 29115**  
**803-531-6849 (OFFICE)**  
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**[WDRogan@SCDPS.GOV](mailto:WDRogan@SCDPS.GOV)**  
**[WWW.SCDPS.GOV/SCHP](http://WWW.SCDPS.GOV/SCHP)**

# Legislative Oversight Committee

## Law Enforcement and Criminal Justice Subcommittee's Study of the Department of Public Safety



*April 21, 2017*

FULL COMMITTEE OPTIONS STANDARD PRACTICE 13	FULL COMMITTEE ACTION(S)	DATE(S) OF FULL COMMITTEE ACTION(S)
(1) Refer the study and investigation back to the subcommittee or an ad hoc committee for further evaluation; (2) Approve the subcommittee's study; or (3) further evaluate the agency as a full committee, utilizing any of the available tools of legislative oversight available		

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# EXECUTIVE SUMMARY

## *Purpose of Oversight Study*

As stated in SC Code of Laws Section 2-2-20(B), “[t]he **purpose of these oversight studies** and investigations is to **determine if agency laws and programs** within the subject matter jurisdiction of a standing committee: (1) **are being implemented** and carried out **in accordance with the intent of the General Assembly**; and (2) **should be continued, curtailed, or eliminated.**” In making these determinations, the **Subcommittee** evaluates (1) the application, administration, execution, and effectiveness of the agency’s laws and programs, (2) the organization and operation of the agency, and (3) any conditions or circumstances that may indicate the necessity or desirability of enacting new or additional legislation pertaining to the agency.<sup>1</sup>

## *Study Process*

### Legislative Oversight Committee Actions

- April 14, 2015 - Prioritizes the agencies to study
- April 22, 2015 - Provides the agency with notice about the oversight process
- June 1, 2016 - Holds **Meeting #6** and addresses a matter relating to a potential violation of SC Code 2-2-100 (Contempt of the General Assembly)

### Law Enforcement and Criminal Justice Subcommittee Actions

- April 29, 2015 - Holds **Meeting #1/Entry meeting** and discusses study procedural issues
- May 5, 2015 - Resigns from the Public Safety Coordinating Council – Rep. Tallon
- February 25, 2016 - Holds **Meeting #2** and discusses written questions to send agency
- April 21, 2016 - Holds **Meeting #3** and discusses the agency's history and strategic plan
- May 5, 2016 - Holds **Meeting #4** and provides opportunity for public input and information about agency partners
- May 26, 2016 - Holds **Meeting #5** and addresses a matter relating to a potential violation of SC Code 2-2-100 (Contempt of the General Assembly)
- July 13, 2016 - Holds **Meeting #7** and receives information on agency’s resources and performance
- July 20, 2016 - Holds **Meeting #8** and discusses aspects of the agency's strategic plan
- August 30, 2016 - Holds **Meeting #9** and discusses, among other things, agency’s hiring practices and manpower across regions of the state
- November 1, 2016 - Holds **Meeting #10** and further discusses hiring issues as well as discusses agency’s finances and inconsistencies in applying discipline policies
- January 31, 2017 - Holds **Meeting #11/Work Session** and discusses study progress
- February 21, 2017 - Holds **Meeting #12** and (1) receives constituent testimony; (2) discusses information provided to families of traffic fatality victims; and (3) discusses the length of time in which the agency's Office of Professional Responsibilities cases proceed to disposition
- February 28, 2017 - Holds **Meeting #13** and (1) receive constituent testimony; and (2) discusses grants, drug testing, and technology issues

- March 7, 2017 - Holds **Meeting #14/Work Session** and discusses study recommendations
- April 21, 2017 - Provides notification that the Subcommittee Study on the agency is available for consideration by the full Committee

### Public's Actions

- September 1-31, 2015 - Responds to survey about the agency
- May 5, 2016 - Opportunity to provide testimony at a public input hearing; however, no testimony received from constituents at this time
- February 21, 2017 - Provides testimony during a Subcommittee meeting
- February 28, 2017 - Provides testimony during a Subcommittee meeting
- Ongoing - Submits comments on the Oversight Committee's webpage on the General Assembly's website ([www.scstatehouse.gov](http://www.scstatehouse.gov))

### Department of Public Safety Actions

- March 31, 2015 - Submits Restructuring and Seven-Year Plan Report
- August 28, 2015 - Submits Program Evaluation Report
- January 11, 2016 - Submits 2016 Annual Restructuring Report
- April 29, 2016 - Submits response to Committee Staff Study
- May 5, 2016 - Amends its response to Committee Staff Study
- September 14, 2016 - Submits 2015-16 Accountability Report
- November 29, 2016 - Submits Annual Request for Information
- April 2015 - February 2017 - Meets with and responds to Subcommittee's inquiries

*Figure 1. Summary of Key Dates and Actions of the Study Process, 2015-2017*

## ***Recommendations***

The Subcommittee has 27 recommendations relating to the agency. The Subcommittee's **recommendations for revisions to the agency's internal operations and revisions to laws fall into seven categories**. These categories include: (1) recruitment, hiring, retention, and public safety; (2) equipment replacement; (3) applying policies consistently; (4) communication, morale, and leadership issues; (5) focusing on its primary mission; (6) analyzing and updating information; and (7) follow up.

There are **no specific recommendations with regards to continuance of agency programs or elimination of agency programs**.

Table 1. Summary of Recommendations

RECOMMEND AGENCY ADDRESS . . .
<b>...SAFETY, HIRING, RECRUITMENT, and RETENTION</b>
<ol style="list-style-type: none"> <li>1. Ensure the appropriate division head is involved in the hiring process. Ensure policies outline clearly which personnel provide input at which stages of the hiring process.</li> <li>2. Research the cost and feasibility of implementing a career path for agency employees.</li> <li>3. Track applicable data to determine which recruiting methods are effective in obtaining applicants with the temperament and ability to successfully complete appropriate Criminal Justice Academy courses. Include this data in the agency's Accountability Report each year.</li> <li>4. Revisit policy which automatically disqualifies job applicants with visible tattoos.</li> <li>5. Update the agency's Personnel Allocation Model to conform to national standards.</li> <li>6. Review industry best practices on trooper fatigue under various shift changes.</li> </ol>
<b>...EQUIPMENT REPLACEMENT</b>
<ol style="list-style-type: none"> <li>7. Request a permanent line item, which identifies funding for the equipment replacement schedules, in the General Appropriations Act.</li> <li>8. Develop a computer and technology replacement cycle; include this information in the agency's budget request.</li> </ol>
<b>...APPLYING POLICIES CONSISTENTLY</b>
<ol style="list-style-type: none"> <li>9. Implement the agency's existing Alcohol and Drug Deterrence Policy and perform random and post-accident drug testing of agency employees.</li> <li>10. Revise the agency's Residency Policy to have clear standards of which employees are required, and which are not required, to live within various requisite distances from their troop headquarters or their assigned post. Apply Residency Policy consistently.</li> <li>11. Update the agency's Audio-Video Monitor Report Form to include the reason the supervisor is reviewing a video. Track this information in the activity console (i.e., agency's internal database).</li> <li>12. Review the policies and format of the corrective action plans submitted by Troop Commanders in response to Staff Inspection Reports. Ensure these plans include deadlines and appropriate follow-up.</li> </ol>
<b>...COMMUNICATION AND MORALE</b>
<ol style="list-style-type: none"> <li>13. Distinguish between the number of active troopers and number of troopers who are still in training when reporting data.</li> <li>14. Restructure the agency so both the Office of Professional Responsibility and Human Resources Office report to the Legal Department, whose attorneys are subject to requirements of legal ethics and rules of professional responsibility to remain licensed to practice law, then the Director.</li> </ol>

15. Adopt a process by which employees can provide feedback to the agency anonymously.

16. Have an outside entity perform a leadership climate and employee morale survey of the agency beginning this year and once every three years thereafter. Require agency leadership to generate and follow through with improvement plans based upon the results of the surveys.

17. Require Troop Commanders and Supervisors in the Blythewood Office, including the Director, to spend one day per month on the road to stay abreast of troopers' daily activities.

#### **...FOCUSING ON ITS PRIMARY MISSION**

18. Transfer the Illegal Immigration Enforcement Unit to the State Law Enforcement Division.

19. Transfer grants programs unrelated to highway safety (i.e., criminal justice, juvenile justice; and crime victims) to another agency.

20. Coordinate a meeting with the division of State Human Resources and other agencies which may have similar scheduling situations, (e.g., Department of Juvenile Justice; Department of Corrections; and Department of Social Services), to discuss ways to reduce the amount of time necessary to enter and update personnel hours in the South Carolina Enterprise Information System.

#### **...ANALYZING AND UPDATING INFORMATION**

21. Research the costs involved in the agency producing reports from the Multi-disciplinary Accident Investigation Team and private sector industry standards related to amounts charged for this type of information to determine appropriate charges for these reports.

22. Revise SC Code Section 23-6-187, relating to witness fees for troopers, trained in Advanced Accident Investigation, testifying in civil matters, to allow the agency to adjust the amount it charges each year with inflation.

23. Revise SC Code Section 23-6-20, relating to establishment of the agency, to remove references to transfers of divisions and, instead, require the agency to maintain a list of its divisions.

24. Update SC Code Section 23-6-30, relating to the duties and powers of the agency, to remove a reference to a training program now provided by the Criminal Justice Academy.

25. Revise SC Code Section 23-6-50, relating to an annual audit, carrying funds into the next fiscal year, and retention of revenue to meet the agency's expenses, to remove outdated references and allow the agency to expend certain funds for drug testing.

#### **...FOLLOW UP**

26. Provide an update, in an approved format, once a quarter from April 3, 2017, until April 3, 2018, or the Committee re-visits the need for the updates.

27. Provide the Committee an update every 30 days about the status of payments to subgrantees (i.e., crime victim service providers grant requirements).

# DETAILS - STUDY PROCESS

## *House Oversight Committee's Actions*

On January 7, 2015, the House Oversight Committee approves a proposed seven-year study schedule for the Speaker of the House.<sup>2</sup> The Speaker approves the Committee's recommendations, which are published in the House Journal on January 13, 2015.<sup>3</sup> The Department of Public Safety ("DPS" or "agency") is an agency subject to legislative oversight.<sup>4</sup> The **Committee approves DPS as the second state agency for study by the Law Enforcement and Criminal Justice Subcommittee** on April 14, 2015.<sup>5</sup>

The **Committee notifies the agency** about the study on April 22, 2015.<sup>6</sup> As the Committee encourages **collaboration in its legislative oversight process**, the Committee notifies the Speaker, standing committee chairs in the House, members of the House, Clerk of the Senate, and Governor about the agency study.<sup>7</sup>

## *Subcommittee Studying the Agency*

The **Law Enforcement and Criminal Justice Subcommittee ("Subcommittee") of the House Oversight Committee is studying the agency**. The study begins during the 121<sup>st</sup> General Assembly. At this time, the chair of the Subcommittee is the Honorable Kirkman Finlay III; other members include: the Honorable William K. "Bill" Bowers; the Honorable Raye Felder; and the Honorable Edward R. Tallon, Sr.<sup>8</sup> The study continues during the 122<sup>nd</sup> General Assembly. Now, the chair of the Subcommittee is the Honorable Edward R. Tallon, Sr.; other members include: the Honorable Katherine E. "Katie" Arrington, the Honorable William M. "Bill" Hixon; and the Honorable J. Todd Rutherford.<sup>9</sup>

## *Subcommittee & Public Actions*

The **Subcommittee meets with the agency once about process and on ten occasions about the agency's work**.<sup>10</sup> The Subcommittee holds two work sessions and the full Committee meets once on an issue referred to it by the Subcommittee.<sup>11</sup> All meetings are open to the public and streamed live online with videos archived.

**Public input is a cornerstone of the House Legislative Oversight Committee's process**.<sup>12</sup> Members of the public are able to participate anonymously in a public survey about the agency and four other agencies during the month of September in 2015, provide comments via a link on the Committee website at any time, and appear in person before the Subcommittee during the public input meeting in May 2016. Throughout the process, members of the public, including current and former employees, actively provide input to the Subcommittee. This input, including anonymous input, points the Subcommittee to management issues with the agency. **Due to the volume of input from constituents about the Highway Patrol, Human Resources, and Office of Professional Responsibility, the Subcommittee focuses on those aspects of the agency in regards to the agency efficiently and effectively fulfilling its statutory duties**.<sup>13</sup>

Highlights of meetings, public participation, and major events at the agency during the study process are listed below in a **timeline**. A summary of this timeline is set forth in Figure 1 on pages 4-5. Meeting minutes and archived videos of meetings are available online.<sup>14</sup>

## *121<sup>st</sup> General Assembly*

### *April 2015*

On April 29, 2015, the Subcommittee holds an entry meeting with the agency to discuss oversight study procedural issues.<sup>15</sup>

### *May 2015*

In an abundance of caution and to avoid any potential perception of a conflict of interest, **Representative Tallon resigns from his duties on the South Carolina Public Safety Coordinating Council.**<sup>16</sup>

### *September 2015*

The Subcommittee posts an **online survey to solicit comments from the public about the Department of Public Safety** and other agencies. Communication about this survey is sent to all House members who are encouraged to inform their constituents about this opportunity.<sup>17</sup> A statewide media release is issued about this opportunity for public participation.<sup>18</sup> There are 1,010 responses to the survey, with at least one response from 41 of the 46 South Carolina counties.<sup>19</sup> These comments are not considered testimony.<sup>20</sup> The survey notes “input and observations from those citizens who [choose] to provide responses are very important . . . because they may help direct the Committee to potential areas for improvement with these agencies.”<sup>21</sup> The **public is informed of a continuous opportunity to submit written comments about agencies online** even after the public survey closes.<sup>22</sup>

### *February 2016*

On February 25, 2016, the Subcommittee meets (**Meeting #2**) and, among other things, provides a brief update on the study of the agency and **discusses written questions for the Department of Public Safety.**<sup>23</sup> Representative Tallon submits a list of inquiries.<sup>24</sup> An agency representative present at the meeting states the agency does not require clarification on any of the questions.<sup>25</sup>

### *March 2016*

On March 2, 2016, the Subcommittee sends a letter with questions from the February 25, 2016, Subcommittee meeting.<sup>26</sup> This letter requests information about the following topics: (1) Illegal Immigration Enforcement Unit; (2) Highway Patrol; (3) Discipline/Office of Professional Responsibility; and (4) Office of Human Resources. On March 16, 2016, the agency provides responses to these topics of interest to the Subcommittee.<sup>27</sup>

### *April 2016*

On April 21, 2016, the Subcommittee meets with the agency (**Meeting #3**) and discusses the **agency’s history and strategic plan.**<sup>28</sup> Chairman Finlay swears in Director Leroy Smith, agency head since 2012, and other agency staff.<sup>29</sup> A summary is provided of the agency’s history.<sup>30</sup> Subcommittee members ask general questions about the agency, which Director Smith answers.<sup>31</sup>

At the direction of the Subcommittee Chair, Committee staff provide a brief background on DPS’ strategic plan.<sup>32</sup> Director Smith provides the Subcommittee details about each aspect of the agency’s strategic plan.<sup>33</sup> Subcommittee members ask follow-up questions for clarification, which Director Smith answers.<sup>34</sup>

In response to questioning, Director Smith agrees the agency's Illegal Immigration Enforcement Unit (IIEU) is aligned more within the State Law Enforcement Division's (SLED) mission than the Department of Public Safety's mission.<sup>35</sup> The Subcommittee approves a recommendation to move IIEU from DPS to SLED.<sup>36</sup>

The next day the agency responds in writing to questions asked by Subcommittee members during the meeting.<sup>37</sup> The agency's responses address the following topics: (1) fees charged to those who request Multi-Disciplinary Accident Investigation Team (MAIT) Reports; and (2) the methodology used to ascertain the safety belt usage rate.<sup>38</sup>

On April 29, 2016, the Subcommittee and all House Members receive the final Staff Study and agency response.<sup>39</sup> A copy is available online.<sup>40</sup>

## *May 2016*

On May 5, 2016, the Subcommittee meets with the agency (**Meeting #4**).<sup>41</sup> The purpose of the meeting is for the Subcommittee to receive **testimony about the agency from members of the public**.<sup>42</sup> While there are no members of the public present to testify about the agency, Chairman Finlay notes members of the public have provided information about the agency to the Subcommittee through other means.<sup>43</sup>

Another purpose of the meeting is for the Subcommittee to obtain information about the entities with which the agency works.<sup>44</sup> Committee staff provide a brief overview of the **agency's partners, customers, and stakeholders**.<sup>45</sup> Subcommittee members ask questions of Ms. Tosha Autry, the agency's Director of Human Resources, to which she responds.<sup>46</sup> During the meeting, a partial audio recording is played and Ms. Autry confirms the recording is of her.<sup>47</sup>

On May 6, 2016, the Subcommittee sends a letter stating its intention at the next meeting to make an inquiry about issues of importance to state employees including, but not limited to, the agency's process and procedures for hiring and firing employees, how the agency addresses employee disciplinary matters, and information employees with grievances are permitted to share.<sup>48</sup> On May 9, 2016, DPS acknowledges the letter.<sup>49</sup>

On May 26, 2016, the Subcommittee meets with the agency (**Meeting #5**).<sup>50</sup> The purpose of the meeting is to **discuss and vote on whether the Subcommittee recommends the full Committee make an inquiry as to whether a violation of S.C. Code 2-2-100 (contempt of the General Assembly) has occurred**.<sup>51</sup> Committee Staff provide a brief background on this statute and other statutes related to Legislative Oversight of Executive Departments.<sup>52</sup> The Subcommittee approves a motion recommending the full Committee make an inquiry as to whether a witness, the agency's Director of Human Resources may have violated S.C. Code Section 2-2-100 when testifying before the Subcommittee on May 5, 2016.<sup>53</sup> On May 31, 2016, the Subcommittee notifies the full Committee of its request.<sup>54</sup>

## *June 2016*

On June 1, 2016, the full Committee meets (**Meeting #6**).<sup>55</sup> Among other things, the **Committee discusses the request from the Subcommittee that the Committee refer an allegation of contempt of the General Assembly to the Attorney General**.<sup>56</sup> Committee Members make comments and ask questions about this issue. A motion is approved to refer the matter to the Attorney General.<sup>57</sup> On June 8, 2016, the Oversight Committee refers the matter to the Attorney General.<sup>58</sup>

On June 15, 2016, the **Subcommittee requests information from the agency** about the following topics: (1) agency spending on legal services; (2) overtime; and (3) discipline/Office of Professional Responsibility. On June 29, 2016, the agency responds to the Subcommittee.<sup>59</sup>

## *July 2016*

On July 7, 2016, the **agency provides clarification on issues** relating to the Office of Professional Responsibility/Division Investigation (OPR/DI) Case Summary documents the agency previously provided.<sup>60</sup> On the same day, the agency provides clarification relating to overtime documents the agency produced on June 29, 2016.<sup>61</sup>

The Subcommittee meets with the agency (**Meeting #7**) on July 13, 2016.<sup>62</sup> The purpose of this meeting is to obtain information on the **agency's resources and performance**.<sup>63</sup> Director Smith gives a presentation on the agency's resources and fund allocations.<sup>64</sup> During and after the presentation, Subcommittee members ask questions.<sup>65</sup> Next, Director Smith gives a brief overview of the agency's performance measures and objectives.<sup>66</sup> Due to time constraints, Subcommittee members hold questions on performance measures and objectives until the next meeting.<sup>67</sup>

On July 15, 2016, the **Subcommittee requests information from the agency** about the following topics: (1) strategic plan, funding allocation, and performance measures; (2) hiring, retention, and employee makeup; (3) scheduling and activities; (4) finances; (5) Multi-disciplinary Accident Investigation Team; and (6) overtime and compensation time.<sup>68</sup> On July 19, 2016, the agency responds to some of the questions and states it is in the process of compiling information responsive to the other requests.<sup>69</sup>

On July 20, 2016, the Subcommittee meets with the agency (**Meeting #8**) and discusses **aspects of the agency's strategic plan**.<sup>70</sup> Director Smith testifies about aspects of the agency's strategic plan on which Subcommittee members had questions at the previous meeting.<sup>71</sup>

The Subcommittee **discusses hiring, retention, and morale issues** including: applicants in the agency's current class, turnover, employee concerns about possible retribution from leadership when expressing opinions or concerns, employee concerns about the agency's residency policy; employee concerns about consolidation of the communication centers, expenditures for recruitment, timeframes of employee investigations, and an update on the agency's overtime lawsuit.<sup>72</sup>

The Subcommittee discusses with the agency numerous issues relating to **equipment** including, among other things, the condition of and cost to replace various existing equipment, as well as purchase new equipment such as body cameras.<sup>73</sup>

The Subcommittee discusses the **agency's rating from the Commission on Accreditation for Law Enforcement Agencies**, and it requests an **explanation for the low number of trooper and civilian contacts throughout the year**.<sup>74</sup>

Director Smith provides a presentation on **internal changes to improve agency efficiency and outcomes**.<sup>75</sup> Director Smith testifies the agency has no recommendations to improve efficiency and outcomes at this time.<sup>76</sup> He further testifies the agency has improved efficiency and outcomes in a variety of ways, including:

- implementing an electronic traffic collision reporting system;
- merging offices of Highway Safety and Justice Programs;

- consolidating office space in Greenville and Rock Hill;
- implementing a mobile data program;
- creating an Internal Communications Office to support agency enforcement and education efforts;
- creating an Internal Office of Strategic Services, Accreditation, Policy & Inspections; and
- updating the Office of Professional Responsibility's case management system.<sup>77</sup>

**Further discussion is held with Director Smith pertaining to topics addressed at previous meetings** including: (1) the Director's views about the Subcommittee's recommendation to move the Illegal Immigration Enforcement Unit to SLED, and (2) the results of the agency's internal Office of Professional Responsibility investigation of the potential violation of Section 2-2-100.<sup>78</sup>

The **Subcommittee adopts multiple motions for recommendations** which include: (1) process to allow anonymous employee feedback; (2) clarifying residency policy; and (3) distinguishing between the number of active troopers versus personnel still at the Criminal Justice Academy when reporting data.<sup>79</sup>

On July 22, 2016, the **Subcommittee requests additional information from the agency** relating to the following topics: (1) strategic plan, funding allocation, and performance measures; (2) hiring, retention, and employee makeup; (3) scheduling and activities; (4) finances; (5) overtime and compensation time; and (6) Office of Professional Responsibility.<sup>80</sup>

### *August 2016*

On August 15, 2016, the **agency responds to most of the questions posed in the Subcommittee's July 22, 2016, letter.**<sup>81</sup> The agency informs the Subcommittee it is in the process of compiling information responsive to the other requests and will provide that information as soon as it is available.<sup>82</sup>

The Subcommittee meets with the agency (**Meeting #9**) on August 30, 2016.<sup>83</sup> During the meeting, the **Subcommittee addresses multiple issues with the agency** including: hiring; inconsistent application of agency policies; equipment acquisition and replacement scheduling; allocation of manpower across the regions; finances including use of available resources and cost to remodel a conference space at the agency's headquarters.<sup>84</sup>

Various agency employees, with the agency's general counsel and a private attorney for the agency in attendance, respond to the different Subcommittee questions.<sup>85</sup> **Subcommittee Members adopt multiple motions** which include: (1) tracking recruiting data to obtain highest quality applicants; (2) hiring transparency and personnel; (3) leadership climate and employee morale survey; (4) troop commander corrective action plans; (5) shift change fatigue study; (6) laptop and technology replacement; (7) South Carolina Enterprise Information System scheduling; (8) updating charges for multi-accident investigation team reports; and (9) updating charges for depositions.<sup>86</sup>

On August 31, 2016, the **Subcommittee requests additional information from the agency** pertaining to the following topics: (1) staff inspections; (2) body armor; (3) laptops and technology; (4) scheduling and activities; (5) hiring and retention; and (6) finances.<sup>87</sup>

### *November 2016*

On November 1, 2016, the Subcommittee meets with the agency (**Meeting #10**) and **further discusses hiring issues as well as agency finances and inconsistencies in applying discipline policies.**<sup>88</sup> Members of

the Subcommittee ask questions about the following topics: personnel, hiring, and performance; finances; and consistency in applying agency policies.<sup>89</sup>

The **Subcommittee adopts multiple motions for recommendations** which include: (1) researching the feasibility of career path initiative for employees; (2) instituting a Leaders on the Road Program which requires troop commanders and supervisors in the Blythewood Office to spend one day/month on the road to help increase morale with the troopers and stay in touch with troopers daily activities; (3) requesting permanent line item in the agency's budget in the General Appropriations Act which identifies funding for equipment replacement schedules; (4) Office of Professional Responsibility and Office of Human Resources reporting to the Legal Department, then the Director, to ensure the accuracy of information utilized and stored since in-house counsel has a professional obligation; and (5) providing quarterly updates to the Committee.<sup>90</sup>

On November 10, 2016, the **Subcommittee requests additional information** relating to the following subjects: (1) staffing and finances; (2) hiring and retention; (3) agency policies and activities; and (4) Office of Professional Responsibility.<sup>91</sup>

### *December 2016*

On December 2, 2016, the **agency provides answers to most of the questions posed in the Subcommittee's November 10, 2016 letter.**<sup>92</sup> The agency states it is in the process of compiling information responsive to the other requests and will provide that information as soon as it is available.<sup>93</sup>

### *122<sup>nd</sup> General Assembly*

### *January 2017*

On January 5, 2017, **Representative Tallon requests information** from the agency relating to the following subjects: (1) drug testing; (2) numbers of troopers on the road, in a non-supervisory capacity; (3) number of traffic fatalities; and (4) turnover in the agency's Information Technology department.<sup>94</sup> On January 24, 2017, the agency responds to Representative Tallon's requests.<sup>95</sup> Representative Tallon shares this information with the Subcommittee.<sup>96</sup>

On January 31, 2017, the Subcommittee holds a work session to continue its discussion of the study of the agency (**Meeting #11/Work Session**).<sup>97</sup> Members discuss questions and topics of interest to discuss with the agency at the next meeting.<sup>98</sup> The **Subcommittee adopts multiple motions for recommendations** which include: (1) revisiting automatically disqualifying job applicants with visible tattoos so as to allow those who are willing to cover their tattoos to continue to move through the application process; and (2) updating the agency's audio/video report.<sup>99</sup>

### *February 2017*

On February 3, 2017, the **Subcommittee requests information from the agency** about the following topics: (1) grants; (2) fatalities and trooper activity; (3) booklets distributed to grieving families of traffic fatalities; (4) drug testing; (5) laptops and technology; (6) essentials to operate; (7) dispatch staffing; (8) remediation; (9) Office of Professional Responsibility; (10) video policies; (11) certification removal and appeals; (12) overtime; and (13) personnel and finances.<sup>100</sup>

On February 17, 2017, the **agency responds to most of the questions** posed in the Subcommittee's February 3, 2017, letter.<sup>101</sup> The agency states the remainder of the responses are forthcoming.<sup>102</sup>

On February 21, 2017, the Subcommittee meets with the agency (**Meeting #12**) and **(1) receives constituent testimony; (2) discusses information provided to families of traffic fatality victims; and (3) length of time in which the agency's Office of Professional Responsibilities cases proceed to disposition.**<sup>103</sup> A constituent, Ms. Avril Wilson, provides testimony to the Subcommittee sharing concerns about the agency. Members ask questions to Ms. Wilson and agency representatives.<sup>104</sup> Members ask questions about the materials the agency provides to families of traffic fatality victims to which agency representatives respond.<sup>105</sup> Chairman Tallon asks additional questions relating to the agency's Office of Professional Responsibility, including the length of time in which investigations are open and what notification is provided to employees under investigation about the status of the investigation.<sup>106</sup>

The Subcommittee meets with the agency on February 28, 2017, (**Meeting #13**) and **(1) receives constituent testimony; and (2) discusses grants, drug testing, and technology issues.**<sup>107</sup> Agency representatives answer questions about the agency's issuance of new guns and reprogramming trooper's radios.<sup>108</sup> A constituent, Ms. Laura Hudson, provides testimony about grants administered by the agency.<sup>109</sup> Members ask questions which Ms. Hudson and various agency representatives answer.<sup>110</sup> Members ask questions about drug testing, laptops, and other technology.<sup>111</sup> Agency representatives respond to the questions.<sup>112</sup> **Subcommittee Members adopt multiple motions for recommendations** which include: (1) moving Criminal Justice, Juvenile Justice, and Crime Victim Grants to another agency; and (2) providing the Committee a document every 30 days which includes a list of the subgrantees that have and have not been paid.<sup>113</sup>

On February 24, 2017, the **agency supplements the responses in its February 17, 2017, letter** by providing information related to the following topics: (1) fatalities and trooper activity<sup>114</sup>; (2) remediation<sup>115</sup>; (3) video policies<sup>116</sup>; and (4) dispatch staffing<sup>117</sup>.

### *March 2017*

On March 3 and 7, 2017, the **agency supplements the responses in its February 17, 2017, letter** by providing information related to the following topics: (1) grants<sup>118</sup>; (2) driving under the influence arrest data for calendar years 2012-2016<sup>119</sup>; (3) traffic collision statistics for calendar year 2015 and 2016<sup>120</sup>; and (4) Highway Patrol Annual Report for each year from 2012 through 2015<sup>121</sup>.

On March 7, 2017, the Subcommittee has a Work Session to discuss the study of the agency and recommendations arising from the study (**Meeting #14/Work Session**).<sup>122</sup> The **Subcommittee reviews its study recommendations.**<sup>123</sup> The **Subcommittee adopts additional recommendations** which include: (1) performing random and post-accident drug testing; (2) updating the Highway Patrol's Personnel Allocation Model; and (3) revising South Carolina Code Sections 23-6-20; 23-6-30; and 23-6-50.<sup>124</sup>

As this timeline evidences, the Subcommittee addresses multiple issues with the agency that relate directly to the agency fulfilling its statutory duty. These topics are discussed in further detail in the "Issues in Fulfilling Statutory Duty" section of the Subcommittee Report.

## *Agency Actions*

The **Committee asks the agency to conduct a self-analysis** by completing and submitting a 2015 Annual Restructuring Report and Seven-Year Plan for cost savings and increased efficiencies, a Program Evaluation Report, and a 2016 Restructuring Report. The agency submits its 2015 Annual Restructuring Report and Seven-Year Plan on March 31, 2015<sup>125</sup>, its Program Evaluation Report on August 28, 2015.<sup>126</sup> Committee staff provide a staff study and agency response to the Subcommittee on April 29, 2016;<sup>127</sup> the agency amends its response on May 5, 2016. The agency submits its 2016 Restructuring Report on January 11, 2016,<sup>128</sup> and its 2015-16 Accountability Report on September 14, 2016.<sup>129</sup> All reports are available online. Additionally, throughout the study process the agency responds to Subcommittee questions.

## *Next Steps*

Pursuant to Committee Standard Practice 12.4, **individual members of this Subcommittee may provide a written statement for inclusion with the Subcommittee's Study.** After an opportunity to provide written statements, the Subcommittee Chair, pursuant to Committee Standard Practice 12.5, notifies the Committee Chair in writing that a Subcommittee Study is available for consideration by the full Committee.

Once the Committee Chair receives written notice from the Subcommittee Chair, the full Committee Chair shall, pursuant to Committee Standard Practice 13.1, include the Subcommittee Study on the agenda for a full Committee meeting. During the full Committee meeting at which the Subcommittee Study is discussed, the full Committee may vote, pursuant to Committee Standard Practice 13.2, to take one of the following three options: (1) refer the study and investigation back to the Subcommittee for further evaluation; (2) approve the Subcommittee's Study; or (3) further evaluate the agency as a full Committee.

When the full Committee approves a final study, any member of the Committee may provide a written statement for inclusion with the final study.<sup>130</sup> The final study and written statements are published online and the agency, as well as all House Standing Committees, receive a copy.<sup>131</sup>

Lastly, the Committee shall offer at least one briefing to Members of the House about the contents of the final oversight study approved by the Committee.<sup>132</sup> The Committee Chair may also provide briefings to the public about the final oversight study.<sup>133</sup>

# ISSUES IN FULFILLING STATUTORY DUTY

**Public input is a cornerstone of the House Legislative Oversight Committee's process.**<sup>134</sup> Due to the volume of input from constituents about the Highway Patrol, Human Resources, and Office of Professional Responsibility, the Subcommittee focuses on those aspects of the agency in regards to the agency efficiently and effectively fulfilling its statutory duties.<sup>135</sup>

## *Safety*

The primary purpose of the agency is encompassed in its very name, the Department of Public Safety, with a focus on highway safety. This purpose is embodied in the agency's mission, which is as follows:

As the largest law enforcement agency in South Carolina, it is the mission of the South Carolina Department of Public Safety to **protect and serve the public** with the highest standard of conduct and professionalism; to **save lives** through educating its citizens on highway safety and **diligent enforcement of laws governing traffic**, motor vehicles, and commercial carriers; and to **ensure a safe, secure environment** for the citizens of the state of South Carolina and its visitors. (emphasis added)<sup>136</sup>

As described below, data from fiscal year 2012-13 to the present evidences an annual escalation in the **agency's inefficiency and ineffectiveness in fulfilling its mission and statutory duty.**<sup>137</sup>

From 2013 to 2016, the **number of patrol hours decreases by 86,696 hours**, number of warnings and citations decrease by 164,389, and total collisions increase by 23,755.<sup>138</sup> During this same time period, the number of fatal collisions increase by 30.18% and number of fatalities increase by 32.33%.<sup>139</sup> As of February 17, 2017, **the total number of fatalities is the highest since 2007**, and this number may further increase as the agency continues to receive information.<sup>140</sup> Ancillary, there is also a \$318,201 decrease in funding to the Criminal Justice Academy, which trains law enforcement officers across the state, as surcharges on traffic citations have been a source of funding for the Criminal Justice Academy until 2016.<sup>141</sup> Additional information regarding trooper activity, collisions, and fatalities is included in Attachment 1 (Trooper Activity, Collisions, Fatalities, and Budget).

Moreover, the **agency is not tracking data to monitor the performance of dispatch or Telecommunication Centers (TCCs)** which provide telephone access for citizens' calls, dispatch DPS law enforcement officers to collision scenes and other calls for service, and provide officers with accurate and timely information which enhances officer safety and promotes the overall safety of the motoring public.<sup>142</sup> Information from the agency illustrates repeated concerns that are noted from the Bureau of Protective Services and Highway Patrol about the amount of time taken for law enforcement officers to reach TCCs.<sup>143</sup>

Potential causes of the agency's inefficiency and ineffectiveness in fulfilling its mission and statutory duty to protect the public through enforcement of laws **include deficiencies in the following areas:** (1) hiring, recruitment, and retention; (3) replacement of equipment; (4) application of agency policies; and (5) communication and morale.

## Hiring, Recruitment, and Retention

A potential cause of the agency’s inefficiency and ineffectiveness in fulfilling its mission and statutory duty to protect the public through enforcement is lack of manpower and turnover.

During the study process, the Subcommittee requests and receives from the agency information pertaining to recruitment, hiring and retention. This information serves as a basis for the Subcommittee’s recommendations in this area.

Table 2. Summary of the Subcommittee’s Recommendations: Hiring, Recruitment, and Retention

RECOMMEND AGENCY ADDRESS . . .
<b>...HIRING, RECRUITMENT, AND RETENTION</b>
<ol style="list-style-type: none"> <li>1. Ensure the appropriate division head is involved in the hiring process. Ensure policies outline clearly which personnel provide input at which stages of the hiring process.</li> <li>2. Research the cost and feasibility of implementing a career path for agency employees.</li> <li>3. Track applicable data to determine which recruiting methods are effective in obtaining applicants with the temperament and ability to successfully complete appropriate Criminal Justice Academy courses. Include this data in the agency’s Accountability Report each year.</li> <li>4. Revisit policy which automatically disqualifies job applicants with visible tattoos.</li> <li>5. Update the agency’s Personnel Allocation Model to conform to national standards.</li> <li>6. Review industry best practices on trooper fatigue under various shift changes.</li> </ol>

On August 30, 2016, in response to questioning, the Colonel of the South Carolina Highway Patrol affirmed there are resources in the budget to hire more and the **lack of officers on the road is not the result of lack of funding.**<sup>144</sup> During each of the last four years there are **more than 200 authorized, but unfilled, positions at the agency** as Table 3 illustrates.<sup>145</sup> Table 3 also illustrates the amount the **agency carries forward in personal services from the General Fund increases each year.**<sup>146</sup> Lastly, a comparison of the agency’s total budget, and highway patrol budget, shows an increase of 4% and 13%, as seen in Table 4.<sup>147</sup>

Table 3. Authorized, filled, and vacant full time equivalent positions and Personal Service Carryforward

	Full Time Equivalent Positions			Carryforward
	Authorized	Filled	Vacant	10% of General Fund Personal Service Balance (Does not include: Federal and Other Personal Service carryforward)
FY 2012-13	1,462.00	1,245.00	217.00	\$381,041.95
FY 2013-14	1,495.00	1,274.00	221.00	\$461,046.62
FY 2014-15	1,495.00	1,229.00	266.00	\$540,993.43
FY 2015-16	1,521.00	1,249.00	272.00	\$2,456,912.37

Table 4. Agency and Highway Patrol budget for FY 2012-13 and FY 2015-16

Total Agency Budget and Highway Patrol Division Budget			
	2012-13	2015-16	% Change
Total Agency Budget w/o carry forward <sup>148</sup>	\$154,941,120	\$161,431,719	4.19%
Highway Patrol Division Budget <sup>149</sup>	\$93,086,717	\$105,238,726	13.05%

### Hiring

The **Director makes final hiring decisions<sup>150</sup> without input from division heads.**<sup>151</sup> The hiring process at the agency has numerous stages including an initial administrative review, a physical abilities component, a written test, and an interview with an Oral Interview Board.<sup>152</sup> Follow up data from the agency shows distinct differences in materials available to the Oral Review Board and the Director.<sup>153</sup> Table 5 illustrates the Oral Review Board is not provided the interviewee’s application and does not include division heads. Also, division heads do not participate in meetings when final hiring decisions are made.<sup>154</sup> Additional information about the hiring process, which includes number of applicants culled (i.e., not advanced) at each stage and reasons for doing so are included in Attachment 2 (Hiring Process).

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Table 5. Summary of Oral Interview Board v. Director’s Review Personnel and Information

Oral Interview Board <sup>155</sup>	Director’s Review <sup>156</sup>
<p><u>Present in room:</u></p> <ul style="list-style-type: none"> <li>• Chairman (Major)</li> <li>• Four board members (variety of Captain, Lieutenant, Sergeant, Corporal)</li> <li>• One Human Resources Representative</li> <li>• Applicant</li> </ul>	<p><u>Present in room:</u></p> <ul style="list-style-type: none"> <li>• Agency Director<sup>157</sup></li> <li>• Human Resources Director</li> </ul>
<p><u>Information available to review:</u></p> <ul style="list-style-type: none"> <li>• Schedule of all applicant interview times</li> <li>• Applicant essay which explains why the applicant wants to be a trooper</li> <li>• Employment Board Questions (10 questions for the applicant to answer)</li> <li>• Oral Interview Board (OIB) Rating Sheet (used to rate the applicant on each question asked, written/oral communication, and appearance)</li> <li>• OIB Rating Rubric (A guide to help board members understand each rating category)</li> <li>• OIB Component &amp; Rating Sheet (directions/information for what board members can expect that day)</li> </ul>	<p><u>Information available to review:</u></p> <ul style="list-style-type: none"> <li>• Oral Interview Board Notes/Score Sheet, and</li> </ul>
	<p><u>Information available to review: (continued)</u></p> <ul style="list-style-type: none"> <li>• State Application &amp; Supplemental Application</li> <li>• Physical Ability Test</li> <li>• Nelson Denny Scores (vocabulary, comprehension, and reading)</li> <li>• Background (employment and character references)</li> <li>• Applicant’s Essay</li> <li>• Polygraph</li> <li>• Credit Check</li> <li>• DD 214 (discharge information for military candidates, if applicable)</li> <li>• College Transcript (if applicable)</li> <li>• Driver’s License Check</li> <li>• National Crime Information Center Check</li> <li>• SC Information Exchange Check</li> <li>• Social Media Check</li> </ul>

## *Recruitment*

The agency's strategy, objectives, and performance measures relating to recruitment do not appear to provide the agency sufficient information to determine whether its recruitment efforts are effective or efficient. As an example, one of the agency's performance measures is simply, "[d]id Highway Patrol Telecommunications Office develop a recruitment plan?"<sup>158</sup> As another example, the agency counts the number of recruitment seminars held, but not the number of individuals that apply, and are hired, to know if the agency's recruitment efforts are effective.<sup>159</sup> Tracking data, in particular outcome data, may allow the agency the ability to analyze which of its efforts are successful.

## *Retention*

**Employee retention is an issue of concern in the Highway Patrol Division** as less manpower means fewer troopers to educate those on the road and to enforce traffic safety laws. **Between 2012 and 2015, \$8.9 to \$21.1 million is spent on training and equipping new troopers, but the net result of this spending is an increase in total trooper strength across the state of only two troopers.**<sup>160</sup> In 2015, Troops across the state have, on average, less than 60% of the manpower the agency's personnel allocation model states is needed in each Troop.<sup>161</sup>

In 2014-15 in particular, 142 employees leave the highway patrol, compared to only 102 in 2011-12.<sup>162</sup> Also, in **FY 2014-15, "personal" reasons account for approximately 59% of all Highway Patrol separations, compared to 27% in 2011-12.**<sup>163</sup> The agency states in a letter that changes have been made in pay scale in an effort to reinstate troopers separated from employment and to retain current troopers.<sup>164</sup> However, the agency acknowledges it is not tracking data in order to determine whether the efforts are effective.<sup>165</sup>

**Employee retention is an issue not isolated to the Highway Patrol Division.** In 2014-15 in particular, 199 employees leave the agency, which is 38.19% more than 2011-12 and 48.51% more than 2010-11.<sup>166</sup> The agency's **Human Resources Office has a turnover rate between approximately 30% and 60% from fiscal year 2012-13 through fiscal year 2014-15.**<sup>167</sup> **During the last four fiscal years, the agency's Information Technology Office is not fully staffed, and currently one-third of the positions are vacant.**<sup>168</sup> During the study, agency representatives mention a potential career path to assist in retention, but the agency has no information on potential costs, implementation dates, or even if it will be implemented.<sup>169</sup> Additional information on separations is available in Attachment 3 (Employee Separations). Statements from the agency's Staff Inspection Reports which relate to how the current number of personnel impact morale and operational effectiveness are included in the Morale section of this Report. Complete copies of Staff Inspection Reports can be found on the Committee's webpage.

## Equipment Replacement

Another potential cause of the agency's inefficiency and ineffectiveness in fulfilling its mission and statutory duty to protect the public through enforcement is a deficiency in replacing equipment.

The Subcommittee requests and receives from the agency information pertaining to equipment utilized by agency personnel. This information serves as a basis for the Subcommittee's recommendations.

Table 6. Summary of the Subcommittee's Recommendations: Equipment Replacement

RECOMMEND AGENCY ADDRESS . . .
<b>...EQUIPMENT REPLACEMENT</b>
7. Request a permanent line item, which identifies funding for the equipment replacement schedules, in the General Appropriations Act.
8. Develop a computer and technology replacement cycle; include this information in the agency's budget request.

An **issue of concern among Highway Patrol and Telecommunications Units across the state is a lack of reliable, functioning equipment.** As an example, an entire recent graduating class of troopers did not have properly functioning laptops installed in their vehicles.<sup>170</sup> Staff inspection reports note a variety of concerns pertaining to patrol vehicles and technology equipment (e.g., computers; telephones; software, etc.). Among other things, these concerns include both the distance and amount of time required to travel to repair vehicles or other equipment.<sup>171</sup> The agency states it uses grants and non-recurring funding for equipment.<sup>172</sup> Also, the agency states in a letter to the Subcommittee, "SCDPS has neither a formal policy nor a recurring budget regarding a computer and technology replacement cycle."<sup>173</sup>

## Applying Policies Consistently

Another potential cause of the agency's inefficiency and ineffectiveness in fulfilling its mission and statutory duty are deficiencies in consistent application of the agency's policies.

The Subcommittee requests and receives from the agency information pertaining to agency policies and the application of the policies. This information serves as a basis for the Subcommittee's recommendations.

Table 7. Summary of the Subcommittee's Recommendations: Applying Policies Consistently

RECOMMEND AGENCY ADDRESS . . .
<b>...APPLYING POLICIES CONSISTENTLY</b>
9. Implement the agency's existing Alcohol and Drug Deterrence Policy and perform random and post-accident drug testing of agency employees.

**10.** Revise the agency’s Residency Policy to have clear standards of which employees are required, and which are not required, to live within various requisite distances from their troop headquarters or their assigned post. Apply Residency Policy consistently.

**11.** Update the agency’s Audio-Video Monitor Report Form to include the reason the supervisor is reviewing a video. Track this information in the activity console (i.e., agency’s internal database).

**12.** Review the policies and format of the corrective action plans submitted by Troop Commanders in response to Staff Inspection Reports. Ensure these plans include deadlines and appropriate follow-up.

### *Alcohol and Drug Deterrence Policy*

The agency has an Alcohol and Drug Deterrence Policy which allows, among other things, for random drug testing, drug testing based on suspicion, and post-accident drug testing.<sup>174</sup> However, the **agency has opted not to perform any random (i.e., suspicion less) drug testing or post-accident drug testing during the last four years.**<sup>175</sup> The agency states, “[i]nsofar as a very small number of investigations and disciplinary actions over the last few years have been associated with drug/alcohol use, the Department does not view widespread random testing as a critical need at this time.”<sup>176</sup> The Subcommittee notes concerns with not utilizing this policy since troopers are entrusted with state vehicles, which they may operate at high levels of speed, carry weapons, and have the authority to arrest citizens.<sup>177</sup>

### *Disciplinary Policies*

The Subcommittee questions the agency about these policies as public input is received alleging a perception of an inconsistent application of the policy.<sup>178</sup> Discussion of the agency’s application of its disciplinary policies is set forth in detail under the Communication and Morale section of this report.

### *Residency Policy*

The agency has a Residency Policy, which requires certain personnel to live within various requisite distances of the area of the state in which they are assigned.<sup>179</sup> The definition of “residence” in the policy states,

The fixed or permanent domicile of a person where s/he has an intention of returning when absent. SCDPS may consider the factors identified in SC Code 7-1-25(D) **and any other matter(s) deemed relevant** in determining the location constituting an officer’s domicile under this policy (emphasis added).<sup>180</sup>

The Subcommittee questions the agency about this policy as public input is received alleging a perception of an inconsistent application of the policy.<sup>181</sup> During the study, there are more than ten ranking and ten non-ranking officers living outside the requisite area.<sup>182</sup> The justification for some of the waivers include, “statewide supervisory responsibilities.”<sup>183</sup> However, instead of individuals with statewide responsibility living in the center of the state, to allow for efficient travel throughout the state, several live in the upstate (York and Spartanburg) or on the coast (Horry and Berkeley).<sup>184</sup>

## *Supervisory Review of In-Car Audio/Video Recordings*

The agency has a policy which address supervisory review of in-car audio/video recordings.<sup>185</sup> The Highway Patrol Division Manual of Operations requires supervisory review of these recordings on a regular basis as well as when certain events occur.<sup>186</sup> When a supervisor reviews a trooper’s video, the supervisor is required to complete an “Audio/Video Monitor Report.”<sup>187</sup> However, the “Audio/Video Monitor Report,” does not include any sections which require a supervisor to note the reason the supervisor is reviewing the video, and data relating to supervisory review of a trooper’s video is not tracked in the Highway Patrol Division’s activity console.<sup>188</sup>

The Subcommittee questions the agency about this policy, and inability to readily track the reason for reviewing the video and number of videos reviewed. The basis for the questioning is public input the Subcommittee receives alleging a potential practice whereby the agency, or certain higher ranking personnel within the agency, request supervisors specifically review videos of troopers with alleged low activity to search for any type of violation for which the supervisor may refer the trooper to the Office of Professional Responsibility (OPR), thereby utilizing OPR as punishment for low activity.<sup>189</sup>

## *Implementing Commander Corrective Action Plans*

The agency performs Staff Inspections every three years.<sup>190</sup> The Staff Inspection Reports include recommendations for items to correct/improve and Troop Commanders are required to create plans to address issues.<sup>191</sup> However, during the study the Subcommittee is not made aware of any policies which ensure Commanders follow through with these plans.

## *Communication and Morale*

Another potential cause of the agency’s inefficiency and ineffectiveness in fulfilling its mission and statutory duty is deficiency in communication, particularly in the areas of external communication and internal feedback.

The Subcommittee requests and receives information pertaining to communication at the agency. This information serves as a basis for the Subcommittee’s recommendations.

*Table 8. Summary of the Subcommittee’s Recommendations: Communication and Morale*

RECOMMEND AGENCY ADDRESS . . .
<b>...COMMUNICATION AND MORALE</b>
<b>13.</b> Distinguish between the number of active troopers and number of troopers who are still in training when reporting data.
<b>14.</b> Restructure the agency so both the Office of Professional Responsibility and Human Resources Office report to the Legal Department, whose attorneys are subject to requirements of legal ethics and rules of professional responsibility to remain licensed to practice law, then the Director.
<b>15.</b> Adopt a process by which employees can provide feedback to the agency anonymously.

**16.** Have an outside entity perform a leadership climate and employee morale survey of the agency beginning this year and once every three years thereafter. Require agency leadership to generate and follow through with improvement plans based upon the results of the surveys.

**17.** Require Troop Commanders and Supervisors in the Blythewood Office, including the Director, to spend one day per month on the road to stay abreast of troopers' daily activities.

### *Human Resources Data*

During the study process, the Subcommittee reviews a variety of agency reports including those made to other legislative entities. **Human resources data from the agency may not be reliable as evidenced by inconsistencies in data provided to different House Committees.** While it is not unreasonable to have slight discrepancies in the number of employees for the current year, as the number of employees at an agency can change from day to day, it is reasonable to expect consistency in information from previous years.

As one example, on August 15, 2016, the Subcommittee requests, and the agency provides, information about the number of troopers at the start and end of each fiscal year for the past six fiscal years.<sup>192</sup> When the Subcommittee compares the information to similar data provided to another House Committee, the data is inconsistent.<sup>193</sup> Table 9 illustrates the variance in the data.<sup>194</sup>

*Table 9. Variance in data provided by the agency to two different House Committees*

Highway Patrol Law Enforcement Manpower			
Year	DPS Data to Other House Committee	DPS Data to House Oversight Committee	Variance
2015-16	760	760	0
2014-15	779	770	9
2013-14	761	756	5
2012-13	758	763	5
2011-12	809	793	16
2010-11	840	838	2

As another example, the **human resources information the agency provides to the same legislative entity does not appear to be consistent over multiple years.** Table 10 reflects differences in the agency's presentation of information to the same legislative entity with regards to Highway Patrol Officer Manpower.<sup>195</sup>

Table 10. Differences in the agency’s presentation of information to the same legislative entity with regards to Highway Patrol Officer Manpower

Highway Patrol Commissioned Officer Manpower			
Year	DPS 2016-17 Data provided to legislative entity	DPS 2014-15 Data provided to legislative entity	Variance
2015	760		
2014	779	813	34
2013	761	778	17
2012	758	789	31
2011	809	798	11
2010	840	844	4
2009	853	853	0
2008	943	967	24
2007	881	881	0
2006	837	837	0
2005	763	763	0
2004	806	806	0
2003	854	854	0

### *Office of Professional Responsibility /Division Investigations*

Agency policies state **the Director has discretion over (1) which situations are and are not investigated<sup>196</sup> and (2) the discipline issued.**<sup>197</sup> The Office of Human Resources maintains a log containing investigative dispositions for matters investigated by the Office of Professional Responsibility along with disciplinary actions, if any.<sup>198</sup> The agency utilizes this information as a resource and reference for the Director and other members of the Disciplinary Review Committee when they are reviewing and making decisions on potential disciplinary actions.<sup>199</sup>

Data from the agency reveals what some may perceive to be **inconsistencies in addressing disciplinary matters pertaining to veracity.**

- In one situation, an employee is initially untruthful with a supervisor when questioned about the events surrounding another officer’s review of in-car video and, later admits the untruthfulness.<sup>200</sup> The agency investigates the situation, classifies it as “Failure to Provide Truthful and Complete Information” and “Improper Conduct/Conduct Unbecoming a State Employee,” terminates the employee, and submits a “Notification of Separation Due to Misconduct,” form to the Law Enforcement Training Council.<sup>201</sup> This notification begins the process of removing the individual’s certification as a law enforcement officer.
- In another situation, evidence shows a troop commander, along with the entire troop under his command, have RADAR training certifications containing false information.<sup>202</sup> The agency investigates the situation and terminates the training officer.<sup>203</sup> Also, there is a finding that “thirteen of the twenty-seven troopers who engaged in this conduct did so after [the troop commander] had participated in this practice. . . .”<sup>204</sup> The troop commander receives a one day suspension as the agency classifies his actions as “Negligence in the Performance of Supervisory

Responsibilities” and “Negligence in Following Rules, Regulations, Policies or Procedures,” instead of “Failure to Provide Truthful and Complete Information,” which requires termination under the agency’s progressive disciplinary policy.<sup>205</sup> Some of the individual troopers specifically acknowledge they signed the Speed Measuring Device (‘SMD’) Field Proficiency Test Form, admitted the signature was theirs, admitted they did not complete a field proficiency test using the speed measuring device, and admitted they issued speeding citations using their measuring device after the date they signed the form.<sup>206</sup> However, even these troopers receive only a letter of reprimand as the agency classifies their actions as “Negligence in Following Rules, Regulations, Policies or Procedures,” which allows for Level I reprimands, instead of “Failure to Provide Truthful and Complete Information,” which requires termination.<sup>207</sup>

- In another situation a trooper makes an arrest for simple possession of marijuana. The trooper allows the individual to plead guilty to the offense, and does not inform the Court the agency’s marijuana analysis report indicates the evidence tests negative for marijuana.<sup>208</sup> The trooper admits to receiving the report prior to the court date but states, “she was in the habit of saving documents on her email without opening the attachments.<sup>209</sup> According to [the trooper], she failed to review the report because she automatically assumed the results were positive based on her observation of the evidence.”<sup>210</sup> The Office of Professional Responsibility concludes the Trooper, “had access to the analysis report” but “failed to review the report prior to her court date.”<sup>211</sup> Conversely, there is not sufficient evidence to show that [the trooper] intentionally withheld this report in order to manipulate the defendant or the court.”<sup>212</sup> The agency classifies the matter as “Negligence in Following Rules, Regulations, Policies or Procedures,” which allows for a Level I reprimand, instead of “Failure to Provide Truthful and Complete Information,” which requires termination.<sup>213</sup>

Data from the agency reveals the **agency expends resources in matters some may consider inconsequential**. As an example, between 2012 and 2016, while only receiving nine citizen complaints about profanity, the Office of Professional Responsibility investigates 48 cases of profanity.<sup>214</sup> Two separate investigations of alleged of profanity each take nine months to reach a disposition.<sup>215</sup> While an officer is under investigation for any matter, including profanity, the officer is not eligible for promotion.<sup>216</sup>

Additionally, data from the agency reveals **the Office of Professional Responsibility and Division Investigations may remain open for years**. Table 11 provides examples of long periods of time some investigations of allegations remain open.<sup>217</sup> The data is current as of June 30, 2016.<sup>218</sup>

*Table 11. Examples of long periods of time some investigations of allegations remain open*

ALLEGATION	TIMEFRAME FOR INVESTIGATION (DPS records provided on June 30, 2016)
Improper conduct	1,173 days (3.1 years)
Insubordination	889 days (2.3 years)
Improper procedures	408 days (1.09 years)
Providing false information	Open since October 2013
Improper procedures	Open since February 2014

## *Morale*

Potential causes of the agency's inefficiency and ineffectiveness in fulfilling its mission and statutory duty to protect the public through enforcement of laws **include deficiencies in the following areas:** (1) hiring, recruitment, and retention; (3) replacement of equipment; (4) application of agency policies; and (5) communication and morale. These deficiencies have negatively impacted the morale of agency personnel across the state.

While agency management assert agency morale is at a 3 out of 4<sup>219</sup>, based on the scores from the Staff Inspection Reports, information received during the study process **indicates morale scores may be skewed based on the agency's directions to employees to not consider manpower issues when reporting morale.** This potential skewing of the data is illustrated by the following comments from the Staff Inspection Reports:

"Although the **post personnel were asked not to base answers regarding morale on manpower issues**, personnel seem to feel that they do not get to maximize their potential as far as their work ethic because they have no time for proactive enforcement activities because of the amount of calls for service compared to the number of troopers working at one time" (emphasis added).<sup>220</sup>

SC Highway Patrol Troop Six, Post B, Colleton and Dorchester

"Although it is **consistently stated by patrol command that this should not be considered**, field personnel relate that the **lack of personnel** does negatively affect morale and operational effectiveness" (emphasis added).<sup>221</sup>

SC Highway Patrol Troop Five, Post B, Dillon, Florence, and Marion

Another factor which may skew the data in the Staff Inspection Report is **morale scores are obtained by field lieutenants or officers with higher ranks** within the agency,<sup>222</sup> and constituents who have contacted Subcommittee Members state they have a fear of retribution when providing feedback to the agency.<sup>223</sup>

Table 12, provides examples of quotes from agency employees around the state, which are within Staff Inspection Reports. These quotes illustrate comments Subcommittee Members receive during the study and continue to receive:<sup>224</sup>

Table 12. Comments from Agency personnel around the State which are illustrative of comments Subcommittee Members receive during the study, and continue to receive

**Impact of Agency Deficiencies on Personnel and Safety of the Public**

The Highway Patrol separates the state enforcement into seven Troops (i.e., regions).

**Troop Three:**

**Anderson, Oconee, Pickens, Greenville, and Spartanburg**

“Most everyone interviewed was disappointed in the disciplinary actions of late. They felt that troopers were being written up for minimal violation and not given second chances; locally and throughout the state. Some troopers mentioned that they were afraid to do their job because of all the disciplinary actions being imposed.”<sup>225</sup>

**Troop Four:**

**Cherokee, Union, York, Fairfield, Chester, Lancaster, and Chesterfield**

“Post personnel consistently describe shortages in staffing as having a negative effect on the overall operational effectiveness of the post.”<sup>226</sup>

**Troop Two:**

**Laurens, Newberry, Abbeville, Greenwood, Edgefield, McCormick, and Saluda**

“The troopers feel the troop command staff does not truly understand how things really are out in the field, in particular to activity and the shortage of manpower.”<sup>227</sup>

“...many feel they are relegated to being in the area of the city limits in order to satisfy the (20) seat belt citations per month. The lack of patrolling in the county on secondary roadways was expressed as troopers feel they are not being able to do their job as they see it.”<sup>228</sup>

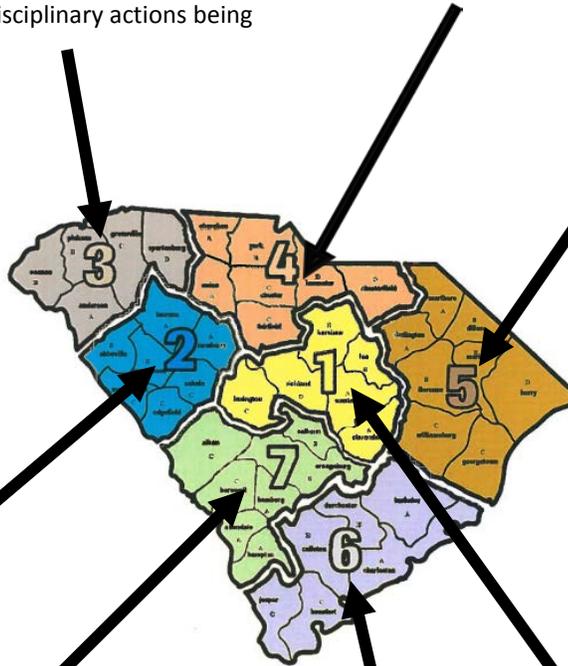
“Supervisors were concerned with low manpower, regaining trust, rebuilding confidence in the troopers...”<sup>229</sup>

**Troop Five:**

**Darlington, Marlboro, Dillon, Florence, Marion, Georgetown, Williamsburg, and Horry**

“Some troopers feel like the DPS Command Staff does not support them; therefore, they find themselves second guessing the decisions they make attempting to avoid making a mistake and possibly generating a District Investigation (DI).”<sup>230</sup>

“The leading cause for concern ... is (1) the low morale of the post - rated by the majority of personnel interviewed as ‘poor’ and (2) the overall lack of manpower.”<sup>231</sup>



**Troop Six:**

**Berkeley, Charleston, Colleton, Dorchester, Beaufort, and Jasper**

“The troopers feel like DPS Headquarters does not ‘have their backs...’”<sup>232</sup>

“The lack of quality equipment is frustrating. ... Repairs [to vehicles] are stated to normally take a month or two to complete.”<sup>233</sup>

“personnel seem to feel that they do not get to maximize their potential as far as their work ethic because they have no time for proactive enforcement activities because of the amount of calls for service compared to the number of troopers working at one time.”<sup>234</sup>

**Troop One:**

**Sumter, Clarendon, Kershaw, Lee, Lexington, and Richland**

“Some feel that there is a ‘disconnect’ between the troop command staff and the road trooper”<sup>235</sup>

“Operational effectiveness was directly correlated to the overall lack of manpower; as well as, the lack of experienced personnel assigned to or retained within the post.”<sup>236</sup>

“At times, troopers in the post simply investigate collisions one after another with little time available to effectively reduce collisions through enforcement.”<sup>237</sup>

**Troop Seven:**

**Allendale, Bamberg, Barnwell, Hampton, Orangeburg, Calhoun, and Aiken**

“Personnel expressed concerns regarding the lack of quality applicants; therefore, resulting in less desirable trainees. Personnel, both supervisory and non-supervisory, recognize the lack of ‘experienced’ personnel as a cause for lower ratings in this area,” (area is operational effectiveness),<sup>238</sup>

## Focusing on Agency's Primary Mission

The Subcommittee requests and receives from the agency information pertaining to the agency's mission, duties, and powers. This information serves as a basis for the Subcommittee's recommendations.

Table 13. Summary of the Subcommittee's Recommendations: Focusing on Agency's Primary Mission

RECOMMEND AGENCY ADDRESS . . .
<b>...FOCUSING ON ITS PRIMARY MISSION</b>
<p><b>18.</b> Transfer the Illegal Immigration Enforcement Unit to the State Law Enforcement Division.</p> <p><b>19.</b> Transfer grants programs unrelated to highway safety (i.e., criminal justice, juvenile justice; and crime victims) to another agency.</p> <p><b>20.</b> Coordinate a meeting with the division of State Human Resources and other agencies which may have similar scheduling situations, (e.g., Department of Juvenile Justice; Department of Corrections; and Department of Social Services), to discuss ways to reduce the amount of time necessary to enter and update personnel hours in the South Carolina Enterprise Information System.</p>

The agency's mission is as follows:

As the largest law enforcement agency in South Carolina, it is the mission of the South Carolina Department of Public Safety to protect and serve the public with the highest standard of conduct and professionalism; to save lives through educating its citizens on **highway safety** and diligent **enforcement of laws governing traffic, motor vehicles, and commercial carriers**; and to ensure a safe, secure environment for the citizens of the state of South Carolina and its visitors (emphasis added).<sup>239</sup>

The duties and powers of the agency as provided in statute are as follows:

- (1) carry out **highway** and other related safety programs;
- (2) engage in **driver training and safety activities**;
- (3) enforce the **traffic, motor vehicle, commercial vehicle**, and related laws;
- (4) enforce size, weight, and safety enforcement **statutes relating to commercial motor vehicles**;
- (5) operate a comprehensive law enforcement personnel training program;
- (6) promulgate such rules and regulations in accordance with the Administrative Procedures Act and Article 7 of this chapter for the administration and enforcement of the powers delegated to the department by law, which shall have the full force and effect of law;
- (7) operate such programs and disseminate information and material so as to continually improve **highway safety**;
- (8) receive and disburse funds and grants, including any donations, contributions, funds, grants, or gifts from private individuals, foundations, agencies, corporations, or the state or federal governments, for the purpose of carrying out the programs and objectives of this chapter; and
- (9) do all other functions and responsibilities as required or provided for by law (emphasis added).<sup>240</sup>

Based on state statute and the agency’s mission, the **Subcommittee notes the primary focus of the agency is highway safety.**

### *Illegal Immigration Enforcement Unit*

In 2011, an Illegal Immigration Enforcement Unit (IIEU) is created under the agency by the General Assembly.<sup>241</sup> The Director testifies the unit is performing well.<sup>242</sup> However, in response to questioning, Director Smith agrees the IIEU is aligned more within the State Law Enforcement Division’s mission than the Department of Public Safety’s mission.<sup>243</sup>

### *Justice Program Grants*

The agency serves as the agent for the State in accepting from the federal government, and then administering to subgrantees throughout the state, two groupings of grants: (1) Highway Safety Grants; and (2) Justice Program Grants.<sup>244</sup> Ms. Laura Hudson, a constituent, provides testimony to the Subcommittee which reveals how **issues with communication between the agency’s finance department and grants department significantly impacts crime victim service providers (e.g., rape crisis organizations; domestic violence shelters; and children/sexual assault programs) across the state when there are significant delays in timely grant reimbursement payments (e.g., 30, 60, or in some cases, even 90 days).**<sup>245</sup> Additionally, testimony from the agency reveals position postings of additional personnel necessary for timely administration of these grants remained open for almost twelve months.<sup>246</sup>

### *SCEIS Scheduling*

Agency testimony indicates there are **issues with entering time in the South Carolina Enterprise Information System (SCEIS) since agency personnel do not work on the typical schedule** (i.e., 8:30 a.m. to 5:00 p.m.).

## *Analyzing and Updating Information*

The Subcommittee requests and receives from the agency information pertaining to the agency’s analysis of information as well as the currentness of statutes applicable to the agency. This information serves as a basis for the Subcommittee’s recommendations.

*Table 14. Summary of the Subcommittee’s Recommendations: Analyzing and Updating Information*

RECOMMEND AGENCY ADDRESS . . .
<b>...ANALYZING AND UPDATING INFORMATION</b>
<p><b>21.</b> Research costs involved in the agency producing reports from the Multi-disciplinary Accident Investigation Team and private sector industry standards related to amounts charged for this type of information to determine appropriate charges for these reports.</p> <p><b>22.</b> Revise SC Code Section 23-6-187, relating to witness fees for trooper trained in Advanced Accident Investigation, testifying in civil matters, to allow agency to adjust the amount it charges each year with inflation.</p>

**23.** Revise SC Code Section 23-6-20, relating to establishment of the agency, to remove references to transfers of divisions and, instead, require the agency to maintain a list of its divisions.

**24.** Update SC Code Section 23-6-30, relating to the duties and powers of the agency, to remove a reference to a training program now provided by the Criminal Justice Academy.

**25.** Revise SC Code Section 23-6-50, relating to an annual audit, carrying funds into the next fiscal year, and retention of revenue to meet the agency's expenses, to remove outdated references and allow the agency to expend certain funds for drug testing.

Some **individuals and companies purchase reports created by the Multi-Accident Investigation Team (MAIT) for use in private civil lawsuits.**

In reviewing statutes applicable to DPS, the Subcommittee notes there is **no provision in the statute which takes into consideration inflation in the amount the agency may charge when its personnel are called for depositions in private lawsuits.**

The Subcommittee notes **some statutes relating to the agency contain references that are either outdated or no longer reflect current practices.**

# RECOMMENDATIONS

## *Recommendations*

### *Generally*

The following recommendations include areas identified for potential improvement by the Subcommittee. The Subcommittee recognizes these recommendations will not satisfy everyone nor address every issue or potential area of improvement at the agency. These recommendations are based on the agency's self-analysis requested by the full Committee, discussion with the agency during multiple meetings with the Subcommittee, and analysis of the information obtained by the Subcommittee. This information, including but not limited to the Staff Study, Program Evaluation Report, Accountability Report, Restructuring Report and videos of meeting with the agency, can all be found on the Committee's website.

The agency has no recommendations to improve efficiency and outcomes.<sup>247</sup>

### *Continue*

The Subcommittee does not have any specific recommendations with regards to continuance of agency programs.

### *Revise (Curtail or Enhance)*

The Subcommittee has 27 recommendations relating to the agency. The Subcommittee's **recommendations for revisions to the agency's internal operations and revisions to laws fall into seven categories**. These categories include: (1) recruitment, hiring, retention, and public safety; (2) equipment replacement; (3) applying policies consistently; (4) communication, morale, and leadership issues; (5) focusing on its primary mission; and (6) analyzing and updating information. For the chart of recommendations and detailed wording, see Attachment 4 (Recommendations Chart and Details).

### *Eliminate*

The Subcommittee does not have any specific recommendations with regards to elimination of agency programs, except for the programs the Subcommittee recommends move to another agency. The programs the Subcommittee recommends move to another agency are discussed in the "Leadership Issues" section and the chart of recommendations in Attachment 4 (Recommendations Chart and Details).

### *Follow Up*

The Subcommittee recommends receipt of quarterly reports from the agency as well as monthly updates on the status of grant payments to subgrantees (i.e., crime victim service providers).

# SELECTED AGENCY INFORMATION

**Department of Public Safety. "Program Evaluation Report, 2015."** <http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/2015%20Program%20Evaluation%20Reports/DPS%20Program%20Evaluation%20Report.pdf> (accessed March 20, 2017).

**Department of Public Safety. "Restructuring and Seven-Year Plan Report, 2015."** <http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/2015AgencyRestructuringandSevenYearPlanReports/2015%20Department%20of%20Public%20Safety.pdf> (accessed March 20, 2017)

**Department of Public Safety. "Annual Restructuring Report, 2016."** <http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/2016%20ARR/2016%20ARR%20-%20DPS.PDF> (accessed March 20, 2017)

**Department of Public Safety. "Accountability Report, 2015-16."** <http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/DPS/Reports%20&%20Audits%20-%20Reports%20and%20Reviews/Accountability%20Report%20-%202015-2016.pdf> (accessed March 20, 2017)

**Department of Public Safety. "Annual Request for Information, 2017)** <http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/DPS/Department%20of%20Public%20Safety%20-%20RFI.pdf> (accessed March 20, 2017)

**SC House of Representatives, Legislative Oversight Committee. "September 2015 Survey Results."** [http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/SurveysforAllAgencies/Results%20of%20Survey%20of%20STIB,%20School%20for%20the%20Deaf%20and%20Blind,%20Commission%20for%20the%20Blind,%20Treasurer,%20and%20DPS%20\(September%201-30,%202015\).pdf](http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/SurveysforAllAgencies/Results%20of%20Survey%20of%20STIB,%20School%20for%20the%20Deaf%20and%20Blind,%20Commission%20for%20the%20Blind,%20Treasurer,%20and%20DPS%20(September%201-30,%202015).pdf) (accessed March 20, 2017).

**SC House of Representatives, Legislative Oversight Committee. "Staff Study of the Department of Public Safety, April 29, 2016, Amended May 5, 2016."** [http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/DPS/Staff%20Study%20and%20Agency%20Response%20-%20Amended%20\(originally%20submitted%20April%2029,%202016;%20amended%20May%205,%202016\).PDF](http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/DPS/Staff%20Study%20and%20Agency%20Response%20-%20Amended%20(originally%20submitted%20April%2029,%202016;%20amended%20May%205,%202016).PDF) (accessed March 20, 2017)

# CONTACT INFORMATION

## Committee Contact Information

Physical:

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You may visit the South Carolina General Assembly Home Page (<http://www.scstatehouse.gov>) and click on "Citizens' Interest" then click on "House Legislative Oversight Committee Postings and Reports". This will list the information posted online for the committee; click on the information you would like to review. Also, a direct link to committee information is <http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee.php>.

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<http://www.scdps.gov>

# ENDNOTES

<sup>1</sup> *SC Code of Laws*, sec. 2-2-20(C).

<sup>2</sup> SC House of Representatives, House Legislative Oversight Committee, “January 7, 2015 Meeting Minutes,” under “Committee Postings and Reports,” under “House Legislative Oversight Committee,” and under “Full Committee Minutes,”

<http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/FullCommitteeMinutes/January072015.pdf> (accessed February 9, 2016). A video of the meeting is available at <http://www.scstatehouse.gov/video/videofeed.php>.

<sup>3</sup> The committee’s recommendations, letters to the Speaker of the House of Representatives and House Clerk, and a direct link to the January 13, 2015, House Journal are available on the committee’s website under “Committee Postings and Reports,” under “House Legislative Oversight Committee,”

<http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee.php> (accessed February 22, 2017).

<sup>4</sup> *SC Code of Laws*, sec. 2-2-10(1).

<sup>5</sup> SC House of Representatives, House Legislative Oversight Committee, “April 14, 2015 Full Committee Minutes,” under “Committee Postings and Reports,” under “House Legislative Oversight Committee,” under “Meeting Minutes and Handouts” and under “Full Committee Minutes,”

<http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/FullCommitteeMinutes/April142015.pdf> (last accessed March 27, 2017). A video of the meeting is available at <http://www.scstatehouse.gov/video/videofeed.php>.

<sup>6</sup> SC House of Representatives, House Legislative Oversight Committee, “Letter from Oversight Committee to DPS (April 22, 2015),” under “House Legislative Oversight Committee,” under “Agencies and Other Studies,” and under “Public Safety, Department of (DPS),”

[http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/DPS/Letter%20from%20Oversight%20Committee%20to%20DPS%20\(April%2022,%202015\).pdf](http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/DPS/Letter%20from%20Oversight%20Committee%20to%20DPS%20(April%2022,%202015).pdf) (accessed March 27, 2017).

<sup>7</sup> SC House of Representatives, House Legislative Oversight Committee, “2015-2017 Summary – House Legislative Oversight Committee,”

<http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/Committee%20Timeline%20-%20March%206,%202017.pdf> (last accessed March 19, 2017).

<sup>8</sup> SC House of Representatives, House Legislative Oversight Committee, “Subcommittees - 2015,” under “Committee Information,” under “House Legislative Oversight Committee,”

<http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/S1.pdf> (accessed February 23, 2017).

<sup>9</sup> SC House of Representatives, House Legislative Oversight Committee, “Subcommittees - 2017,” under “Committee Information,” under “House Legislative Oversight Committee,”

<http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/Subcommittee%20Assignments%20-%202017.pdf> (accessed February 23, 2017).

<sup>10</sup> SC House of Representatives, House Legislative Oversight Committee, “Law Enforcement and Criminal Justice Subcommittee Minutes,” under “House Legislative Oversight Committee,” under “Committee and Other Information,” and under “Meeting Minutes and Handouts,”

<http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/SubcommitteeMinutes.php> (last accessed March 19, 2017). Videos of the meetings are available at <http://www.scstatehouse.gov/video/videofeed.php>.

<sup>11</sup> *Ibid.*

<sup>12</sup> A brochure about the House Legislative Oversight’s Committee process is available online. Also, there are ongoing opportunities to request notification when meetings are scheduled and to provide feedback about state agencies under study that can be found online.

<sup>13</sup> Members of the Subcommittee received input from the public via an anonymous public survey about the agency and four other agencies during the month of September in 2015, comments via a link on the Committee website throughout the study, in-person testimony, phone calls, and emails.

<sup>14</sup> SC House of Representatives, House Legislative Oversight Committee, “Law Enforcement and Criminal Justice Subcommittee Minutes,” under “House Legislative Oversight Committee,” under “Committee and Other Information,” and under “Meeting Minutes and Handouts,”

<http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/SubcommitteeMinutes.php> (last accessed March 19, 2017). Videos of the meetings are available at <http://www.scstatehouse.gov/video/videofeed.php>.

<sup>15</sup> SC House of Representatives, House Legislative Oversight Committee, “April 29, 2015 Subcommittee Minutes,” under “House Legislative Oversight Committee,” under “Agency and Other Studies,” and under “Public Safety, Department of (DPS),”

<http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/SubcommitteeMinutes/LawSub/April292015Minutes.pdf> (last accessed March 19, 2017). A video of the meeting is available at <http://www.scstatehouse.gov/video/videofeed.php>.

<sup>16</sup> SC House of Representatives, House Legislative Oversight Committee, “Letter from Rep Tallon to Chairman Delleny, (May 5, 2016),” under “House Legislative Oversight Committee,” under “Agency and Other Studies,” and under “Public Safety, Department of (DPS),”

<http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/DPS/Rep.TallonLetterToChairmanDelleneyResigningFromSCPublicSafetyCoordinatingCouncil.PDF>. (last accessed March 19, 2017). For additional information about the SC Public Safety Coordinating Council, see SC Code of Laws Section 23-6-500 et seq. S.C Code 26-6-530 provides that members serve without pay but are authorized, as eligible, to receive the usual per diem, mileage, and subsistence provided by law.

<sup>17</sup> SC House of Representatives, House Legislative Oversight Committee, “Press Release Announcing Public Survey (May 13, 2015),” under “House Legislative Oversight Committee,” under “Agency and Other Studies,” and under “Juvenile Justice, Department of (DJJ),”

[http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/DJJ/Press%20Release%20announcing%20Public%20Survey%20\(May%2013,%202015\).pdf](http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/DJJ/Press%20Release%20announcing%20Public%20Survey%20(May%2013,%202015).pdf) (last accessed February 23, 2017).

<sup>18</sup> SC House of Representatives, House Legislative Oversight Committee, “Press Release announcing Public Survey (September 1, 2015),” under “House Legislative Oversight Committee,” under “Agency and Other Studies,” and under “Public Safety, Department of (DPS),”

[http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/DPS/Press%20Release%20announcing%20Public%20Survey%20\(September%201,%202015\).pdf](http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/DPS/Press%20Release%20announcing%20Public%20Survey%20(September%201,%202015).pdf) (last accessed March 19, 2017).

<sup>19</sup> SC House of Representatives, House Legislative Oversight Committee, “Results of Survey of STIB, School for the Deaf and the Blind, Commission for the Blind, Department of Public Safety, and Treasurer’s Office (September 1-30, 2015),” under “Committee Information,” under “House Legislative Oversight Committee,” and under “Public Safety, Department of (DPS),”

[http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/SurveysforAllAgencies/Results%20of%20Survey%20of%20STIB,%20School%20for%20the%20Deaf%20and%20Blind,%20Commission%20for%20the%20Blind,%20Treasurer,%20and%20DPS%20\(September%201-30,%202015\).pdf](http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/SurveysforAllAgencies/Results%20of%20Survey%20of%20STIB,%20School%20for%20the%20Deaf%20and%20Blind,%20Commission%20for%20the%20Blind,%20Treasurer,%20and%20DPS%20(September%201-30,%202015).pdf) (last accessed March 23, 2017). (Abbeville; Aiken; Anderson; Bamberg; Barnwell; Beaufort; Berkeley; Calhoun; Charleston; Cherokee; Chesterfield; Clarendon; Colleton; Darlington; Dorchester; Fairfield; Florence; Georgetown; Greenville; Greenwood; Hampton; Horry; Jasper; Kershaw; Lancaster; Laurens; Lexington; Marion; Marlboro; McCormick; Newberry; Oconee; Orangeburg; Pickens; Richland; Saluda; Spartanburg; Sumter; Union; Williamsburg; and York).

<sup>20</sup> SC House of Representatives, House Legislative Oversight Committee, under “Committee Information,” under “Standard Practices,” Standard Practice 10.4

<http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/StandardPractices01102017new.pdf> (last accessed February 23, 2017).

<sup>21</sup> SC House of Representatives, House Legislative Oversight Committee, “Results of Survey of STIB, School for the Deaf and the Blind, Commission for the Blind, Department of Public Safety, and Treasurer’s Office (September 1-30, 2015),” under “Committee Information,” under “House Legislative Oversight Committee,” and under “Public Safety, Department of (DPS),”

[http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/SurveysforAllAgencies/Results%20of%20Survey%20of%20STIB,%20School%20for%20the%20Deaf%20and%20Blind,%20Commission%20for%20the%20Blind,%20Treasurer,%20and%20DPS%20\(September%201-30,%202015\).pdf](http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/SurveysforAllAgencies/Results%20of%20Survey%20of%20STIB,%20School%20for%20the%20Deaf%20and%20Blind,%20Commission%20for%20the%20Blind,%20Treasurer,%20and%20DPS%20(September%201-30,%202015).pdf) (last accessed March 23, 2017).

<sup>22</sup> SC House of Representatives, House Legislative Oversight Committee, “Provide Feedback About a State Agency,” under “Committee Postings and Reports,” under “House Legislative Oversight Committee.”

<sup>23</sup> SC House of Representatives, House Legislative Oversight Committee, “February 25, 2016 Subcommittee Minutes,” under “House Legislative Oversight Committee,” under “Agency and Other Studies,” and under “Public Safety, Department of (DPS),”

<http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/SubcommitteeMinutes/LawSub/February252016Minutes.pdf> (last accessed March 19, 2017). A video of the meeting is available at <http://www.scstatehouse.gov/video/videofeed.php>.

<sup>24</sup> Ibid.

<sup>25</sup> Ibid.

<sup>26</sup> SC House of Representatives, House Legislative Oversight Committee, “Letter from Oversight Subcommittee to DPS (March 2, 2016),” under “House Legislative Oversight Committee,” and under “Public Safety, Department of (DPS),”

<http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/DPS/March%202016%20Letter%20to%20DPS%20with%20Questions%20from%20Feb.%2025,%202016%20Subcom%20Mtg%20PDF.PDF> (last accessed March 19, 2017).

<sup>27</sup> Ibid.

<sup>28</sup> SC House of Representatives, House Legislative Oversight Committee, “April 21, 2016 Subcommittee Minutes,” under “House Legislative Oversight Committee,” under “Agency and Other Studies,” and under “Public Safety, Department of (DPS),”

<http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/SubcommitteeMinutes/LawSub/April212016MinutesRevised.pdf> (last accessed March 19, 2017). A video of the meeting is available at <http://www.scstatehouse.gov/video/videofeed.php>.

<sup>29</sup> Ibid. Director Leroy Smith’s initial term of office is confirmed by the Senate on March 6, 2012.

<sup>30</sup> Ibid.

<sup>31</sup> Ibid.

<sup>32</sup> Ibid.

<sup>33</sup> Ibid.

<sup>34</sup> Ibid.

<sup>35</sup> Ibid.

<sup>36</sup> Ibid.

<sup>37</sup> SC House of Representatives, House Legislative Oversight Committee, “Letter DPS to Oversight Subcommittee (April 22, 2016),” under “House Legislative Oversight Committee,” and under “Public Safety, Department of (DPS),” <http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/DPS/April%2022,%202016%20Ltr%20from%20DPS%20to%20Subcommittee.PDF> (last accessed March 19, 2017).

<sup>38</sup> Ibid.

<sup>39</sup> SC House of Representatives, House Legislative Oversight Committee, “2015-2017 Summary – House Legislative Oversight Committee,”

<http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/Committee%20Timeline%20-%20March%206,%202017.pdf> (last accessed March 19, 2017).

<sup>40</sup> SC House of Representatives, House Legislative Oversight Committee, “Staff Study and Agency Responses (April 29, 2016 and Amended May 5, 2016),” under “House Legislative Oversight Committee,” and under “Public Safety, Department of (DPS),”

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<sup>41</sup> SC House of Representatives, House Legislative Oversight Committee, “May 5, 2016 Subcommittee Minutes,” under “House Legislative Oversight Committee,” under “Agency and Other Studies,” and under “Public Safety, Department of (DPS),”

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<sup>42</sup> Ibid.

<sup>43</sup> Ibid.

<sup>44</sup> Ibid.

<sup>45</sup> Ibid.

<sup>46</sup> Ibid.

<sup>47</sup> Ibid.

<sup>48</sup> SC House of Representatives, House Legislative Oversight Committee, "Letter from Oversight Subcommittee to DPS (May 6, 2016)," under "House Legislative Oversight Committee," and under "Public Safety, Department of (DPS),"

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<sup>49</sup> SC House of Representatives, House Legislative Oversight Committee, "Letter from DPS to Oversight Subcommittee (May 9, 2016)," under "House Legislative Oversight Committee," and under "Public Safety, Department of (DPS),"

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<sup>50</sup> SC House of Representatives, House Legislative Oversight Committee, "May 26, 2016 Subcommittee Minutes," under "House Legislative Oversight Committee," under "Agency and Other Studies," and under "Public Safety, Department of (DPS),"

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<sup>51</sup> Ibid.

<sup>52</sup> Ibid.

<sup>53</sup> Ibid.

<sup>54</sup> SC House of Representatives, House Legislative Oversight Committee, "Letter from Oversight Subcommittee to Oversight full committee (May 31, 2016)," under "House Legislative Oversight Committee," and under "Public Safety, Department of (DPS),"

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<sup>55</sup> SC House of Representatives, House Legislative Oversight Committee, "June 1, 2016 Meeting Minutes," under "House Legislative Oversight Committee," under "Agency and Other Studies," and under "Public Safety, Department of (DPS),"

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<sup>56</sup> Ibid.

<sup>57</sup> Ibid.

<sup>58</sup> SC House of Representatives, House Legislative Oversight Committee, "Letter from Oversight Committee to the Attorney General (June 8, 2016)," under "House Legislative Oversight Committee," and under "Public Safety, Department of (DPS),"

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<sup>59</sup> SC House of Representatives, House Legislative Oversight Committee, "Letter from Oversight Committee to DPS (June 15, 2016)," under "House Legislative Oversight Committee," and under "Public Safety, Department of (DPS)," [http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/DPS/Letter%20from%20Oversight%20Subcommittee%20to%20DPS%20\(June%2015,%202016\).PDF](http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/DPS/Letter%20from%20Oversight%20Subcommittee%20to%20DPS%20(June%2015,%202016).PDF) (last accessed March 19, 2017).

<sup>60</sup> SC House of Representatives, House Legislative Oversight Committee, "Letter from DPS to Oversight Subcommittee (July 7, 2016)," under "House Legislative Oversight Committee," and under "Public Safety,

Department of (DPS),”

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<sup>61</sup> SC House of Representatives, House Legislative Oversight Committee, “Letter #2 from DPS to Oversight Subcommittee (July 7, 2016),” under “House Legislative Oversight Committee,” and under “Public Safety, Department of (DPS),”

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<sup>62</sup> SC House of Representatives, House Legislative Oversight Committee, “July 13, 2016 Subcommittee Minutes,” under “House Legislative Oversight Committee,” under “Agency and Other Studies,” and under “Public Safety, Department of (DPS),”

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<sup>63</sup> Ibid.

<sup>64</sup> SC House of Representatives, House Legislative Oversight Committee, “Resources: Availability and Allocation PowerPoint Presentation by DPS (July 13, 2016),” under “House Legislative Oversight Committee,” and under “Public Safety, Department of (DPS),”

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<sup>65</sup> SC House of Representatives, House Legislative Oversight Committee, “July 13, 2016 Subcommittee Minutes,” under “House Legislative Oversight Committee,” under “Agency and Other Studies,” and under “Public Safety, Department of (DPS),”

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<sup>66</sup> SC House of Representatives, House Legislative Oversight Committee, “Performance and Recommendations PowerPoint Presentation by DPS (July 13, 2016),” under “House Legislative Oversight Committee,” and under “Public Safety, Department of (DPS),”

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<sup>67</sup> SC House of Representatives, House Legislative Oversight Committee, “July 13, 2016 Subcommittee Minutes,” under “House Legislative Oversight Committee,” under “Agency and Other Studies,” and under “Public Safety, Department of (DPS),”

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<sup>68</sup> SC House of Representatives, House Legislative Oversight Committee, “Letter from Oversight Subcommittee to DPS (July 15, 2016),” under “House Legislative Oversight Committee,” and under “Public Safety, Department of (DPS),”

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<sup>69</sup> SC House of Representatives, House Legislative Oversight Committee, “Letter from DPS to Oversight Subcommittee (July 19, 2016),” under “House Legislative Oversight Committee,” and under “Public Safety, Department of (DPS),”

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<sup>70</sup> SC House of Representatives, House Legislative Oversight Committee, “July 20, 2016 Subcommittee Minutes,” under “House Legislative Oversight Committee,” under “Agency and Other Studies,” and under “Public Safety, Department of (DPS),”

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<sup>71</sup> Ibid.

<sup>72</sup> Ibid.

<sup>73</sup> Ibid.

<sup>74</sup> Ibid.

<sup>75</sup> SC House of Representatives, House Legislative Oversight Committee, “Internal Changes to Improve Agency Efficiency & Outcomes PowerPoint Presentation provided by DPS (July 20, 2016),” under “House Legislative Oversight Committee,” and under “Public Safety, Department of (DPS),”

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<sup>76</sup> SC House of Representatives, House Legislative Oversight Committee, “July 20, 2016 Subcommittee Minutes,” under “House Legislative Oversight Committee,” under “Agency and Other Studies,” and under “Public Safety, Department of (DPS),”

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<sup>77</sup> Ibid.

<sup>78</sup> Ibid.

<sup>79</sup> Ibid.

<sup>80</sup> SC House of Representatives, House Legislative Oversight Committee, “Letter from Oversight Subcommittee to DPS (July 22, 2016),” under “House Legislative Oversight Committee,” and under “Public Safety, Department of (DPS),”

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<sup>81</sup> SC House of Representatives, House Legislative Oversight Committee, “Letter from DPS to Oversight Subcommittee (August 15, 2016),” under “House Legislative Oversight Committee,” and under “Public Safety, Department of (DPS),”

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<sup>82</sup> Ibid.

<sup>83</sup> SC House of Representatives, House Legislative Oversight Committee, “August 30, 2016 Subcommittee Minutes,” under “House Legislative Oversight Committee,” under “Agency and Other Studies,” and under “Public Safety, Department of (DPS),”

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<sup>84</sup> Ibid.

<sup>85</sup> Ibid.

<sup>86</sup> Ibid.

<sup>87</sup> SC House of Representatives, House Legislative Oversight Committee, “Letter from Oversight Subcommittee to DPS (August 31, 2016),” under “House Legislative Oversight Committee,” and under “Public Safety, Department of (DPS),”

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- <sup>88</sup> SC House of Representatives, House Legislative Oversight Committee, “November 1, 2016 Subcommittee Minutes,” under “House Legislative Oversight Committee,” under “Agency and Other Studies,” and under “Public Safety, Department of (DPS),”  
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- <sup>89</sup> Ibid.
- <sup>90</sup> Ibid.
- <sup>91</sup> SC House of Representatives, House Legislative Oversight Committee, “Letter from Oversight Subcommittee to DPS (November 10, 2016),” under “House Legislative Oversight Committee,” and under “Public Safety, Department of (DPS),”  
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- <sup>93</sup> Ibid.
- <sup>94</sup> SC House of Representatives, House Legislative Oversight Committee, “Letter from Representative Tallon to DPS (January 5, 2017),” under “House Legislative Oversight Committee,” and under “Public Safety, Department of (DPS),”  
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- <sup>95</sup> SC House of Representatives, House Legislative Oversight Committee, “Letter from DPS to Representative Tallon (January 24, 2017),” under “House Legislative Oversight Committee,” and under “Public Safety, Department of (DPS),”  
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- <sup>96</sup> SC House of Representatives, House Legislative Oversight Committee, “Letter from DPS to Representative Tallon (January 24, 2017),” under “House Legislative Oversight Committee,” and under “Public Safety, Department of (DPS),”  
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- <sup>97</sup> SC House of Representatives, House Legislative Oversight Committee, “January 31, 2017 Subcommittee Minutes,” under “House Legislative Oversight Committee,” under “Agency and Other Studies,” and under “Public Safety, Department of (DPS),”  
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- <sup>98</sup> Ibid.
- <sup>99</sup> Ibid.
- <sup>100</sup> SC House of Representatives, House Legislative Oversight Committee, “Letter from Oversight Subcommittee to DPS (February 3, 2017),” under “House Legislative Oversight Committee,” and under “Public Safety, Department of (DPS),”  
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<sup>103</sup> SC House of Representatives, House Legislative Oversight Committee, “February 21, 2017 Subcommittee Minutes,” under “House Legislative Oversight Committee,” under “Agency and Other Studies,” and under “Public Safety, Department of (DPS),”

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<sup>105</sup> Ibid.

<sup>106</sup> Ibid.

<sup>107</sup> SC House of Representatives, House Legislative Oversight Committee, “February 28, 2017 Subcommittee Minutes,” under “House Legislative Oversight Committee,” under “Agency and Other Studies,” and under “Public Safety, Department of (DPS),”

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<sup>109</sup> Ibid.

<sup>110</sup> Ibid.

<sup>111</sup> Ibid.

<sup>112</sup> Ibid.

<sup>113</sup> Ibid.

<sup>114</sup> SC House of Representatives, House Legislative Oversight Committee, “fatalities and trooper activity,” under “House Legislative Oversight Committee,” under “Public Safety, Department of (DPS),” and under “Information from DPS to Oversight Committee,”

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<sup>115</sup> SC House of Representatives, House Legislative Oversight Committee, “remediation,” under “House Legislative Oversight Committee,” under “Public Safety, Department of (DPS),” and under “Information from DPS to Oversight Committee,”

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<sup>116</sup> SC House of Representatives, House Legislative Oversight Committee, “video policies,” under “House Legislative Oversight Committee,” under “Public Safety, Department of (DPS),” and under “Information from DPS to Oversight Committee,”

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<sup>117</sup> SC House of Representatives, House Legislative Oversight Committee, “dispatch staffing,” under “House Legislative Oversight Committee,” under “Public Safety, Department of (DPS),” and under “Information from DPS to Oversight Committee,”

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<sup>118</sup> SC House of Representatives, House Legislative Oversight Committee, “grants,” under “House Legislative Oversight Committee,” under “Public Safety, Department of (DPS),” and under “Information uploaded from DPS to Oversight Subcommittee (March 3 and 7, 2017),”

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<sup>120</sup> SC House of Representatives, House Legislative Oversight Committee, “traffic collision statistics for calendar year 2015 and 2016,” under “House Legislative Oversight Committee,” under “Public Safety, Department of (DPS),” and under “Information uploaded from DPS to Oversight Subcommittee (March 3 and 7, 2017),”

<http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/DPS/Traffic%20Collision%20Statistics.pdf> (last accessed March 19, 2017).

<sup>121</sup> SC House of Representatives, House Legislative Oversight Committee, “Highway Patrol Annual Report for each year 2012 through 2015,” under “House Legislative Oversight Committee,” under “Public Safety, Department of (DPS),” and under “Information uploaded from DPS to Oversight Subcommittee (March 3 and 7, 2017),”

<http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/DPS/2012%20SCHP%20Annual%20Report.pdf>

<http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/DPS/2013%20SCHP%20Annual%20Report.pdf>

<http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/DPS/2014%20SCHP%20Annual%20Report.pdf>

<http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/DPS/2015%20SCHP%20Annual%20Report.pdf> (last accessed March 19, 2017).

<sup>122</sup> SC House of Representatives, House Legislative Oversight Committee, “March 7, 2017 Subcommittee Minutes,” under “House Legislative Oversight Committee,” under “Agency and Other Studies,” and under “Public Safety, Department of (DPS),”

<http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/SubcommitteeMinutes/Laws%20and%20Public%20Safety%20-%20March%207%202017%20Minutes%20DPS.pdf>. A video of the meeting is available at

<http://www.scstatehouse.gov/video/videofeed.php>.

<sup>123</sup> Ibid.

<sup>124</sup> Ibid.

<sup>125</sup> Department of Public Safety, *Restructuring and Seven-Year Plan Report, 2015*.

<http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/2015AgencyRestructuringandSevenYearPlanReports/2015%20Department%20of%20Public%20Safety.pdf> (last accessed March 20, 2017).

<sup>126</sup> Department of Public Safety, *Program Evaluation Report, 2015*.

<http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/2015%20Program%20Evaluation%20Reports/DPS%20Program%20Evaluation%20Report.pdf> (last accessed March 20, 2017).

<sup>127</sup> SC House of Representatives, House Legislative Oversight Committee, “Staff Study of the Department of Public Safety, April 29, 2016, Amended May 5, 2016,” under “House Legislative Oversight Committee,” under “Agency and Other Studies,” and under “Public Safety, Department of (DPS),”

[http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/DPS/Staff%20Study%20and%20Agency%20Response%20-%20Amended%20\(originally%20submitted%20April%2029,%202016;%20amended%20May%205,%202016\).PDF](http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/DPS/Staff%20Study%20and%20Agency%20Response%20-%20Amended%20(originally%20submitted%20April%2029,%202016;%20amended%20May%205,%202016).PDF)

(last accessed March 20, 2017).

<sup>128</sup> Department of Public Safety, *Annual Restructuring Report, 2016*.

<http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/2016%20ARR/2016%20ARR%20-%20DPS.PDF> (last accessed March 20, 2017)

<sup>129</sup> Department of Public Safety, *Accountability Report, 2015-16*.

<http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/DPS/Reports%20&%20Audits%20-%20Reports%20and%20Reviews/Accountability%20Report%20-%202015-2016.pdf> (last accessed March 20, 2017).

<sup>130</sup> Committee Standard Practice 13.4.

<sup>131</sup> Committee Standard Practice 13.5.

<sup>132</sup> Committee Standard Practice 14.1.

<sup>133</sup> Committee Standard Practice 14.5.

<sup>134</sup> A brochure about the House Legislative Oversight’s Committee process is available online. Also, there are ongoing opportunities to request notification when meetings are scheduled and to provide feedback about state agencies under study that can be found online.

<sup>135</sup> Members of the Subcommittee received input from the public via an anonymous public survey about the agency and four other agencies during the month of September in 2015, comments via a link on the Committee website throughout the study, in-person testimony, phone calls, and emails.

<sup>136</sup> Department of Public Safety, *Accountability Report, 2015-16*.

<http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/DPS/Reports%20&%20Audits%20-%20Reports%20and%20Reviews/Accountability%20Report%20-%202015-2016.pdf> (last accessed March 20, 2017).

<sup>137</sup> SC Code Annotated Section 23-6-30.

<sup>138</sup> SC House of Representatives, House Legislative Oversight Committee, “Letter from DPS to Oversight Subcommittee (February 17, 2017),” under “House Legislative Oversight Committee,” under “Agency and Other Studies,” and under “Public Safety, Department of (DPS),”

[http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/DPS/Letter%20from%20DPS%20to%20Oversight%20Subcommittee%20with%20attachments%20\(February%2017,%202017\).pdf](http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/DPS/Letter%20from%20DPS%20to%20Oversight%20Subcommittee%20with%20attachments%20(February%2017,%202017).pdf) (last accessed March 24, 2017). See page 59 of 66; SC Department of Public Safety, Office of Highway Safety and Justice Programs, “2014 Traffic Collision Fact Book,” under “Office of Highway Safety and Justice Programs,”

and under “Statistical Services,”

<http://www.scdps.gov/ohsjp/fact%20book/2014%20Fact%20Book.pdf> (last accessed March 24, 2017). See page 6

of 136; SC House of Representatives, House Legislative Oversight Committee, “Traffic Collision Statistics for calendar year 2015 and 2016,” under “House Legislative Oversight Committee,” under “Public Safety, Department of (DPS),” and under “Information uploaded from DPS to Oversight Subcommittee (March 3 and 7, 2017),”

<http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/DPS/Traffic%20Collision%20Statistics.pdf> (last accessed March 19, 2017).

<sup>139</sup> SC House of Representatives, House Legislative Oversight Committee, “Letter from DPS to Oversight Subcommittee (February 17, 2017),” under “House Legislative Oversight Committee,” under “Agency and Other Studies,” and under “Public Safety, Department of (DPS),”

[http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/DPS/Letter%20from%20DPS%20to%20Oversight%20Subcommittee%20with%20attachments%20\(February%2017,%202017\).pdf](http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/DPS/Letter%20from%20DPS%20to%20Oversight%20Subcommittee%20with%20attachments%20(February%2017,%202017).pdf) (last accessed March 24, 2017). See page 3 of 66;

SC Department of Public Safety, Office of Highway Safety and Justice Programs, “2014 Traffic Collision Fact Book,” under “Office of Highway Safety and Justice Programs,” and under “Statistical Services,”

<http://www.scdps.gov/ohsjp/fact%20book/2014%20Fact%20Book.pdf> (last accessed March 24, 2017). See page 6

of 136; SC House of Representatives, House Legislative Oversight Committee, “Traffic Collision Statistics for calendar year 2015 and 2016,” under “House Legislative Oversight Committee,” under “Public Safety, Department of (DPS),” and under “Information uploaded from DPS to Oversight Subcommittee (March 3 and 7, 2017),”

<http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/DPS/Traffic%20Collision%20Statistics.pdf> (last accessed March 19, 2017).

<sup>140</sup> SC Department of Public Safety, Office of Highway Safety and Justice Programs, “2010 Traffic Collision Fact Book,” under “Office of Highway Safety and Justice Programs,” and under “Statistical Services,”

<http://www.scdps.gov/ohsjp/fact%20book/2010FactBook.pdf> (last accessed March 24, 2017). See page 7 of 136;

SC House of Representatives, House Legislative Oversight Committee, “Letter from DPS to Oversight Subcommittee (February 17, 2017),” under “House Legislative Oversight Committee,” under “Agency and Other Studies,” and under “Public Safety, Department of (DPS),”

[http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/DPS/Letter%20from%20DPS%20to%20Oversight%20Subcommittee%20with%20attachments%20\(February%2017,%202017\).pdf](http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/DPS/Letter%20from%20DPS%20to%20Oversight%20Subcommittee%20with%20attachments%20(February%2017,%202017).pdf) (last accessed March 23, 2017) (As of February 7, 2017 the fatality count for 2016 was 1,015).

<sup>141</sup> SC House of Representatives, House Legislative Oversight Committee, “Letter from DPS to Oversight Subcommittee (February 17, 2017),” under “House Legislative Oversight Committee,” under “Agency and Other Studies,” and under “Public Safety, Department of (DPS),”

[http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/DPS/Letter%20from%20DPS%20to%20Oversight%20Subcommittee%20with%20attachments%20\(February%2017,%202017\).pdf](http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/DPS/Letter%20from%20DPS%20to%20Oversight%20Subcommittee%20with%20attachments%20(February%2017,%202017).pdf)

pdf (last accessed March 23, 2017). See page 59 of 66. (Citations in 2012-13 were 479,654. Citations in 2015-16 were 416,012. Total decrease of 63,642 citations); SC Code Section 14-1-240 (Until 2016, there was a five dollar surcharge on citations went to help fund the Criminal Justice Academy (CJA). This provision sunset on June 30, 2016).

<sup>142</sup> SC House of Representatives, House Legislative Oversight Committee, "Letter from DPS to Oversight Subcommittee (August 15, 2016)," under "House Legislative Oversight Committee," under "Agency and Other Studies," and under "Public Safety, Department of (DPS)," [http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/DPS/Letter%20from%20DPS%20to%20Oversight%20Subcommittee%20with%20attachments%20\(August%2015,%202016\).pdf](http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/DPS/Letter%20from%20DPS%20to%20Oversight%20Subcommittee%20with%20attachments%20(August%2015,%202016).pdf) (last accessed March 23, 2017).

<sup>143</sup> SC House of Representatives, House Legislative Oversight Committee, "Bureau of Protective Services Staff Inspection Report - Headquarters; Governor's Mansion Division; State Agency Support Division; Statehouse Division; Judicial Division (December 1, 2015)," under "House Legislative Oversight Committee," under "Agency and Other Studies," and under "Public Safety, Department of (DPS)," [http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/DPS/Staff%20Inspection%20Report%20-%20Bureau%20of%20Protective%20Services%20\(December%201,%202015\).pdf](http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/DPS/Staff%20Inspection%20Report%20-%20Bureau%20of%20Protective%20Services%20(December%201,%202015).pdf) (last accessed March 24, 2017). See page 35 of 108 (Governor's Mansion Division) and page 53 of 108 (State Agency Support) ("Officers believe the attentiveness BPS receives from the Blythewood Telecommunications Center (TCC) is poor. They detail significant delays when calling the TCC for on-duty/off-duty calls. Additionally, they express their inability to get a response during several enforcement actions to include foot pursuits, traffic stops, and records checks"). See page 72 of 108 (Statehouse Division) ("Officers expressed concern with the poor service the officers state they are receiving from the Blythewood Telecommunications Center (TCC). Officers describe situations where they get slow or no response from the TCC. These occurrences are described as not only when signing on and off duty, but when officers are attempting to or taking enforcement action."); SC House of Representatives, House Legislative Oversight Committee, "Highway Patrol Troop 3 Staff Inspection Report - Anderson, Oconee, Pickens, Greenville, and Spartanburg (July 1, 2015)," under "House Legislative Oversight Committee," under "Agency and Other Studies," and under "Public Safety, Department of (DPS)," [http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/DPS/Troop%203%20Staff%20Inspection%20\(July%202015\).PDF](http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/DPS/Troop%203%20Staff%20Inspection%20(July%202015).PDF) (last accessed March 23, 2017). See page 60-61 (Post A - Anderson) ("A large percentage of the troopers interviewed complained about the Telecommunication Center. Problems with telecommunications began occurring when the Greenwood TCC relocated to Greenville. Troopers feel the TCC Operators are not as familiar with the post area as they should be. Further, it was noted that TCC Operators take an extended time to answer and ultimately provide needed information. Their complaints relate to officer safety issues especially during the nightshift."); SC House of Representatives, House Legislative Oversight Committee, "Highway Patrol Troop 4 Staff Inspection Report - Cherokee, Union, York, Fairfield, Chester, Lancaster, and Chesterfield (April 27, 2015)," under "House Legislative Oversight Committee," under "Agency and Other Studies," and under "Public Safety, Department of (DPS)," [http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/DPS/Troop%204%20Staff%20Inspection%20\(April%202015\).PDF](http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/DPS/Troop%204%20Staff%20Inspection%20(April%202015).PDF) (last accessed March 23, 2017). See page 62 (Post C - Fairfield and Chester) ("Many of the troopers interviewed complained about the Telecommunications Center. They feel the TCC Operator does not know the area as needed. Further, it takes the TCC Operator too long to answer the radio and to convey the needed information. Troopers state that the problem occurred when the Greenwood Center moved to Blythewood. Troopers believe the telecommunication issue has become a safety issue especially during the nightshift."); See page 57 (Post A - Cherokee and Union) ("The primary area of concern for the personnel assigned to the post is overwhelmingly the service provided by the telecommunications center (TCC). Throughout the interview process, supervisory and non-supervisory personnel alike described the service provided by the TCC as 'an officer safety issue.' Personnel describe the issue not as a personality conflict; moreover, as a 'staffing' concern. Personnel describe a communications channel, providing service to the entire troop, functioning with a single telecommunications operator. Their description of communications (TCC) was the single issue consistently identified as negatively affecting the morale of the personnel in the post.").

<sup>144</sup> SC House of Representatives, House Legislative Oversight Committee, "August 30, 2016 Subcommittee Minutes," under "House Legislative Oversight Committee," under "Agency and Other Studies," and under "Public Safety, Department of (DPS),"

<http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/SubcommitteeMinutes/LawsSub/August302016Minutes.pdf> (last accessed March 19, 2017). A video of the meeting is available at <http://www.scstatehouse.gov/video/videofeed.php>. See 55:45 in the video. Colonel Oliver stated the agency's challenge is finding qualified applicants.

<sup>145</sup> SC House of Representatives, House Legislative Oversight Committee, "FTE and Personal Service Carryforward for FY2013 - FY2016 (provided by the Executive Budget Office)," under "House Legislative Oversight Committee," under "Agency and Other Studies," and under "Public Safety, Department of (DPS)," <http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/DPS/FTE%20and%20Personal%20Service%20Carryforward%20for%20FY2013%20-%20FY2016%20provided%20by%20EBO.pdf> (last accessed March 24, 2017).

<sup>146</sup> Ibid.

<sup>147</sup> 2012-13 General Appropriations Act and 2015-16 General Appropriations Act; SC House of Representatives, House Legislative Oversight Committee, "Budget, Staffing, Trooper Activity (2012-13 thru 2014-15)," under "House Legislative Oversight Committee," under "Agency and Other Studies," and under "Public Safety, Department of (DPS),"

<http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/DPS/Budget,%20Staffing,%20Warnings.pdf> (last accessed March 21, 2017).

<sup>148</sup> 2012-13 General Appropriations Act and 2015-16 General Appropriations Act.

<sup>149</sup> SC House of Representatives, House Legislative Oversight Committee, "Budget, Staffing, Trooper Activity (2012-13 thru 2014-15)," under "House Legislative Oversight Committee," under "Agency and Other Studies," and under "Public Safety, Department of (DPS),"

<http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/DPS/Budget,%20Staffing,%20Warnings.pdf> (last accessed March 21, 2017).

<sup>150</sup> SC House of Representatives, House Legislative Oversight Committee, "Letter from DPS to Oversight Subcommittee (August 15, 2016)," under "House Legislative Oversight Committee," under "Agency and Other Studies," and under "Public Safety, Department of (DPS),"

[http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/DPS/Letter%20from%20DPS%20to%20Oversight%20Subcommittee%20with%20attachments%20\(August%2015,%202016\).pdf](http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/DPS/Letter%20from%20DPS%20to%20Oversight%20Subcommittee%20with%20attachments%20(August%2015,%202016).pdf)

(last accessed March 23, 2017). See page 5 ("The final decision to hire or reject such applicants has always remained with me, and this authority has not and will not be delegated to another."); SC House of

Representatives, House Legislative Oversight Committee, "July 20, 2016 Subcommittee Minutes," under "House Legislative Oversight Committee," under "Agency and Other Studies," and under "Public Safety, Department of (DPS),"

<http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/SubcommitteeMinutes/LawsSub/July202016Minutes.pdf> (last accessed March 19, 2017). A video of the meeting is available at

<http://www.scstatehouse.gov/video/videofeed.php>. See 17:50 in the video. ("At the end of the day, it's not the

Colonel's decision, it's not HR's decision, it's not General Counsel's decision, that's my decision."); SC House of

Representatives, House Legislative Oversight Committee, "November 1, 2016 Subcommittee Minutes," under "House Legislative Oversight Committee," under "Agency and Other Studies," and under "Public Safety, Department of (DPS),"

<http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/SubcommitteeMinutes/LawsSub/November12016Minutes.pdf> (last accessed March 19, 2017). A video of the meeting is available at

<http://www.scstatehouse.gov/video/videofeed.php>. See 2:48:30 in the video. ("Again, I was appointed by the Governor, confirmed by the Senate to make those hiring decisions, and that's what I do. I don't take that lightly.

The governor didn't appoint the Colonel or the Chiefs, the Senate didn't confirm the Colonel or the Chiefs. They confirmed me. It is my job to make those hiring decision, and that is what I do.").

<sup>151</sup> SC House of Representatives, House Legislative Oversight Committee, "Oral Interview Board (OIB) - Applicant materials provided to OIB (September 2016)," under "House Legislative Oversight Committee," under "Agency and Other Studies," and under "Public Safety, Department of (DPS),"

[http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/DPS/Oral%20Interview%20Board%20\(OIB\)%20-%20Applicant%20materials%20provided%20to%20OIB%20\(September%202016\).pdf](http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/DPS/Oral%20Interview%20Board%20(OIB)%20-%20Applicant%20materials%20provided%20to%20OIB%20(September%202016).pdf) (last accessed March 22,

2017); SC House of Representatives, House Legislative Oversight Committee, "Director - Applicant materials

available to Agency Director (September 2016),” under “House Legislative Oversight Committee,” under “Agency and Other Studies,” and under “Public Safety, Department of (DPS),”  
<http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/DPS/Director%20-%20Applicant%20information%20available%20to%20the%20Director.pdf> (last accessed March 22, 2017); SC House of Representatives, House Legislative Oversight Committee, “Number of Applicants the Director Cuts and Reasons Why - Highway Patrol (2015-16 and 2016-17),” under “House Legislative Oversight Committee,” under “Agency and Other Studies,” and under “Public Safety, Department of (DPS),”  
<http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/DPS/Number%20of%20Applicants%20the%20Director%20Cuts%20and%20Reasons%20Why.pdf> (last accessed March 22, 2017).

<sup>152</sup> Ibid.

<sup>153</sup> SC House of Representatives, House Legislative Oversight Committee, “Oral Interview Board (OIB) - Applicant materials provided to OIB (September 2016),” under “House Legislative Oversight Committee,” under “Agency and Other Studies,” and under “Public Safety, Department of (DPS),”  
[http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/DPS/Oral%20Interview%20Board%20\(OIB\)%20-%20Applicant%20materials%20provided%20to%20OIB%20\(September%202016\).pdf](http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/DPS/Oral%20Interview%20Board%20(OIB)%20-%20Applicant%20materials%20provided%20to%20OIB%20(September%202016).pdf) (last accessed March 20, 2017); SC House of Representatives, House Legislative Oversight Committee, “Director - Applicant materials available to Agency Director (September 2016),” under “House Legislative Oversight Committee,” under “Agency and Other Studies,” and under “Public Safety, Department of (DPS),”  
<http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/DPS/Director%20-%20Applicant%20information%20available%20to%20the%20Director.pdf> (last accessed March 20, 2017).

<sup>154</sup> SC House of Representatives, House Legislative Oversight Committee, “Oral Interview Board (OIB) - Applicant materials provided to OIB (September 2016),” under “House Legislative Oversight Committee,” under “Agency and Other Studies,” and under “Public Safety, Department of (DPS),”  
[http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/DPS/Oral%20Interview%20Board%20\(OIB\)%20-%20Applicant%20materials%20provided%20to%20OIB%20\(September%202016\).pdf](http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/DPS/Oral%20Interview%20Board%20(OIB)%20-%20Applicant%20materials%20provided%20to%20OIB%20(September%202016).pdf) (last accessed March 22, 2017); SC House of Representatives, House Legislative Oversight Committee, “Director - Applicant materials available to Agency Director (September 2016),” under “House Legislative Oversight Committee,” under “Agency and Other Studies,” and under “Public Safety, Department of (DPS),”  
<http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/DPS/Director%20-%20Applicant%20information%20available%20to%20the%20Director.pdf> (last accessed March 22, 2017); SC House of Representatives, House Legislative Oversight Committee, “Number of Applicants the Director Cuts and Reasons Why - Highway Patrol (2015-16 and 2016-17),” under “House Legislative Oversight Committee,” under “Agency and Other Studies,” and under “Public Safety, Department of (DPS),”  
<http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/DPS/Number%20of%20Applicants%20the%20Director%20Cuts%20and%20Reasons%20Why.pdf> (last accessed March 22, 2017);

SC House of Representatives, House Legislative Oversight Committee, “Applicants Rejected and Hiring Stage at which applicant was Rejected - Highway Patrol (2013-14 thru 2015-16),” under “House Legislative Oversight Committee,” under “Agency and Other Studies,” and under “Public Safety, Department of (DPS),”  
[http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/DPS/Applicants%20Rejected%20and%20Hiring%20Stage%20at%20which%20applicant%20was%20Rejected%20-%20Highway%20Patrol%20\(2013-14%20thru%202015-16\).xlsx](http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/DPS/Applicants%20Rejected%20and%20Hiring%20Stage%20at%20which%20applicant%20was%20Rejected%20-%20Highway%20Patrol%20(2013-14%20thru%202015-16).xlsx) (last accessed March 22, 2017).

<sup>155</sup> SC House of Representatives, House Legislative Oversight Committee, “Oral Interview Board (OIB) - Applicant materials provided to OIB (September 2016),” under “House Legislative Oversight Committee,” under “Agency and Other Studies,” and under “Public Safety, Department of (DPS),”  
[http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/DPS/Oral%20Interview%20Board%20\(OIB\)%20-%20Applicant%20materials%20provided%20to%20OIB%20\(September%202016\).pdf](http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/DPS/Oral%20Interview%20Board%20(OIB)%20-%20Applicant%20materials%20provided%20to%20OIB%20(September%202016).pdf) (last accessed March 20, 2017).

<sup>156</sup> SC House of Representatives, House Legislative Oversight Committee, “Director - Applicant materials available to Agency Director (September 2016),” under “House Legislative Oversight Committee,” under “Agency and Other Studies,” and under “Public Safety, Department of (DPS),”

<http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/DPS/Director%20-%20Applicant%20information%20available%20to%20the%20Director.pdf> (last accessed March 20, 2017).

<sup>157</sup> October 3, 2016 email from Warren V. Ganjehsani, General Counsel for the Department of Public Safety to Charles Appleby, General Counsel for the House Legislative Oversight Committee includes an attachment which provides the following additional information, “Since Director Smith has been the Department’s Director, he has asked the agency’s Human Resources Director to report facts and background information gathered by the Highway Patrol (and, in the case of social media checks, Human Resources staff) regarding all applicants for law enforcement positions. The final decision to hire or reject such applicants has always remained with Director Smith, and this authority has not and will not be delegated to another.”

<sup>158</sup> SC House of Representatives, Archived State Agency Reports, “Public Safety, Department of,” under “Publications,” under “Archived State Agency Reports,” and under “2013-14 Accountability Reports,” <http://www.scstatehouse.gov/Archives/aar2014/K05.pdf> (last accessed March 23, 2017). See Performance Measure Item HP-9; SC House of Representatives, Current State Agency Reports, “Public Safety, Department of,” under “Publications,” under “Current State Agency Reports,” and under “2014-15 Accountability Reports,” <http://www.scstatehouse.gov/reports/aar2015/k050.pdf> (last accessed March 23, 2017). See Performance Measure Item HP-8; SC House of Representatives, Current State Agency Reports, “Public Safety, Department of,” under “Publications,” under “Current State Agency Reports,” and under “2015-16 Accountability Reports,” <http://www.scstatehouse.gov/reports/aar2016/K050.pdf> (last accessed March 23, 2017). See Performance Measure Item HP-8.

<sup>159</sup> Department of Public Safety, *Program Evaluation Report, 2015*.

<http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/2015%20Program%20Evaluation%20Reports/DPS%20Program%20Evaluation%20Report.pdf> (last accessed March 20, 2017); SC House of Representatives, Current State Agency Reports, “Public Safety, Department of,” under “Publications,” under “Current State Agency Reports,” and under “2014-15 Accountability Reports,”

<http://www.scstatehouse.gov/reports/aar2015/k050.pdf> (last accessed March 23, 2017). See Performance Measure Item STP-8; SC House of Representatives, Current State Agency Reports, “Public Safety, Department of,” under “Publications,” under “Current State Agency Reports,” and under “2015-16 Accountability Reports,” <http://www.scstatehouse.gov/reports/aar2016/K050.pdf> (last accessed March 23, 2017). See Performance Measure Item STP-7.

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<sup>160</sup> SC House of Representatives, House Legislative Oversight Committee, “Letter from DPS to Oversight Subcommittee (March 16, 2016),” under “House Legislative Oversight Committee,” under “Agency and Other Studies,” and under “Public Safety, Department of (DPS),”

<http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/DPS/March%2016%202016%20Letter%20from%20DPS%20in%20response%20to%20Subcom's%20March%20202016%20Letter.PDF> (last accessed March 23, 2017). See page 4 where the agency states the cost of training and equipping one new trooper is \$77,982.40 with all new equipment or \$32,982.40 if used equipment such as cars and weapons are utilized. 271 new troopers were added between 2012 and 2015.

<sup>161</sup> SC House of Representatives, House Legislative Oversight Committee, “Manpower per Troop from DPS internal Staff Inspection Reports (2015),” under “House Legislative Oversight Committee,” under “Agency and Other Studies,” and under “Public Safety, Department of (DPS),”

<http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/DPS/Manpower%20percentages%20from%20Staff%20Inspection%20Reports.xlsx> (last accessed March 23, 2017). Chart is a compilation of data from the agency’s internal Staff Inspection Reports, which are also available on the Committee’s website.

<sup>162</sup> SC House of Representatives, House Legislative Oversight Committee, “Turnover Details for the last 5 years provided by DPS,” under “House Legislative Oversight Committee,” under “Agency and Other Studies,” and under “Public Safety, Department of (DPS),”

<http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/DPS/Turnover%20Details%20for%20the%20last%205%20years.PDF> (last accessed March 23, 2017). The agency provides

various reasons for personnel leaving including, but not limited to, conduct, different job, moved out of job area, retirement, and personal.

<sup>163</sup> Ibid.

<sup>164</sup> SC House of Representatives, House Legislative Oversight Committee, "Letter from DPS to Oversight Subcommittee (August 15, 2016)," under "House Legislative Oversight Committee," under "Agency and Other Studies," and under "Public Safety, Department of (DPS)," [http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/DPS/Letter%20from%20DPS%20to%20Oversight%20Subcommittee%20with%20attachments%20\(August%2015,%202016\).pdf](http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/DPS/Letter%20from%20DPS%20to%20Oversight%20Subcommittee%20with%20attachments%20(August%2015,%202016).pdf) (last accessed March 23, 2017). See page 8 of 560 ("the Department of Public Safety implemented a pay plan in September 2015 ... to encourage retention by more clearly defining pay raises and compensation for incumbent employees and to serve as a recruiting tool by making new employee salaries competitive with other departments within South Carolina").

<sup>165</sup> SC House of Representatives, House Legislative Oversight Committee, "November 1, 2016 Subcommittee Minutes," under "House Legislative Oversight Committee," under "Agency and Other Studies," and under "Public Safety, Department of (DPS)," <http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/SubcommitteeMinutes/LawSub/November12016Minutes.pdf> (last accessed March 19, 2017). A video of the meeting is available at <http://www.scstatehouse.gov/video/videofeed.php>. See 21:10 in the video. ("Officially, probably not.")

<sup>166</sup> SC House of Representatives, House Legislative Oversight Committee, "Turnover Details for the last 5 years provided by DPS," under "House Legislative Oversight Committee," under "Agency and Other Studies," and under "Public Safety, Department of (DPS)," <http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/DPS/Turnover%20Details%20for%20the%20last%205%20years.PDF> (last accessed March 23, 2017).

<sup>167</sup> SC House of Representatives, House Legislative Oversight Committee, "Letter from DPS to Oversight Subcommittee (August 15, 2016)," under "House Legislative Oversight Committee," under "Agency and Other Studies," and under "Public Safety, Department of (DPS)," [http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/DPS/Letter%20from%20DPS%20to%20Oversight%20Subcommittee%20with%20attachments%20\(August%2015,%202016\).pdf](http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/DPS/Letter%20from%20DPS%20to%20Oversight%20Subcommittee%20with%20attachments%20(August%2015,%202016).pdf) (last accessed March 23, 2017). See page 22 of 560; SC House of Representatives, House Legislative Oversight Committee, "Employment Data for 2010-11 thru 2015-16 including start and end of year numbers, separations and turnover rates," under "House Legislative Oversight Committee," under "Agency and Other Studies," and under "Public Safety, Department of (DPS)," <http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/DPS/Employment%20Data%20for%202010-11%20thru%202015-16%20including%20start%20and%20end%20of%20year%20numbers,%20separations%20and%20turnover%20rates.PDF> (last accessed March 23, 2017). Specific Turnover rates are as follows: 2012-13-52.6%; 2013-14-28.6%; 2014-15-63.6%; 2015-16-33.3%.

<sup>168</sup> SC House of Representatives, House Legislative Oversight Committee, "Turnover Details for the last 5 years provided by DPS," under "House Legislative Oversight Committee," under "Agency and Other Studies," and under "Public Safety, Department of (DPS)," <http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/DPS/Turnover%20Details%20for%20the%20last%205%20years.PDF> (last accessed March 20, 2017); SC House of Representatives, House Legislative Oversight Committee, "February 28, 2017 Subcommittee Minutes," under "House Legislative Oversight Committee," under "Agency and Other Studies," and under "Public Safety, Department of (DPS)," <http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/SubcommitteeMinutes/LawSub/February282017MinutesDPS.pdf> (last accessed March 23, 2017). A video of the meeting is available at <http://www.scstatehouse.gov/video/videofeed.php>. See 1:40:20 in the video where the agency's Information Technology (IT) Director testified the IT office is funded 30 positions.

<sup>169</sup> SC House of Representatives, House Legislative Oversight Committee, "Letter from DPS to Oversight Subcommittee (August 15, 2016)," under "House Legislative Oversight Committee," under "Agency and Other Studies," and under "Public Safety, Department of (DPS),"

[http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/DPS/Letter%20from%20DPS%20to%20Oversight%20Subcommittee%20with%20attachments%20\(August%202015,%202016\).pdf](http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/DPS/Letter%20from%20DPS%20to%20Oversight%20Subcommittee%20with%20attachments%20(August%202015,%202016).pdf) (last accessed March 23, 2017). See page 8 of 560 (“It is expected, however, that further enhancements to the existing pay structure, would assist with retention; for example, the implementation of a career path that rewards the development of identified knowledge, skills, and abilities as well as longevity is a recommended means for retaining personnel. Such a plan would be dependent on recurring funding”).

<sup>170</sup> SC House of Representatives, House Legislative Oversight Committee, “Letter from DPS to Oversight Subcommittee (February 17, 2017),” under “House Legislative Oversight Committee,” under “Agency and Other Studies,” and under “Public Safety, Department of (DPS),”

[http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/DPS/Letter%20from%20DPS%20to%20Oversight%20Subcommittee%20with%20attachments%20\(February%202017,%202017\).pdf](http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/DPS/Letter%20from%20DPS%20to%20Oversight%20Subcommittee%20with%20attachments%20(February%202017,%202017).pdf) (last accessed March 23, 2017). See page 56 of 66.

<sup>171</sup> SC House of Representatives, House Legislative Oversight Committee, “Highway Patrol Troop 1 Staff Inspection Report - Sumter, Clarendon, Kershaw, Lee, Lexington, and Richland (August 4-11, 2015),” under “House Legislative Oversight Committee,” under “Agency and Other Studies,” and under “Public Safety, Department of (DPS),”

[http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/DPS/Troop%201%20Staff%20Inspection%20\(Aug.%202015\).PDF](http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/DPS/Troop%201%20Staff%20Inspection%20(Aug.%202015).PDF) (last accessed March 23, 2017). See page 64-65 (Post B - Kershaw/Lee) (“Equipment issues, especially the condition of patrol vehicles, were cited as negatively affecting operational effectiveness.”); SC House of Representatives, House Legislative Oversight Committee, “Highway Patrol Troop 3 Staff Inspection Report - Anderson, Oconee, Pickens, Greenville, and Spartanburg (July 1, 2015),” under “House Legislative Oversight Committee,” under “Agency and Other Studies,” and under “Public Safety, Department of (DPS),”

[http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/DPS/Troop%203%20Staff%20Inspection%20\(July%202015\).PDF](http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/DPS/Troop%203%20Staff%20Inspection%20(July%202015).PDF) (last accessed March 23, 2017). See page 57 (Post C - Greenville) (“The lack of quality equipment is frustrating to Post C personnel. This issue is compounded when their car or equipment requires maintenance by agency staff in Columbia. In part, the travel/repairs consume a full day which has ultimately lead to criticism when their activity is low.”); SC House of Representatives, House Legislative Oversight Committee, “Highway Patrol Troop 4 Staff Inspection Report - Cherokee, Union, York, Fairfield, Chester, Lancaster, and Chesterfield (April 27, 2015),” under “House Legislative Oversight Committee,” under “Agency and Other Studies,” and under “Public Safety, Department of (DPS),”

[http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/DPS/Troop%204%20Staff%20Inspection%20\(April%202015\).PDF](http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/DPS/Troop%204%20Staff%20Inspection%20(April%202015).PDF) (last accessed March 23, 2017). See page 58 (Post C - Chester and Fairfield) (“Several troopers spoke in a negative manner about vehicle conditions and the length of time to have their vehicles repaired.”); and page 62 (“The overall operational effectiveness in the post is good however, some of the troopers felt like they do not have access to the resources to perform their jobs. They mention vehicle with high mileage, lack of manpower, and lengthy DI investigations.”); SC House of Representatives, House Legislative Oversight Committee, “Highway Patrol Troop 5 Staff Inspection Report - Darlington, Marlboro, Dillon, Florence, Marion, Georgetown, Williamsburg, and Horry (December 14-18, 2015),” under “House Legislative Oversight Committee,” under “Agency and Other Studies,” and under “Public Safety, Department of (DPS),”

[http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/DPS/Staff%20Inspection%20Report%20-%20Troop%205%20\(December%202014-18,%202015\).PDF](http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/DPS/Staff%20Inspection%20Report%20-%20Troop%205%20(December%202014-18,%202015).PDF) (last accessed March 23, 2017). See page 87 (Post A - Darlington and Marlboro) (“The most negative issue affecting operational effectiveness communicated by the troopers interviewed was equipment. The troopers specifically commented on the condition of the computers and the LIDARS. Troopers stated if the computer assigned to them needs repairs, it takes weeks to get another computer or to have repairs completed. These factors create an untimely delay for the troopers completing reports. The lack of a working computer creates duplication documenting the public contacts.”); SC House of Representatives, House Legislative Oversight Committee, “Highway Patrol Troop 6 Staff Inspection Report - Berkeley, Charleston, Colleton, Dorchester, Beaufort, and Jasper (November 16-19, 2015),” under “House Legislative Oversight Committee,” under “Agency and Other Studies,” and under “Public Safety, Department of (DPS),”

[http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/DPS/Staff%20Inspection%20Report%20-%20Troop%206%20\(November%202016-19,%202015\).PDF](http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/DPS/Staff%20Inspection%20Report%20-%20Troop%206%20(November%202016-19,%202015).PDF) (last accessed March 23,

2017). See page 75 (Post C - Beaufort, Jasper) (“The lack of quality equipment is frustrating. When there are body repair issues with a car, the closest body shop is located in Walterboro. Repairs are stated to normally take a month or two to complete. During that time, the trooper has to drive a spare car. The spare cars are stated to be in very poor shape (faded paint, high mileage, RADARs that are not operational, and the speedometer reportedly does [not] work in either spare car.”); and page 80 (“The most frustrating issues were: the poor condition of the spare cars; the time it takes to get a damaged car repaired (there is no body shop under state contract located within the post); and personnel do not feel like DPS Headquarters ‘has their back.’”); SC House of Representatives, House Legislative Oversight Committee, “Highway Patrol Communications Staff Inspection Report (November - December, 2015),” under “House Legislative Oversight Committee,” under “Agency and Other Studies,” and under “Public Safety, Department of (DPS),”

<http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/DPS/Staff%20Inspection%20Report%20-%20Highway%20Patrol%20Communications.PDF> (last accessed March 24, 2017). See page 20 of 102 (Blythewood TCC) (“Areas of concern were communicated as computers (DPS Tech Support needs to be prompt in solving issues) and telephones (less down time as it relates to breakdowns and upgrades.”); See page 40 of 102 (Charleston TCC) (“TCOs expressed concerns about problems experienced with the CAD and not having GPS to attempt to locate callers. ... The TCC computers are slow. All TCOs interviewed gave special noted attention to the CAD being slow and not being updated with a GPS system.”); See page 59-60 of 102 (Florence TCC) (“Although the overall operational effectiveness was rated as good, there is room for improvement. Those identified areas were related to the computers, the CAD (very slow) - the upgrades made the problem(s) worse, and the telephone equipment (not good). .. The TCOs expressed concerns with CAD being slow and the system not able to keep up with the current communication demands.”); See page 82 of 102 (Greenville TCC) (“Interviews with the TCOs in this assessment revealed that they had the resources needed to perform their jobs; however, they expressed concerns regarding problems they have with the CAD upgrades, computer equipment (often ‘freezing up’), being understaffed, and the fact that some TCOs show no care for the job.”); See page 21 of 102 (Blythewood TCC) (“The supervisors and the TCC manager described several areas of concern. The areas included a need for upgrades (GEO Mapping, CAD, and computer equipment), a need for expedient communication and a coordinated response plan in the rare instance that a suspicious package is delivered to the DPS Office Complex, and manpower shortages (‘Something needs to be done to slow the revolving door of employee turnover.’”).

<sup>172</sup> SC House of Representatives, House Legislative Oversight Committee, “November 1, 2016 Subcommittee Minutes,” under “House Legislative Oversight Committee,” under “Agency and Other Studies,” and under “Public Safety, Department of (DPS),”

<http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/SubcommitteeMinutes/Laws%20Sub/November%2012016Minutes.pdf> (last accessed March 19, 2017). A video of the meeting is available at <http://www.scstatehouse.gov/video/videofeed.php>. See 45:00 in the video. (“That \$2 million is for four hours of every pay period. The issue of that carry over money, is that we needed vehicles, so most of the money goes to equipment;”) and 50:45 in the video (“In the past, we have had to come to the General Assembly to ask money for cars. As gas prices dropped, we were able to use carry over money for those kind of issues without coming to ask for more one-time expenditures.”).

<sup>173</sup> SC House of Representatives, House Legislative Oversight Committee, “Letter from DPS to Oversight Subcommittee (February 17, 2017),” under “House Legislative Oversight Committee,” under “Agency and Other Studies,” and under “Public Safety, Department of (DPS),”

[http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/DPS/Letter%20from%20DPS%20to%20Oversight%20Subcommittee%20with%20attachments%20\(February%202017,%202017\).pdf](http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/DPS/Letter%20from%20DPS%20to%20Oversight%20Subcommittee%20with%20attachments%20(February%202017,%202017).pdf) (last accessed March 23, 2017). See page 55 of 66. As an example, with the most recent graduating class of troopers, none of the 62 laptops installed in their vehicles functioned properly.

<sup>174</sup> SC House of Representatives, House Legislative Oversight Committee, “DPS Policy 200.04 Alcohol and Drug Deterrence Program,” under “House Legislative Oversight Committee,” under “Agency and Other Studies,” and under “Public Safety, Department of (DPS),”

[http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/DPS/DPS%20Policy%20200.04%20Alcohol%20and%20Drug%20Deterrence%20Program%20\(Effective%20June%202022,%202021\).pdf](http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/DPS/DPS%20Policy%20200.04%20Alcohol%20and%20Drug%20Deterrence%20Program%20(Effective%20June%202022,%202021).pdf) (last accessed March 23, 2017).

<sup>175</sup> SC House of Representatives, House Legislative Oversight Committee, “Letter from DPS to Oversight Subcommittee (February 17, 2017),” under “House Legislative Oversight Committee,” under “Agency and Other

Studies,” and under “Public Safety, Department of (DPS),”  
[http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/DPS/Letter%20from%20DPS%20to%20Oversight%20Subcommittee%20with%20attachments%20\(February%2017,%202017\).pdf](http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/DPS/Letter%20from%20DPS%20to%20Oversight%20Subcommittee%20with%20attachments%20(February%2017,%202017).pdf) (last accessed March 23, 2017).

<sup>176</sup> SC House of Representatives, House Legislative Oversight Committee, “Letter from DPS to Oversight Subcommittee (February 17, 2017),” under “House Legislative Oversight Committee,” under “Agency and Other Studies,” and under “Public Safety, Department of (DPS),”  
[http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/DPS/Letter%20from%20DPS%20to%20Oversight%20Subcommittee%20with%20attachments%20\(February%2017,%202017\).pdf](http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/DPS/Letter%20from%20DPS%20to%20Oversight%20Subcommittee%20with%20attachments%20(February%2017,%202017).pdf) (last accessed March 23, 2017). See page 5 of 66.

<sup>177</sup> SC House of Representatives, House Legislative Oversight Committee, “March 7, 2017 Subcommittee Minutes,” under “House Legislative Oversight Committee,” under “Agency and Other Studies,” and under “Public Safety, Department of (DPS),”  
<http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/SubcommitteeMinutes/LawSub/March72017MinutesDPS.pdf>. A video of the meeting is available at <http://www.scstatehouse.gov/video/videofeed.php>. See 2:23 in the video.

<sup>178</sup> SC House of Representatives, House Legislative Oversight Committee, “November 1, 2016 Subcommittee Minutes,” under “House Legislative Oversight Committee,” under “Agency and Other Studies,” and under “Public Safety, Department of (DPS),”  
<http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/SubcommitteeMinutes/LawSub/November12016Minutes.pdf> (last accessed March 19, 2017). A video of the meeting is available at <http://www.scstatehouse.gov/video/videofeed.php>. See 1:36:45 in the video. (“What you’re saying is that it’s not a consistent disciplinary action? Case by case basis.”).

<sup>179</sup> SC House of Representatives, House Legislative Oversight Committee, “DPS Policy 300.47 - Residency Requirements for Commissioned Officers (Effective Date July 2, 2014),” under “House Legislative Oversight Committee,” under “Agency and Other Studies,” and under “Public Safety, Department of (DPS),”  
<http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/DPS/Residency%20Requirements.pdf> (last accessed March 23, 2017).

<sup>180</sup> Ibid.

<sup>181</sup> SC House of Representatives, House Legislative Oversight Committee, “July 20, 2016 Subcommittee Minutes,” under “House Legislative Oversight Committee,” under “Agency and Other Studies,” and under “Public Safety, Department of (DPS),”  
<http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/SubcommitteeMinutes/LawSub/July202016Minutes.pdf> (last accessed March 19, 2017). A video of the meeting is available at <http://www.scstatehouse.gov/video/videofeed.php>. See 53:20 in the video (“Some of your officers out there feel like there is a double standard that some people get to do things that others don’t;”) and 54:51 in this video, (“Maybe you should change your policy to explain that because your troopers don’t understand that and see favoritism,”) and 57:11 in this video (“You got troopers out here that are saying that they have a policy but they are not required to follow it”).

<sup>182</sup> SC House of Representatives, House Legislative Oversight Committee, “Residency Requirement Waivers for Troopers and Supervisors (August 2016),” under “House Legislative Oversight Committee,” under “Agency and Other Studies,” and under “Public Safety, Department of (DPS),”  
<http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/DPS/Domicile%20Policy%20-%20Troopers%20and%20Supervisors%20with%20waivers%20and%20reason%20for%20waiver.PDF> (last accessed March 23, 2017).

<sup>183</sup> Ibid.

<sup>184</sup> SC House of Representatives, House Legislative Oversight Committee, “Residency Requirement Waivers for Troopers and Supervisors (August 2016),” under “House Legislative Oversight Committee,” under “Agency and Other Studies,” and under “Public Safety, Department of (DPS),”  
<http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/DPS/Domicile%20Policy%20-%20Troopers%20and%20Supervisors%20with%20waivers%20and%20reason%20for%20waiver.PDF>

%20Troopers%20and%20Supervisors%20with%20waivers%20and%20reason%20for%20waiver.PDF (last accessed March 20, 2017).

<sup>185</sup> SC House of Representatives, House Legislative Oversight Committee, "DPS Policy 300.06 - In Car Video and Recording February 17, 2016 version; replaced policy dated February 5, 2015," under "House Legislative Oversight Committee," under "Agency and Other Studies," and under "Public Safety, Department of (DPS)," [http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/DPS/DPS%20Policy%20300.06%20-%20In%20Car%20Video%20and%20Recording%20\(February%2017,%202016;%20replaced%20policy%20dated%20February%2015,%202015\).pdf](http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/DPS/DPS%20Policy%20300.06%20-%20In%20Car%20Video%20and%20Recording%20(February%2017,%202016;%20replaced%20policy%20dated%20February%2015,%202015).pdf) (last accessed March 23, 2017).

<sup>186</sup> SC House of Representatives, House Legislative Oversight Committee, "Highway Patrol Manual of Operations re: Video Recording and Review by Supervisors (Revised Sept. 25, 2013)," under "House Legislative Oversight Committee," under "Agency and Other Studies," and under "Public Safety, Department of (DPS)," [http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/DPS/Highway%20Patrol%20Manual%20of%20Operations%20re%20In%20Car%20Video%20Recording%20\(Revised%20September%2025,%202013\).pdf](http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/DPS/Highway%20Patrol%20Manual%20of%20Operations%20re%20In%20Car%20Video%20Recording%20(Revised%20September%2025,%202013).pdf) (last accessed March 23, 2017).

<sup>187</sup> SC House of Representatives, House Legislative Oversight Committee, "DPS Policy 300.06 - In Car Video and Recording, February 17, 2016 version; replaced policy dated February 5, 2015," under "House Legislative Oversight Committee," under "Agency and Other Studies," and under "Public Safety, Department of (DPS)," [http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/DPS/DPS%20Policy%20300.06%20-%20In%20Car%20Video%20and%20Recording%20\(February%2017,%202016;%20replaced%20policy%20dated%20February%2015,%202015\).pdf](http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/DPS/DPS%20Policy%20300.06%20-%20In%20Car%20Video%20and%20Recording%20(February%2017,%202016;%20replaced%20policy%20dated%20February%2015,%202015).pdf) (last accessed March 20, 2017); and SC House of Representatives, House Legislative Oversight Committee, "Highway Patrol Manual of Operations re: Video Recording and Review by Supervisors (Revised Sept. 25, 2013)," under "House Legislative Oversight Committee," under "Agency and Other Studies," and under "Public Safety, Department of (DPS)," [http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/DPS/Highway%20Patrol%20Manual%20of%20Operations%20re%20In%20Car%20Video%20Recording%20\(Revised%20September%2025,%202013\).pdf](http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/DPS/Highway%20Patrol%20Manual%20of%20Operations%20re%20In%20Car%20Video%20Recording%20(Revised%20September%2025,%202013).pdf) (last accessed March 20, 2017).

<sup>188</sup> SC House of Representatives, House Legislative Oversight Committee, "Audio-Video Monitor Report Form (March 2016 - DPS Policy 300.06)," under "House Legislative Oversight Committee," under "Agency and Other Studies," and under "Public Safety, Department of (DPS)," [http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/DPS/Audio-Video%20Monitor%20Report%20\(March%202016%20-%20DPS%20Policy%20300.06\).pdf](http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/DPS/Audio-Video%20Monitor%20Report%20(March%202016%20-%20DPS%20Policy%20300.06).pdf) (last accessed March 20, 2017).

<sup>189</sup> Committee staff summary of constituent input email message to the House Legislative Oversight Committee's Law Enforcement and Criminal Justice Subcommittee, September 9, 2016.

<sup>190</sup> SC House of Representatives, House Legislative Oversight Committee, "August 30, 2016 Subcommittee Minutes," under "House Legislative Oversight Committee," under "Agency and Other Studies," and under "Public Safety, Department of (DPS)," <http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/SubcommitteeMinutes/LawSub/August302016Minutes.pdf> (last accessed March 19, 2017). A video of the meeting is available at <http://www.scstatehouse.gov/video/videofeed.php>. See 3:36:00 in the video.

<sup>191</sup> SC House of Representatives, House Legislative Oversight Committee, "August 30, 2016 Subcommittee Minutes," under "House Legislative Oversight Committee," under "Agency and Other Studies," and under "Public Safety, Department of (DPS)," <http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/SubcommitteeMinutes/LawSub/August302016Minutes.pdf> (last accessed March 19, 2017). A video of the meeting is available at <http://www.scstatehouse.gov/video/videofeed.php>. See 3:47:00 in the video.

<sup>192</sup> SC House of Representatives, House Legislative Oversight Committee, "Letter from DPS to Oversight Subcommittee (August 15, 2016)," under "House Legislative Oversight Committee," under "Agency and Other Studies," and under "Public Safety, Department of (DPS),"

[http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/DPS/Letter%20from%20DPS%20to%20Oversight%20Subcommittee%20with%20attachments%20\(August%202015,%202016\).pdf](http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/DPS/Letter%20from%20DPS%20to%20Oversight%20Subcommittee%20with%20attachments%20(August%202015,%202016).pdf) (last accessed March 27, 2017). See page 22 of 560.

<sup>193</sup> Materials the Department of Public Safety (DPS) provided to the House Ways and Means Law Enforcement Subcommittee and Criminal Justice Subcommittee during DPS' budget presentation in early 2016, "Highway Patrol Commissioned Officer Manpower"; SC House of Representatives, House Legislative Oversight Committee, "Letter from DPS to Oversight Subcommittee (August 15, 2016)," under "House Legislative Oversight Committee," under "Agency and Other Studies," and under "Public Safety, Department of (DPS)," [http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/DPS/Letter%20from%20DPS%20to%20Oversight%20Subcommittee%20with%20attachments%20\(August%202015,%202016\).pdf](http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/DPS/Letter%20from%20DPS%20to%20Oversight%20Subcommittee%20with%20attachments%20(August%202015,%202016).pdf) (last accessed March 23, 2017). See page 6 of 560, ("Please provide the following information, separated for civilians and sworn officers, for each fiscal year from 2010-11 through 2015-16: number of employees at start of the year, number of employees at end of the year, and number of employee separation during the year"); SC House of Representatives, House Legislative Oversight Committee, "Employment Data for 2010-11 thru 2015-16 including start and end of year numbers, separations and turnover rates," under "House Legislative Oversight Committee," under "Agency and Other Studies," and under "Public Safety, Department of (DPS)," <http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/DPS/Employment%20Data%20for%202010-11%20thru%202015-16%20including%20start%20and%20end%20of%20year%20numbers,%20separations%20and%20turnover%20rates.PDF> (last accessed March 23, 2017) (See Law Enforcement, SCDPS Highway Patrol; Begin '10-11=838, End '10-11=796; Begin '11-12=793, End '11-12=763; Begin '12-13=763, End '12-13=756; Begin '13-14=756, End '13-14=772; Begin '14-15=770, End '14-15=762; Begin '15-16=760, End '15-16=780).

<sup>194</sup> Ibid.

<sup>195</sup> Materials the Department of Public Safety (DPS) provided to the House Ways and Means Law Enforcement Subcommittee and Criminal Justice Subcommittee during DPS' budget presentation in early 2016 and early 2014.

<sup>196</sup> SC House of Representatives, House Legislative Oversight Committee, "DPS Policy 100.07 - OPR November 25, 2015 version; replaced policy dated May 31, 2012," under "House Legislative Oversight Committee," under "Agency and Other Studies," and under "Public Safety, Department of (DPS)," [http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/DPS/DPS%20Policy%20100.07%20-%20OPR%20\(November%202015,%202015;%20replaced%20policy%20dated%20May%2031,%202012\).pdf](http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/DPS/DPS%20Policy%20100.07%20-%20OPR%20(November%202015,%202015;%20replaced%20policy%20dated%20May%2031,%202012).pdf) (last accessed March 23, 2017). See Section VIII. A. ("Each allegation or complaint made against an employee or the agency will be reviewed by OPR and referred to the director to determine if the matter will be investigated. If the complaint is minor in nature, the complaint may be referred to the appropriate division director to investigate.") (emphasis added).

<sup>197</sup> SC House of Representatives, House Legislative Oversight Committee, "DPS Policy 100.07 - OPR November 25, 2015 version; replaced policy dated May 31, 2012," under "House Legislative Oversight Committee," under "Agency and Other Studies," and under "Public Safety, Department of (DPS)," [http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/DPS/DPS%20Policy%20100.07%20-%20OPR%20\(November%202015,%202015;%20replaced%20policy%20dated%20May%2031,%202012\).pdf](http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/DPS/DPS%20Policy%20100.07%20-%20OPR%20(November%202015,%202015;%20replaced%20policy%20dated%20May%2031,%202012).pdf) (last accessed March 23, 2017). See Section IX, 2 ("If the director determines that disciplinary action is not warranted, the report will be returned to the chief investigator. If the director determines that disciplinary action is warranted, the director, with the assistance of the Office of Human Resources (HR), will notify the employee of the action by letter.") (emphasis added).

<sup>198</sup> SC House of Representatives, House Legislative Oversight Committee, "Letter from DPS to Oversight Subcommittee (February 17, 2017)," under "House Legislative Oversight Committee," under "Agency and Other Studies," and under "Public Safety, Department of (DPS)," [http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/DPS/Letter%20from%20DPS%20to%20Oversight%20Subcommittee%20with%20attachments%20\(February%202017,%202017\).pdf](http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/DPS/Letter%20from%20DPS%20to%20Oversight%20Subcommittee%20with%20attachments%20(February%202017,%202017).pdf) (last accessed March 23, 2017).

<sup>199</sup> Ibid.

<sup>200</sup> SC House of Representatives, House Legislative Oversight Committee, "OPR File #PR-2101-14-0024-D

(December 8, 2014),” under “House Legislative Oversight Committee,” under “Agency and Other Studies,” and under “Public Safety, Department of (DPS),”  
[http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/DPS/OPR%20file%20for%20Corporal%20B.E.%20Kyzer%20provided%20by%20DPS%20\(December%208,%202014\).pdf](http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/DPS/OPR%20file%20for%20Corporal%20B.E.%20Kyzer%20provided%20by%20DPS%20(December%208,%202014).pdf) (last accessed March 23, 2017).

<sup>201</sup> Ibid.

<sup>202</sup> SC House of Representatives, House Legislative Oversight Committee, “OPR File #PR-2105-14-0045-D (July 11, 2014),” under “House Legislative Oversight Committee,” under “Agency and Other Studies,” and under “Public Safety, Department of (DPS),”  
[http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/DPS/OPR%20File%20PR-2105-14-0045-D%20\(July%202011,%202014\).pdf](http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/DPS/OPR%20File%20PR-2105-14-0045-D%20(July%202011,%202014).pdf) (last accessed March 23, 2017).

<sup>203</sup> SC House of Representatives, House Legislative Oversight Committee, “OPR File #PR-2105-14-0033-D (June 19, 2014),” under “House Legislative Oversight Committee,” under “Agency and Other Studies,” and under “Public Safety, Department of (DPS),”  
[http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/DPS/OPR%20File%20PR-2105-14-0033-D%20\(June%202019,%202014\).pdf](http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/DPS/OPR%20File%20PR-2105-14-0033-D%20(June%202019,%202014).pdf) (last accessed March 23, 2017).

<sup>204</sup> SC House of Representatives, House Legislative Oversight Committee, “OPR File #PR-2105-14-0045-D (July 11, 2014),” under “House Legislative Oversight Committee,” under “Agency and Other Studies,” and under “Public Safety, Department of (DPS),”  
[http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/DPS/OPR%20File%20PR-2105-14-0045-D%20\(July%202011,%202014\).pdf](http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/DPS/OPR%20File%20PR-2105-14-0045-D%20(July%202011,%202014).pdf) (last accessed March 23, 2017).

<sup>205</sup> SC House of Representatives, House Legislative Oversight Committee, “DPS Policy 400.08G - Guidelines for Progressive Disciplinary Action (Effective March 3, 2010),” under “House Legislative Oversight Committee,” under “Agency and Other Studies,” and under “Public Safety, Department of (DPS),”  
[http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/DPS/Policy%20400.08G%20-%20Guidelines%20for%20Progressive%20Disciplinary%20Action%20\(Effective%20March%203,%202010\).pdf](http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/DPS/Policy%20400.08G%20-%20Guidelines%20for%20Progressive%20Disciplinary%20Action%20(Effective%20March%203,%202010).pdf) (last accessed March 23, 2017).

<sup>206</sup> SC House of Representatives, House Legislative Oversight Committee, “OPR File #PR-2105-14-003-D - 27 other related employees disciplined,” under “House Legislative Oversight Committee,” under “Agency and Other Studies,” and under “Public Safety, Department of (DPS),”  
<http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/DPS/OPR%20File%20PR-2105-14-003-D%20-%2027%20other%20related%20employees%20disciplined.pdf> (last accessed March 23, 2017). See page 11 of 28.

<sup>207</sup> SC House of Representatives, House Legislative Oversight Committee, “DPS Policy 400.08G - Guidelines for Progressive Disciplinary Action (Effective March 3, 2010),” under “House Legislative Oversight Committee,” under “Agency and Other Studies,” and under “Public Safety, Department of (DPS),”  
[http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/DPS/Policy%20400.08G%20-%20Guidelines%20for%20Progressive%20Disciplinary%20Action%20\(Effective%20March%203,%202010\).pdf](http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/DPS/Policy%20400.08G%20-%20Guidelines%20for%20Progressive%20Disciplinary%20Action%20(Effective%20March%203,%202010).pdf) (last accessed March 23, 2017).

<sup>208</sup> SC House of Representatives, House Legislative Oversight Committee, “OPR File #PR-2101-14-0017-D (March 23, 2015),” under “House Legislative Oversight Committee,” under “Agency and Other Studies,” and under “Public Safety, Department of (DPS),”  
<http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/DPS/Alford-PR-2101-14-0017-D.pdf> (last accessed March 23, 2017).

<sup>209</sup> Ibid.

<sup>210</sup> Ibid.

<sup>211</sup> Ibid.

<sup>212</sup> Ibid.

<sup>213</sup> SC House of Representatives, House Legislative Oversight Committee, “DPS Policy 400.08G - Guidelines for Progressive Disciplinary Action (Effective March 3, 2010),” under “House Legislative Oversight Committee,” under “Agency and Other Studies,” and under “Public Safety, Department of (DPS),”

[http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/DPS/Policy%20400.08G%20-%20Guidelines%20for%20Progressive%20Disciplinary%20Action%20\(Effective%20March%203,%202010\).pdf](http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/DPS/Policy%20400.08G%20-%20Guidelines%20for%20Progressive%20Disciplinary%20Action%20(Effective%20March%203,%202010).pdf) (last accessed March 23, 2017).

<sup>214</sup> SC House of Representatives, House Legislative Oversight Committee, “OPR Case Summaries for 2010 through June 2016 (June 29, 2016),” under “House Legislative Oversight Committee,” under “Agency and Other Studies,” and under “Public Safety, Department of (DPS),”

<http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/DPS/DPS%20-%20OPR%20Case%20Summaries%20for%202010%20through%20June%202016.pdf> (last accessed March 23, 2017). Oversight Committee staff compiled this information from the “2010-2015 OPR / DI Case Summaries with demographics” documents provided by DPS on June 29, 2016. DPS personnel testified during the July 13, 2016 Subcommittee meeting that this information was tracked via Microsoft Access, without uniform allegation naming until 2014. In 2014, the data was moved to a new database and DPS began utilizing drop down menus to assist it in naming allegations consistently.

<sup>215</sup> SC House of Representatives, House Legislative Oversight Committee, “OPR Case Summaries for 2010 through June 2016 Excel Charts (listing of cases provided by DPS via email on June 30, 2016),” under “House Legislative Oversight Committee,” under “Agency and Other Studies,” and under “Public Safety, Department of (DPS),” [http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/DPS/OPR%20Case%20Summaries%20for%202010%20through%20June%202016%20\(provided%20via%20email%20on%20June%2030,%202016\).xlsx](http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/DPS/OPR%20Case%20Summaries%20for%202010%20through%20June%202016%20(provided%20via%20email%20on%20June%2030,%202016).xlsx) (last accessed March 28, 2017). The first matter was opened in August 2013 as OPR File #PR-13-0050 and remained open for 250 days, before it was closed and re-opened as #DI-14-0051-D, which remained open another 29 days, making the investigation a total of 279 days. Another matter, #DI-14-0003-D, was opened in January 2014 and took 281 days to reach a finding.

<sup>216</sup> SC House of Representatives, House Legislative Oversight Committee, “July 13, 2016 Subcommittee Minutes,” under “House Legislative Oversight Committee,” under “Agency and Other Studies,” and under “Public Safety, Department of (DPS),”

<http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/SubcommitteeMinutes/Laws%20Sub/July132016Minutes.pdf> (last accessed March 23, 2017). A video of the meeting is available at <http://www.scstatehouse.gov/video/videofeed.php>. (last accessed March 23, 2017). See 4:37:54 in the video. (“If they are under investigation they cannot be promoted. ... No, they are not eligible for promotions while under investigation.”).

<sup>217</sup> SC House of Representatives, House Legislative Oversight Committee, “OPR Case Summaries for 2010 through June 2016 Excel Charts (listing of cases provided by DPS via email on June 30, 2016),” under “House Legislative Oversight Committee,” under “Agency and Other Studies,” and under “Public Safety, Department of (DPS),” [http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/DPS/OPR%20Case%20Summaries%20for%202010%20through%20June%202016%20\(provided%20via%20email%20on%20June%2030,%202016\).xlsx](http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/DPS/OPR%20Case%20Summaries%20for%202010%20through%20June%202016%20(provided%20via%20email%20on%20June%2030,%202016).xlsx) (last accessed March 28, 2017). See OPR File #PR-12-0027 (1173 days (3.1 years)) with allegation of “improper conduct”; OPR File #PR-13-0013 (889 days (2.3 years)) with allegation of “insubordination”; OPR File #PR-13-0074 (691 days and still counting (1.85 years)) with allegation of “providing false information” that is still pending; OPR File #PR-14-0008-C (592 days and still counting (1.59 years)) with allegation of “improper procedures” that is still listed as active; and OPR File #DI-15-0047-C (408 days (1.09 years)) with allegation of “improper procedures.”

<sup>218</sup> Bonnie Brooks, email message to Charles Appleby, June 30, 2016. (“Mr. Appleby, on behalf of Director Smith, in addition to the information that was hand-delivered to the HLOC on June 29, 2016, attached please find OPR/DI Case Summaries in excel format as requested. Please let us know if you have any questions or need additional information. Thank you so much. B.”)

<sup>219</sup> SC House of Representatives, House Legislative Oversight Committee, “July 20, 2016 Subcommittee Minutes,” under “House Legislative Oversight Committee,” under “Agency and Other Studies,” and under “Public Safety, Department of (DPS),”

<http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/SubcommitteeMinutes/Laws%20Sub/July202016Minutes.pdf> (last accessed March 19, 2017). A video of the meeting is available at <http://www.scstatehouse.gov/video/videofeed.php>. See 39:20 in the video. (“We have staff inspections where we go in and get a good sample set of each component that we’re inspecting. We look at morale, operational

effectiveness, the leadership, and we look at the communication lines. Under our recent inspection, the moral was very good. It was a 3.0 on a 4.0 scale.”)

<sup>220</sup> SC House of Representatives, House Legislative Oversight Committee, “Highway Patrol Troop 6 Staff Inspection Report - Berkeley, Charleston, Colleton, Dorchester, Beaufort, and Jasper (November 16-19, 2015),” under “House Legislative Oversight Committee,” under “Agency and Other Studies,” and under “Public Safety, Department of (DPS),”

[http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/DPS/Staff%20Inspection%20Report%20-%20Troop%206%20\(November%2016-19,%202015\).PDF](http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/DPS/Staff%20Inspection%20Report%20-%20Troop%206%20(November%2016-19,%202015).PDF) (last accessed March 23, 2017). See page 74 (Post B - Colleton, Dorchester)

<sup>221</sup> SC House of Representatives, House Legislative Oversight Committee, “Highway Patrol Troop 5 Staff Inspection Report - Darlington, Marlboro, Dillon, Florence, Marion, Georgetown, Williamsburg, and Horry (December 14-18, 2015),” under “House Legislative Oversight Committee,” under “Agency and Other Studies,” and under “Public Safety, Department of (DPS),”

[http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/DPS/Staff%20Inspection%20Report%20-%20Troop%205%20\(December%2014-18,%202015\).PDF](http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/DPS/Staff%20Inspection%20Report%20-%20Troop%205%20(December%2014-18,%202015).PDF) (last accessed March 23, 2017). Page 87 (Post B - Dillon, Florence, and Marion)

<sup>222</sup> SC House of Representatives, House Legislative Oversight Committee, “August 30, 2016 Subcommittee Minutes,” under “House Legislative Oversight Committee,” under “Agency and Other Studies,” and under “Public Safety, Department of (DPS),”

<http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/SubcommitteeMinutes/Laws%20ub/August302016Minutes.pdf> (last accessed March 19, 2017). A video of the meeting is available at

<http://www.scstatehouse.gov/video/videofeed.php>. See 4:28:00 in the video. (“The team is composed with field lieutenants or officers with higher ranks. They are pulled from different troops when it is time to inspect another troop.”).

<sup>223</sup> SC House of Representatives, House Legislative Oversight Committee, “July 20, 2016 Subcommittee Minutes,” under “House Legislative Oversight Committee,” under “Agency and Other Studies,” and under “Public Safety, Department of (DPS),”

<http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/SubcommitteeMinutes/Laws%20ub/July202016Minutes.pdf> (last accessed March 19, 2017). A video of the meeting is available at

<http://www.scstatehouse.gov/video/videofeed.php>. See 1:13:45 in the video. (“I am going to make a comment back to Colonel Oliver. When I was talking to people who did not get promoted or had a grievance filed against them or something like that, some of them yes, and many of them no, there are number of troopers out there that are afraid to say what they feel like they need to say for fear of retribution.”).

<sup>224</sup> SC House of Representatives, House Legislative Oversight Committee, “July 20, 2016 Subcommittee Minutes,” under “House Legislative Oversight Committee,” under “Agency and Other Studies,” and under “Public Safety, Department of (DPS),”

<http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/SubcommitteeMinutes/Laws%20ub/July202016Minutes.pdf> (last accessed March 19, 2017). A video of the meeting is available at

<http://www.scstatehouse.gov/video/videofeed.php>. See 47:14 in the video (“Since we’ve started this oversight process, I’ve been getting calls from law enforcement officers all over the state. I owe it to them to ask these questions. I have never seen the morale at highway patrol as low as it is now.”).

<sup>225</sup> SC House of Representatives, House Legislative Oversight Committee, “Highway Patrol Troop 3 Staff Inspection Report - Anderson, Oconee, Pickens, Greenville, and Spartanburg (July 1, 2015),” under “House Legislative Oversight Committee,” under “Agency and Other Studies,” and under “Public Safety, Department of (DPS),”

[http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/DPS/Troop%203%20Staff%20Inspection%20\(July%202015\).PDF](http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/DPS/Troop%203%20Staff%20Inspection%20(July%202015).PDF) (last accessed March 23, 2017). See page 66 (Post B - Oconee and Pickens).

<sup>226</sup> SC House of Representatives, House Legislative Oversight Committee, “Highway Patrol Troop 4 Staff Inspection Report - Cherokee, Union, York, Fairfield, Chester, Lancaster, and Chesterfield (April 27, 2015),” under “House Legislative Oversight Committee,” under “Agency and Other Studies,” and under “Public Safety, Department of (DPS),”

[http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/DPS/Troop%204%20Staff%20Inspection%20\(April%202015\).PDF](http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/DPS/Troop%204%20Staff%20Inspection%20(April%202015).PDF) (last accessed March 23, 2017). See page 61 (Post A -

Cherokee and Union).

<sup>227</sup> SC House of Representatives, House Legislative Oversight Committee, “Highway Patrol Troop 2 Staff Inspection Report - Laurens, Newberry, Abbeville, Greenwood, Edgefield, McCormick, and Saluda (January 16, 2015),” under “House Legislative Oversight Committee,” under “Agency and Other Studies,” and under “Public Safety, Department of (DPS),”

[http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/DPS/Troop%202%20Staff%20Inspection%20\(Jan.%202015\).PDF](http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/DPS/Troop%202%20Staff%20Inspection%20(Jan.%202015).PDF) (last accessed March 23, 2017). See page 40 (Post A - Laurens and Newberry).

<sup>228</sup> SC House of Representatives, House Legislative Oversight Committee, “Highway Patrol Troop 2 Staff Inspection Report - Laurens, Newberry, Abbeville, Greenwood, Edgefield, McCormick, and Saluda (January 16, 2015),” under “House Legislative Oversight Committee,” under “Agency and Other Studies,” and under “Public Safety, Department of (DPS),”

[http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/DPS/Troop%202%20Staff%20Inspection%20\(Jan.%202015\).PDF](http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/DPS/Troop%202%20Staff%20Inspection%20(Jan.%202015).PDF) (last accessed March 23, 2017). See page 42 (Post A - Laurens and Newberry).

<sup>229</sup> SC House of Representatives, House Legislative Oversight Committee, “Highway Patrol Troop 2 Staff Inspection Report - Laurens, Newberry, Abbeville, Greenwood, Edgefield, McCormick, and Saluda (January 16, 2015),” under “House Legislative Oversight Committee,” under “Agency and Other Studies,” and under “Public Safety, Department of (DPS),”

[http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/DPS/Troop%202%20Staff%20Inspection%20\(Jan.%202015\).PDF](http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/DPS/Troop%202%20Staff%20Inspection%20(Jan.%202015).PDF) (last accessed March 23, 2017). See page 44 (Summary / Conclusion).

<sup>230</sup> SC House of Representatives, House Legislative Oversight Committee, “Highway Patrol Troop 5 Staff Inspection Report - Darlington, Marlboro, Dillon, Florence, Marion, Georgetown, Williamsburg, and Horry (December 14-18, 2015),” under “House Legislative Oversight Committee,” under “Agency and Other Studies,” and under “Public Safety, Department of (DPS),”

[http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/DPS/Staff%20Inspection%20Report%20-%20Troop%205%20\(December%2014-18,%202015\).PDF](http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/DPS/Staff%20Inspection%20Report%20-%20Troop%205%20(December%2014-18,%202015).PDF) (last accessed March 23, 2017). See page 83 (Post B - Dillon, Florence, and Marion) (“Very little individual counseling is conducted for performing well. On the other hand, troopers state they get ‘talked to’ often for poor activity ... Some troopers feel like the DPS Command Staff does not support them; therefore, they find themselves second guessing the decisions they make attempting to avoid making a mistake and possibly generating a District Investigation (DI).”).

<sup>231</sup> SC House of Representatives, House Legislative Oversight Committee, “Highway Patrol Troop 5 Staff Inspection Report - Darlington, Marlboro, Dillon, Florence, Marion, Georgetown, Williamsburg, and Horry (December 14-18, 2015),” under “House Legislative Oversight Committee,” under “Agency and Other Studies,” and under “Public Safety, Department of (DPS),”

[http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/DPS/Staff%20Inspection%20Report%20-%20Troop%205%20\(December%2014-18,%202015\).PDF](http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/DPS/Staff%20Inspection%20Report%20-%20Troop%205%20(December%2014-18,%202015).PDF) (last accessed March 23, 2017). See page 90 (Post D - Horry).

<sup>232</sup> SC House of Representatives, House Legislative Oversight Committee, “Highway Patrol Troop 6 Staff Inspection Report - Berkeley, Charleston, Colleton, Dorchester, Beaufort, and Jasper (November 16-19, 2015),” under “House Legislative Oversight Committee,” under “Agency and Other Studies,” and under “Public Safety, Department of (DPS),”

[http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/DPS/Staff%20Inspection%20Report%20-%20Troop%206%20\(November%2016-19,%202015\).PDF](http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/DPS/Staff%20Inspection%20Report%20-%20Troop%206%20(November%2016-19,%202015).PDF) (last accessed March 23, 2017). See page 75 (Post C - Beaufort and Jasper).

<sup>233</sup> SC House of Representatives, House Legislative Oversight Committee, “Highway Patrol Troop 6 Staff Inspection Report - Berkeley, Charleston, Colleton, Dorchester, Beaufort, and Jasper (November 16-19, 2015),” under “House Legislative Oversight Committee,” under “Agency and Other Studies,” and under “Public Safety, Department of (DPS),”

[http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/DPS/Staff%20Inspection%20Report%20-%20Troop%206%20\(November%2016-19,%202015\).PDF](http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/DPS/Staff%20Inspection%20Report%20-%20Troop%206%20(November%2016-19,%202015).PDF) (last accessed March 23, 2017). See page 75 (Post C - Beaufort and Jasper).

<sup>234</sup> SC House of Representatives, House Legislative Oversight Committee, “Highway Patrol Troop 6 Staff Inspection Report - Berkeley, Charleston, Colleton, Dorchester, Beaufort, and Jasper (November 16-19, 2015),” under “House Legislative Oversight Committee,” under “Agency and Other Studies,” and under “Public Safety, Department of (DPS),”

[http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/DPS/Staff%20Inspection%20Report%20-%20Troop%206%20\(November%2016-19,%202015\).PDF](http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/DPS/Staff%20Inspection%20Report%20-%20Troop%206%20(November%2016-19,%202015).PDF) (last accessed March 23, 2017). See page 74 (Post B - Colleton, Dorchester).

<sup>235</sup> SC House of Representatives, House Legislative Oversight Committee, “Highway Patrol Troop 1 Staff Inspection Report - Sumter, Clarendon, Kershaw, Lee, Lexington, and Richland (August 4-11, 2015),” under “House Legislative Oversight Committee,” under “Agency and Other Studies,” and under “Public Safety, Department of (DPS),”

[http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/DPS/Troop%201%20Staff%20Inspection%20\(Aug.%202015\).PDF](http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/DPS/Troop%201%20Staff%20Inspection%20(Aug.%202015).PDF) (last accessed March 23, 2017). See page 61 (Post B - Kershaw and Lee).

<sup>236</sup> SC House of Representatives, House Legislative Oversight Committee, “Highway Patrol Troop 1 Staff Inspection Report - Sumter, Clarendon, Kershaw, Lee, Lexington, and Richland (August 4-11, 2015),” under “House Legislative Oversight Committee,” under “Agency and Other Studies,” and under “Public Safety, Department of (DPS),”

[http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/DPS/Troop%201%20Staff%20Inspection%20\(Aug.%202015\).PDF](http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/DPS/Troop%201%20Staff%20Inspection%20(Aug.%202015).PDF) (last accessed March 23, 2017). See page 67 (Post D - Richland).

<sup>237</sup> SC House of Representatives, House Legislative Oversight Committee, “Highway Patrol Troop 1 Staff Inspection Report - Sumter, Clarendon, Kershaw, Lee, Lexington, and Richland (August 4-11, 2015),” under “House Legislative Oversight Committee,” under “Agency and Other Studies,” and under “Public Safety, Department of (DPS),”

[http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/DPS/Troop%201%20Staff%20Inspection%20\(Aug.%202015\).PDF](http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/DPS/Troop%201%20Staff%20Inspection%20(Aug.%202015).PDF) (last accessed March 23, 2017). See page 65 (Post B - Kershaw and Lee).

<sup>238</sup> SC House of Representatives, House Legislative Oversight Committee, “Highway Patrol Troop 7 Staff Inspection Report - Allendale, Bamberg, Barnwell, Hampton, Orangeburg, Calhoun, and Aiken (July 24, 2015),” under “House Legislative Oversight Committee,” under “Agency and Other Studies,” and under “Public Safety, Department of (DPS),”

[http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/DPS/Troop%207%20Staff%20Inspection%20\(July%202015\).PDF](http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/DPS/Troop%207%20Staff%20Inspection%20(July%202015).PDF) (last accessed March 23, 2017). See page 56 (Post C - Aiken).

<sup>239</sup> Department of Public Safety, *Accountability Report, 2015-16*.

<http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/DPS/Reports%20&%20Audits%20-%20Reports%20and%20Reviews/Accountability%20Report%20-%202015-2016.pdf> (last accessed March 20, 2017).

<sup>240</sup> SC Code Annotated Section 23-6-30.

<sup>241</sup> 2011 Act No. 69, section 17, effective upon concurrence of contingency.

<sup>242</sup> SC House of Representatives, House Legislative Oversight Committee, “April 21, 2016 Subcommittee Minutes,” under “House Legislative Oversight Committee,” under “Agency and Other Studies,” and under “Public Safety, Department of (DPS),”

<http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/SubcommitteeMinutes/LawSub/April212016Minutes.pdf> (last accessed March 19, 2017). A video of the meeting is available at <http://www.scstatehouse.gov/video/videofeed.php>. See 39:32 in the video.

<sup>243</sup> SC House of Representatives, House Legislative Oversight Committee, “April 21, 2016 Subcommittee Minutes,” under “House Legislative Oversight Committee,” under “Agency and Other Studies,” and under “Public Safety, Department of (DPS),”

<http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/SubcommitteeMinutes/LawSub/April212016Minutes.pdf> (last accessed March 19, 2017). A video of the meeting is available at <http://www.scstatehouse.gov/video/videofeed.php>. See 40:31-40:59 in the video. (When asked if he feels the Illegal Immigration Enforcement Unit is within the mission of DPS, Director Smith, “To be quite candid, that mission falls under the responsibility of SLED. I would never sit here and try to lead you down the wrong path. The mission, when you look at SLED’s mission, in terms of criminal investigation, it falls under the mission of SLED.”).

<sup>244</sup> SC Department of Public Safety, Office of Highway Safety & Justice Programs, <http://www.scdps.gov/ohsjp/> (last accessed March 24, 2017).

<sup>245</sup> SC House of Representatives, House Legislative Oversight Committee, "February 28, 2017 Subcommittee Minutes," under "House Legislative Oversight Committee," under "Agency and Other Studies," and under "Public Safety, Department of (DPS),"

<http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/SubcommitteeMinutes/LawSub/February282017MinutesDPS.pdf> (last accessed March 24, 2017). A video of the meeting is available at <http://www.scstatehouse.gov/video/videofeed.php>. See 11:33-28:00 in the video.

<sup>246</sup> SC House of Representatives, House Legislative Oversight Committee, "February 28, 2017 Subcommittee Minutes," under "House Legislative Oversight Committee," under "Agency and Other Studies," and under "Public Safety, Department of (DPS),"

<http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/SubcommitteeMinutes/LawSub/February282017MinutesDPS.pdf> (last accessed March 24, 2017). A video of the meeting is available at <http://www.scstatehouse.gov/video/videofeed.php>. See 46:27-48:10 in the video.

<sup>247</sup> SC House of Representatives, House Legislative Oversight Committee, "Performance and Recommendations PowerPoint presentation by DPS (July 13, 2016)," under "House Legislative Oversight Committee," under "Agency and Other Studies," and under "Public Safety, Department of (DPS),"

[http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/DPS/Performance%20and%20Recommendations%20PowerPoint%20presentation%20by%20DPS%20\(July%2013,%202016\).pdf](http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/DPS/Performance%20and%20Recommendations%20PowerPoint%20presentation%20by%20DPS%20(July%2013,%202016).pdf) (last accessed March 24, 2017). See slide 34 of 38.

**Legislative Oversight Committee**  
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# Notification of the Executive Subcommittee Study

of the State Election Commission  
Friday, September 1, 2017

In accordance with Standard Practice 12.5, notice is hereby provided that the Executive Subcommittee's oversight study of the State Election Commission is available for consideration by the full committee.

The Honorable Gary E. Clary  
Executive Subcommittee Chair

cc: The Honorable Laurie Slade Funderburk  
The Honorable Weston J. Newton  
The Honorable Robert Q. Williams

# Legislative Oversight Committee

## Study of the South Carolina State Election Commission *September 1, 2017*



FULL COMMITTEE OPTIONS STANDARD PRACTICE 13	FULL COMMITTEE ACTION(S)	DATE(S) OF FULL COMMITTEE ACTION(S)
(1) Refer the study and investigation back to the subcommittee or an ad hoc committee for further evaluation; (2) Approve the subcommittee’s study; or (3) further evaluate the agency as a full committee, utilizing any of the available tools of legislative oversight available		

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# AGENCY SNAPSHOT

## State Election Commission

### History

Independent agency for almost half a century (since 1968)  
First state in the nation to have a statewide voter registration system

### Major Programs

#### **Voter Services**

- (1) Maintains statewide voter registration system providing election-specific databases to produce ballots for county and municipal election commissions
- (2) Provides election support services and technical assistance related to statewide voting system to counties
- (3) Oversees election security and provides guidance to counties

#### **Public Information/Training**

- (1) Administers mandatory statewide training and certification program for county and municipal election officials
- (2) Conducts ongoing training events and workshops
- (3) Furnishes poll manager training program/materials
- (4) Educates the public on the voter registration and election process
- (5) Dispenses information regarding elections and agency activities

#### **Administration**

Provides leadership and direction for the agency, including administration, finance and support services

#### **ISSUES**

- Replacing aging voting equipment
- Securing elections in an ever changing field of cyber security threats
- Meeting demands of voters (e.g., including more opportunities to vote prior to election day and improved accessibility of polling places)

#### **SUCCESSES**

- Conducting five statewide elections and partners with federal/state agencies to enhance security in 2016
- Conducting first county compliance audits in 2015, after being given responsibility over county boards of voter registration and elections in 2014
- Holding voting system fair to become familiar with current systems available around the country in 2015
- Implementing photo identification system in 2013

Figure 1. Snapshot of agency's history, major programs, successes, and issues.<sup>1</sup>

# EXECUTIVE SUMMARY

## *Purpose of Oversight Study*

As stated in SC Code of Laws § 2-2-20(B), “[t]he **purpose of these oversight studies** and investigations is to **determine if agency laws and programs** within the subject matter jurisdiction of a standing committee:

(1) **are being implemented** and carried out **in accordance with the intent of the General Assembly; and**  
(2) **should be continued, curtailed, or eliminated.**” In making these determinations, the Subcommittee evaluates (1) the application, administration, execution, and effectiveness of the agency’s laws and programs, (2) the organization and operation of the agency, and (3) any conditions or circumstances that may indicate the necessity or desirability of enacting new or additional legislation pertaining to the agency.<sup>2</sup>

## *Study Process*

The House Legislative Oversight Committee’s (Committee) process for studying the State Election Commission (agency, Election Commission, or SEC) includes actions by the full Committee; Executive Subcommittee (Subcommittee); the agency; and the public. A summary of the key dates and actions from January 10, 2017, to July 31, 2017 are listed below in Figure 2.

### Legislative Oversight Committee Actions

- January 10, 2017 - Schedules the agency for study by the Executive Subcommittee.
- January 17, 2017 - Informs agency it has been selected for study.
- February 9 - March 13, 2017 - Solicits input from the public about the agency through an **online public survey**.
- March 9, 2017 - Holds **Meeting #2** with the agency to receive **public input**.

### Executive Subcommittee Actions

- February 15, 2017 - Holds **Meeting #1**, a **work session**, to discuss questions to send the agency.
- April 5, 2017 - Holds **Meeting #3** to discuss how county and district boundaries for elections are mapped.
- April 18, 2017 - Holds **Meeting #4** to discuss the agency's mission; responsibilities; successes; challenges and issues; emerging issues; history; and governing body.
- May 3, 2017 - Holds **Meeting #5** to receive testimony from a constituent and discuss deliverables (i.e. products and services); organizational units; and goals.
- May 9, 2017 - Holds **Meeting #6** to continue discussion of deliverables; organizational units; and goals.
- June 13, 2017 - Holds **Meeting #7** to tour the agency and to discuss resources available; methodology utilized to allocate resources to accomplish its strategic plan; and details about each of its goals, including, but not limited to, resources allocated, and performance measures.
- June 27, 2017 - Holds **Meeting #8** to discuss recommendations.

- July 31, 2017 - Holds **Meeting #9**, a **work session**, to discuss recommendations.

### State Election Commission Actions

- March 31, 2015 - Submits its **Annual Restructuring and Seven-Year Plan Report**.
- January 12, 2016 - Submits its **Annual Restructuring Report**.
- September 20, 2016 - Submits its **2015-16 Accountability Report/2017 Annual Restructuring Report**.
- April 14, 2017 - Submits its **Program Evaluation Report**.

### Public's Actions

- February 9, 2017 - March 13, 2017 - Provides input about agency via **online public survey**.
- March 9, 2017 - Provides **testimony** to the full Committee.
- April 5, 2017 - Provides **testimony** to the Subcommittee.
- May 3, 2017 - Provides **testimony** to the Subcommittee.
- June 27, 2017 - Provides **testimony** to the Subcommittee.
- July 31, 2017 - Provides **testimony** to the Subcommittee.
- **Ongoing** - Public may submit written comments on the Oversight Committee's webpage on the General Assembly's website ([www.scstatehouse.gov](http://www.scstatehouse.gov)).

*Figure 2. Summary of key dates and actions of the study process from January 10, 2017, to July 31, 2017.*

## Finding and Recommendations

The Subcommittee has one **finding** arising from its study of the agency, acknowledging differences in interpretations of county boundaries and its potential impact on elections. During the study process, representatives from the Revenue and Fiscal Affairs Office testify if you ask two different counties where the boundary between them is located, you may get two different answers.<sup>3</sup> Also, during the study process, a constituent testifies as to concerns that may arise with county boundary discrepancies including, taxation without representation, if a county tax map is utilized as the boundary of the county instead of the boundary described in state statute.

Acknowledging differences in interpretations of county boundaries and its potential impact on elections, the Subcommittee finds until 2030, or such time as the South Carolina Geodetic Survey Office of Revenue and Fiscal Affairs surveys and maps the county boundaries as expressed in statute, practical problems may arise under various interpretations of a county boundary, including but not limited to, taxation without representation.

The Subcommittee has **eighteen substantive recommendations** arising from its study of the agency. These recommendations fall into four categories: (1) pre-election; (2) election; (3) training; and (4) county boundaries utilized for elections. These recommendations are summarized in Table 1.

There are **no specific recommendations with regards to continuance of agency programs or elimination of agency programs**.

Table 1. Summary of eighteen recommendations arising from the study process.

RECOMMENDATIONS
Pre-Election
1. <b>Voter Registration</b> - Revise state voter registration applications to include a “Yes” and “No” box beside each eligibility qualification.
2. <b>Incapacity</b> - Obtain notification when a court deems an individual mentally incapacitated so the agency may update the voter registration database.
3. <b>Voter Registration Books</b> - Allow additional time for individuals to register to vote by changing the deadline to register to vote from 30 to 25 days prior to an election.*
4. <b>Substitution of Nominee</b> - Limit the time prior to an election when a candidate may resign for non-political reasons and a substitute candidate may be nominated.*
5. <b>Certification of Candidates</b> - Allow the agency sufficient time to prepare for elections by applying the August 15th requirement for certifying candidates in a statewide general election to all candidates and questions to be voted on in the general election except Presidential and Vice-Presidential candidates.*
Elections
6. <b>Municipal Elections</b> - Standardize municipal elections by holding no more than three in an odd numbered year.*
7. <b>Primaries</b> - Hold non-partisan primaries on a different day than partisan primaries.*
8. <b>Poll Workers</b> - Allow a voter registered in South Carolina to serve as a poll worker anywhere in the state.*
9. <b>Absentee Ballots</b> - Remove the requirement of a witness signature on the envelope of a mail-in absentee ballot as the signatures cannot be verified.*
Training
10. <b>County Board Orientation</b> - Require County Registration and Election Board Members to participate in an orientation, approved by the State Election Commission, within 30 days of appointment to a county board.*

## County Boundaries Utilized for Elections

### In General

**11. Official Map** - Clarify South Carolina's official county boundary map is held by Revenue and Fiscal Affairs Office or its successor entity.\*

### Surveying Geographic Coordinates

**12. Initial Public Notice** - Expand notification efforts during the county boundary geographic coordinate surveying process.\*

**13. Streamline Process** - Streamline the geographic coordinate survey process by prohibiting simultaneous occurrence of: (1) a county annexing property impacting an individual boundary line of a county; and (2) SC Geodetic Survey surveying the same boundary line for its geographic coordinates.\*

### After Geographic Coordinates Finalized

**14. Post-Work Notice** - Expand notification efforts after the geographic coordinate surveying process.\*

**15. County Usage** - Confirm usage of boundary geographic coordinates by impacted counties.\*

**16. Voter Database** - Address practical problems with updating the voter database during the geographic coordinate surveying process.\*

**17. Future Annexations** - Provide for accuracy of county boundary lines after initial geographic coordinates are finalized (i.e., update the existing annexation process).\*

**18. Enforcement** - Create an enforcement mechanism to ensure adherence to boundary geographic coordinates (i.e., authorize a private cause of action by a citizen).\*

*Table Note: Asterisks denote recommendations to the General Assembly; all other recommendations are to the agency.*

# AGENCY OVERVIEW

## *History*

The State Election Commission has provided the Committee with an overview of the agency's history.<sup>4</sup> In addition, Committee staff has confirmed the accuracy of any assertion of legislative action.

In 1968, the State Election Commission is created as an independent agency, and Mr. James B. Ellisor is named executive director, a position he holds until 1992. South Carolina organizes the first statewide voter registration system in the country.

In 1984, the SEC implements the federal Voting Accessibility for the Elderly and Handicapped Act. The same year the first two counties, Orangeburg and Spartanburg, in the state are provided online access to the statewide voter registration system.<sup>5</sup>

The State Election Commission launches a statewide project to replace paper ballots in 1986. Also, the agency implements voter registration by mail and the federal Uniformed and Overseas Citizens Absentee Voting Act. It transitions six counties to use electronic voting machines.<sup>6</sup> Those counties include Berkeley, Charleston, Colleton, Dorchester, Fairfield, and Greenwood.<sup>7</sup>

In 1992, the agency begins conducting statewide primaries. Prior to 1992, statewide primaries are conducted by political parties. Ms. Lynn McCants is named executive director of the SEC.

By 1993, all county election boards have online access to the statewide voter registration system. Mr. James F. Hendrix becomes executive director of the SEC in 1994, and he serves in the position for eight years.

The State Election Commission begins a training and certification program for county boards and launches a website providing information to voters in 1995. The SEC implements the National Voter Registration Act (i.e., Motor Voter) and participates in a technology exhibit for the U.S. Department of Commerce showcasing electronic voting machines in the state.

In 2000, the SEC participates in the Voting over the Internet Project, which is sponsored by the U.S. Department of Defense, Federal Voting Assistance Program.

Ms. Marci Andino becomes executive director of the agency in 2003, a position she currently holds. The same year the agency implements the federal Help America Vote Act (HAVA). Prior to enactment of HAVA, counties use different types of voting equipment including: (1) direct recording electronic voting machines; (2) punch cards; and (3) mark sense optical scan system.<sup>8</sup> Additionally, there are a number of dissimilar absentee voting systems in use.<sup>9</sup>

In 2004, the SEC implements a statewide electronic voting system in fifteen counties, moves the agency website to a new platform (i.e., scVOTES.org), and combines its Voter Services and Election Services Divisions to create the Public Information and Training Division. The statewide electronic voting system is completed in 2005. This is the first time South Carolina has a single voting system.

For military and overseas voters, the SEC implements instant voting (i.e., rank choice) in runoffs in 2006. This enables timely reporting of runoff votes from overseas voters, as runoffs are two weeks after a primary. The agency develops and begins using electronic voter registration lists at polling places and launches an intranet site to provide election related information to, as well as communicate with, county election officials.

The agency conducts the presidential preference primaries for the first time in 2008. In total, it conducts five statewide elections that year.

In 2010, the agency implements the federal Military and Overseas Voter Empowerment Act. Also, it develops and implements an electronic ballot delivery system for military and overseas citizens.

The agency implements the statewide voter registration and election management system in 2011. Also, the agency develops a voting system audit program to validate vote totals.

In 2012, the agency implements an online voter registration system, conducts the Republican presidential preference primary, and participates in an audit by the Legislative Audit Council.

During fiscal year 2012-13, the General Assembly provides recurring funding for the agency to conduct primaries and general elections.

In 2013, the agency implements photo identification requirements for voting. Also that year, the U.S. Supreme Court strikes down Section 4 of Voting Rights Act (i.e., requirement for pre-clearance of election changes by the U.S. Department of Justice.)

In 2014, the agency is given supervisory responsibility over county boards of voter registration and elections; responsibility for conducting county compliance audits and other postelection analysis; and responsibility for conducting candidate filing, which was previously conducted by political parties. Also, the agency creates an information security position.

The agency conducts the first county compliance audits in 2015, creates an area representative position, and holds a voting system fair to become familiar with current voting systems available around the country.

In 2016, the agency creates a staff attorney position, four additional area representative positions, and it conducts five statewide elections.<sup>10</sup>

## Organization

### Governing Body

The State Election Commission is composed of five commissioners, with at least one from the majority political party and at least one from the largest minority political party in the General Assembly.<sup>11</sup> Each commissioner is appointed by the Governor for a four-year term, and unless otherwise stated, holds the position until a successor is appointed.<sup>12</sup>

Commissioners are prohibited from (1) participating in political management or in a political campaign during their term of office, (2) making a contribution to a candidate, and (3) knowingly attending a fundraiser held for the benefit of a candidate.<sup>13</sup> Violators are subject to removal by the Governor.<sup>14</sup>

The chairman of the commission is appointed by the Governor and serves a two-year term.<sup>15</sup> Table 2 lists the current commissioners and the date they were appointed.

Table 2. Agency commissioners and initial appointment dates.

Commissioner	Date Appointed
Billy Way, Jr., Chair	September 2012 (4.5 years)
Mark A. Benson	September 2010 (6.5 years)
Marilyn Bowers	September 2011 (5.5 years)
Nicole Spain White	November 2011 (5.5 years)
E. Allen Dawson	September 2012 (4.5 years)

The commission meets in Columbia, South Carolina at least once each month and at such times as considered necessary by the commission.<sup>16</sup> The commission may change the location of the meeting for convenience of the commission or any parties scheduled to appear before the commission.<sup>17</sup>

The commission appoints an executive director of the agency who reports directly to, and serves at the pleasure of, the commission.<sup>18</sup> The executive director is the chief administrative officer for the State Election Commission.<sup>19</sup>

Table 3. Executive directors of the agency and their years of service.

Executive Director	Years of Service
Marci Andino	2003 - Present (14 years)
James F. Hendrix	1994 - 2002 ( 8 years)
Lynn McCants	1992 - 1994 ( 2 years)
James B. Ellisor	1968 - 1992 (35 years)

## Organizational Units

The agency's Program Evaluation Report (PER) includes information about its organizational units.<sup>20</sup> Every agency has some type of organization and hierarchy as reflected in the agency's organizational chart. Within the organization are separate units. An agency may refer to these units as departments, divisions, functional areas, cost centers, etc. Each unit is responsible for contributing to the agency's ability to provide services and products. Figure 3 includes the agency's organizational chart, current as of May 4, 2017.

To ensure agency employees understand how their work contributes to the agency's overall ability to provide effective services and products in an efficient manner, each organizational unit has at least one (and in most cases multiple), objectives, strategies, or goals for which it is solely responsible.

**Administration** is one of the agency's organizational units. This unit provides leadership and direction for the agency, including administration, finance and support services. Table 4 provides additional information about the unit.

Table 4. State Election Commission Organizational Unit: Administration.

Details:	2013-14	2014-15	2015-16
What is the turnover rate?	60%	0%	0%
Is employee satisfaction evaluated?	Yes	Yes	Yes
Is anonymous employee feedback allowed?	Yes	Yes	Yes
Do any positions require a certification (e.g., teaching, medical, accounting, etc.)	No	No	Yes
Did the agency pay for, or provide classes/instruction needed to maintain all, some, or none of required certifications?	N/A	N/A	Yes

**Voter Services** is another organizational unit of the agency. This unit provides and supports the statewide voter registration system; provides election-specific databases to produce ballots for county and municipal election commissions; provides counties with election support services and technical assistance related to statewide voting system; and provides election security oversight and guidance to counties. Table 5 provides additional information about the unit.

Table 5. State Election Commission Organizational Unit: Voter Services.

Details:	2013-14	2014-15	2015-16
What is the turnover rate?	13%	10%	15%
Is employee satisfaction evaluated?	Yes	Yes	Yes
Is anonymous employee feedback allowed?	Yes	Yes	Yes
Do any positions require a certification (e.g., teaching, medical, accounting, etc.)	No	No	No
Did the agency pay for, or provide classes/instruction needed to maintain all, some, or none of required certifications?	No	No	No

**Public Information/Training** is the third organizational unit of the agency. This unit administers mandatory statewide training and certification programs for county and municipal election officials; provides ongoing training events and workshops; provides a poll manager training program and materials; educates the public on the voter registration and election process; and provides information regarding elections and agency activities. Table 6 includes additional information about the unit.

Table 6. State Election Commission Organizational Unit: Public Information/Training.

Details:	2013-14	2014-15	2015-16
What is the turnover rate?	0%	0%	0%
Is employee satisfaction evaluated?	Yes	Yes	Yes
Is anonymous employee feedback allowed?	Yes	Yes	Yes
Do any positions require a certification (e.g., teaching, medical, accounting, etc.)	No	No	No
Did the agency pay for, or provide classes/instruction needed to maintain all, some, or none of required certifications?	No	No	No

### Organizational Chart

Figure 3 includes an organizational chart, current as of May 4, 2017. In the chart, Administrative Manager I, Janet Reynolds, serves as Director of the Administration unit; Program Manager I, Chris Whitmire, serves as Director of the Public Information/Training unit; and Program Manager I, Howard Snider, serves as Director of the Voter Services unit. Program Manager I, Vacant, supervises the area representatives the agency has recently hired.<sup>21</sup>

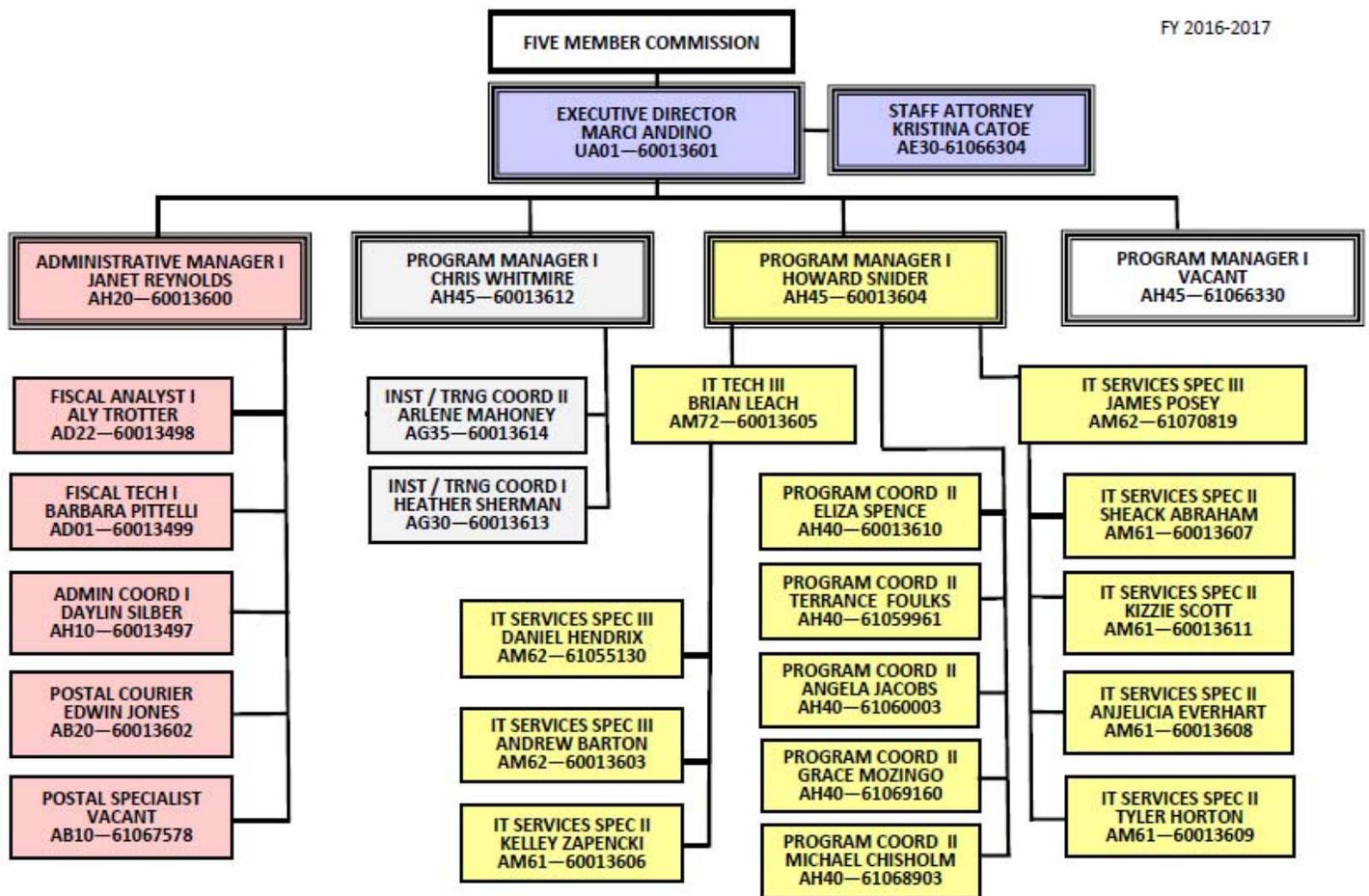


Figure 3. Organizational chart provided by the agency, current as of May 4, 2017.<sup>22</sup>

### *Relationship with County Boards of Registration and Elections*

County Boards of Registration and Elections are separate entities from the State Election Commission. While the **agency is not involved in the appointment of members to these boards, it is responsible for setting standards for these boards.** Appendix A includes information about the appointment of members, names of members by county, and a list of County Boards of Registration and Elections responsibilities.

### *Products, Services, and Customers*

During the study process, the **agency is asked to provide a list of all its deliverables** (i.e., products and services) as well as additional information related to laws, customers, costs, and potential negatives impacts, about each deliverable. Table 7 includes a list of the agency's 53 deliverables.

Table 7. List of agency's 53 products and services.

Item #	Product or Service	Does law require, allow, or not address it?	Does agency know the number of potential customers?	Does agency know the number of customers served?	Does the agency evaluate customer service?	Does the agency know the cost it incurs, per unit, to provide the product or service?	Does the law allow the agency to charge for it to cover the agency's costs?
1	Provide registration offices and polling places that are accessible to voters with disabilities and voters age 65 and older	Require; 42 U.S.C. §§ 1973ee-ee6. (1984); (Voting Accessibility for the Elderly and Handicapped)	No	No	No	No	No
2	Take appropriate steps to ensure communication with applicants, participants and members of the public with disabilities are as effective as communications with other individuals	Require; 42 U.S.C. § 12101, et seq. (1990); (Americans with Disabilities Act)	No	No	No	No	No
3	Provide opportunity to register to vote at certain agencies	Require; 52 U.S.C. § 20501, et seq. (1993); (National Voter Registration Act)	No	No	No	No	No
4	Provide programs and procedures for provisional voting, voting information, updating and upgrading voting equipment, establishing statewide voter registration databases, voter identification and administrative complaints	Require; 52 U.S.C. §§ 20901-21145 (2002); (Help America Vote Act)	No	No	No	No	No
5	Allow qualified service members and overseas citizens to register to vote and vote absentee	Require; 52 U.S.C. §§ 20301-20311, (1986); (Uniformed and Overseas Citizens Absentee Voting Act)	No	No	No	No	No

Item #	Product or Service	Does law require, allow, or not address it?	Does agency know the number of potential customers?	Does agency know the number of customers served?	Does the agency evaluate customer service?	Does the agency know the cost it incurs, per unit, to provide the product or service?	Does the law allow the agency to charge for it to cover the agency's costs?
6	Send electronic communications materials and absentee ballots to UOCAVA voters at least 45 days prior to the election	Require; 42 U.S.C. § 1973ff-1 (2009); (Military and Overseas Voter Empowerment Act)	No	No	No	No	No
7	Conduct a training and certification program for municipal officials	Require; 7-3-20	No	Yes	Yes	No	Yes
8	Furnish precinct lists to a qualified elector	Require; 7-3-20	Yes	Yes	No	Yes	Yes
9	Audit the County Board of Voter Registration and Elections	Require; 7-3-20	Yes	Yes	No	No	No
10	Maintain master file of all qualified electors by county and precinct	Require; 7-3-20	No	No	No	No	No
11	Delete names of electors for certain statutory reasons	Require; 7-3-20	No	No	No	No	No
12	Furnish County Boards of Voter Registration and Elections with a master list of all registered voters in the county	Require; 7-3-20	Yes	Yes	No	Yes	No
13	Provide corrective action plan for non-compliant county Board of Voter Registration and Election members	Require; 7-3-25	Yes	Yes	No	No	No
14	Notify the Governor of any county board of voter registration and election official that fails to meet training and certification requirements	Require; 7-3-25	Yes	Yes	No	No	No
15	Notify any elector whose name has been deleted for reason of conviction or change of address	Require; 7-3-30	No	Yes	No	No	No

Item #	Product or Service	Does law require, allow, or not address it?	Does agency know the number of potential customers?	Does agency know the number of customers served?	Does the agency evaluate customer service?	Does the agency know the cost it incurs, per unit, to provide the product or service?	Does the law allow the agency to charge for it to cover the agency's costs?
16	Provide training and certification for County officials	Require; 7-5-10	Yes	Yes	Yes	Yes	Yes
17	Provide supplement to county boards to defray expenses of the voter registration office	Require; 7-5-40	Yes	Yes	No	No	No
18	Provide written notification to any person who registers to vote and is found qualified to vote	Require; 7-5-125	No	Yes	No	No	No
19	Furnish voter registration forms to County Boards of Voter Registration and Elections	Require; 7-5-155	No	Yes	No	Yes	No
20	Maintain electronic voter registration application on the SEC website	Require; 7-5-185	No	Yes	No	No	No
21	Maintain statewide voter registration database	Require; 7-5-186	Yes	Yes	No	No	No
22	Provide method of complaint regarding interference with voter registration or privacy of decision to register	Require; 7-5-310	No	Yes	No	No	No
23	Remove of elector from official list	Require; 7-5-340	No	No	No	No	No
24	Prepare duplicate registration books for each ward or precinct for every county	Require; 7-5-660	Yes	Yes	No	No	No
25	Conduct candidate filing	Require; 7-11-15	No	Yes	No	No	No
26	Conduct presidential preference primary for certified political parties receiving at least five percent of the popular vote	Require; 7-11-20	Yes	Yes	No	Yes	No

Item #	Product or Service	Does law require, allow, or not address it?	Does agency know the number of potential customers?	Does agency know the number of customers served?	Does the agency evaluate customer service?	Does the agency know the cost it incurs, per unit, to provide the product or service?	Does the law allow the agency to charge for it to cover the agency's costs?
27	Furnish petition forms to county election officials and interested persons	Allows; 7-11-80	No	No	No	Yes	No
28	Conduct primaries for federal, state and offices included in more than one county, countywide and less than countywide offices, specialist purpose districts	Require; 7-13-15	Yes	Yes	No	Yes	No
29	Conduct party primaries	Require; 7-13-40	Yes	Yes	No	Yes	No
30	Establish regular hours and publish notice of candidate filing	Require; 7-13-45	No	Yes	No	Yes	No
31	Conduct second or other primaries	Require; 7-13-50	Yes	Yes	No	Yes	No
32	Provide training and certification program for poll managers	Require; 7-13-72	Yes	Yes	No	No	No
33	Direct size and the color of the ballot	Require; 7-13-320	No	No	No	No	No
34	Place petition nominee on appropriate ballot	Require; 7-13-351	No	No	No	No	No
35	Print and deliver ballots for presidential electors, state officers, US Senators and members of Congress	Require; 7-13-340	Yes	No	No	No	No
36	Provide ballots that have proposed constitutional amendments	Require; 7-13-410	No	No	No	No	No
37	Prepare separate ballots for each political party holding a primary	Require; 7-13-610	Yes	No	No	No	No
38	Provide ballot labels	Require; 7-13-1360	No	No	No	No	No

Item #	Product or Service	Does law require, allow, or not address it?	Does agency know the number of potential customers?	Does agency know the number of customers served?	Does the agency evaluate customer service?	Does the agency know the cost it incurs, per unit, to provide the product or service?	Does the law allow the agency to charge for it to cover the agency's costs?
39	Establish form of a sign to be displayed at polling places using optical scan devise	Require; 7-13-1371	No	No	No	No	No
40	Establish ballot forms	Require; 7-13-1371	No	No	No	No	No
41	Approve Voting System	Require; 7-13-1620	No	No	No	No	No
42	Approve One Voting System	Require; 7-13-1655	No	No	No	No	No
43	Determine form application for absentee ballot	Require; 7-15-340	Yes	Yes	No	Yes	No
44	Send ballots to qualified electors under Uniformed and Overseas Citizens Absentee Voting Act at least forty-five days prior to any election	Require; 7-15-406	Yes	Yes	No	Yes	No
45	Standards and guidelines for voting systems to count absentee ballots	Require; 7-15-470	No	No	No	No	No
46	Certify statement of all votes cast	Require; 7-17-240	No	Yes	No	No	No
47	Document declaration of elected officials	Require; 7-17-250	No	No	No	No	No
48	Decide cases held by State Board of Canvassers	Require; 7-17-260	No	No	No	No	No
49	Furnish jury list	Require; 14-7-130	Yes	Yes	No	Yes	No
50	Disburse aid to counties for county voter registration and elections board members	Require; Proviso 101.1 (County Boards of Voter Registration and Election Compensation), 2016-2017, Appropriations Act Part 1B)	Yes	Yes	No	Yes	No
51	Disburse additional funds to State Board of Canvassers for Protests and Hearings	Allows; Proviso 101.3 (Board of State Canvassers Compensation), 2016-2017, Appropriations Act Part 1B	Yes	Yes	No	Yes	No

Item #	Product or Service	Does law require, allow, or not address it?	Does agency know the number of potential customers?	Does agency know the number of customers served?	Does the agency evaluate customer service?	Does the agency know the cost it incurs, per unit, to provide the product or service?	Does the law allow the agency to charge for it to cover the agency's costs?
52	Provide training courses with common curriculum available in various locations of the state	Require; Proviso 101.7 (Training and Certification Program), 2016-2017, Appropriations Act Part 1B	Yes	Yes	Yes	Yes	Yes
53	Submit information technology and security plan to Department of Administration	Require; Proviso 117.114 (Information Technology and Security Plans), 2016, 2017, Appropriations Act Part 1B	No	No	No	No	No

The **agency has various sources of revenue including both recurring and one-time revenue**. Table 8 provides information about the agency’s revenue sources for the past three fiscal years.

Table 8. Sources of agency revenue for fiscal year 2014-15, fiscal year 2015-16, and estimates for fiscal year 2016-17.

Source of Revenue	Recurring or one-time?	2014-15 Revenue	2015-16 Revenue	2016-17 Revenue Estimate
General Appropriations	Recurring	\$0	\$0	\$0
General Revenue	Recurring	\$539	\$2,012	\$0
Candidate Filing Fees	Recurring	\$78,287	\$1,215,574	\$10,000
Training Program	Recurring	\$15,165	\$18,500	\$15,000
Sale of List Program	Recurring	\$104,637	\$175,957	\$100,000
Presidential Preference Primaries	One-time	\$0	\$360,000	\$0
Help America Vote Act Grant	One-time	\$5,476	\$4,755	\$4,000
Federal Voting Assistance Program Grant	One-time	\$0	\$8,652	\$0
Totals		\$204,104	\$1,785,450	\$129,000

### Other Agencies Serving Similar Customers/Products/Services

During the study of an agency the **Committee asks the agency if there are any other agencies serving similar customers or providing similar products or services**. The State Election Commission does not believe the products and services it provides are within the mission of any other state agency.<sup>23</sup>

### Strategic Resource Allocation and Performance

During the study of an agency, the **Committee asks an agency how it allocates its human and financial resources to accomplish its goals** (i.e., broad expression of a long-term priority) **and objectives** (i.e., specific, measurable and achievable description of an effort the agency is implementing to achieve a goal) in the agency’s strategic plan.<sup>24</sup> The agency states it does not spend any funds on items not directly related to its strategic plan. Tables 9-13 includes an overview of the agency's strategic plan and resources allocated to its goals and objectives and amounts not utilized.<sup>25</sup>

Table 9.1. Agency Goal 1: Provide for a system of voter registration that is free of barriers - strategies, objectives, and resource (human and financial) allocations.

**GOAL 1 Provide for a system of voter registration that is free of barriers.**

Responsible Employee(s): Mr. Howard Snider (responsible for more than three years)

Strategies and Objectives:	2015-16		2016-17	
	Number of FTEs authorized <sup>26</sup> (Number of equivalents)	Total spent (Percentage of total funds spent)	Number of FTEs authorized (Number of equivalents)	Total budgeted (Percentage of total funds spent)
<ul style="list-style-type: none"> <li>• Strategy 1.1 - Maintain a statewide voter registration system that is convenient, accessible and meets the needs of counties                             <ul style="list-style-type: none"> <li>○ Objective 1.1.1 - Provide a system that is available and take all reasonable measures to ensure cyber security of the voter registration system</li> <li>○ Objective 1.1.2 - Support county users in use of system to maintain accurate voter records</li> </ul> </li> <li>• Strategy 1.2 - Ensure citizens have accessible methods to register to vote                             <ul style="list-style-type: none"> <li>○ Objective 1.2.1 - Provide registration by mail, online voter registration, and in person registration at county offices and other designated voter registration agencies</li> </ul> </li> </ul>	26.5 (1.2)	\$413,930 (6.567%)	26.5 (1.3)	\$500,000 (5.46%)
	26.5 (1.8)	\$444,870 (7.05%)	26.5 (2.1)	\$500,000 (5.46%)
	26.5 (0.5)	\$73,209 (1.16%)	26.5 (0.5)	\$75,000 (0.82%)

Table 9.2. Performance measures associated with goal 1.

Performance Measure	Type of Measure	2012-13	2013-14	2014-15	2015-16	2016-17
Total active registered voters	Input/Activity	Actual: 2,911,101 Target: Did not exist (DNE)	Actual: 2,843,744 Target: DNE	Actual: 2,889,904 Target: DNE	Actual: 3,081,855 Target: DNE	Target: DNE
Voters registered in current fiscal year	Input/Activity	Actual: 218,989 Target: DNE	Actual: 139,903 Target: DNE	Actual: 158,213 Target: DNE	Actual: 244,741 Target: DNE	Target: DNE
Voters made inactive	Input/Activity	Actual: 68,280 Target: DNE	Actual: 180,441 Target: DNE	Actual: 82,610 Target: DNE	Actual: 60,025 Target: DNE	Target: DNE
Percentage of county election officials using electionnet*	Input/Activity	Data Not Available	Actual: 45% Target: 100%	Actual: 49% Target: 100%	Actual: 60% Target: 100%	Target: 100%
Percentage of registrations...						
submitted online	Outcome	Actual: 9.6% Target: DNE	Actual: 3.5% Target: DNE	Actual: 7.2% Target: DNE	Actual: 22.1% Target: DNE	Target: DNE
received by mail	Input/Activity	Actual: 31.3% Target: DNE	Actual: 16.2% Target: DNE	Actual: 15.4% Target: DNE	Actual: 11.3% Target: DNE	Target: DNE
in office	Input/Activity	Actual: 12% Target: DNE	Actual: 5.9% Target: DNE	Actual: 6.5% Target: DNE	Actual: 5.6% Target: DNE	Target: DNE
at Department of Motor Vehicles	Input/Activity	Actual: 46.1% Target: DNE	Actual: 73% Target: DNE	Actual: 68.1% Target: DNE	Actual: 58.5% Target: DNE	Target: DNE
at other public service agencies	Input/Activity	Actual: 0.9% Target: DNE	Actual: 1.4% Target: DNE	Actual: 2.8% Target: DNE	Actual: 1.9% Target: DNE	Target: DNE
Training and certification program ...						
Number of participants	Input/Activity	Actual: 507 Target: DNE	Actual: 493 Target: DNE	Actual: 517 Target: DNE	Actual: 505 Target: DNE	Target: DNE
Percentage not in compliance with requirements	Outcome	Actual: 7.1% Target: 0%	Actual: 4.9% Target: 0%	Actual: 3.9% Target: 0%	Actual: 4.5% Target: 0%	Target: 0%
Classes offered	Output	Actual: 18 Target: DNE	Actual: 28 Target: DNE	Actual: 26 Target: 25	Actual: 28 Target: 25	Target: 25
Total class attendees	Input/Activity	Actual: 504 Target: DNE	Actual: 663 Target: DNE	Actual: 657 Target: 625	Actual: 642 Target: 625	Target: 625
Total other training events	Output	Actual: 17 Target: DNE	Actual: 26 Target: DNE	Actual: 21 Target: DNE	Actual: 22 Target: DNE	Target: DNE

Table Note: All measures are agency selected, except percentage of registrations submitted at Department of Motor Vehicles and at other public service agencies, which are required by the federal government. "DNE" means did not exist. ElectionNET is a secure election portal for sharing information between the SEC and the 46 county voter registration and elections offices. For each measure, the agency identified which "type of measure" it considered the performance measure.

Table 10.1. Agency Goal 2: Certify and support a statewide voting system that meets state law, federal voting system standards and is accessible for all voters - strategies, objectives, and resource (human and financial) allocations.

**GOAL 2** Certify and support a statewide voting system that meets state law, federal voting system standards, and is accessible for all voters

Responsible Employee(s): Mr. Howard Snider (responsible for more than three years)

Strategies and Objectives:	2015-16		2016-17	
	Number of FTEs authorized <sup>27</sup> (Number of equivalents)	Total spent (Percentage of total funds spent)	Number of FTEs authorized (Number of equivalents)	Total budgeted (Percentage of total funds spent)
<ul style="list-style-type: none"> <li>• Strategy 2.1 - Support the statewide voting system ensuring it is easy to use, accurate and secure                             <ul style="list-style-type: none"> <li>○ Objective 2.1.1 - Produce election-specific databases and ballots according to state law and ballot standards</li> <li>○ Objective 2.1.2 - Support users in set-up, testing, usage, maintenance and secure storage of voting system</li> <li>○ Objective 2.1.3 - Audit vote totals prior to certification of election results</li> </ul> </li> </ul>	26.5 (3)	\$217,272 (3.44%)	26.5 (3.3)	\$200,000 (2.18%)
	26.5 (1)	\$266,843 (4.23%)	26.5 (1.3)	\$250,000 (2.73%)
	26.5 (0.8)	\$89,767 (1.42%)	26.5 (1.1)	\$100,000 (1.09%)

Table 10.2. Performance measures associated with goal 2.

Performance Measure	Type of Measure	2012-13	2013-14	2014-15	2015-16	2016-17
Number of elections held in state	Input/Activity	Actual: 185 Target: Did not exist (DNE)	Actual: 313 Target: DNE	Actual: 166 Target: 166	Actual: 336 Target: DNE	Target: DNE
Number of counties served by SEC database coders	Input/Activity	Actual: 39 Target: 39	Actual: 39 Target: 39	Actual: 39 Target: 39	Actual: 39 Target: 39	Target: 39
Number of audits conducted on county election results	Input/Activity	Actual: 114 Target: DNE	Actual: 301 Target: DNE	Actual: 312 Target: DNE	Actual: 626 Target: DNE	Target: DNE
Number of final audits failed on county election results	Outcome	Actual: 3 Target: 0	Actual: 2 Target: 0	Actual: 0 Target: 0	Actual: 0 Target: 0	Target: 0

Table Note: All performance measures are agency selected and not required by either the state or federal government. For each measure, the agency identified which "type of measure" it considered the performance measure.

Table 11.1. Agency Goal 3: Support counties in conducting voter registration and fair, open and impartial elections - strategies, objectives, and resource (human and financial) allocations.

**GOAL 3 Support counties in conducting voter registration and fair, open and impartial elections**

Responsible Employee(s): Mr. Chris Whitmire and Mr. Howard Snider (Both responsible for more than three years)

<u>Strategies and Objectives Associated:</u>	<u>2015-16</u>		<u>2016-17</u>	
	Number of FTEs authorized <sup>28</sup> (Number of equivalents)	Total spent (Percentage of total funds spent)	Number of FTEs authorized (Number of equivalents)	Total budgeted (Percentage of total funds spent)
<ul style="list-style-type: none"> <li>• Strategy 3.1 - Provide supervision, training, guidance and resources to counties to aid in voter registration and elections                             <ul style="list-style-type: none"> <li>○ Objective 3.1.1 - Provide guidance and training for county and municipal election officials and poll managers</li> <li>○ Objective 3.2.1 - Provide candidate filing system, absentee tracking and ballot delivery tools, photo ID production, paper and electronic voter registration lists and capturing voter history</li> </ul> </li> <li>• Strategy 3.2 - Ensure compliance with state and federal laws and agency policies and procedures                             <ul style="list-style-type: none"> <li>○ Objective 3.2.1 - Conduct county compliance audits and assessments</li> </ul> </li> <li>• Strategy 3.3 - Provide public education and information                             <ul style="list-style-type: none"> <li>○ Objective 3.3.1 - Provide voters with online access to their voter record, polling place, absentee ballot request and tracking, sample ballot, and status of provisional ballot</li> <li>○ Objective 3.3.2 - Increase public knowledge of voting rights, responsibilities, and procedures</li> <li>○ Objective 3.3.3 - Provide information, statistics and election results</li> </ul> </li> </ul>	26.5 (2.8)	\$388,429 (6.15%)	26.5 (3.1)	\$410,000 (4.47%)
	26.5 (1.4)	\$98,291 (1.56%)	26.5 (1.4)	\$150,000 (1.64%)
	26.5 (1.4)	\$140,228 (2.22%)	26.5 (3.0)	\$200,000 (2.18%)
	26.5 (0.3)	\$44,428 (0.70%)	26.5 (0.3)	\$100,000 (1.09%)
	26.5 (0.8)	\$280,335 (4.44%)	26.5 (0.9)	\$220,000 (2.40%)
	26.5 (1.1)	\$120,691 (1.91%)	26.5 (1.2)	\$150,000 (1.64%)

Table 11.2. Performance measures associated with goal 3.

Performance Measure	Type of Measure	2012-13	2013-14	2014-15	2015-16	2016-17
Number of SEC voter educations events	Output	Actual: 66 Target: Did not exist (DNE)	Actual: 32 Target: DNE	Actual: 25 Target: DNE	Actual: 41 Target: DNE	Target: DNE
Twitter followers	Input/Activity	Data Not Available	Actual: 968 Target: DNE	Actual: 1,084 Target: DNE	Actual: 1,341 Target: DNE	Target: DNE
Facebook likes	Input/Activity	Data Not Available	Actual: 3,080 Target: DNE	Actual: 3,091 Target: DNE	Actual: 3,509 Target: DNE	Target: DNE
Number of candidates filed for federal, state and county level offices in most recent general election	Input/Activity	Data Not Available	Actual: 1,339 (2014 GE) Target: DNE	Actual: 1,339 (2014 GE) Target: DNE	Actual: 1,604 (2016 GE) Target: DNE	Target: DNE
Filing Fees collected for...						
Statewide primaries	Input/Activity	Actual: \$5,936 Target: DNE	Actual: \$907,396 Target: DNE	Actual: N/A	Actual: \$1,210,926 Target: DNE	Target: DNE
Special primaries	Input/Activity	Actual: \$69,424 Target: DNE	Actual: \$14,651 Target: DNE	Actual: \$78,287 Target: DNE	Actual: \$4,648 Target: DNE	Target: DNE
Presidential preference primaries	Input/Activity	N/A	N/A	N/A	Actual: \$360,000 Target: DNE	Target: DNE
Scvotes.org...						
Total visits	Input/Activity	Actual: 370,524 Target: DNE	Actual: 176,420 Target: DNE	Actual: 169,247 Target: DNE	Actual: 237,217 Target: DNE	Target: DNE
Percentage returning visits	Input/Activity	Actual: 19.1% Target: DNE	Actual: 35% Target: DNE	Actual: 27% Target: DNE	Actual: 26% Target: DNE	Target: DNE
Percentage new visits	Input/Activity	Actual: 80.9% Target: DNE	Actual: 65% Target: DNE	Actual: 73% Target: DNE	Actual: 74% Target: DNE	Target: DNE

Table Note: All measures are agency selected except, tracking filing fees collected for statewide primaries; special primaries; and presidential preference primaries, which are required by state government. Also, agency selected for goal 3, all measures listed with goal 2 in Table 10.2; and the following listed with goal 1 in Table 9.2: Percentage of county election officials using electionnet; and Training and certification program number of participants, percentage not in compliance with requirements, classes offered, total class attendees, and total other training events. For each measure, the agency identified which "type of measure" it considered the performance measure.

Table 12.1. Agency Goal 4: Effectively oversee all agency programs and operations - strategies, objectives, and resource (human and financial) allocations.

**GOAL 4 Effectively oversee all agency programs and operations**

Responsible Employee(s): Ms. Janet Reynolds (Responsible for more than three years)

Strategies and Objectives Associated:	2015-16		2016-17	
	Number of FTEs authorized <sup>29</sup> (Number of equivalents)	Total spent (Percentage of total funds spent)	Number of FTEs authorized (Number of equivalents)	Total budgeted (Percentage of total funds spent)
<ul style="list-style-type: none"> <li>• Strategy 4.1 - Manage administrative and business activities of the agency                             <ul style="list-style-type: none"> <li>○ Objective 4.1.1 - Prepare annual budget and fiscal impact statements, and process payroll, accounts payable, accounts receivable, county election reimbursements, and county board member stipends</li> <li>○ Objective 4.2.1 - Provide support services to include human resources, legal, procurement, records management, fleet management, election supplies and shipping</li> </ul> </li> </ul>	26.5 (1.7)	\$3,477,377 (55.08%)	26.5 (1.7)	\$6,010,000 (65.58%)
	26.5 (2.2)	\$257,598 (04.08%)	26.5 (2.8)	\$300,000 (03.27%)

Table 12.2. Performance measures associated with goal 4.

Performance Measure	Type of Measure	2012-13	2013-14	2014-15	2015-16	2016-17
Training and certification program fees	Input/Activity	Actual: \$7,700 Target: DNE	Actual: \$16,725 Target: DNE	Actual: \$15,165 Target: DNE	Actual: \$18,500 Target: DNE	Target: DNE
Sale of voter registration lists	Input/Activity	Actual: \$78,736 Target: DNE	Actual: \$108,621 Target: DNE	Actual: \$104,637 Target: DNE	Actual: \$175,957 Target: DNE	Target: DNE
Sale of publications	Input/Activity	Actual: \$55 Target: DNE	Actual: \$12 Target: DNE	Actual: \$39 Target: DNE	Actual: \$12 Target: DNE	Target: DNE
Voting system update/certification fees	Input/Activity	Actual: \$0 Target: DNE	Actual: \$1,000 Target: DNE	Actual: \$500 Target: DNE	Actual: \$2,000 Target: DNE	Target: DNE
Number of poll managers used (general election or primary/runoff)	Input/Activity	Actual: 14,306 (General) Target: DNE	Actual: 18,782 (Primary/Runoff) Target: DNE	Actual: 13,168 (General Election) Target: DNE	Actual: 12,274 (Primary/Runoff) Target: DNE	Target: DNE
Protests heard	Outcome	Actual: 3 Target: 0	Actual: 0 Target: 0	Actual: 0 Target: 0	Actual: 0 Target: 0	Target: 0
Appeals heard	Outcome	Actual: 5 Target: 0	Actual: 0 Target: 0	Actual: 3 Target: 0	Actual: 1 Target: 0	Target: 0

Table Note: Number of poll managers used, protests heard, and appeals heard are agency selected; all others are required by state government. For each measure, the agency identified which "type of measure" it considered the performance measure.

During the study, **the agency is asked to provide the amount of funds remaining at the end of the year by fund source and restrictions** on how the funds may be utilized. Table 13 includes this information.

Table 13. Details about the agency's different sources of funds and amounts remaining at the end of fiscal years 2015-16 and 2016-17 available to the agency.

Source of funds	State, other or federal funding?	Recurring or one-time?	External restrictions (from state or federal government, grant issuer, etc.) on use of funds:	2015-16		2016-17	
				Total available to spend this fiscal year:	Cash Balance Remaining (Percentage of total available from source)	Total est. to have available to spend this fiscal year:	Cash Balance Not Budgeted to Spend (Percentage of total available from source)
• General Appropriations	State	Recurring	None	\$7,264,086	\$4,116,468 56.67%	\$9,622,787	\$747,787 7.77%
• General Revenue	Other	Recurring	No authority to spend funds	\$0	\$0 0%	\$0	\$0 0%
• Candidate Filing Fees	Other	Recurring	SC Code of Law 7-11-15	\$1,300,000	\$500,927 38.53%	\$1,300,000	\$1,290,000 99.23%
• Training Program	Other	Recurring	Proviso 101.70	\$35,000	\$26,136 74.67%	\$35,000	\$5,000 14.29%
• Sale of List Program	Other	Recurring	SC Code of Law 7-3-20(C)(10); Proviso 101.4	\$305,700	\$206,960 67.70%	\$305,700	\$155,700 50.93%
• Help America Vote Act Grant	Federal	One-Time	Help America Vote Act; State Plan Proviso 101.10	\$450,249	\$399,929 88.82%	\$403,929	\$303,929 75.24%
• Presidential Preference Primaries	State	One-Time	SC Code of Law 7-11-20(B)(2)(a)	\$2,200,000	\$0 0%	\$0	\$0 0%
• FVAP/EVAT Grant	Federal	One-Time	Federal Voting Assistance Program	\$8,652	\$0 0%	\$0	\$0 0%
<b>Totals</b>				<b>\$11,563,687</b>	<b>\$5,250,418 45.40%</b>	<b>\$11,672,171</b>	<b>\$2,502,416 21.45%</b>

# STUDY PROCESS

## *Agency Selection*

The State Election Commission is a state agency subject to legislative oversight.<sup>30</sup> On January 10, 2017, the **Committee schedules SEC for study** by the Executive Subcommittee.<sup>31</sup>

The **Committee notifies the agency** about the study on January 17, 2017.<sup>32</sup> The notification letter is in Appendix B. As the Committee encourages **collaboration in its legislative oversight process**, the Speaker, standing committee chairs in the House, members of the House, Clerk of the Senate, and Governor receive notice about the agency study.

## *Subcommittee Membership*

The **Executive Subcommittee of the House Legislative Oversight Committee is studying the agency**.<sup>33</sup> The study begins during the 122<sup>nd</sup> General Assembly. Throughout the study, the Honorable Gary E. Clary serves as chair. Subcommittee Members are listed below:

- The Honorable Gary E. Clary (122<sup>nd</sup> General Assembly);
- The Honorable Laurie Slade Funderburk (122<sup>nd</sup> General Assembly);
- The Honorable Wm. Weston J. Newton (122<sup>nd</sup> General Assembly); and
- The Honorable Robert Q. Williams (122<sup>nd</sup> General Assembly).

## *Agency Reports to Legislative Oversight Committee*

During the legislative oversight process, the **Committee asks the agency to conduct self-analysis** by requiring it to complete and submit Annual Restructuring Reports, a Seven-Year Plan for cost savings and increased efficiencies, and a Program Evaluation Report which serves as the base document for the study. These reports are available to the public on the Committee's website.

### *Seven-Year Plan for Cost Savings and Increased Efficiencies*

S.C. Code of Laws § 1-30-10 requires agencies to submit "a seven year plan that provides initiatives and/or planned actions that implement cost savings and increased efficiencies of services and responsibilities within the projected seven-year period."<sup>34</sup> The agency submits its plan on March 31, 2015.<sup>35</sup>

### *Restructuring Report*

The Annual Restructuring Report fulfills the requirement in SC Code of Laws § 1-30-10(G)(1) that annually each agency report to the General Assembly "detailed and comprehensive recommendations for the purposes of merging or eliminating duplicative or unnecessary divisions, programs, or personnel within each department to provide a more efficient administration of government services."<sup>36</sup> The **agency submits its Annual Restructuring Reports (ARR)** on January 12, 2016, and September 20, 2016.<sup>37</sup> The agency's 2015-16 Agency Accountability Report to the Governor and General Assembly serves as its 2017 Annual Restructuring Report.<sup>38</sup>

## *Program Evaluation Report*

When an agency is selected for study, the Committee may acquire evidence or information by any lawful means, including, but not limited to, "requiring the agency to prepare and submit to the investigating committee a Program Evaluation Report (PER) by a date specified by the investigating committee."<sup>39</sup> SC Code of Laws § 2-2-60 outlines what an investigating committee's request for a program evaluation report must contain. It also provides a list of information an investigating committee may request.

The **PER serves as the base document for the Subcommittee's study of the agency.** The Committee sends guidelines for the agency's PER on February 13, 2017. The agency submits the report on April 14, 2017.<sup>40</sup>

## *Information from the Public*

**Public input is a cornerstone of the House Legislative Oversight Committee's process.**<sup>41</sup> There are a variety of opportunities for public input during the legislative oversight process. Members of the public have an opportunity to participate anonymously in a public survey, provide comments anonymously via a link on the Committee's website, and appear in person before the Subcommittee.<sup>42</sup>

### *Public Survey*

From February 9, 2017, to March 13, 2017, the Committee posts an **online survey to solicit comments from the public about the State Election Commission** and three other agencies.<sup>43</sup> In an effort to communicate this public input opportunity widely, a statewide media release is issued.<sup>44</sup> House Members are provided copies of this media release and are encouraged to share notice of this public input opportunity with their constituents.

There are 619 responses to the survey, with at least one response coming from 45 of South Carolina's 46 counties.<sup>45</sup> These comments are not considered testimony.<sup>46</sup> As noted in the survey, "input and observations from those citizens who [chose] to provide responses are very important . . . because they may help direct the Committee to potential areas for improvement with these agencies."<sup>47</sup> Documents related to the public survey are in Appendix C. The **public is informed of a continuous opportunity to submit written comments about agencies online** after the public survey closes.<sup>48</sup>

Of those that respond to questions related to the SEC, 67% have a positive or very positive opinion of the agency.<sup>49</sup> Over 69% of respondents form their opinions via personal or business experience with the agency. Most of the respondents that provide written comments refer to the county boundary lines, agency's helpfulness during elections, and voter registration systems.<sup>50</sup> Responses to online surveys are posted on the Committee's webpage verbatim. They are not the comments or expression of the House Legislative Oversight Committee, any of its Subcommittees, or the House of Representatives.

### *Public Input via Committee Website*

Throughout the course of the study, the public is able to submit comments anonymously on the Committee website.<sup>51</sup> Any comments received are posted to the Committee's webpage verbatim. They are not the comments or expression of the House Legislative Oversight Committee, any of its Subcommittees, or the House of Representatives. One person submits a comment sharing a link to a 2015 report issued by Protection and Advocacy for People with Disabilities, Inc., entitled, "The Right to Vote in South Carolina:

People with disabilities still have unequal access to the electoral process.”<sup>52</sup> Appendix D includes public input received via the Committee website.

### *Public Input via In-Person Testimony*

The Committee offers the public an opportunity to appear and provide sworn testimony.<sup>53</sup> A meeting dedicated to public input is held on March 9, 2017.<sup>54</sup> A press release announcing this opportunity is sent to media outlets statewide on February 16, 2017.<sup>55</sup> Public testimony is received at the full Committee meeting and multiple Subcommittee meetings.

## *Meetings*

The full Committee meets with, or about, the agency on two occasions, and the Subcommittee meets with, or about, the agency on eight occasions. All meetings are open to the public and stream live online; also, the videos are archived and the minutes are available online. A timeline of meetings is in Figure 2 beginning on page seven.

### *122<sup>nd</sup> General Assembly (2017-2018)*

#### *January 2017*

On **January 10, 2017**, the full Committee selects the agency for study.<sup>56</sup> Appendix E includes the meeting packet.

#### *February 2017*

On **February 15, 2017**, the Subcommittee holds **Meeting # 1**, a member work session.<sup>57</sup> Among other things, the Subcommittee Chair provides an update on the status of the study of the agency, and the Subcommittee discusses questions to send the agency. Appendix F includes the meeting packet; Subcommittee’s February 21, 2017, letter to the agency; and agency’s March 3, 2017, response.

#### *March 2017*

On **March 9, 2017**, the full Committee holds **Meeting # 2** to receive public input about the agency.<sup>58</sup> A constituent from Richland County/Lexington County, and the Government Affairs Liaison for the Municipal Association of South Carolina testify about the agency.<sup>59</sup> As the constituent from Richland County/Lexington County testifies at subsequent meetings, unless otherwise noted, the term “constituent” refers to this individual. Members ask questions, which the constituent answers. The Subcommittee Chair requests the agency provide information related to the constituents’ testimony. Appendix G includes the statewide media release inviting the public to provide testimony; meeting packet; and documents provided by the agency after the meeting related to the county boundary and school board election dispute.

#### *April 2017*

On **April 5, 2017**, the Subcommittee holds **Meeting # 3** with the agency to receive an overview of how boundary lines applicable to elections are set within a county or election district.<sup>60</sup> Representatives from the Revenue and Fiscal Affairs Office (RFA) provide a presentation entitled, “Election Boundaries: Precincts, Districts, Census, Counties.”<sup>61</sup> Members ask questions, which representatives from RFA answer. Also,

present at the meeting are various representatives from the State Election Commission.<sup>62</sup> Members ask questions to agency representatives about the agency's role in determining boundaries applicable to elections. The agency executive director answers these questions. Further testimony is received from the constituent about election boundaries. Members ask questions, which the constituent answers. Appendix H includes the meeting packet.

On **April 18, 2017**, the Subcommittee holds **Meeting # 4** with the agency to discuss and analyze information related to the agency's mission; responsibilities; successes; challenges and issues; emerging issues; history; and governing body.<sup>63</sup> Members ask questions about topics including, but not limited to, (1) voter registration, including methods by which an individual's qualifications to vote (e.g., over 18, citizenship, etc.) are verified and locations where individuals can register to vote; (2) measures in place to prevent hacking of voter systems; (3) poll worker training; (4) precinct locations; and (5) early voting. Appendix I includes the meeting packet; agency's presentation; Subcommittee's April 19, 2017, letter to the agency; Subcommittee's April 19, 2017, letter to the Department of Motor Vehicles (DMV) about drivers' licenses and identification cards utilized to verify an individual is qualified to vote; DMV's April 26, 2017, response to the Subcommittee; and the SEC's April 28, 2017, response to the Subcommittee.

### *May 2017*

On **May 3, 2017**, the Subcommittee holds **Meeting # 5** with the agency. The Subcommittee receives further testimony from the constituent on county precinct lines and boundary maps.<sup>64</sup> Members ask questions, which the constituent and the RFA Precinct Demographics Manager answer. The SEC discusses its services, products, customers, organizational units, and goals. Members ask questions on topics including, but not limited to, (1) customer service, (2) cost to the agency per product/service it provides, and (3) training of County Registration and Election Board members. The agency executive director answers the questions. Appendix J includes the meeting packet and documents the constituent provides to the Subcommittee during the meeting.

On **May 9, 2017**, the Subcommittee holds **Meeting # 6** with the agency.<sup>65</sup> The agency executive director presents information on the agency's services and products, organizational units, overall agency goals, resources, and methodology for allocating its resources. Members ask questions related to the following topics: (1) ballot printing; (2) verification of citizenship voter qualification; (3) voter information for sale including what is for sale, revenue generated from sales, entities who typically purchase the information, and limitations on how information can be used; and (4) fees charged in presidential preference primaries. The agency executive director answers the questions.

The agency's Director of the Public Information and Training Division, presents information on the agency's training and certification program. Members ask questions on the following topics, which the SEC Director of the Public Information and Training Division answers: (1) compliance requirements for appointed County Registration and Election Board members; (2) steps taken when a county board member is non-compliant, including removal; (3) training schedule; (4) number of required classes; and (4) possible board member orientation/primer.

SEC Director of Administration, presents information related to the organizational chart, new area representatives, and employee demographics. Members ask questions which the SEC Director of Administration answers. Appendix K includes the meeting packet; agency presentation; Subcommittee's May 11, 2017, letter to the agency; agency's May 24, 2017, response to the Subcommittee; Subcommittee's June 12, 2017, letter to interested parties to invite public input on revisions to statutes

that may help clarify any situations relating county boundaries; and South Carolina Association of Registration and Election Officials, Inc.'s June 22, 2017, letter to the Subcommittee.<sup>66</sup>

### *June 2017*

On **June 13, 2017**, the Subcommittee holds **Meeting # 7** with the agency.<sup>67</sup> The Subcommittee tours the agency. After the tour, the Subcommittee discusses resources available to the agency, including funding and employees; relationships with other entities the agency utilizes to leverage its resources; methodology the agency utilizes to allocate resources to accomplish its strategic plan; and the following for each agency goal:

- a. strategies and objectives for achieving the goal;
- b. agency personnel who have primary responsibility and accountability for the strategies and objectives;
- c. additional information the agency reviews when prioritizing how to allocate its resources to each strategy and objective;
- d. actual amount of resources allocated; and
- e. key outcome and efficiency performance measures.

The agency executive director presents information on issues impacting the agency's budget, including cybersecurity, voting system, and special elections to fill vacancies. Members ask questions, which the agency executive director answers.

SEC Director of Administration, presents information on appropriations/authorization of funds, carry forward funds, revenue generated, cash balances, other similar agencies, and methodology for allocation of resources. Members ask questions on topics including: (1) election fees, total costs, and how elections are funded since fees do not cover the costs, and (2) national grants (e.g., federal Voter Assistance Program and Help America Vote Act), including limitations on how those funds can be used. SEC Director of Administration answers the questions.

SEC Director of Voter Services, presents information on the organizational units, agency goal one - system voter registration, and agency goal two - statewide voting system. SEC Director of the Public Information and Training Division, presents information on agency goal three - support counties in conducting voter registration and elections.

Further, the SEC Director of the Public Information and Training Division presents the agency's response to the Subcommittee's May 11, 2017, letter. Topics of the letter include: (1) SC political party fees, (2) candidate filing fees in other states; and (3) removal from the voter registration list. Members ask questions about (1) citizenship verification when individuals register to vote, (2) updating voter lists; and (3) voter information available for sale. SEC Director of the Public Information and Training Division answers the questions. SEC Director of Administration presents information on the agency's goal four - oversee agency programs. Members ask various questions, which agency representatives answer. Appendix L includes the meeting packet and agency presentation.

On **June 27, 2017**, the Subcommittee holds **Meeting # 8** with the agency to discuss the agency's recommendations for law changes and/or major internal changes that may improve efficiency and outcomes or update laws; to receive any constituent testimony about these, or any other, recommendations; and to discuss additional potential recommendations and findings.<sup>68</sup> The agency

executive director presents responses to the Subcommittee's follow up questions from the prior meeting. Further, the agency director discusses the agency's recommendations.

Subcommittee members ask questions about municipal and special elections, which the agency executive director answers. A representative of the Municipal Association of South Carolina (MASC), provides testimony municipality election dates.<sup>69</sup> Subcommittee members question the MASC representative about uniform election dates, referendums and municipal voter turnout, which the representative answers. Members ask agency representatives questions about hacking preventive measures, which agency representatives answer. A representative from The League of Women Voters of South Carolina comments on the work of the Subcommittee.<sup>70</sup> The constituent further testifies about county boundaries and potential issues in SC Code of Law § 27-2-105 (clarification of county boundaries; role of South Carolina Geodetic Survey; contested case hearings). Subcommittee members ask questions about recommendations, state mapping, and boundary lines, which the constituent answers. RFA Executive Director and RFA Precinct Demographics Manager, further testify about county boundary line issues. Subcommittee members ask questions, which the RFA representatives answer. Appendix M includes the meeting packet; agency presentation; Subcommittee's June 29, 2017, letter to the agency; MASC's June 28, 2017, letter to the Subcommittee; correspondence related to the Presidential Advisory Commission on Election Integrity (PACEI) request for SC voter information (June - July 2017); U.S. Department of Justice's June 28, 2017, letter to the agency; and agency's July 7, 2017, response to the Subcommittee.

### *July 2017*

On **July 31, 2017**, the Subcommittee holds **Meeting #9** with the agency to receive an update on the requests the agency received from PACEI and the U.S. Department of Justice; further discuss potential recommendations and findings; and receive any constituent testimony.<sup>71</sup> The agency executive director testifies about the requests from PACEI and the U.S. Department of Justice and the status of the agency's communication with these federal entities. The First Vice President of SC Association of Registration and Election Officials (SCARE), comments on the work of the SEC.<sup>72</sup> The Director of Elections in York County, who is also the Chair of the Legislative Committee of SCARE, provides testimony on SCARE's legislative priorities.<sup>73</sup> Members ask questions about the following topics, which SCARE's legislative committee chair answers: (1) early voting and (2) pay for poll workers. Members ask about procedures if a natural disaster disrupts an election, which SCARE's legislative committee chair and SEC's executive director answer. The constituent further testifies about county boundary lines. Appendix N includes the meeting packet and potential recommendations and findings.

### *Study Process Completion*

Pursuant to Committee Standard Practice 12.4, **Subcommittee members may provide a separate written statement for inclusion with the Subcommittee's Study.** After receipt of any written statements from Subcommittee members, the Subcommittee Chair, pursuant to Committee Standard Practice 12.5, shall notify the Committee Chair in writing that a Subcommittee Study is available for consideration by the full Committee.

Once the Committee Chair receives written notice from the Subcommittee chair, the Committee chair shall, pursuant to Committee Standard Practice 13.1, include the Subcommittee Study on the agenda for a full committee meeting. During a full Committee meeting at which the Subcommittee Study is discussed, the Committee may vote, pursuant to Committee Standard Practice 13.2, to (1) refer the study and

investigation back to the Subcommittee for further evaluation; (2) approve the Subcommittee's study; or (3) further evaluate the agency as a full Committee, utilizing any of the resources of legislative oversight available.

When the Committee approves a study, **any member of the Committee may provide a written statement for inclusion with the study.** The study, and written statements, are published online and the agency, as well as all House Standing Committees, receive a copy. The Committee shall offer at least one briefing to members of the House about the contents of the final oversight study approved by the Committee.<sup>74</sup> The Committee Chair may provide briefings to the public about the final oversight study.<sup>75</sup>

**To support the Committee's ongoing oversight by maintaining current information about the agency, the agency receives an annual Request for Information.**

# FINDING & RECOMMENDATIONS

## *Finding*

The Subcommittee has one **finding** arising from its study of the agency, acknowledging differences in interpretations of county boundaries and its potential impact on elections. During the study process, representatives from the Revenue and Fiscal Affairs Office testify if you ask two different counties where the boundary between them is located, you may get two different answers.<sup>76</sup> Also, during the study process, a constituent testifies as to concerns that may arise with county boundary discrepancies including, taxation without representation, if a county tax map is utilized as the boundary of the county instead of the boundary described in state statute.

Acknowledging differences in interpretations of county boundaries and its potential impact on elections, the Subcommittee finds until 2030, or such time as the South Carolina Geodetic Survey Office of Revenue and Fiscal Affairs surveys and maps the county boundaries as expressed in statute, practical problems may arise under various interpretations of a county boundary, including but not limited to, taxation without representation.

## *Recommendations*

### *General Information*

The following recommendations include areas identified for potential improvement by the Subcommittee. The Subcommittee recognizes these recommendations will not satisfy everyone nor address every issue or potential area of improvement at the agency. These recommendations are based on the agency's self-analysis requested by the full Committee, discussions with the agency and constituents during multiple meetings, and analysis of the information obtained by the Subcommittee. This information, including, but not limited to, the Program Evaluation Report, Accountability Report, Restructuring Report and videos of meetings with the agency, is available on the Committee's website.

### *Continue*

The Subcommittee does not have any specific recommendations with regards to continuance of agency programs.

### *Curtail (i.e. Revise)*

The Subcommittee has **eighteen substantive recommendations** arising from its study of the agency. These recommendations fall into four categories: (1) pre-election; (2) election; (3) training; and (4) county boundaries utilized for elections. An overview of these recommendations is provided in Table 1 on page 9. Appendix O includes the text of recommendations as adopted by the Subcommittee.

### *Recommendations for pre-election*

The Subcommittee has **five recommendations related to pre-election issues**, and a summary is in Table 14.

Table 14. Summary of recommendations for pre-election.

RECOMMENDATIONS	
Pre-Election	
1.	<b>Voter Registration</b> - Revise state voter registration applications to include a “Yes” and “No” box beside each eligibility qualification.
2.	<b>Incapacity</b> - Obtain notification when a court deems an individual mentally incapacitated so the agency may update the voter registration database.
3.	<b>Voter Registration Books</b> - Allow additional time for individuals to register to vote by changing the deadline to register to vote from 30 to 25 days prior to an election.*
4.	<b>Substitution of Nominee</b> - Limit the time prior to an election when a candidate may resign for non-political reasons and a substitute candidate may be nominated.*
5.	<b>Certification of Candidates</b> - Allow the agency sufficient time to prepare for elections by applying the August 15th requirement for certifying candidates in a statewide general election to all candidates and questions to be voted on in the general election except Presidential and Vice-Presidential candidates.*

Table Note: Asterisks denote recommendations to the General Assembly; all other recommendations are to the agency.

1. **Voter Registration** - The Subcommittee recommends the agency revise state voter registration applications to include a “Yes” and “No” box beside each eligibility qualification. Currently, the application requires the person registering to individually indicate yes or no beside two of the qualifications at the top of the form, but then groups other qualifications together at the bottom, as seen in Figure 4. The County Registration and Election Board relies on an individual’s signed affirmation that the individual meets all of the qualifications required to vote.<sup>77</sup>

**SOUTH CAROLINA VOTER REGISTRATION MAIL APPLICATION**

Registration Number: \_\_\_\_\_

Are you a citizen of the United States of America? Yes  No   
 Will you be 18 years of age on or before election day? Yes  No   
 If you checked 'NO' in response to either of these questions, DO NOT complete this form.

New Registration (Check above if moving from one county to another)  
 Address or name change within the same county

**NAME** Last: \_\_\_\_\_ First: \_\_\_\_\_ MI: \_\_\_\_\_

**SEX** Male  Female

**RACE** Black/African American  White  Asian  Hispanic  Native American  Other

**ADDRESS WHERE YOU LIVE (Physical Address)**  
 Street: \_\_\_\_\_ Apt Number: \_\_\_\_\_ City Limits: No   
 City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_ Do you like to be a poll worker?  No

**MAILING ADDRESS (if different from above)**  
 Street or Post Office Box: \_\_\_\_\_  
 City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_

**BIRTHDATE** Month: \_\_\_\_\_ Day: \_\_\_\_\_ Year: \_\_\_\_\_ **PHONE #** (\_\_\_\_) \_\_\_\_\_-\_\_\_\_

**PREVIOUS REGISTRATION/NAME** Precinct: \_\_\_\_\_ County: \_\_\_\_\_ Previous Name: \_\_\_\_\_

**Voter Declaration – (read and sign below)**  
 I swear or affirm that:  
 -I am a citizen of the United States of America  
 -I will be 18 years of age on or before Election Day  
 -I am a resident of South Carolina, this county and precinct  
 -I am not under a court order declaring me mentally incompetent  
 -I am not confined in any public prison resulting from a conviction of a crime  
 -I have never been convicted of a felony or offense against the election laws OR, if previously convicted, I have served my entire sentence, including probation or parole, or I have received a pardon for the conviction  
 -the address listed above is my only legal place of residence, and I claim no other place as my legal residence

Signature: \_\_\_\_\_ Date of Application: \_\_\_\_\_

Whoever shall, willfully and knowingly, swear (or affirm) falsely in taking any oath required by law shall be guilty of perjury and, on conviction, incur the pains and penalties of the offense.

Attach ID Here

Figure 4. SC mail-in voter registration application.

**2. Incapacity** - The Subcommittee recommends the agency obtain notification when a court deems an individual mentally incapacitated so the agency may update the voter registration database. Pursuant to statute, an individual “is disqualified from being registered or voting if he: is mentally incompetent as adjudicated by a court of competent jurisdiction.”<sup>78</sup> Changes in mental capacity may occur after initial registration (e.g. accident or illness). The agency updates the voter database based on information it receives about voter qualifications. Currently, there is no requirement for courts to send a notice to the agency when this occurs.<sup>79</sup>

**3. Voter Registration Books** - The Subcommittee recommends the General Assembly allow additional time for individuals to register to vote by changing the deadline to register to vote from 30 to 25 days prior to an election. Proposed language to implement this recommendation is included in Table 15.

The deadline to register to vote varies depending on the method of registration (e.g., in person, by mail, or online).<sup>80</sup> A 25-day time period allows the deadline to occur on a weekday for elections held on both Tuesdays and Saturdays.<sup>81</sup> According to the SEC executive director, the 30-day deadline has been in place for decades.<sup>82</sup> A deadline is necessary to allow for receipt and review of registrations and production and distribution of a voter registration list.<sup>83</sup> However, the agency asserts 30 days is no longer necessary. The agency believes it may be possible to shorten the time even more in the future, but it prefers to reduce the time in small increments to gauge effectiveness.<sup>84</sup> In regards to federal regulations, the agency states the time period can be no more than 30-days.<sup>85</sup>

Table 15. Proposed statutory changes to allow additional time for individuals to vote.

Statute	Proposed Language <sup>86</sup>
7-5-150	<p><b>§ 7-5-150. Closing registration books; registration of persons coming of age while books closed.</b></p> <p>The registration books shall be closed <del>thirty</del> <u>twenty four</u> days before each election, but only as to that election or any second race or runoff resulting from that election, and shall remain closed until the election has taken place, anything in this article to the contrary notwithstanding; provided that the registration books shall be closed <del>thirty</del> <u>twenty four</u> days before the June primary and shall remain closed until after the second primary and shall likewise be closed <del>thirty</del> <u>twenty four</u> days before the November general election. They shall thereafter be opened from time to time in accordance with the provisions of this article. Any person eligible to register who has been discharged or separated from his service in the Armed Forces of the United States, and returned home too late to register at the time when registration is required, is entitled to register for the purpose of voting in the next ensuing election after the discharge or separation from service, up to 5:00 p.m. on the day of the election. This application for registration must be made at the office of the board of voter registration and elections in the county in which the person wishes to register, and if qualified, the person must be issued a registration notification stating the precinct in which he is entitled to vote and a certification to the managers of the precinct that he is entitled to vote and should be placed on the registration rolls of the precinct. Persons who become of age during this period of <del>thirty</del> <u>twenty four</u> days shall be entitled to register before the closing of the books if otherwise qualified.</p>

7-5-155

**§ 7-5-155. Registration of electors by mail.**

- (a) Notwithstanding any other provision of law, the following procedures may be used in the registration of elections in addition to the procedure otherwise provided by law.
- (1) Subject to the provision of § 7-5-150, any qualified citizen may register to vote by mailing or having delivered a complete state registration by mail application form or a completed national registration by mail application form prescribed by the Federal Election Commission not later than thirty twenty five days before any election to his county board of voter registration and elections. The postmark date of a mailed application is considered the day of mailing. If the postmark date is missing or illegible, the county board of voter registration and elections must accept the application if it is received by mail no later than five days after the close of registration books before any election.
- (2) If the county board of voter registration and election determines that the applicant is qualified and his application is legible and complete, the board shall mail the voter written notification of approval on a form to be prescribed and provided by the State Election Commission pursuant to § 7-5-180. When the county board of voter registration and elections mails the written notification of approval, it must do so without requiring the elector to sign anything in the presence of a member of the board, a deputy member, or a registration clerk and the attestation of the elector's signature is not required so long as the conditions set forth above are met.
- (3) Any application must be rejected for any of the following reasons:
- (i) any portion of the application is not complete;
  - (ii) any portion of the application is illegible in the opinion of a member and the clerk of the board;
  - (iii) the board is unable to determine, from the address stated on the application, the precinct in which the voter should be assigned or the election districts in which he is entitled to vote.
- (4) Any person whose application is rejected must be notified of the rejection together with the reason for rejection. The applicant must further be informed that he still has a right to register by appearing in person before the county board of voter registration and elections or by submitting the information by mail necessary to correct his rejected application. The form for notifying applicants of rejection must be prescribed and provided by the State Election Commission pursuant to § 7-5-180.
- (b) Every application for registration by mail shall contain spaces for home and work telephones numbers of the applicant and the applicant shall enter the numbers on the application where applicable.
- (c) The State Election Commission shall furnish a sufficient number of application forms to the county boards of voter registration and elections and voter registration agencies specified in § 7-5-310(B) so that distribution of the application forms may be made to various locations throughout the counties and mailed to persons requesting them.
- County boards of voter registration and elections shall distribute application forms to various locations in their respective counties, including city halls and public libraries, where they must be readily available to the public.

	<p>(d) The original application must remain on file in the office of the county board of voter registration and elections.</p> <p>(e) The State Election Commission may promulgate regulations to implement the provisions of this section.</p>
<p>7-5-185</p>	<p><b>§ 7-5-185. Electronic applications for voter registration.</b></p> <p>(A) A person who is qualified to register to vote and who has a valid South Carolina driver's license or state identification card issued by the Department of Motor Vehicles may submit an application for voter registration electronically on the Internet website of the State Election Commission.</p> <p>(B)(1) An application submitted pursuant to this section is effective upon receipt of the application by the State Election Commission if the application is received <del>thirty</del> <u>twenty five</u> days before an election to be held in the precinct of the person submitting the application.</p> <p>(2) The applicant shall attest to the truth of the information provided in the application.</p> <p>(3) For voter registration purposes, the applicant shall assent to the use of his signature from his driver's license or state identification card issued by the Department of Motor Vehicles.</p> <p>(4) For each electronic application, the State Election Commission shall obtain an electronic copy of the applicant's signature from his driver's license or state identification card issued by the Department of Motor Vehicles directly from the Department of Motor Vehicles with no fee.</p> <p>(5) An application submitted pursuant to this section must contain the applicant's name, sex, race, social security number, date of birth, residence address, mailing address, telephone number of the applicant, and location of prior voter registration. The applicant must affirm that he is not under a court order declaring him mentally incompetent, confined in a public prison, has never been convicted of a felony or offense against the election laws, or if previously convicted, that he has served his entire sentence, including probation and parole time, or has received a pardon for the conviction. Additionally, the applicant must attest to the following: "I do solemnly swear (or affirm) that I am a citizen of the United States and that on the date of the next ensuing election, I will have attained the age of eighteen years and am a resident of South Carolina, this county, and of my precinct. I further swear (or affirm) that the present residence address listed herein is my sole legal place of residence and that I claim no other place as my legal residence." An applicant convicted of fraudulently applying for registration is guilty of perjury and is subject to the penalty for that offense.</p> <p>(C) Upon submission of an application pursuant to this section, the electronic voter registration system shall provide immediate verification that the:</p> <p>(1) applicant has a South Carolina driver's license or state identification card issued by the Department of Motor Vehicles and that the number for that driver's license or identification card provided by the applicant matches the number for that person's driver's license or state identification card that is on file with the Department of Motor Vehicles;</p> <p>(2) date of birth provided by the applicant matches the date of birth for that person, which is on file with the Department of Motor Vehicles;</p>

	<p>(3) name provided by the applicant matches the name for the person which is on file with the Department of Motor Vehicles; and</p> <p>(4) State Election Commission employs security measures to ensure the accuracy and integrity of voter registration applications submitted electronically pursuant to this section.</p> <p>(D) Should there be a failure to match any of the information required in this section with the Department of Motor Vehicles, the State Election Commission immediately shall notify the applicant of the failure to match information and inform the applicant that his application for registration was not accepted.</p> <p>(E) The State Election Commission may promulgate regulations necessary to effectuate the provisions of this section.</p>
<p>7-5-220</p>	<p><b>§ 7-5-220. Certificates shall be invalid at election within <del>thirty twenty four</del> days of issuance.</b></p> <p>Except as provided in Section 7-5-150, registration made <del>thirty twenty four</del> days or less before any election is not valid for that election or any second race or runoff resulting from that election but such registration shall be valid in any other election.</p>
<p>7-5-330</p>	<p><b>§ 7-5-330. Voter registration application; discretionary removal of elector.</b></p> <p>(A) In the case of registration with a motor vehicle application under Section 7-5-320, the valid voter registration form of the applicant must be completed at the Department of Motor Vehicles no later than <del>thirty twenty five</del> days before the date of the election.</p> <p>(B) In the case of registration by mail under Section 7-5-155, the valid voter registration form of the applicant must be postmarked no later than <del>thirty twenty five</del> days before the date of the election.</p> <p>(C) In the case of registration at a voter registration agency, the valid voter registration form of the applicant must be completed at the voter registration agency no later than <del>thirty twenty five</del> days before the date of the election.</p> <p>(D) In any other case, the valid voter registration form of the applicant must be received by the county board of voter registration and elections no later than <del>thirty twenty five</del> days before the date of the election.</p> <p>(E)(1) The county board of voter registration and elections shall:</p> <ul style="list-style-type: none"> <li>(a) send notice to each applicant of the disposition of the application; and</li> <li>(b) ensure that the identity of the voter registration agency through which a particular voter is registered is not disclosed to the public.</li> </ul> <p>(2) If the notice sent pursuant to the provisions of subitem (a) of this item is returned to the county board of voter registration and elections as undeliverable, the elector to whom it was sent must be reported by the board to the State Election Commission. The State Election Commission must place the elector in an inactive status on the master file and may remove this elector upon compliance with the provisions of Section 7-5-330(F).</p> <p>(F)(1) The State Election Commission may not remove the name of a qualified elector from the official list of eligible voters on the ground that the qualified elector has changed residence unless the qualified elector:</p> <ul style="list-style-type: none"> <li>(a) confirms in writing that the qualified elector has changed residence to a place outside the county in which the qualified elector is registered; or</li> <li>(b)(i) has failed to respond to a notice described in item (2); and</li> </ul>

	<p>(ii) has not voted or appeared to vote and, if necessary, correct the county board of voter registration and elections record of the qualified elector's address, in an election during the period beginning on the date of the notice and ending on the day after the date of the second general election that occurs after the date of the notice.</p> <p>(2) "Notice", as used in this item, means a postage prepaid and preaddressed return card, sent by forwardable mail, on which the qualified elector may state his current address, together with a statement to the following effect:</p> <p>(a) if the qualified elector did not change his residence, or changed residence but remained in the same county, the qualified elector shall return the card no later than <u>thirty twenty five</u> days before the date of the election. If the card is not returned, affirmation or confirmation of the qualified elector's address may be required before the qualified elector is permitted to vote during the period beginning on the date of the notice and ending on the day after the date of the second general election that occurs after the date of the notice, and if the qualified elector does not vote in an election during that period, the qualified elector's name must be removed from the list of eligible voters;</p> <p>(b) if the qualified elector has changed residence to a place outside the county in which the qualified elector is registered, information as to how the qualified elector can re-register to vote.</p> <p>(3) The county board of voter registration and elections shall correct an official list of eligible voters in accordance with change of residence information obtained pursuant to the provisions of this subsection.</p> <p>(4) The program required pursuant to the provisions of subsection (F) of this section must be completed no later than ninety days before the date of a statewide primary or general election.</p>
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**4. Substitution of Nominee** - The Subcommittee recommends the General Assembly limit the time prior to an election when a candidate may resign for non-political reasons and a substitute candidate may be nominated.<sup>87</sup> Currently, there is no time limit specified for candidate resignations which creates the potential for a candidate resignation to impact the timing of the election.<sup>88</sup> Also, this proposed change assists overseas citizens and members of the military, to whom the agency must mail a ballot at least 45 days prior to an election, in voting for the replacement candidate in an election.<sup>89</sup>

**5. Certification of Candidates** - The Subcommittee recommends the General Assembly allow the agency sufficient time to prepare for elections by applying the August 15th requirement for certifying candidates in a statewide general election to all candidates and questions to be voted on in the general election except Presidential and Vice-Presidential candidates. For a statewide general election, political parties currently must certify candidates by noon on August 15th, but several school districts and municipalities do not comply because candidate filing opens/closes after the certification date.<sup>90</sup> This recommendation affords the agency and counties time to prepare databases for the ballots to be used in the general election to be built and tested; further, it helps ensure overseas citizens and members of the military voting absentee are mailed ballots at least 45 days prior to an election as required by law.<sup>91</sup>

### *Recommendations for elections*

The Subcommittee has **four recommendations related to elections**, and a summary is in Table 16.

Table 16. Summary of recommendations for elections.

RECOMMENDATIONS	
Elections	
6.	<b>Municipal Elections</b> - Standardize municipal elections by holding no more than three in an odd numbered year.*
7.	<b>Primaries</b> - Hold non-partisan primaries on a different day than partisan primaries.*
8.	<b>Poll Workers</b> - Allow a voter registered in South Carolina to serve as a poll worker anywhere in the state.*
9.	<b>Absentee Ballots</b> - Remove the requirement of a witness signature on the envelope of a mail-in absentee ballot as the signatures cannot be verified.*

Table Note: Asterisks denote recommendations to the General Assembly.

**6. Municipal Elections** - The Subcommittee recommends the General Assembly standardize municipal elections by holding no more than three in an odd numbered year. Municipal general elections are held in all twelve months of the year.<sup>92</sup> Each municipality governing body may, by ordinance, establish ward lines and times for general and special elections within the municipality.<sup>93</sup> According to the agency, as of January 2015, 45% of municipalities hold elections in November of odd years, 13% hold elections in November of even years, and 42% hold elections on Tuesdays throughout the year.<sup>94</sup>

The agency requests the general elections of municipalities be standardized to the first Tuesday of November in odd numbered years to avoid conflict with statewide general elections held in even calendar years, simplify the conduct of elections, provide cost savings for counties and municipalities, improve voter education on the dates of municipal elections, and encourage more participation in municipal elections.<sup>95</sup> When asked about cost savings for the agency, the agency executive director testifies those savings, if any, may be seen at the county level.<sup>96</sup>

The SC Association of Registration and Election Officials, Inc. (SCARE) supports a single date as expressed in testimony and a letter to the Subcommittee.<sup>97</sup> The Municipal Association of South Carolina (MASC) agrees standardization of general election dates is helpful but prefers several potential dates for municipalities to hold their general elections.<sup>98</sup>

Appendix P includes a chart with election types, dates, coordinating entities, and average costs.

**7. Primaries** - The Subcommittee recommends the General Assembly hold non-partisan primaries on a different day than partisan primaries. Most elections of school district trustees include a non-partisan filing period with candidate placement on the general election ballot.<sup>99</sup> At least, one school district holds a non-partisan primary on the same day as the statewide primaries (i.e., the second Tuesday in June of even-numbered years).<sup>100</sup> This recommendation seeks to provide uniformity in the election of school district trustees and to avoid voter confusion on primary day for the general election as all other ballots issued to voters are based upon party preference expressed by the voter at the polls.<sup>101</sup>

**8. Poll Workers** - The Subcommittee recommends the General Assembly allow a voter registered in South Carolina to serve as a poll worker anywhere in the state.<sup>102</sup> This recommendation seeks to expand the pool of potential poll workers to include colleges students and those who live further than an adjoining county, among others.<sup>103</sup> During the study process, a representative from SCARE testifies there are counties that have difficulty recruiting poll workers.<sup>104</sup>

**9. Absentee Ballots** - The Subcommittee recommends the General Assembly remove the requirement of a witness signature on the envelope of a mail-in absentee ballot as the signatures cannot be verified. This recommendation seeks to streamline the absentee voting process by acknowledging there is no way to validate the witness signature required on the back of the envelope when an individual submits an absentee ballot.<sup>105</sup>

*Recommendation for training*

The Subcommittee has **one recommendation related to training**.

**10. County Board Orientation** - The Subcommittee recommends the General Assembly require County Registration and Election Board Members to participate in an orientation, approved by the State Election Commission, within 30 days of appointment to a county board. This recommendation seeks to provide new board members basic training, relative to their duties, in a timely manner.<sup>106</sup> Currently, each member of the board must complete a training and certification program conducted by the agency within 18 months after initial appointment.<sup>107</sup> If a member does not complete the program within that time, the Governor, upon notification, must remove the member from the board unless an extension is granted to complete the program based upon exceptional circumstances.<sup>108</sup> In making this concept recommendation, the Subcommittee anticipates these compliance provisions being applicable to the new orientation program. While the agency currently does not have an orientation, during the study process testimony is received that it is open to considering an online orientation available to newly appointed board members.<sup>109</sup>

*Recommendations for county boundaries utilized for elections*

The Subcommittee has **eight recommendations related to county boundaries utilized for elections**, and a summary is in Table 18.

*Table 18. Summary of recommendations for county boundaries utilized for elections.*

RECOMMENDATIONS
County Boundaries Utilized for Elections
<u>In General</u>
<b>11. Official Map</b> - Clarify South Carolina’s official county boundary map is held by Revenue and Fiscal Affairs Office or its successor entity.*
<u>Surveying Geographic Coordinates</u>
<b>12. Initial Public Notice</b> - Expand notification efforts during the county boundary geographic coordinate surveying process.*
<b>13. Streamline Process</b> - Streamline the geographic coordinate survey process by prohibiting simultaneous occurrence of: (1) a county annexing property impacting an individual boundary line of a county; and (2) SC Geodetic Survey surveying the same boundary line for its geographic coordinates.*
<u>After Geographic Coordinates Finalized</u>
<b>14. Post-Work Notice</b> - Expand notification efforts after the geographic coordinate surveying process.*
<b>15. County Usage</b> - Confirm usage of boundary geographic coordinates by impacted counties.*
<b>16. Voter Database</b> - Address practical problems with updating the voter database during the geographic coordinate surveying process.*

**17. Future Annexations** - Provide for accuracy of county boundary lines after initial geographic coordinates are finalized (i.e., update the existing annexation process).\*

**18. Enforcement** - Create an enforcement mechanism to ensure adherence to boundary geographic coordinates (i.e., authorize a private cause of action by a citizen).\*

*Table Note: Asterisks denote recommendations to the General Assembly.*

**11. Official Map** - The Subcommittee recommends the General Assembly clarify South Carolina's official county boundary map is held by Revenue and Fiscal Affairs Office (RFA) or its successor entity. This recommendation seeks to provide clarity to government and private entities on the issue of the authority of maps held by RFA.<sup>110</sup> During the study process, RFA personnel testify the federal Census Bureau has requested statutes that show the state has authority to determine county boundaries.<sup>111</sup> Notably, individual boundaries of each of the states' 46 counties are described in separate state statutes.<sup>112</sup>

**12. Initial Public Notice** - The Subcommittee recommends the General Assembly expand notification efforts during the county boundary geographic coordinate surveying process. More specifically, the Subcommittee recommends the General Assembly require SCGS: (1) send notice to the county administrator and publish this notice (a) in a local newspaper, and (b) on RFA's website 30 days prior to SCGS starting their work of surveying the geographic coordinates of an individual county boundary; and (2) work with the county administrator to hold a public meeting, after SCGS has preliminary geographic coordinates, to provide information on the preliminary coordinates and obtain additional public input prior to finalizing the plat of the individual county boundary line. This recommendation seeks to provide more opportunities for public involvement at the start of the process of geographically surveying a county boundary line.<sup>113</sup> Currently, SCGS has an informal process for communicating with counties prior to starting its work and there is a process outlined in statute after SCGS finishes its work.<sup>114</sup> Appendix P includes a flow chart of the process with sample correspondence sent to involved parties. The Subcommittee recommendation seeks to codify SCGS' informal process.

**13. Streamline Process** - The Subcommittee recommends the General Assembly streamline the geographic coordinate surveying process by prohibiting simultaneous occurrence of: (1) a county annexing property impacting an individual boundary line of a county; and (2) SC Geodetic Survey surveying the same boundary line to position geographic coordinates. This recommendation seeks to minimize potential confusion over boundaries while SCGS is in the process of surveying a particular boundary line.<sup>115</sup> Notably, the recommendation impacts only counties - not municipalities.<sup>116</sup> According to representatives of SCGS and the Municipal Association of South Carolina, municipal annexations have no effect on county lines.<sup>117</sup>

**14. Post-Work Notice** - The Subcommittee recommends the General Assembly expand notification efforts after the geographic coordinate surveying process. Under current law, RFA is required to provide geographic coordinates of a boundary to the Secretary of State, Department of Archives, and Register of Deeds in each affected county.<sup>118</sup> This recommendation seeks to alert additional impacted entities as to which map of the county boundary to utilize.<sup>119</sup> Additional impacted entities include: State Election Commission; County Registration and Election Boards; county council; county assessor; county emergency services; and affected school boards. RFA testifies this is no great additional burden.<sup>120</sup>

**15. County Usage** - The Subcommittee recommends the General Assembly confirm usage of boundary geographic coordinates by impacted counties. More specifically, the Subcommittee recommends the General Assembly require a county council, within 180 days of receiving the geographic coordinates of a boundary (which may only be one boundary line of the county and not the county's entire boundary) from SCGS, to provide written confirmation to RFA that the county has taken necessary steps, which may include

grandfathering in certain residents for periods of time as long as those residents are not being taxed in an area in which they cannot vote, to adhere to the boundary geographic coordinates for all purposes, including but not limited to, elections, tax assessments, emergency services, school districts, and permits. This recommendation seeks to minimize discrepancies in county boundary interpretations (e.g., avoid taxation without representation).<sup>121</sup>

During the study process, RFA provides an example of unclear county boundaries, which is included in Figure 5.<sup>122</sup>

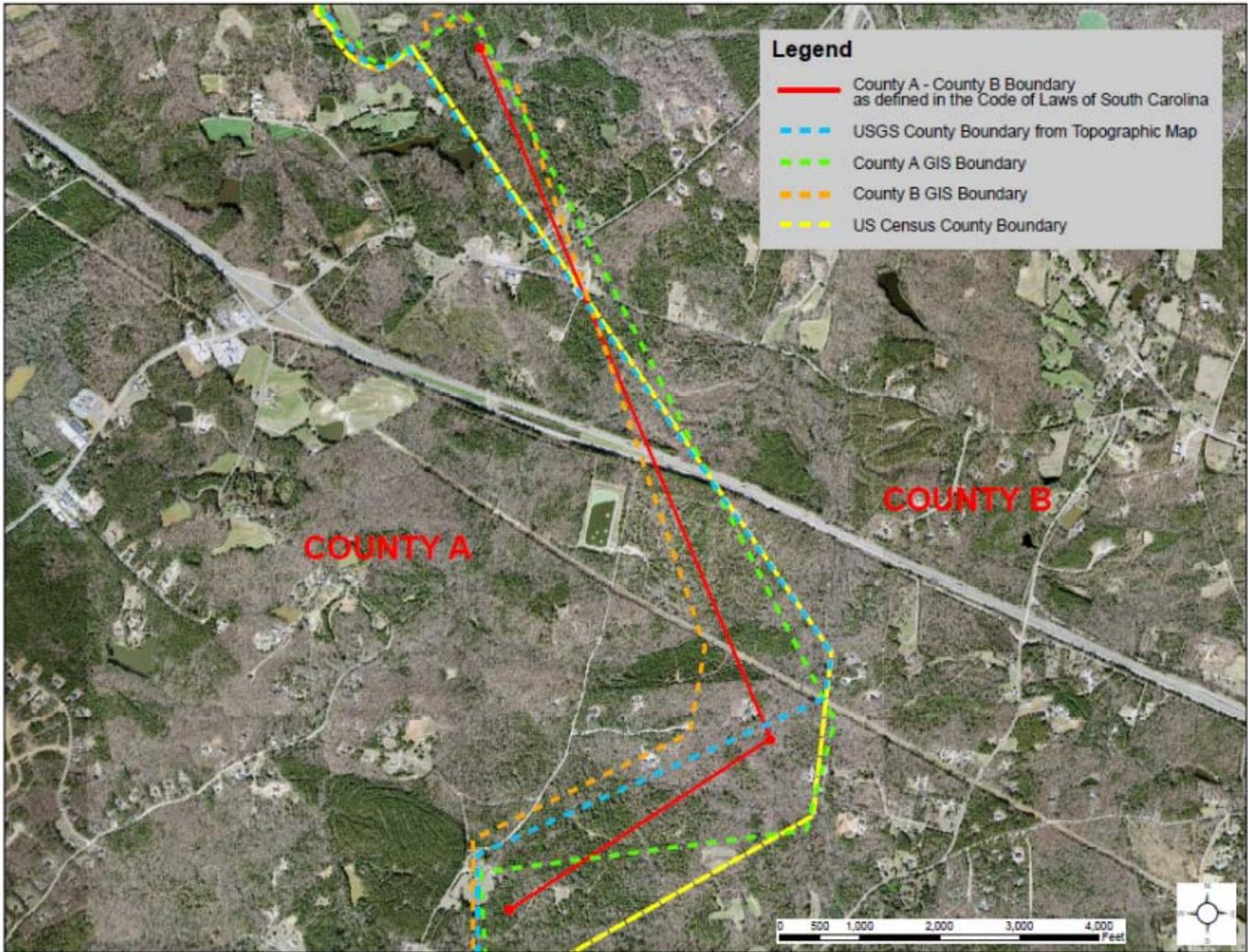


Figure 5. Example of different interpretations of county boundary line provided by SCGS (Best viewed in color).

As background, in Act 262 of 2014, the General Assembly has found:

1. that exact and **precise locations of boundaries** of this state's political subdivisions **are critical for the efficient provision of services**, enforcement of property rights, and election of public officials;
2. that the **passage of time and growth in society has led to confusion over statutory county descriptions and the locations of county boundary lines**;
3. that **technology now exists to cost-effectively provide definite and permanent markers** of boundary lines;
4. that it is necessary for the effective and efficient operation of state government and its political subdivisions that county boundaries are clearly and accurately determined as expeditiously as possible; and
5. that the South Carolina Geodetic Survey is the appropriate instrument to vest with the necessary authority to resolve county boundary issues.<sup>123</sup> (emphasis added)

The General Assembly has further found it appropriate to statutorily allow SCGS to clarify unclear boundaries.<sup>124</sup> The statutory geographic coordinate surveying process is conducted on each individual county boundary line - not the entire county boundary at once - as the statutory description of a county is broken down into the different individual boundary lines (e.g., Abbeville County is bounded as follows: **on the southwest** by the Savannah River, by which it is separated from Georgia; **on the northwest** by Anderson County, from which it is separated by a line (the old Indian boundary) drawn from a marked black gum, on the east bank of the Savannah River, at the foot of Grape Shoals, N. 50° E. to a willow oak, marked "A. & P.," on the south side of Saluda River; **on the northeast** by Laurens County, from which it is separated by the Saluda River, and by Greenwood County; and on the southeast by McCormick County.)<sup>125</sup> At the completion of the process the geographic coordinates of the individual line surveyed take effect since the geographic coordinates mark the individual line already described in statute.<sup>126</sup>

If a county desires a different boundary, there is a process for annexing land of another county. The State Constitution states in part, "[t]hat before any existing County line is altered the question shall be first submitted to the qualified electors of the territory proposed to be taken from one County and given to another, and shall have received two thirds of the votes cast."<sup>127</sup>

**16. Voter Database** - The Subcommittee recommends the General Assembly address practical problems with updating the voter database during the geographic coordinate surveying process, which SCGS strives to complete by the 2030 census.<sup>128</sup> Given the amount of time SCGS anticipates it will take to complete this process, this recommendation seeks to ensure the map which governs where a citizen votes is the same map which governs the county in which a citizen is taxed.<sup>129</sup>

**17. Future Annexations** - The Subcommittee recommends the General Assembly provide for accuracy of county boundary lines after initial geographic coordinate surveying (i.e., update the existing annexation process). More specifically, the Subcommittee recommends the General Assembly update statutes to ensure that after initial geographic coordinates of a boundary line take effect, (1) any future annexations impacting that line include geographic coordinates and descriptions of the proposed new line, which SCGS will verify, as part of the information available to those within the counties who are voting on the annexation (vote by citizens is required as part of the current process to annex), and (2) within 30 days of the certification of election results approving an annexation, counties must provide the geographic coordinates and description of the new boundary line to SCGS who will update the official map. This recommendation seeks greater efficiency in utilization of government resources.<sup>130</sup>

**18. Enforcement** - The Subcommittee recommends the General Assembly authorize a private cause of action, which includes reasonable attorney's fees, against any county that, after 180 days of receiving the geographic coordinates of a boundary line from SCGS, taxes citizens outside the county boundary's geographic coordinates, contained in the official county boundary map held by RFA.<sup>131</sup> While statute states the geographic coordinates of a boundary line take effect at the end of the geographic coordinate surveying process, RFA representatives testify that when a county actually complies with the geographic coordinates is out of their control.<sup>132</sup>

### *Eliminate*

The Subcommittee does not have any specific recommendations with regards to elimination of agency programs.

### *Follow Up*

The Subcommittee recommends the full Committee may follow up with the agency at any time about (1) the status of implementing the Committee's recommendations, and (2) any other questions the full Committee has for the agency.

## SELECTED AGENCY INFORMATION

**State Election Commission. "Program Evaluation Report, 2017."**

<http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/ElectionCommission/PER%20Extension%20Request%20Granted%203.31.17.pdf> (last accessed July 10, 2017).

**State Election Commission. "Restructuring and Seven-Year Plan Report, 2015."**

<http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/2015AgencyRestructuringandSevenYearPlanReports/2015%20Election%20Commission.pdf> (last accessed July 10, 2017).

**State Election Commission. "Agency Accountability Report, 2015-16."**

<http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/ElectionCommission/Reports%20&%20Audits%20-%20Reports%20and%20Reviews/Accountability%20Report%20-%202015-2016.pdf> (last accessed July 10, 2017).

**State Election Commission. "Annual Request for Information, 2017."**

[http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/FilesforAllAgenciesNewWebsite/2017%20-%20ARR%20Guidelines%20\(June%2020,%202016\).pdf](http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/FilesforAllAgenciesNewWebsite/2017%20-%20ARR%20Guidelines%20(June%2020,%202016).pdf) (last accessed July 10, 2017).

**SC House of Representatives, Legislative Oversight Committee. "February/March 2017 Survey Results."**

[http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/SurveysforAllAgencies/Results%20from%202017%20Survey%20of%20DDSN;%20Election%20Commission;%20Human%20Affairs%20Commission;%20and%20John%20de%20la%20Howe%20School%20\(2\\_9%20-3\\_13\).PDF](http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/SurveysforAllAgencies/Results%20from%202017%20Survey%20of%20DDSN;%20Election%20Commission;%20Human%20Affairs%20Commission;%20and%20John%20de%20la%20Howe%20School%20(2_9%20-3_13).PDF) (last accessed July 10, 2017).

# CONTACT INFORMATION

## Committee Contact Information

### Physical:

South Carolina House of Representatives  
Legislative Oversight Committee  
1105 Pendleton Street, Blatt Building Room 228

### Mailing:

Post Office Box 11867  
Columbia, South Carolina 29211

Telephone: 803-212-6810

### Online:

You may visit the South Carolina General Assembly Home Page (<http://www.scstatehouse.gov>) and click on "Citizens' Interest" then click on "House Legislative Oversight Committee Postings and Reports". This will list the information posted online for the committee; click on the information you would like to review. Also, a direct link to committee information is <http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee.php>.

## Agency Contact Information

### Physical:

State Election Commission  
1122 Lady Street, Suite 500  
Columbia, South Carolina 29201

### Mailing

Post Office Box 5987  
8301 Parklane Road  
Columbia, South Carolina 29250

Telephone: 803-734-9060

Fax: 803-734-9366

Email: [elections@elections.sc.gov](mailto:elections@elections.sc.gov)

Online: <https://www.scvotes.org/>

# ENDNOTES

<sup>1</sup> Visual Summary Figure 1 is compiled from information in the State Election Commission study materials available online under "Citizens' Interest," under "House Legislative Oversight Committee Postings and Reports," and then under "State Election Commission," <http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyPHPFiles/ElectionCommission.php> (accessed July 7, 2017).

<sup>2</sup> *SC Code of Laws* § 2-2-20(C).

<sup>3</sup> SC House of Representatives, House Legislative Oversight Committee, "April 5, 2017 - Meeting Minutes," under "Committee Postings and Reports," under "House Legislative Oversight Committee," and under "The State Election Commission," <http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/SubcommitteeMinutes/ExecutiveSub/April%205,%202017%20-%20Meeting%20Minutes.pdf> (accessed July 10, 2017). A video of the meeting is available at <http://www.scstatehouse.gov/video/videofeed.php>. See 27:36 in the archived video. Hereinafter, "April 5, 2017 - Subcommittee Meeting Minutes." See also, SC House of Representatives, House Legislative Oversight Committee, "June 27, 2017 - Meeting Minutes," under "Committee Postings and Reports," under "House Legislative Oversight Committee," and under "The State Election Commission," <http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/SubcommitteeMinutes/ExecutiveSub/June%2027,%202017%20-%20Meeting%20Minutes%20-%20SEC.pdf> (accessed August 10, 2017). A video of the meeting is available at <http://www.scstatehouse.gov/video/videofeed.php>. See 01:22:09 in the archived video. Hereinafter, "June 27, 2017 - Subcommittee Meeting Minutes."

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<sup>4</sup> SC House of Representatives, House Legislative Oversight Committee, “Agency PER (Updated May 2017),” under “Committee Postings and Reports,” under “House Legislative Oversight Committee,” and under “State Election Commission”

[http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/ElectionCommission/PER%20Submission%20-%20UPDATED%20pdf%20-%20Election%20Commission%20\(May%209,%202017\).pdf](http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/ElectionCommission/PER%20Submission%20-%20UPDATED%20pdf%20-%20Election%20Commission%20(May%209,%202017).pdf). Hereinafter, “Agency PER.”

<sup>5</sup> Janet Reynolds, State Election Commission Director of Administration, email message to Charles Appleby, Legal Counsel to House Legislative Oversight Committee, August 24, 2017.

<sup>6</sup> Ibid.

<sup>7</sup> Ibid.

<sup>8</sup> Ibid.

<sup>9</sup> Ibid.

<sup>10</sup> In 2016, the State Election Commission conducted the following: two presidential preference primaries, statewide primary and runoff, and general election.

<sup>11</sup> *SC Code of Laws Sec. 7-3-10(a)*.

<sup>12</sup> Ibid.

<sup>13</sup> *SC Code of Laws Sec. 7-3-10(e)*.

<sup>14</sup> Ibid.

<sup>15</sup> *SC Code of Laws Sec. 7-3-10(b)*.

<sup>16</sup> *SC Code of Laws Sec. 7-3-10(c)*.

<sup>17</sup> Ibid.

<sup>18</sup> *SC Code of Laws Sec. 7-3-20(A)*.

<sup>19</sup> Ibid.

<sup>20</sup> Agency PER at page 47.

<sup>21</sup> SC House of Representatives, House Legislative Oversight Committee, “May 9, 2017 - Meeting Minutes,” under “Committee Postings and Reports,” under “House Legislative Oversight Committee,” and under “The State Election Commission,”

<http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/SubcommitteeMinutes/ExecutiveSub/May%209,%202017%20Meeting%20Minutes.pdf> (accessed July 10, 2017). A video of the meeting is available at <http://www.scstatehouse.gov/video/videofeed.php>. See 01:16:48 in the archived video. Hereinafter, “May 9, 2017 - Subcommittee Meeting Minutes.”

<sup>22</sup> SC House of Representatives, House Legislative Oversight Committee, “Organization Chart (as of May 2017),” under “Structure/Employees,” under “The State Election Commission,” and under “House Legislative Oversight Committee,”

[http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/ElectionCommission/Structure&Laws%20-%20Org%20Chart%20&%20Employees/Organization%20Chart%20\(as%20of%20May%209,%202017\).pdf](http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/ElectionCommission/Structure&Laws%20-%20Org%20Chart%20&%20Employees/Organization%20Chart%20(as%20of%20May%209,%202017).pdf) (accessed July 10, 2017).

<sup>23</sup> Agency PER.

<sup>24</sup> Department of Administration, Executive Budget Office, “2016-17 Accountability Report Technical Assistance Guide,” under Agency Accountability Reports <http://www.admin.sc.gov/files/FY%202016-17%20Accountability%20Report%20Technical%20Assistance.pdf> (accessed July 21, 2017). See also, Agency PER.

<sup>25</sup> SC House of Representatives, House Legislative Oversight Committee, “Presentation by Election Commission (May 9, 2017 Subcommittee Meeting),” under “Mission, Goals & Strategic Plan,” under “The State Election Commission,” and under “House Legislative Oversight Committee,”

[http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/ElectionCommission/Presentation%20by%20Election%20Commission%20\(May%209,%202017%20Subcommittee%20Meeting\).pdf](http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/ElectionCommission/Presentation%20by%20Election%20Commission%20(May%209,%202017%20Subcommittee%20Meeting).pdf) (accessed August 24, 2017). The methodology the agency utilizes includes the agency assigning expenditures to objectives. The agency compares each employee’s job duties to individual objectives based on percentage of time spent performing job duties related to the objective. All agency expenditures and cost of employee salaries/benefits are included in the amount assigned to each objective.

<sup>26</sup> Kevin Paul, Assistant Director of State Human Resources, Department of Administration, email message to House Oversight Committee Legal Counsel Charles Appleby, May 5, 2017.

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<sup>27</sup> Ibid.

<sup>28</sup> Ibid.

<sup>29</sup> Ibid.

<sup>30</sup> *SC Code of Laws Sec. 2-2-10(1)*.

<sup>31</sup> SC House of Representatives, House Legislative Oversight Committee, "January 10, 2017 Meeting Minutes," under "Committee Postings and Reports," under "House Legislative Oversight Committee," and under "Full Committee Minutes,"

<http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/FullCommitteeMinutes/January102017.pdf> (accessed July 10, 2017). A video of the meeting is available at

<http://www.scstatehouse.gov/video/videofeed.php>. Hereinafter, "January 10, 2017 - Full Committee Meeting Minutes."

<sup>32</sup> SC House of Representatives, House Legislative Oversight Committee, "Letter from Oversight Committee to the Election Commission (January 17, 2017)," under "Committee Postings and Reports," under "House Legislative Oversight Committee," and under "The State Election Commission,"

<http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/ElectionCommission/Election%20Commission%20-Notification%20Letter%20to%20Agency%201.17.17.pdf> (accessed July 10, 2017).

<sup>33</sup> SC House of representatives, House Legislative Oversight Committee, "Subcommittees -2017," under "Committee Information," under "House Legislative Oversight Committee,"

<http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/Subcommittee%20Assignments%20-%202017.pdf> (accessed July 10, 2017).

<sup>34</sup> *S.C. Code of Laws Sec. 1-30-10*.

<sup>35</sup> SC House of Representatives, House Legislative Oversight Committee, "Restructuring & Seven Year Plan," under "Committee Postings and Reports," under "House Legislative Oversight Committee," and under "The State Election Commission,"

<http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/2015AgencyRestructuringandSevenYearPlanReports/2015%20Election%20Commission.pdf> (accessed July 10, 2017).

<sup>36</sup> *SC Code of Laws Sec. 1-30-10*.

<sup>37</sup> SC House of Representatives, House Legislative Oversight Committee, "2016 Annual Restructuring Report," under "Committee Postings and Reports," under "House Legislative Oversight Committee," and under "The State Election Commission,"

<http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/2016%20ARR/2016%20Agency%20Restructuring%20ReportElectionCommission.PDF> (accessed July 10, 2017). SC House of Representatives, House Legislative Oversight Committee, "2017 Annual Restructuring Report," under "Committee Postings and Reports," under "House Legislative Oversight Committee," and under "The State Election Commission,"

<http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/ElectionCommission/Reports%20&%20Audits%20-%20Reports%20and%20Reviews/Accountability%20Report%20-%202015-2016.pdf> (accessed July 10, 2017).

<sup>38</sup> SC House of Representatives, House Legislative Oversight Committee, "2015-16 Agency Accountability Report/2017ARR," under "Committee Postings and Reports," under "House Legislative Oversight Committee," and under "The State Election Commission,"

<http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/ElectionCommission/Reports%20&%20Audits%20-%20Reports%20and%20Reviews/Accountability%20Report%20-%202015-2016.pdf> (accessed August 24, 2017).

<sup>39</sup> *SC Code of Laws Sec. 2-2-50*.

<sup>40</sup> Agency PER.

<sup>41</sup> A brochure about the House Legislative Oversight's Committee process is available online. Also, there are ongoing opportunities to request notification when meetings are scheduled and to provide feedback about state agencies under study that can be found online.

<http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/Brochure%205.18.17.pdf> (accessed August 10, 2017).

<sup>42</sup> SC House of Representatives, House Legislative Oversight Committee.

<http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee.php> (accessed July 10, 2017).

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<sup>43</sup> Other agencies in the public survey include Department of Disabilities and Special Needs; Human Affairs Commission; and John de la Howe School.

<sup>44</sup> SC House of Representatives, House Legislative Oversight Committee, “Press Release announcing Public Survey (February 9, 2017),” under “Public Survey & Public Input via LOC webpage” under “Committee Postings and Reports,” under “The State Election Commission,” [http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/ElectionCommission/Media%20Release%20-%20Public%20Survey%20Open%20\(February%209,%202017\)%20\(pdf\).pdf](http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/ElectionCommission/Media%20Release%20-%20Public%20Survey%20Open%20(February%209,%202017)%20(pdf).pdf) (accessed July 10, 2017).

<sup>45</sup> SC House of Representatives, House Legislative Oversight Committee, “Results from the 2017 Survey of the Department of Disabilities and Special Needs; State Election Commission; Human Affairs Commission; and John de la Howe School,” under “Committee Postings and Reports,” under “House Legislative Oversight Committee,” and under “The State Election Commission,” [http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/SurveysforAllAgencies/Results%20from%202017%20Survey%20of%20DDSN;%20Election%20Commission;%20Human%20Affairs%20Commission;%20and%20John%20de%20la%20Howe%20School%20\(2\\_9%20-3\\_13\).PDF](http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/SurveysforAllAgencies/Results%20from%202017%20Survey%20of%20DDSN;%20Election%20Commission;%20Human%20Affairs%20Commission;%20and%20John%20de%20la%20Howe%20School%20(2_9%20-3_13).PDF) (accessed July 10, 2017). Hereinafter, “February/March 2017 Survey Results.”

<sup>46</sup> Committee Standard Practice 10.4.

<sup>47</sup> February/March 2017 Survey Results.

<sup>48</sup> SC House of Representatives, House Legislative Oversight Committee, “Submit Public Input,” under “Committee Postings and Reports,” under “House Legislative Oversight Committee” <http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee.php> (accessed July 10, 2017).

<sup>49</sup> February/March 2017 Survey Results.

<sup>50</sup> Ibid.

<sup>51</sup> Committee Standard Practice 10.4.2. This standard practice allows for the redaction of profanity.

<sup>52</sup> SC House of Representatives, House Legislative Oversight Committee, “Public input about Election Commission received via Committee webpage,” under “Public Survey & Public Input via LOC webpage” under “Committee Postings and Reports,” under “The State Election Commission,” <http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/ElectionCommission/2.21.17%20Public%20Input%20Recieved%20Via%20Web%20Link.pdf> (accessed July 10, 2017).

<sup>53</sup> The Chair of either the Committee or Executive Subcommittee has the discretion to allow testimony during meetings.

<sup>54</sup> SC House of Representatives, House Legislative Oversight Committee, “March 9, 2017 Meeting Minutes,” under “Committee Postings and Reports,” under “House Legislative Oversight Committee,” and under “Full Committee Minutes,” <http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/FullCommitteeMinutes/March%209,%202017%20Mtg%20Minutes.pdf> (accessed July 10, 2017). A video of the meeting is available at <http://www.scstatehouse.gov/video/videofeed.php>. Hereinafter, “March 9, 2017 - Full Committee Meeting Minutes.”

<sup>55</sup> SC House of Representatives, House Legislative Oversight Committee, “Statewide Media Release Inviting the Public to Provide Testimony About Six Agencies Under Study (February 16, 2017),” under “Public Survey & Public Input via LOC webpage” under “Committee Postings and Reports,” under “The State Election Commission,” <http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/ElectionCommission/2.16.17%20Media%20Release.PDF> (accessed July 10, 2017).

<sup>56</sup> January 10, 2017 - Full Committee Meeting Minutes.

<sup>57</sup> SC House of Representatives, House Legislative Oversight Committee, “February 15 , 2017 - Meeting Minutes,” under “Committee Postings and Reports,” under “House Legislative Oversight Committee,” and under “The State Election Commission,” <http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/SubcommitteeMinutes/ExecutiveSub/February%2015,%202017%20-%20Meeting%20Minutes.pdf> (accessed July 10, 2017). A video of the meeting is available at <http://www.scstatehouse.gov/video/videofeed.php>.

<sup>58</sup> March 9, 2017 - Full Committee Meeting Minutes.

<sup>59</sup> Ms. Kim Murphy, constituent from Richland County/Lexington County; Mr. Tiger Wells, the Government Affairs Liaison for the Municipal Association of South Carolina testify about the agency.

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<sup>60</sup> April 5, 2017 - Subcommittee Meeting Minutes.

<sup>61</sup> Mr. Frank Rainwater, Executive Director; Mr. Will Roberts, Precinct Demographics Manager; Mr. David Ballard, County Boundary Program Manager, Professional Land Surveyor.

<sup>62</sup> Ms. Marci Andino, Executive Director; Ms. Janet Reynolds, Director of Administration; Mr. Chris Whitmire, Director of Training and Public Information; Mr. Howard Snider, Director of Voter Services; and Ms. Kristina Catoe, Staff Attorney.

<sup>63</sup> SC House of Representatives, House Legislative Oversight Committee, "April 18, 2017 - Meeting Minutes," under "Committee Postings and Reports," under "House Legislative Oversight Committee," and under "The State Election Commission,"

<http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/SubcommitteeMinutes/ExecutiveSub/April182017Minutes.pdf> (accessed July 10, 2017). A video of the meeting is available at

<http://www.scstatehouse.gov/video/videofeed.php>. Hereinafter, "April 18, 2017 - Subcommittee Meeting Minutes."

<sup>64</sup> SC House of Representatives, House Legislative Oversight Committee, "May 3, 2017 - Meeting Minutes," under "Committee Postings and Reports," under "House Legislative Oversight Committee," and under "The State Election Commission,"

<http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/SubcommitteeMinutes/ExecutiveSub/May%203,%202017%20-%20Meeting%20Minutes.pdf> (accessed July 10, 2017). A video of the meeting is available at

<http://www.scstatehouse.gov/video/videofeed.php>. Hereinafter, "May 3, 2017 - Subcommittee Meeting Minutes."

<sup>65</sup> May 9, 2017 - Subcommittee Meeting Minutes.

<sup>66</sup> Interested parties include: The League of Women Voters of South Carolina; Municipal Association of South Carolina; South Carolina Association of Counties; and South Carolina Association of Registration and Election Officials, Inc.

<sup>67</sup> SC House of Representatives, House Legislative Oversight Committee, "June 13, 2017 - Meeting Minutes," under "Committee Postings and Reports," under "House Legislative Oversight Committee," and under "The State Election Commission,"

<http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/SubcommitteeMinutes/ExecutiveSub/June%2013,%202017%20Meeting%20Minutes.pdf> (accessed July 10, 2017). A video of the meeting is available at

<http://www.scstatehouse.gov/video/videofeed.php>. Hereinafter, "June 13, 2017 - Subcommittee Meeting Minutes."

<sup>68</sup> June 27, 2017 - Subcommittee Meeting Minutes.

<sup>69</sup> Mr. Scott Slatton is the representative from the Municipal Association of South Carolina.

<sup>70</sup> Ms. Lynn Teague is the representative from The League of Women Voters of South Carolina. See June 27, 2017 - Subcommittee Meeting Minutes at 52:25 in the archived video.

<sup>71</sup> SC House of Representatives, House Legislative Oversight Committee, "July 31, 2017 - Meeting Minutes," under "Committee Postings and Reports," under "House Legislative Oversight Committee," and under "The State Election Commission," (Minutes will be posted once they are approved by the Subcommittee). A video of the meeting is available at <http://www.scstatehouse.gov/video/videofeed.php>. Hereinafter, "July 31, 2017 - Subcommittee Meeting Minutes."

<sup>72</sup> Ms. Katy Smith is First Vice President of SC Association of Registration and Election Officials.

<sup>73</sup> Ms. Wanda Hemphill is the Director of Elections in York County and Chairman of the Legislative Committee of the South Carolina Association of Registration and Election Officials, Inc.

<sup>74</sup> Committee Standard Practice 14.1.

<sup>75</sup> Committee Standard Practice 14.2.

<sup>76</sup> SC House of Representatives, House Legislative Oversight Committee, "April 5, 2017 - Meeting Minutes," under "Committee Postings and Reports," under "House Legislative Oversight Committee," and under "The State Election Commission,"

<http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/SubcommitteeMinutes/ExecutiveSub/April%205,%202017%20-%20Meeting%20Minutes.pdf> (accessed July 10, 2017). A video of the meeting is available at

<http://www.scstatehouse.gov/video/videofeed.php>. See 27:36 in the archived video. Hereinafter, "April 5, 2017 - Subcommittee Meeting Minutes." See also, SC House of Representatives, House Legislative

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Oversight Committee, "June 27, 2017 - Meeting Minutes," under "Committee Postings and Reports," under "House Legislative Oversight Committee," and under "The State Election Commission," <http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/SubcommitteeMinutes/ExecutiveSub/June%2027,%202017%20-%20Meeting%20Minutes%20-%20SEC.pdf> (accessed August 10, 2017). A video of the meeting is available at <http://www.scstatehouse.gov/video/videofeed.php>. See 01:22:09 in the archived video. Hereinafter, "June 27, 2017 - Subcommittee Meeting Minutes."

<sup>77</sup> May 9, 2017 - Subcommittee Meeting Minutes at 22:57 in the archived video. See also, June 13, 2017 - Subcommittee Meeting Minutes at 46:41 in the archived video.

<sup>78</sup> *SC Code of Laws Sec. 7-5-120(B)(1)*.

<sup>79</sup> June 13, 2017 - Subcommittee Meeting Minutes at 01:06:20 in the archived video.

<sup>80</sup> SC House of Representatives, House Legislative Oversight Committee, "Presentation by Election Commission regarding agency recommendations (June 27, 2017 Subcommittee Meeting)," under "Mission, Goals & Strategic Plan," under "House Legislative Oversight Committee," and under "The State Election Commission," [http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/ElectionCommission/SEC%20Presentation%20\(June%2027,%202017\).pdf](http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/ElectionCommission/SEC%20Presentation%20(June%2027,%202017).pdf) (accessed August 24, 2017). Hereinafter, "Agency June 27, 2017 Presentation." See also, June 27, 2017 - Subcommittee Meeting Minutes.

<sup>81</sup> June 27, 2017 - Subcommittee Meeting Minutes at 13:57 in the archived video. See also, SC House of Representatives, House Legislative Oversight Committee, "Letter from Election Commission to Oversight Subcommittee (July 7, 2017)," under "Correspondence," under "House Legislative Oversight Committee," and under "The State Election Commission,"

[http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/ElectionCommission/Letter%20from%20Election%20Commission%20to%20Oversight%20Subcommittee%20with%20attachment%20\(July%207,%202017\).pdf](http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/ElectionCommission/Letter%20from%20Election%20Commission%20to%20Oversight%20Subcommittee%20with%20attachment%20(July%207,%202017).pdf) (accessed August 24, 2017). Hereinafter, "Agency July 7, 2017 letter to the Subcommittee."

<sup>82</sup> April 18, 2017 - Subcommittee Meeting Minutes at 16:51 in the archived video.

<sup>83</sup> *Ibid.*

<sup>84</sup> June 27, 2017 - Subcommittee Meeting Minutes at 12:07 in the archived video.

<sup>85</sup> *Ibid.* at 13:24 in the archived video.

<sup>86</sup> Agency July 7, 2017 letter to the Subcommittee at page 5.

<sup>87</sup> *SC Code of Laws Sec. 7-11-50*.

<sup>88</sup> Agency June 27, 2017 Presentation.

<sup>89</sup> SC House of Representatives, House Legislative Oversight Committee, "Summary Chart (see Meeting Minutes for list of recommendations approved by the Subcommittee)," under "Potential Recommendations," under "Other Materials," under "House Legislative Oversight Committee," and under "The State Election Commission," <http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/ElectionCommission/Potential%20Recommendations%20and%20Findings%20-%20Summary%20Chart.pdf> (accessed August 24, 2017). Hereinafter, "Potential Recommendations and Findings - Excel Chart." See also, Agency PER (Recommendations section).

<sup>90</sup> S.C. Code Ann. § 7-13-350. All nominees in a party primary or party convention must be submitted to the party charged with preparing the ballot no later than noon on August 15 for a general election; Presidential and Vice-Presidential candidates must be certified by noon on the first Tuesday following the first Monday in September. See also, June 27, 2017 - Subcommittee Meeting Minutes at 9:40 in the video. See also, Act No. 505 of 1996. All persons desiring to be a candidate for District Board of Education in Chesterfield County must file notice of candidacy during the filing period beginning on the first Tuesday in September at noon and running for two weeks. See also, Act No. 185 of 1997. All candidates for the McCormick County Board of Trustees must file not later than noon September 1 of a general election year. See also, Agency June 27, 2017 Presentation (Law Change #2).

<sup>91</sup> Agency PER (Recommendations Section). See also, Potential Recommendations and Findings - Excel Chart.

<sup>92</sup> July 31, 2017 - Subcommittee Meeting Minutes at 15:40 in the video. (Rep. Williams Q: How this will make it better than previous? Director Andino A: Thank you. The recommendation is to have all municipal elections held in November of the odd year. Currently, municipal elections are held throughout the calendar year with a high concentration in November of the odd year. We do have some that fall in November of even year which would be the general election it makes the ballot longer and it also requires two voter registration lists. So it would reduce long lines, moving the municipals off of the general election ballot. It also provides for some consistency. Right now,

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they are held in 12 months of the year, so voters experience confusion because they don't know when the election is. If they're all held at the same time, then it would become a standard that November is time for a municipal election.)

<sup>93</sup> *SC Code of Laws Sec. 5-15-50.*

<sup>94</sup> June 27, 2017 - Subcommittee Meeting Minutes at 18:00 in the archived video.

<sup>95</sup> Agency PER (Recommendations section). See also, Potential Recommendations and Findings - Excel Chart.

<sup>96</sup> June 27, 2017 - Subcommittee Meeting Minutes at 35:15 in the archived video.

<sup>97</sup> SC House of Representatives, House Legislative Oversight Committee, "Letter from SC Association of Registration and Election Officials, Inc. to Oversight Subcommittee (June 22, 2017)," under "Correspondence," under "House Legislative Oversight Committee," and under "The State Election Commission,"

[http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/ElectionCommission/Letter%20from%20SC%20Association%20of%20Registration%20and%20Election%20Officials,%20Inc.%20\(June%2022,%202017\).pdf](http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/ElectionCommission/Letter%20from%20SC%20Association%20of%20Registration%20and%20Election%20Officials,%20Inc.%20(June%2022,%202017).pdf) (accessed August 24, 2017). South Carolina Association of Registration and Election Officials, Inc., is strongly in support of election standardization for a variety of reasons. By limited and standardized dates, the logistics of conducting elections would be better streamlined, and it would create a measure of cost savings to both the state and counties. It would also assist in reducing voter confusion and fatigue and decreasing the strain on facilities and poll workers.

<sup>98</sup> SC House of Representatives, House Legislative Oversight Committee, "Letter from Municipal Association of South Carolina (MASC) to the Oversight Subcommittee (June 28, 2017)," under "Correspondence," under "House Legislative Oversight Committee," and under "The State Election Commission,"

[http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/ElectionCommission/Letter%20from%20Municipal%20Association%20to%20Oversight%20Subcommittee%20\(June%2028,%202017\).pdf](http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/ElectionCommission/Letter%20from%20Municipal%20Association%20to%20Oversight%20Subcommittee%20(June%2028,%202017).pdf) (accessed August 24, 2017). Municipal Association of South Carolina (MASC) previously proposed that general elections could be held once per calendar quarter in an even or odd year to provide cities and towns the option to choose a date closest to their current election dates but is willing to discuss other potential options. MASC believes the following effects of changing election dates should be considered: (1) Terms of many elected council members across the state will have to be shortened or lengthened (currently councils choose whether or not to shorten or lengthen their terms when they change their election dates and MASC believes council prerogative should be retained); and (2) Councils will need to modify their existing election ordinances to accommodate a new election date, so legislation should allow councils time to modify their ordinances. See also, June 27, 2017 - Subcommittee Meeting Minutes at 22:00 and 27:21 in the archived video. See also, July 31, 2017 - Subcommittee Meeting Minutes at 20:45 in the archived video.

<sup>99</sup> Agency PER (Recommendations section).

<sup>100</sup> The school district is in Kershaw County. See also, Agency July 7, 2017 letter to the Subcommittee. See also, Act. No. 930 of 1970.

<sup>101</sup> Agency PER (Recommendations section).

<sup>102</sup> *SC Code of Laws Sec. 7-13-110.* Poll managers to be residents and registered electors of counties; assistants.

<sup>103</sup> July 31, 2017 - Subcommittee Meeting Minutes at 1:43:25 in the archived video.

<sup>104</sup> *Ibid.*

<sup>105</sup> *Ibid.* at 1:44:30 in the archived video.

<sup>106</sup> The agency explained the certification and training for individuals newly appointed to a county board as follows,

Once appointed to a county board, they have 18 months to complete our training and certification.

We offer classes every month mainly in Columbia, but do go out to various locations. We also offer classes in conjunction with county association meetings (summer and winter). We also offer some classes on Saturday, and go to different locations. There are some core classes. There are classes that county board chairs are required to take. There is a different curriculum for staff and board members. Board members have to take 6 classes to become certified. Once certified, we ask them to take one continuing education class. We give continuing education credit if they attend a county legislative conference. We also accept credits from technical school or college, through the county association. If it is something that is a minimum 3 hour class, we let them use that as well.

The core classes and electives are election related. Then there is a long list of professional development classes also offered. At the beginning and end of each year, the agency performs an analysis of the needs of the participants and, based on that analysis sets a schedule of classes for the year. As part of this analysis the agency reviews the needs of

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new appointments, continuing education needs of existing board members, and needs the agency has identified during an election year. The agency believes there is a need for an onboarding process before the individual assumes the position and has a document which provides an overview of the county, online training, and expects the County Director to provide some introduction as well. May 3, 2017 - Subcommittee Meeting Minutes at 1:09:00; 1:11:04; and 1:11:45 in the archived video. See also, May 9, 2017 - Subcommittee Meeting Minutes at 36:20; 37:30; 38:14; 38:40; and 39:44 in the archived video.

<sup>107</sup> *SC Code of Laws Sec. 7-5-10(D)(1)*.

<sup>108</sup> *SC Code of Laws Sec. 7-5-10(D)(2)*.

<sup>109</sup> May 9, 2017 - Subcommittee Meeting Minutes at 41:55; 45:05; and 49:15 in the archived video.

<sup>110</sup> SC House of Representatives, House Legislative Oversight Committee, "Additional Information," under "Potential Recommendation," under "Other Materials," under "House Legislative Oversight Committee," and under "The State Election Commission,

"<http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/ElectionCommission/Potential%20Recommendations%20and%20Findings%20-%20Additional%20Information.pdf> (accessed August 24, 2017). Hereinafter, "Potential Recommendations and Findings - Additional Information."

<sup>111</sup> May 3, 2017 - Subcommittee Meeting Minutes at 43:50 and 47:44 in the archived video.

<sup>112</sup> *SC Code of Laws Sec. 4-1-10*. See also, SC Code of Laws Title 4, Chapter 3.

<sup>113</sup> Potential Recommendations and Findings - Additional Information. See also, July 31, 2017 - Subcommittee Meeting Minutes at 01:09:00 in the archived video.

<sup>114</sup> *SC Code of Laws Sec. 27-2-105(A)(3)*.

<sup>115</sup> Potential Recommendations and Findings - Additional Information.

<sup>116</sup> July 31, 2017 - Subcommittee Meeting Minutes at 52:52 and 54:10 in the archived video.

<sup>117</sup> *Ibid.* at 59:45 and 01:03:41 in the archived video.

<sup>118</sup> *SC Code of Laws Sec. 27-2-105(B)(6)*.

<sup>119</sup> Potential Recommendations and Findings - Additional Information.

<sup>120</sup> David Ballard, County Boundary Program Manager, Professional Land Surveyor with the Revenue and Fiscal Affairs Office, telephone call with House Oversight Committee Legal Counsel Charles Appleby, July 2017.

<sup>121</sup> Potential Recommendations and Findings - Additional Information.

<sup>122</sup> SC House of Representatives, House Legislative Oversight Committee, "Election Boundaries: Precincts, Districts, Census, Counties - presentation by SC Revenue and Fiscal Affairs Office to Oversight Subcommittee (April 5, 2017)," under "County Boundaries," under "Other Materials," under "House Legislative Oversight Committee," and under "The State Election Commission,

<http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/ElectionCommission/Election%20Boundaries%20-%20Precincts,%20Districts,%20Census,%20Counties%20-%20presentation%20by%20RFA%20to%20Oversight%20Subcommittee.pdf> (accessed August 24, 2017).

<sup>123</sup> Act 262 of 2014, Section 1(A).

<sup>124</sup> Act 262 of 2014, Section 1(B). The General Assembly further finds that it is appropriate statutorily to allow the South Carolina Geodetic Survey, with appropriate procedural safeguards, administratively to adjust or otherwise clarify disputed or unclear boundaries. However, in providing the statutory administrative process and procedural safeguards in the amendments to Section 27-2-105 of the 1976 Code as contained in this act, the General Assembly in no way restricts the plenary authority of the General Assembly by legislative enactment to adjust or otherwise clarify existing county boundaries.

<sup>125</sup> *SC Code of Laws Sec. 27-2-105(A)(6)*. When the certified boundary plat is no longer subject to appeal, the SCGS under cover of a letter signed by the Chief of the SCGS shall provide an appropriate revised boundary map to the Secretary of State, the South Carolina Department of Archives, and the register of deeds in each affected county. The date of the SCGS director's cover letter is the date the revised boundaries take effect. See also, *SC Code of Laws Sec. 4-3-10*. Abbeville County.

<sup>126</sup> *Ibid.*

<sup>127</sup> SC Constitution, Article 7, Section 7.

<sup>128</sup> April 5, 2017 - Subcommittee Meeting Minutes at 25:45 in the archived video.

<sup>129</sup> Potential Recommendations and Findings - Additional Information.

<sup>130</sup> Potential Recommendations and Findings - Additional Information.

<sup>131</sup> April 5, 2017 - Subcommittee Meeting Minutes at 32:40 in the archived video.

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<sup>132</sup> Ibid. at 30:52 in the archived video. If a county does not follow the geographically positioned boundary as required in statute, no state entity enforces the requirement. July 31, 2017 - Subcommittee Meeting Minutes at 01:21:25 in the archived video. A private cause of action serves as the mechanism of enforcement to avoid taxation of a citizen in a county where they do not have representation. July 31, 2017 - Subcommittee Meeting Minutes at 01:21:06; 01:22:08; and 01:23:00 in the archived video. As opposed requiring a county to immediately make all of the changes, if any are needed, the Subcommittee's recommendation 15 provides the county half a year. Notably, if the geographically positioned line, which is positioned based on the current description of the boundary in state law, is the same as the county has been utilizing, no changes are needed by the county.

<sup>133</sup> Agency July 7, 2017 letter to the Subcommittee.

<sup>134</sup> Ibid.

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**Committees:**

Agriculture, Natural Resources and  
Environmental Affairs  
Legislative Oversight

**House of Representatives**  
State of South Carolina

August 31, 2017

**Member Statement for the Subcommittee Study of the State Election Commission**

I am including this statement to thank the Legislative Oversight Committee staff for working so hard to ensure the State Election Commission received proper direction in answering questions and responding to necessary requests from the Committee. Additionally, I want to thank the State Election Commission for being transparent and providing information in a timely manner. Agency staff's professionalism and attention to detail are remarkable attributes that reflect highly on the agency and its continued success.

However, I feel it is very important for the agency to maintain the integrity of information it possesses about citizens of South Carolina. I understand there have been several requests to release certain data on voters in this state. The agency must remain vigilant and resilient to the many challenges that may arise. I am confident their leadership team will make the best choice for all the citizens of South Carolina. Secure technology that maintains the privacy of information is paramount when it comes to issues of importance to voters in our state.

The citizens of this great state must be able to reassure themselves that information about them is protected, safe from hackers and others with criminal intent.

The Honorable Robert Q. Williams  
Subcommittee Member  
SC House of Representative District 62

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# **Notification of the Healthcare and Regulatory Subcommittee Study**

## **Department of Health and Environmental Control**

September 29, 2017

In accordance with Standard Practice 12.5, notice is hereby provided that the Healthcare and Regulatory Subcommittee oversight study of the Department of Health and Environmental Control is available for consideration by the full committee.

Honorable Phyllis J. Henderson  
Healthcare and Regulatory Subcommittee Chair

cc: The Honorable William K. "Bill" Bowers  
The Honorable MaryGail K. Douglas  
The Honorable Bill Taylor

# Legislative Oversight Committee

## Study of the Department of Health and Environmental Control *September 29, 2017*



FULL COMMITTEE OPTIONS STANDARD PRACTICE 13	FULL COMMITTEE ACTION(S)	DATE(S) OF FULL COMMITTEE ACTION(S)
(1) Refer the study and investigation back to the subcommittee or an ad hoc committee for further evaluation; (2) Approve the subcommittee’s study; or (3) further evaluate the agency as a full committee, utilizing any of the available tools of legislative oversight available		

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# AGENCY SNAPSHOT

## Department of Health and Environmental Control

**HISTORY**  
Formed from separate entities dating back to 1848, the Department of Health and Environmental Control is formed in 1973 to comprehensively address the state's public health needs.

4 Central Office Locations  
59 Health Department Locations  
17 Environmental Affairs Locations

Service Locations

### Agency Mission

To improve the quality of life for all South Carolinians by protecting and promoting the health of the public and the environment.

3,492,440 Authorized Positions

\$812,609,798 .00

Fiscal Year 2015-16 Resources

### Highlights

Successful event responses reduce adverse impacts on public and environmental health (e.g. October 2015 flood, food handler Hepatitis A outbreak, and tuberculosis outbreak).

Permit and license time reduction result in better service to businesses (e.g. reducing Certificate of Need average decision time from 118 to 40 days).

High-quality work to protect public and environmental health gains national prominence for emergency medical services (EMS) breakthroughs, Special Supplemental Nutrition Program for Women, Infants and Children (WIC), Brownsfield cleanup, Environmental justice, Underground Storage Tank Program, Central Cancer Registry, Radiochemistry Lab, Defense Installation Restoration Program, Best Chance Network, and Food Protection.

### Challenges

Obsolete and outdated information technology systems reduce performance and security (e.g. DHEC data center and network).

Inadequate space, degraded facilities, and outdated structures affect morale and reduce operational efficiency and productivity.

Noncompetitive compensation and condition of facilities impact talent recruitment and retention.

Figure 1. Snapshot of agency's history, highlights, challenges, and Fiscal Year 2016-17 resources.<sup>1</sup>

# EXECUTIVE SUMMARY

## *Purpose of Oversight Study*

As stated in SC Code §2-2-20(B), “[t]he **purpose of these oversight studies** and investigations is to **determine if agency laws and programs** within the subject matter jurisdiction of a standing committee: (1) **are being implemented** and carried out **in accordance with the intent of the General Assembly; and** (2) **should be continued, curtailed, or eliminated.**” In making these determinations the **Subcommittee** evaluates (1) the application, administration, execution, and effectiveness of the agency’s laws and programs, (2) the organization and operation of the agency, and (3) any conditions or circumstances that may indicate the necessity or desirability of enacting new or additional legislation pertaining to the agency.<sup>2</sup>

## *Study Process*

The House Legislative Oversight Committee’s (Committee) process for studying the Department of Health and Environmental Control (agency, department, or DHEC) **includes actions by the full Committee; Healthcare and Regulatory Subcommittee (Subcommittee); the agency; and the public.** Key dates and actions from January 28, 2016, to July 19, 2017, are listed below in Figure 2.

### Legislative Oversight Committee’s Actions

- January 28, 2016 - Schedules the agency for study.
- February 4, 2016 - Informs agency it has been selected for study.
- May 1-31, 2016 - Solicits input from the public about the agency in the form of an **online public survey.**

### Healthcare and Regulatory Subcommittee’s Actions

- April 27, 2016 - Holds **entry meeting** with the agency, to discuss study procedural issues.
- January 24, 2017 - Holds **Meeting #1**, a **public input meeting**, and receives an overview of the agency.
- February 9, 2017 - Holds **Meeting #2** to discuss the agency’s mission; vision; strategic plan; performance; improvements; development of new budgeting techniques; regulatory authority; and Savannah River Site.
- February 23, 2017 - Holds **Meeting #3** to receive an overview of the agency's history and programs.
- March 23, 2017 - Holds **Meeting #4** to address questions relating to strategic planning; environmental issues; and health issues.
- April 20, 2017 - Holds **Meeting #5** to discuss the agency's strategic planning, performance measures, and partners relating to Goal 1 (Health Services) and Goal 2 (Environmental Affairs)

- May 9, 2017 - Holds **Meeting #6** to discuss the agency's strategic planning, performance measures, and partners relating to Goal 3 (Health Regulations) and Goal 4 (Operations).
- June 20, 2017 - Holds **Meeting #7** to discuss the agency's recommendations for statutory changes.
- July 19, 2017 - Holds **Meeting #8**, a work session, to address recommendations.

## Department of Health and Environmental Control's Actions

- March 2015 - Submits its **Annual Restructuring and Seven-Year Plan Report**.
- January 12, 2016 - Submits its **2016 Annual Restructuring Report**.
- August 24, 2016 - Submits its **Program Evaluation Report**.
- January 2017 - Meets with constituents that provide input at the January 24, 2017, Subcommittee meeting.

## Public's Actions

- May 1, 2016 - May 31, 2016 - Provides input about agency via **online public survey**.
- January 24, 2017 - Provides **testimony** to Subcommittee.
- Ongoing - Public may submit written comments on the Committee's webpage on the General Assembly's website ([www.scstatehouse.gov](http://www.scstatehouse.gov)).

*Figure 2. Summary of key dates and actions of the study process, January 28, 2016, - July 19, 2017.*

## Recommendations

The Subcommittee has **47 recommendations arising** from its study of the agency, 42 to curtail or revise programs and five to eliminate programs. These recommendations fall into four categories: (1) general (i.e., agency-wide), (2) environmental, (3) health regulations, and (4) health services; recommendation topics are included in Table 1.<sup>3</sup>

*Table 1. List of recommendation topics by agency program division.<sup>4</sup>*

Program Division	Topics
	<b>Curtail (Revise)</b>
<b>Agency wide</b>	<ul style="list-style-type: none"> <li>• Email Notice of Decisions</li> </ul>
<b>Environmental Affairs</b>	<ul style="list-style-type: none"> <li>• Solid Waste Policy and Management Act</li> <li>• Hazardous Waste Management Act (5)</li> </ul>
<b>Health Regulations</b>	<ul style="list-style-type: none"> <li>• Certificate and Need (2)</li> <li>• Hearing Aids (6)</li> <li>• Body Piercing</li> <li>• Tattooing</li> <li>• Emergency Medical Services Act (2)</li> </ul>
<b>Health Services</b>	<ul style="list-style-type: none"> <li>• Vital Statistics (5)</li> <li>• Contagious and Infectious Diseases (8)</li> <li>• Emergency Health Powers Act</li> </ul>

	<ul style="list-style-type: none"> <li>• Tuberculosis (3)</li> <li>• Community Oral Health Coordinator</li> <li>• Dental Practices Act</li> <li>• Care of the Newly Born</li> <li>• SC Health Care Professional Compliance Act</li> <li>• Infants and Toddlers with Disabilities Act</li> </ul>
<b>Eliminate</b>	
<b>Agency wide</b>	<ul style="list-style-type: none"> <li>• District Advisory Boards of Health</li> <li>• Catawba Health District</li> </ul>
<b>Environmental Affairs</b>	<ul style="list-style-type: none"> <li>• Hazardous Waste Management Research Fund</li> <li>• Coastal Zone Appellate Panel</li> </ul>
<b>Health Services</b>	<ul style="list-style-type: none"> <li>• Contagious and Infectious Diseases</li> <li>• Osteoporosis Prevention and Treatment Act</li> </ul>

*Table Note: A number in parentheses indicates the number of recommendations relating to a topic, if more than one.*

There are no **recommendations relating to continuing agency programs.**

In its Program Evaluation Report, the Department of Health and Environmental Control proposes **three agency wide recommendations.** The Subcommittee adopts one of these recommendations as a statutory revision. It proposes clarifying that notice of department decisions or staff decisions may be sent by email or other appropriate means.<sup>5</sup>

In its Program Evaluation Report, the Department of Health and Environmental Control proposes 14 **recommendations regarding the environmental affairs division;** the Subcommittee adopts six of these as statutory revisions, five in total and one with an exception.<sup>6</sup> Table 2 summarizes the environmental recommendations.

*Table 2. Summary of environmental affairs division recommendations.<sup>7</sup>*

Subcommittee Recommendation Number	Summary
2 (Exception)	<b>Solid Waste Policy and Management Act</b> SC Code §44-96-110 et seq., establishes standards for the management of solid waste, and authorizes the department to regulate and permit solid waste management facilities. Also it establishes goals for the State in waste reduction and recycling, and requires local and state solid waste management planning. This recommendation proposes changes pertaining to construction and demolition debris, zoning, and permittee demonstration of need. (2.3)*
3	<b>Hazardous Waste Management Act</b> SC Code §44-56-140(E) requires DHEC to report any violations of the Hazardous Waste Management Act to the governing body of the county or city where the violation occurred within 24 hours. This recommendation proposes to delete this requirement. (2.5)*

4	<b>Hazardous Waste Management Act</b> SC Code §44-56-59 includes findings and conclusions of the General Assembly related to existing land disposal facility capacity, preference to in-state hazardous waste generators, and restrictions on the importation of out-of-state hazardous waste. This recommendation proposes deleting preferences for in state hazardous waste generators and restrictions on out of state hazardous waste, which have been determined to be unconstitutional by a federal court. (3.1)*
5	<b>Hazardous Waste Management Act</b> SC Code §44-56-60(a)(1), (2), and (3) require annual reporting to the General Assembly to determine if landfill capacity should be reduced; restrict land disposal of hazardous waste; and limit the amount of land disposal of out-of-state hazardous waste. This recommendation proposes deleting preferences for in state hazardous waste generators and restrictions on out of state hazardous waste, which have been determined to be unconstitutional by a federal court. (3.2)*
6	<b>Hazardous Waste Management Act</b> SC Code §44-56-130 (4),(5), and (6) make it unlawful for a person who owns or operates a hazardous waste for treatment, storage or disposal facility to accept hazardous waste from any jurisdiction that prohibits the treatment, storage or disposal of such waste or that has not entered into an interstate or regional agreement under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA). This recommendation proposes deleting these sections, which have been determined to be unconstitutional by a federal court. (3.3)*
7	<b>Hazardous Waste Management Act</b> SC Code §44-56-205 provides that all hazardous waste treatment and disposal facilities shall give preference to in-state hazardous waste generators. This recommendation proposes deleting this section, which has been determined to be unconstitutional by a federal court. (3.4)*

*Table Note: A number in parentheses with an asterisk symbol beside it indicates the number of the recommendation in the agency's materials the Subcommittee utilizes during the study process.*

In its Program Evaluation Report, the Department of Health and Environmental Control proposes 16 **health regulation division recommendations**; the Subcommittee adopts 11 of these as statutory revisions, six with no exceptions and five with a request for additional information. The Subcommittee adopts one additional recommendation.<sup>8</sup> Table 3 summarizes the health regulation recommendations.

Table 3. Summary of health regulation division recommendations.<sup>9</sup>

Subcommittee Recommendation Number	Summary
8	<b>Certification of Need and Health Facility Licensure Act</b> SC Code §44-7-110 et seq., requires a certificate of need (CON) in certain circumstances and requires licensure for certain types of health care facilities. Section 44-7-170 delineates institutions and transactions exempt from these licensure provisions and certain institutions and transactions exempt from only the CON provisions. This recommendation proposes modification to §44-7-170(B)(6) to clarify that kidney disease centers are exempt only from the CON provisions, but these centers are still subject to the licensure provisions. (1.4)*
9	<b>Certification of Need and Health Facility Licensure Act</b> SC Code§44-7-310 and 315 delineate requirements and prohibitions on disclosure of certain information obtained by the department in the course of performing its licensure duties. This recommendation proposes revisions allowing greater ability to publish information online and modifications clarifying disclosure requirements and prohibitions. (2.15)*
10	<b>Hearing Aids</b> SC Code §40-25-10 et seq., authorizes DHEC to license qualified persons to engage in the practice of specializing in hearing aids, oversee the examination of persons seeking licensure, conduct periodic inspections of persons, facilities, and equipment, and take enforcement action as authorized by statute. Section 40-25-20(2) requires the Commission of Hearing Aid Specialists to prepare the examinations. This recommendation proposes to modify §40-25-20(2) to delete the requirement for this commission to formulate the examination. (1.5)*
11	<b>Hearing Aids</b> SC Code §40-25-30 lists the powers of DHEC related to the Practice of Specializing in Hearing Aids. Subsection 40-25-30(6) authorizes DHEC to suspend or revoke a license or require that a refund be made. This recommendation proposes to authorize DHEC to issue a monetary penalty. (1.6)*
12	<b>Hearing Aids</b> SC Code §40-25-150(C)-(D) require the Commission of Hearing Aid Specialists to monitor continuing education compliance. The recommendation proposes to replace the commission with DHEC in §40-25-150(C) and (D), so as to authorize DHEC, rather than this commission, to perform these duties. (2.19)*
13	<b>Hearing Aids</b> This recommendation proposes to modify §40-25-110 to authorize the department to charge a fee for the examination of persons seeking to specialize in hearing aids to subsidize the cost of administering the examination. (2.20)*
14	<b>Hearing Aids</b> SC Code §40-25-30(2) allows DHEC to administer a qualifying examination to applicants for licensure. This recommendation proposes to modify this duty to include the authority to facilitate the administration of the qualifying examinations (i.e., allow usage of vendors for testing). (2.21)*

15	<b>Hearing Aids</b> The Subcommittee recommends DHEC and the Department of Labor, Licensing, and Regulation jointly make a recommendation about which agency the Practice of Specializing in Hearing Aids Act best fits within.
16	<b>Body Piercing</b> SC Code §44-32-10 et seq., requires the department to establish sterilization, sanitation, and safety standards for persons engaged in the business of body piercing, issue permits to facilities to engage in body piercing, and charge annual permitting fees. This recommendation proposes to authorize DHEC to assess a monetary penalty as a method of enforcement, in addition to the existing options of revoking, suspending, refusing to issue or renew a permit, or placing a body piercing facility on probation. In addition, the recommendation proposes new language authorizing imposition of a monetary penalty apply to any person who violates the act or regulation, (e.g., a person or entity that performs body piercing without a license). (1.7)*
17	<b>Tattooing</b> SC Code §44-34-10 et seq., requires DHEC to establish sterilization, sanitation, and safety standards for persons engaged in the business of tattooing and to issue licenses to facilities to engage in tattooing and charge licensing fees and inspection fees. The recommendation proposes adding language to §44-34-80 authorizing the imposition of a monetary penalty against any person who violates the act or regulation (e.g., a person or entity that performs tattooing without a license) and not only a licensee of the facility. (1.8)*
18	<b>Emergency Medical Services Act</b> SC Code §44-61-10 et seq., authorizes DHEC to develop standards for emergency medical services (EMS) in the state; license, certify, and permit ambulance services, emergency medical technicians, and ambulance vehicles in the state; and take certain enforcement actions. Section 44-61-160 establishes an Investigative Review Committee and provides for its composition. This recommendation proposes modifying the definition of “Investigative Review Committee” to indicate that DHEC <i>may</i> convene the committee regarding an official investigation that may warrant suspension or revocation of a license or certification. The recommendation further proposes modifying the definition to reflect that appointment to the committee is made by the Chief of the Bureau of EMS and Trauma, rather than the Director of the Division of EMS and Trauma. (2.16)*
19	<b>Emergency Medical Services Act</b> This recommendation proposes adding new statutory provisions authorizing DHEC to become a member of the Recognition of EMS Personnel Licensure Interstate Compact (REPLICA) with other states. (2.17)*

*Table Note: A number in parentheses with an asterisk symbol beside it indicates the number of the recommendation in the agency’s materials the Subcommittee utilizes during the study process.*

In its Program Evaluation Report, the Department of Health and Environmental Control proposes 25 **health services division recommendations**; the Subcommittee adopts 22 these recommendations as statutory revisions.<sup>10</sup> Table 4 summarizes these health services recommendations.

Table 4. Summary of health services division recommendations.<sup>11</sup>

Subcommittee Recommendation Number	Summary
20	<b>Vital Statistics</b> SC Code §44-63-10 through 180 empowers DHEC to establish a bureau of vital statistics and to provide a system for the registration and certification of births, deaths, marriages, and divorces. To remain consistent with the national model, the recommendation proposes clarifying terminology, recognize the transition to an electronic system, remove obsolete references, clarify treatment of sealed records and paternity acknowledgements, and reflect changes to DHEC’s organization. (1.3)*
21	<b>Vital Statistics</b> SC Code §44-63-74 provides for the electronic filing and transmission of death certificates, including the authority to assess penalties for noncompliance. This recommendation proposes allowing DHEC discretion in assessing civil penalties, including the amount, and adding civil enforcement powers in cases other than late filing of death certificates. (2.11)*
22	<b>Vital Statistics</b> SC Code §44-63-100(A) provides for the registration of birth through petition for delayed certificate of birth established by court order. This recommendation proposes removing the provision allowing to petition for delayed birth certificate to be filed outside of South Carolina (i.e., state of petitioner’s residence). (2.12)*
23	<b>Vital Statistics</b> SC Code §44-63-163, §44-63-165, and §63-17-10 relate to paternity determinations. This recommendation proposes removing references to an administrative determination of paternity or acknowledgement of paternity pursuant to §63-17-10. It also proposes to clarify whether paternity determinations by courts outside of South Carolina may be accepted as sufficient, and if pre-birth orders in surrogacy cases are effective to determine parentage for purposes of birth registration. (2.13)*
24	<b>Vital Statistics</b> SC Code §44-63-150 provides for the correction of mistakes in birth or death certificates. Section 62-1-302 provides the subject matters over which the probate courts have exclusive jurisdiction. Section 63-3-530 provides the subject matters over which the family courts have exclusive jurisdiction. This recommendation proposes allowing parents to make changes to adult children’s birth certificates only when the child is legally incompetent, clarifying that the family court has jurisdiction over amendments to birth certificates that may not be considered corrections, and giving the probate court express jurisdiction over corrections to death certificates. (2.14)*
25	<b>Contagious and Infectious Diseases</b> SC Code §44-29-10(A) addresses physician reporting of contagious or infectious diseases. The recommendation proposes removing the requirement that physicians report to the county health department and replacing it with an instruction that the reporting be provided to DHEC. (1.13)*

26	<b>Contagious and Infectious Diseases</b> SC Code §44-29-70 requires certain healthcare professionals to report cases of sexually transmitted diseases to health authorities. This recommendation proposes adding the term “sexually transmitted infection” to both the title and body of the section. (1.14)*
27	<b>Contagious and Infectious Diseases</b> SC Code §49-29-80 requires laboratories to report positive tests for sexually transmitted disease to DHEC and local boards of health. This recommendation proposes adding the term “sexually transmitted infection” to both the title and body of the section and removing the reference to local boards of health. (1.15)*
28	<b>Contagious and Infectious Diseases</b> SC Code §44-29-90 addresses the examination, treatment and isolation of persons infected with venereal disease. This recommendation proposes replacing the term “venereal disease” with “sexually transmitted disease and sexually transmitted infection” and adding the term “sexually transmitted infection” to each phrase where “sexually transmitted disease” is used alone. (1.16)*
29	<b>Contagious and Infectious Diseases</b> SC Code §44-29-100 addresses the examination, treatment, and isolation of prisoners for sexually transmitted diseases. This recommendation proposes removing the requirement that prisoners remain incarcerated after their terms expire for treatment. Also, it proposes adding the term “sexually transmitted infection” to each phrase where “sexually transmitted disease” is used alone. (1.17)*
30	<b>Contagious and Infectious Diseases</b> SC Code §44-29-136 addresses court orders for disclosure of records for law enforcement purposes. This recommendation proposes adding the term “sexually transmitted infection” to each phrase where “sexually transmitted disease” is used alone. (1.18)*
31	<b>Contagious and Infectious Diseases</b> SC Code §44-29-140 addresses penalties related to venereal disease. This recommendation proposes replacing the term “venereal disease” with “sexually transmitted disease and sexually transmitted infection.” (1.19)*
32	<b>Contagious and Infectious Diseases</b> SC Code §44-29-135(f) requires DHEC notify public schools when a student in kindergarten through fifth grade has Acquired Immune Deficiency Syndrome (AIDS) or is infected with Human Immunodeficiency Virus (HIV). This recommendation proposes repealing the section. (1.20)*
33	<b>Emergency Health Powers Act</b> SC Code §44-4-130(R) provides a definition of “qualifying health condition” which supports the definition of a “public health emergency” in §44-4-130(P). This recommendation proposes expanding the definition of a “qualifying health condition” to include “a nuclear attack or accident,” “a chemical attack or release,” “a man-made disaster widely affecting public health or the environment,” and “an act of

	terrorism or bioterrorism affecting public health or the environment.” (2.22)*
34	<b>Tuberculosis Camps</b> SC Code §44-7-610 through 780 relate to county, township or municipal hospitals or tuberculosis camps. This recommendation proposes deleting any reference to tuberculosis camps in these sections as DHEC no longer treats or controls tuberculosis disease using tuberculosis camps. (1.10)*
35	<b>Reports of Records of Tuberculosis Cases</b> SC Code §44-31-10 requiring certain medical providers and entities to report cases of tuberculosis to DHEC has not been updated since 1970. This recommendation proposes updating the language to reflect current medical recommendations and reporting practices. (1.23)*
36	<b>Reports and Records of Tuberculosis Cases</b> SC Code §44-31-105 authorizes DHEC to issue and enforce emergency orders for the control and treatment of tuberculosis. This recommendation proposes clarifying that a petition is filed in the probate court in the county in which the person is being detained in the event that the individual has not requested a hearing and the 20-day detainment is nearing an end. (2.26)*
37	<b>Community Oral Health Coordinator</b> SC Code §44-8-10 through 60 provide for the creation and implementation of a targeted community program for dental health education, screening, and treatment referral. This recommendation proposes expanding the provision of services facilitated by the community oral health coordinator to persons of any age in underserved and vulnerable populations in designated counties. (1.11)*
38	<b>Dental Practices Act of 2003</b> SC Code §40-15-110 (E) requires DHEC to target dental services in a public health setting to under-served populations. This recommendation proposes moving §40-15-110 (E) to Title 44 (Health) where the majority of DHEC’s health-related responsibilities are located. In addition, to ensure that these services are being properly implemented, this recommendation also proposes adding to Title 44 a requirement that any dental provider operating in a public health setting must submit specific data to DHEC and use DHEC surveillance tools for the implementation of public health core functions. (1.12)*
39	<b>Care of the Newly Born</b> SC Code §44-37-30 addresses neonatal testing of children. This recommendation proposes removing the requirement for indefinite storage of the sample. (1.21)*

40	<b>SC Health Care Professional Compliance Act</b> SC Code §44-30-10 through 90 provide for the creation of expert review panels to determine if health care worker who is either HIV or HBV (hep-b) positive can receive recommendations for participating in certain invasive procedures in the health care setting. This recommendation proposes including current CDC (Centers for Disease Control) or equivalent guidelines, allowing DHEC to appoint at least one or approve an existing expert review panel if needed, and requiring enforcement, and providing an enforcement mechanism for the requirement that educational institutions to provide current training in infection control practices for health care professionals participating in the institutions' education programs. (2.23)*
41	<b>Infants and Toddlers with Disabilities Act</b> SC Code §44-7-2510 through 2610 grant the Governor discretion to designate the lead agency for the implementation of the Infants and Toddlers with Disabilities Act (i.e., BabyNet). As the lead agency is subject to change (e.g., DHEC, First Steps to School Readiness, and the Department of Health and Human Services have all served as lead agency), DHEC recommends moving these provisions from Title 44 (Health) to Title 63, the South Carolina Children's Code. (5.2)*

Table Note: A number in parentheses with an asterisk symbol beside it indicates the number of the recommendation in the agency's materials the Subcommittee utilizes during the study process.

### Eliminate

In its Program Evaluation Report, the Department of Health and Environmental Control proposes seven **recommendations for eliminating programs**; the Subcommittee adopts six.<sup>12</sup> Table 5 summarizes the recommendations to eliminate programs.

Table 5. Summary of recommendations to eliminate programs.<sup>13</sup>

Subcommittee Recommendation Number	Summary
42	<b>Contagious and Infectious Diseases</b> SC Code §44-29-195 relates to head lice, school children, and vouchers for treatment products. This recommendation proposes removing the requirement that DHEC make products available for treatment of pediculosis (i.e., head lice infestation). (4.2)*
43	<b>District Advisory Boards of Health</b> - SC Code §44-1-130 establishes health districts and district advisory boards. This recommendation proposes eliminating reference to "district advisory boards of health," as they no longer exist, and changing all mention of "districts" to "regions," to reflect current terminology. (1.2)*
44	<b>Catawba Health District</b> - SC Code §44-3-110 through 140 establish and organize the "Catawba Health District," which includes Chester, Lancaster and York Counties. This recommendation proposes deleting this section as the district no longer exists. (1.9)*

45	<b>Hazardous Waste Management Research Fund</b> SC Code §44-56-810 through 840 creates the Hazardous Waste Management Research Fund, funded by fees from the Pinewood Site in Sumter County. This recommendation proposes to delete this section as the Pinewood Site in Sumter County no longer collects fees since its closure in 2000. (2.6)*
46	<b>Coastal Zone Management Appellate Panel</b> SC Code §48-39-40 creates the Coastal Zone Management Appellate Panel, including terms and membership, which acts as an advisory council to DHEC to hear appeals of staff decisions on Coastal Division permits. This recommendation proposes eliminating the panel as there is now a uniform procedure for contested cases and appeals. (2.9)*
47	<b>Osteoporosis Prevention and Treatment Education Act</b> SC Code §44-125-10 through 40 establish an Osteoporosis Education Fund and an Osteoporosis Prevention and Treatment Education Program to promote public awareness, prevention, and treatment of osteoporosis. This recommendation proposes repealing these sections as the fund has not been established and no funds have been allocated to carry out this purpose. (4.3)*

*Table Note: A number in parentheses with an asterisk symbol beside it indicates the number of the recommendation in the agency's materials the Subcommittee utilizes during the study process.*

## Internal Changes Implemented by Agency Related to Study Process

During the study of DHEC the agency implements several improvements directly related to its participation in the study process. Those improvements are listed below.

- While prior to the Healthcare and Regulatory Subcommittee's study DHEC staff begin evaluating agency programs and legal mandates to determine if there are gaps, the study helps expedite and prioritize the review.

The program evaluation report template allows DHEC staff to assess programs using the same metrics, which provides for greater consistency across the agency.<sup>14</sup>

## Additional Information

The Department of Health and Environmental Control makes 11 **recommendations that the Subcommittee receives for information purposes only**. Table 20 summarizes these recommendations.

Notably, the **Subcommittee rejects the agency's recommendation for the General Assembly to repeal statutes relating to (SC Code §59-111-150 through 580) the South Carolina Medical and Dental Loan Fund**, which assists loan recipients with the costs of medical and dental education in return for commitments to practice in underserved areas. In making this recommendation, agency representatives note funds have not been allocated to carry out this purpose for many years.<sup>15</sup>

# AGENCY OVERVIEW

## *History*

The Department of Health and Environmental Control has provided the Committee with an overview of the agency's history.<sup>16</sup> In addition, Committee staff has confirmed the accuracy of any assertion of legislative action.

In 1848, the South Carolina Medical Association is constituted as a corporate body by the General Assembly.<sup>17</sup> It is formed from the Medical Society of South Carolina to give physicians a platform to engage in health advocacy.<sup>18</sup>

In 1878, the General Assembly creates the State Board of Health, which is composed of the South Carolina Medical Association, the Attorney General, and the Comptroller General.<sup>19</sup> The State Board of Health serves as the exclusive advisor to the state in matters of public health and is tasked with preventing disease and supervising quarantine matters.<sup>20</sup> The same year the General Assembly establishes a nine-member Executive Committee of the State Board of Health, which is composed of the Attorney General, Comptroller General, and seven men nominated by the South Carolina Medical Association. The Executive Committee has wide-ranging authority (e.g., act in the intervals between meetings of the State Board of Health; divide the state into health districts; appoint local health boards in districts that do not already have one; and regulate all health boards; and collect public health statistics).<sup>21</sup> Additionally, the Executive Committee has broad regulatory powers (e.g., sanitation of steamboats, jails, passenger cars, schools, hotels, restaurants, hot dog stands, nursing homes, meat markets, canneries, swimming pools, and fairs; production or processing of milk and seafood; and control of insects, industrial plants, water used in air humidifiers, persons quarantined due to disease; and sewage and garbage disposal.)<sup>22</sup>

In 1950, the General Assembly establishes a ten-member Water Pollution Control Authority and tasks it with abating, controlling, and preventing the pollution of South Carolina's waters.<sup>23</sup> The authority begins as a division of the State Board of Health and two decades later becomes an independent agency in 1971.<sup>24</sup>

In 1973, the Reorganization Commission issues a reorganization plan recommending consolidation of state public health. The same year General Assembly creates the Department of Health and Environmental Control by consolidating the State Board of Health, the Executive Committee of the State Board of Health, and the Water Pollution Control Authority.<sup>25</sup> All of the functions, powers, duties records, property, personnel, and unexpended appropriations of the consolidated agencies are devolved to the Department of Health and Environmental Control.<sup>26</sup> A Board of Health and Environmental Control, which is appointed by the Governor with the advice and consent of the Senate, supervises the agency.<sup>27</sup> This supervising entity selects an agency head, which is initially referred to a commissioner, and after 1993 is referred to as a director.<sup>28</sup>

## Purpose, Mission, and Vision

The purpose of the agency is reflected in the enabling legislation of the separate health and environmental entities consolidated to form DHEC. The 1878 enabling legislation of the Board of Health tasks it with being the “sole advisor of the State in all questions involving the protection of the public health within its limits.”<sup>29</sup> The 1950 enabling legislation of the Water Pollution Control Authority declares the following as the public policy of the state of South Carolina:

that reasonable standards of purity of the waters of the State consistent with public health and public enjoyment thereof, propagation and protection of fish, shellfish, wildlife, operation of existing industries and the future industrial development of the State with a reasonable balance of consideration of the public welfare be maintained, and to that end require the use of reasonable methods to prevent and control the pollution of waters of the State of South Carolina.<sup>30</sup>

In 1973, the General Assembly consolidates these purposes under one agency, the Department of Health and Environmental Control.<sup>31</sup> DHEC’s mission is “to improve the quality of life for all South Carolinians by protecting and promoting the health of the public and the environment.”<sup>32</sup> Its vision is “healthy people living in healthy communities.”<sup>33</sup>

## Agency Organization

### Governing Body

DHEC is governed by the South Carolina Board of Health and Environmental Control (Board). The Board consists of eight members appointed by the Governor, with the advice and consent of the Senate, from each congressional district with a chairman from the state at large. Vacancies must be filled in the manner of the original appointment for the remainder of the unexpired term. In making these appointments, race, gender, and other demographic factors are considered to ensure nondiscrimination, inclusion, and representation to the greatest extent possible of all segments of the population of the State.

*Table 6. Current Board of Health and Environmental Control members.*<sup>34</sup>

Position	Members	Appointment Date	Term Expiration Date
1st Congressional District	VACANT		
2nd Congressional District	Robert Kenyon Wells	6/3/2016	6/30/2017
3rd Congressional District	Charles M. Joye II	6/3/2016	6/30/2019
4th Congressional District	Lemia Clarence Batts Jr.	6/3/2016	6/30/2017
5th Congressional District	Ann B. Kirol	6/3/2016	6/30/2017
6th Congressional District	David W. Gillespie	6/3/2016	6/30/2019
7th Congressional District	VACANT		
At-Large, Chairman	Allen Amsler	6/3/2016	6/30/2017

*Table Note: Board of Health and Environmental Control members are appointed by the Governor with the advice and consent of the Senate.*

The Board’s duties include, but are not limited to the following:

- Selecting a director, in consultation with the Governor, and with the advice and consent of the Senate;
- Conducting administrative reviews to render final agency determinations in matters involving the issuance, denial, renewal, or revocation of permits, licenses, or other actions of the department;
- Providing for the administrative organization of the department;
- Promulgating regulations; and
- Investigating causes of and prescribing preventative measures to suppress communicable or epidemic diseases.<sup>35</sup>

### Agency’s Organization Units

Every agency has some type of organization and hierarchy as reflected in the agency’s organizational chart. Within the organization are separate units. An agency may refer to these units as departments, divisions, functional areas, cost centers, etc. Each unit is responsible for contributing to the agency’s ability to provide services and products.

During the study process the agency is asked about its organization and major operating programs.<sup>36</sup> DHEC has three major organizational units referred to as divisions, which are described in Table 7. The organization of the agency is shown in Figure 3.

**Table 7. Department of Health and Environmental Control divisions: name, area, and purpose.**<sup>37</sup>

DIVISION NAME	AREA AND PURPOSE
Environmental Affairs	<p><b>Area:</b> Consists of five bureaus: Air Quality; Environmental Health Services; Land and Waste Management; Water; and the Office of Ocean and Coastal Resource Management.</p> <p><b>Purpose:</b> Environmental Affairs Administration includes support for bureaus and customers in areas of permitting, community engagement, and toxicology resources.</p>
Health Services	<p><b>Area:</b> Includes four areas: Maternal and Child Health; Community Health and Chronic Disease Prevention; Disease Control; Client Services; and Public Health Statistics and Information Services.</p> <p><b>Purpose:</b> Health Services works with the four health regions, the federal Centers for Disease Control and Prevention, and community partners to prevent disease and injury, promote healthy families, and prevent and control communicable diseases and outbreaks in South Carolina.</p>
Health Regulations	<p><b>Area:</b> Includes six areas: Health Facilities Licensing and Certification; Certificate of Need; Emergency Medical Services and Trauma; Radiological Health; Construction, Fire and Life Safety; and Drug Control.</p> <p><b>Purpose:</b> These areas support the primary purpose of working with health facilities and services to protect the public’s health by assuring provision of safe, quality care.</p>

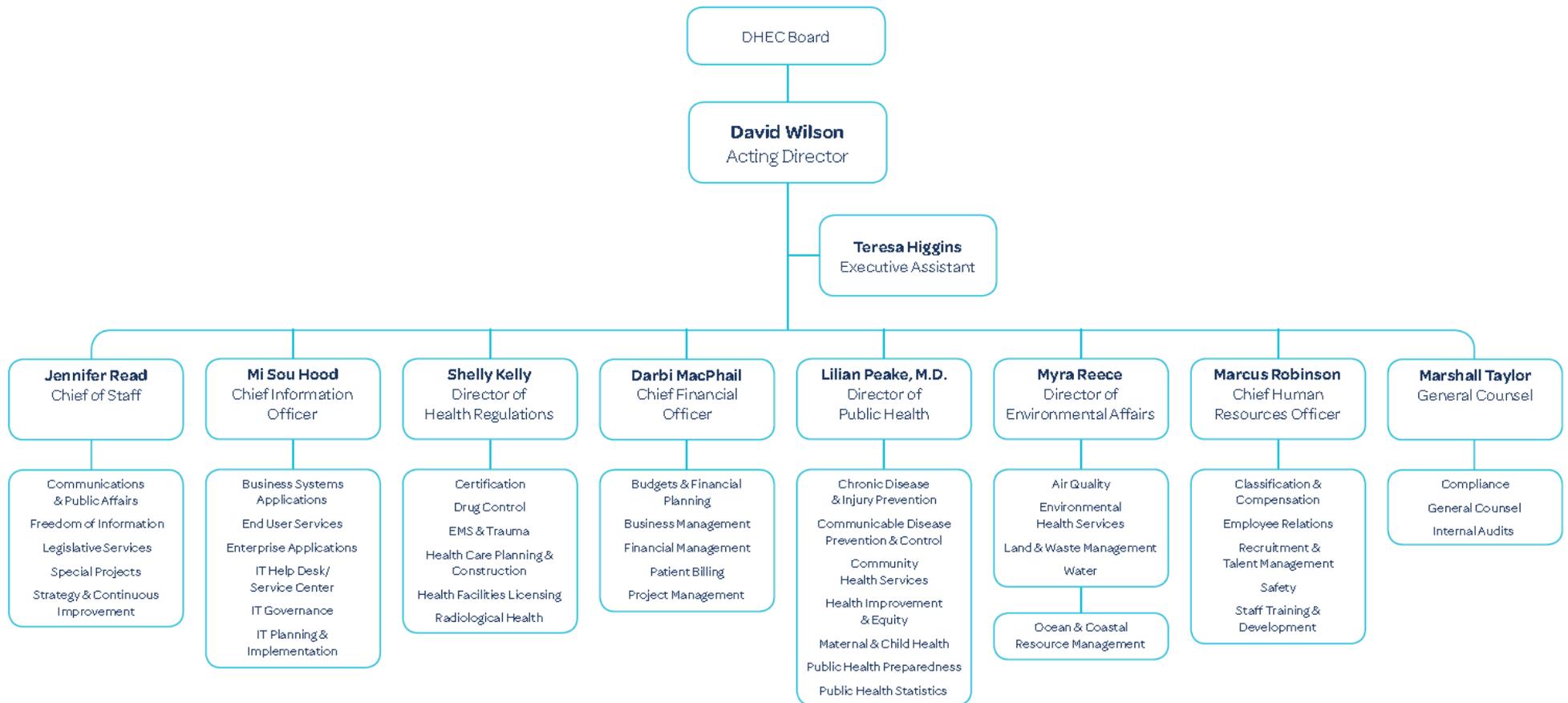


Figure 3. Agency organizational chart, current as of August 5, 2017.<sup>38</sup>

## *Internal Audit*

In its Program Evaluation Report, DHEC describes the agency's internal audit function, which is summarized below.

DHEC has had an internal audit function for at least 20 years. The most recent Internal Audit Policy of the Board establishing the Office of Internal Audits (OIA) is dated March 12, 2012. The Director of Internal Audit reports administratively to general counsel and functionally to the audit committee of the DHEC Board. In addition to a director, the internal audit staff consists of an audit manager, auditor IV, and administrative support.<sup>39</sup>

Beginning in December 2016, the OIA makes substantial changes in the way it determines what subject matters will be audited and included in the audit plan. In June 2017, DHEC's first audit universe is developed. It is based on information obtained from the agency's executive leadership team, knowledge acquired by the OIA from past audit projects, and from the agency's Enterprise Risk Management (ERM) process. A risk assessment is conducted by OIA for each of the potential audit projects that are included in the audit universe and is scored based on various risk factors to determine a risk ranking of highest to lowest. The OIA prepares a five-year audit plan for fiscal years 2018-2022 for DHEC, based on the highest risk ranked audit projects from the audit universe. The plan has been approved by the director and the audit committee.

Between 2006 and 2016, the OIA staff completes 65 audits across the agency - health, environmental, and administrative. The most recent peer review of the internal audit function is conducted in 2016.<sup>40</sup>

## *Products, Services, and Customers*

The Department of Health and Environmental Control is **the sole advisor of the State in all questions involving the protection of the public health within its limits.**<sup>41</sup> To fulfill this purpose, DHEC provides a variety of products and services.

In 2015-2016, the General Assembly and Governor's Office begin requesting an agency provide information on the services and products it provides as part of the combined Accountability Report and Annual Restructuring Report. The Department of Health and Environmental Control lists a variety of services it provides relating to environmental affairs, health services, health regulations, and administration in the 2015-2016 Accountability Report. Table 8 includes a sample of the products and services the agency provides.<sup>42</sup>

Table 8. Sample of products and services the agency provides.<sup>43</sup>

Program Name	Product or Service	Customer
Administration	Provides critical support services such as legal, financial, business management, human resources, and information technology that allow the programs to conduct daily business.	Executive Branch/State Agencies
Water Quality Improvement - Underground Storage Tanks -	Reviews applications according to regulation and issuing permit, certification, registration and license decisions	Local Governments
Health Care Standards - Radiological Monitoring -	Licenses, registers, and permits radiation sources	General Public - People with potential for unnecessary exposure from radiation
Family Health - Maternal/Infant Health - Childhood Lead Poisoning Prevention	Provides surveillance of and response to pediatric blood lead levels, including clinical guidance, education, environmental assessments, and long-term surveillance	General Public - Children under 16 years of age; healthcare providers

### Other Agencies with Similar Goals

During the study of an agency, the **Committee asks the agency if there are any other agencies serving similar customers or providing similar products or services.** In the Program Evaluation Report and during the study of an agency, the Committee asks how the agencies work together to effectively and efficiently achieve both agencies' goals. DHEC lists the following agencies as having similar goals.

- Clemson Extension Service
- Clemson Public Service/Livestock Poultry Health
- Rural Infrastructure Authority (RIA)
- South Carolina Department of Agriculture (SCDA)
- South Carolina Department of Alcohol and Other Drug Abuse Services (DAODAS)
- South Carolina Department of Disabilities and Special Needs (DDSN)
- South Carolina Department of Health and Human Services (DHHS)
- South Carolina Department of Labor, Licensing and Regulation (LLR)
- South Carolina Department of Mental Health (DMH)
- South Carolina Department of Natural Resources (DNR)
- South Carolina Department of Social Services
- South Carolina Emergency Management Division (EMD)
- South Carolina Lieutenant Governor's Office on Aging
- South Carolina Sea Grant Consortium
- State College/University Laboratories
- State Law Enforcement Division (SLED) Laboratories<sup>44</sup>

Table 9 is an example of the agency’s analysis of how it works with two agencies, the Department of Labor, Licensing and Regulation and the Department of Natural Resources, to effectively and efficiently achieve both agencies’ goals.

**Table 9. Sample of agencies with goals similar to DHEC.<sup>45</sup>**

DHEC and LLR both promote public safety (Construction and Fire and Life Safety)	
Similarities	Both agencies promote public safety through the application of adopted building codes.
Differences	DHEC public safety focuses exclusively on health care facilities. LLR public safety includes all types of facilities.
Opportunities for Efficiency	Continue and expand the practice of depending upon local jurisdiction inspections of outpatient facilities such as dialysis clinics.
Opportunities for Effectiveness	Cooperate on education and outreach activities for the health care community.
DHEC and DNR both oversee coastal and marine resources.	
Similarities	Both agencies administer and enforce laws related to marine and natural coastal resources.
Differences	While both agencies monitor coastal resources, DHEC has direct permitting responsibility for proposed activities within the critical areas of the coast, which are defined as coastal waters, tidelands, beach/dune systems and beaches. Specific regulatory activities include private docks, marinas, estuarine erosion control, beach renourishment, structural maintenance and repair, and beachfront emergency orders. Also DHEC reviews other state and federal permits within the Coastal Zone to ensure that permitted activities are consistent with enforceable policies of the Coastal Zone Management Plan to the maximum extent practicable.
Opportunities for Efficiency	Maintain lines of communication between the agencies and continue to seek opportunities to share resources and data.
Opportunities for Effectiveness	Update the outdated Coastal Program Document Memorandum of Understanding between the agencies to coordinate efforts in mutual areas of concern and ensure a coordinated process for reviews of permits.

## Available Resources

During the study process, the **Committee asks the agency about its available resources**. Table 10 provides historical data about available human resources, and Table 11 provides historical data about the agency's available financial resources.

**Table 10. Agency's human resources: historical data for the past five years.**<sup>46</sup>

	Jul-12	Jul-13	Jul-14	Jul-15	Jul-16
Authorized State	1,164.960	1,164.060	1,150.080	1,150.080	1,172.980
Actual State	1,112.481	1,135.033	1,137.304	1,155.560	1,150.522
Filled State	1,010.189	955.885	981.963	1,008.869	1,024.510
Authorized Federal	1,410.670	1,367.600	1,355.020	1,317.440	1,313.100
Actual Federal	1,484.481	1,414.669	1,408.628	1,383.538	1,387.163
Filled Federal	1,327.743	1,203.644	1,201.167	1,174.088	1,187.832
Authorized Other	1,163.400	1,114.370	1,089.430	1,018.920	1,006.360
Actual Other	1,102.428	1,065.677	1,048.842	981.904	968.515
Filled Other	951.743	901.871	838.756	844.443	789.008
<b>Total Authorized</b>	<b>3,739.030</b>	<b>3,646.030</b>	<b>3,594.530</b>	<b>3,486.440</b>	<b>3,492.440</b>
<b>Total Actual</b>	<b>3,699.390</b>	<b>3,615.379</b>	<b>3,594.774</b>	<b>3,521.002</b>	<b>3,506.200</b>
<b>Total Filled</b>	<b>3,289.675</b>	<b>3,061.400</b>	<b>3,021.886</b>	<b>3,027.400</b>	<b>3,001.350</b>

*Table Note: The numbers are as of July 1 of each year. The Authorized Total FTE is as of July 1 of the fiscal year, as stated in the Appropriations Act. Total FTE is the sum of Filled FTE and Vacant FTE, and is based on what the agency has entered in SCEIS and is as of June 30. If Actual is less than Authorized, it may be because during the course of the year, the Executive Budget Office has authorized interim FTE positions. If Actual is less than Authorized, it may not have setup all of the authorized positions in the South Carolina Enterprise Information System (SCEIS) yet. Filled FTEs are positions that are filled in SCEIS (i.e., a position in which someone is actually working).*

Table 11. Agency's financial resources: historical data for the past five fiscal years.<sup>47</sup>

	2012-13	2013-14	2014-15	2015-16	2016-17
<b>Recurring</b>					
<b>General</b>	<b>\$96,430,583</b>	<b>\$98,746,114</b>	<b>\$ 102,329,927</b>	<b>\$ 108,008,710</b>	<b>\$ 122,547,832</b>
	BB: \$88,923,197 IP: \$2,924,787 BPI: \$2,718,255 AHA: \$64,344	BB: \$94,566,239 IP: \$3,500,769 BPI: \$614,762 AHA: \$64,344	BB: \$98,746,114 IP: \$1,734,141 BPI: \$1,849,672	BB: \$102,329,927 IP: \$4,531,000 BPI: \$376,255	BB: \$107,237,182 IP: \$12,679,638 BPI: \$2,631,012
<b>Other</b>	<b>\$200,899,732</b>	<b>\$200,745,660</b>	<b>\$200,899,732</b>	<b>\$200,899,732</b>	<b>\$200,899,732</b>
<b>Federal</b>	<b>\$ 279,140,200</b>	<b>\$285,976,928</b>	<b>\$286,140,200</b>	<b>\$286,140,200</b>	<b>\$286,140,200</b>
<b>Total Recurring</b>	<b>\$576,470,515</b>	<b>\$585,468,702</b>	<b>\$589,369,859</b>	<b>\$595,048,642</b>	<b>\$609,587,764</b>
<b>Non Recurring</b>					
<b>Non Recurring</b>	<b>\$953,680</b>	<b>\$5,050,000</b>	<b>\$8,550,700</b>	<b>\$3,196,529</b>	<b>\$11,250,000</b>
	Proviso 90.20	Proviso 118.17	Proviso 118.16: \$6,550,700 CRF: \$2,000,000	Proviso 118.14: \$2,425,0101 EB: \$771,528	Proviso 118.6
<b>Carry Forward</b>					
<b>Carry Forward*</b>	From 2011-12, available to spend in 2012-13: <b>\$122,942,637</b>	From 2012-13, available to spend in 2013-14: <b>\$139,627,160</b>	From 2013-14, available to spend in 2014-15: <b>\$156,306,255</b>	From 2014-15, available to spend in 2015-16: <b>\$174,042,308</b>	From 2014-15, available to spend in 2016-17: <b>\$191,772,034</b>
	State: \$6,729,481 Federal: \$116,213,156	State: \$5,358,764 Federal: \$134,268,396	State: \$7,442,879 Federal: \$148,863,376	State: \$11,059,191 Federal: \$162,983,117	State: \$8,088,511 Federal: \$183,683,523
<b>TOTAL agency controls</b>	<b>\$700,366,832</b>	<b>\$730,145,862</b>	<b>\$754,226,814</b>	<b>\$772,287,479</b>	<b>\$812,609,798</b>

Table Note: These amounts do not include Aid to Subdivisions funds.

Abbreviations Key: BB = Beginning Base; IP = Incremental Part 1A; BPI = BPI, Health/Retirement Allocation, Trans; AHA = Allocations Held in Arrears; O = Other Funds; TBA=Transfers Between Agencies; CPSA=Capitol Projects State Appropriation; EB=Employee Bonuses; and CRF: Capital Reserve Fund.

## Strategic Resource Allocation and Performance

Annually, each agency submits a strategic plan.<sup>48</sup> Of interest to the oversight process is how an agency's human and financial resources are allocated to the goals and objectives in the agency's strategic plan. Tables 12, 13, 14, 15, and 16 illustrate the agency's allocation of its financial and human resources among its goals and strategies in fiscal years 2015-2016 and 2016-2017. Similar information, at the objective level, is available in agency's Program Evaluation Report. Also of interest during the study process is how the agency measures its performance in implementing the goals, strategies, and objectives of its strategic plan. Tables 13.1, 14.1, 15.1, and 16.1 show DHEC's performance in measures associated with the strategic plan.

**Table 12. Agency's total resource allocations in fiscal years 2015-16 and 2016-17.<sup>49</sup>**

	Number of physical employees working on the goal or strategy in 2015-16	Number of employee equivalents working the goal and strategy in 2015-16	Amount spent on each goal and strategy in 2015 - 2016	Number of physical employees working on the goal or strategy in 2016-17	Number of employee equivalents working the goal and strategy in 2016-17	Amount budgeted to each goal and strategy in 2016 - 2017
<b>Total</b>	<b>3,827.5</b>	<b>3,640.22</b>	<b>\$504,392,648</b>	<b>3,855.5</b>	<b>3,668.22</b>	<b>\$691,614,811</b>

**Table 13. Agency's resource allocations to Goal 1 (improve and protect the health and quality of life for all) in fiscal years 2015-16 and 2016-17.<sup>50</sup>**

Strategic Plan Part	Number of physical employees working on the goal or strategy in 2015-16	Number of employee equivalents working the goal and strategy in 2015-16	Amount spent on each goal and strategy in 2015 - 2016	Number of physical employees working on the goal or strategy in 2016-17	Number of employee equivalents working the goal and strategy in 2016-17	Amount budgeted to each goal and strategy in 2016 - 2017
<b>Goal 1 - Improve and protect the health and quality of life for all.</b>	<b>2,219.13</b>	<b>2,035.32</b>	<b>\$341,648,113</b>	<b>2,223.13</b>	<b>2,039.32</b>	<b>\$447,686,301</b>
Strategy 1.1— Promote the health of the community by providing health care services and programs, linking community services, and facilitating systems of care for women, children, and infants.	285.23	223.7	\$143,419,004	285.23	223.70	\$196,523,701

Strategic Plan Part	Number of physical employees working on the goal or strategy in 2015-16	Number of employee equivalents working the goal and strategy in 2015-16	Amount spent on each goal and strategy in 2015 - 2016	Number of physical employees working on the goal or strategy in 2016-17	Number of employee equivalents working the goal and strategy in 2016-17	Amount budgeted to each goal and strategy in 2016 - 2017
Strategy 1.2— Facilitate community-oriented prevention services and work with the Centers for Disease Control, local health departments, and stakeholders to prevent disease and injury and promote healthy lifestyles.	62.77	62.77	\$22,915,988	62.77	62.77	\$32,382,548
Strategy 1.3—Implement strategies to aid in prevention and control of communicable diseases and illnesses in South Carolina.	288.40	288.40	\$85,417,533	292.40	292.40	\$90,032,076
Strategy 1.4—Provide select public health services equitably across the state.	1,426.27	1,306.44	\$74,235,028	1,426.27	1,306.44	\$107,094,992
Strategy 1.5 — Obtain and maintain vital statistics.	111.46	109.01	\$7,297,915	111.46	109.01	\$13,290,339
Strategy 1.6—Facilitate a coordinated, comprehensive public health preparedness and response system for natural or man-made disaster or terrorist event.	45.00	45.00	\$8,362,645	45.00	45.00	\$8,362,645

Table 13.1 Performance measures associated with Goal 1.<sup>51</sup>

Performance Measure	Associated Objective(s)	Target Value	Actual Value	Future Target Value	Time Applicable
Meet or exceed the American Academy of Pediatrics benchmark of 95% infants screened for hearing loss by one month old.	1.1.1	95.00%	97.10%	95%	January - December (Calendar Year)
% of Medicaid-eligible children 2 years of age who had one or more capillary or venous blood testing for lead poisoning.	1.1.1	NA	NA	60%	January - December (Calendar Year)
The 15 Rape Crisis Centers, in conjunction with its external partners, will inform and educate over 50,000 people in the state about sexual violence issues and prevention methodologies.	1.1.2	50,000	NA	50,000	February-January (Grant Year)
By the end of FY 2017, increase the total number of clients served by 4%, ensuring that low-income clients comprise at least 97% of total clients served.	1.1.2, 1.4.2	Total Clients served: 90,745 Total Low Income Clients: 88,093	Baseline: 87255 Total Clients Served	First report will be available in August 2017	July - June (Fiscal Year)
By the end of FY 2017, make available a broad range of contraception and increase the contraceptive reliability rate from 79% to 82%.	1.1.2, 1.4.2	79%	Baseline 76%	First report will be available in August 2017	July - June (Fiscal Year)
Increase the number of exclusive breastfeeding infants by 5% from 7,712 breastfeeding infants.	1.1.3	7,712	7,314	7,712	October-September (Federal Fiscal Year)

Performance Measure	Associated Objective(s)	Target Value	Actual Value	Future Target Value	Time Applicable
Improve the Participant Centered Education skills utilized by the Competent Professional Authority-includes physicians, registered dietitians, registered nurses and nutritionists) during the certification and nutrition education process.	1.1.3, 1.4.1	130,646	105,840	130,646	Oct-Sep (Federal Fiscal Year)
Number of policies, programs, or organizations that Bureau of Maternal and Child Health staff contribute data analysis or evaluation results to inform.	1.1.4	NA	NA	7	July - June (Fiscal Year)
By August 2017, increase the number of school aged children receiving at least one dental sealant on permanent molars to 9,784.	1.1.5	9593	NA	9784	September-August
The number of people participating in National Diabetes Prevention Programs.	1.2.1, 1.4.4	450	409	530	September 29 - September 30 and July 1 - June 30
Number of partner organizations with 3 or more Healthy Aging implementation sites (across all interventions).	1.2.1 , 1.2.2	26	NA	29	July - June (Fiscal Year) calculated quarterly
Number of children and adults participating in Supplemental Nutrition Education Programs.	1.2.1	29,000	NA	19,000	October - September
The number of high quality Child Passenger Safety educational presentations provided.	1.2.2	50	To date (67); grant year ends September 30	50	October - September
Number of National Highway, Transportation and Safety Administration	1.2.2	18	To date (17); grant year ends September 30	18	October - September

Performance Measure	Associated Objective(s)	Target Value	Actual Value	Future Target Value	Time Applicable
(NHTSA) Certified Child Passenger Safety Technician Classes conducted.					
Proportion of women at least 50 years old or older who have received mammograms through the Best Chance Network.	1.2.3	75%	NA	75%	July-June (Fiscal year) calculated semi-annually
Percent of WISEWOMAN (Well-Integrated Screening and Evaluation for Women Across the Nation) patients who participate in evidence-based cardiovascular health coaching and lifestyle services.	1.2.3	80%	69%	80%	July-June (Fiscal year) calculated monthly
At least 95% of annual newly diagnosed cancer cases in SC collected and reported to CDC and the National Association of Central Cancer Registries (NAACCR) by deadline December. 1.	1.2.4, 1.5.3, 1.5.6	95%	97.20%	95%	January - December (Calendar Year)
South Carolina Behavioral Risk Factor Surveillance System number of survey completions.	1.2.4, 1.5.4, 1.5.6	2500	11699	NA	January - December (Calendar Year)
The proportion of school districts implementing model tobacco-free policies.	1.2.5	77%	77%	81%	April-March
The number of residents living in multi-unit housing facilities that are protected from secondhand smoke in living areas, common areas, and lobbies.	1.2.5	19,428	18,428	Increase by 1,000	April-March
Number of DHEC staff qualified as bilingual workers, interpreters or readers.	1.2.6	NA	NA	10% increase	January - December (Calendar Year)

Performance Measure	Associated Objective(s)	Target Value	Actual Value	Future Target Value	Time Applicable
Proportion of women screened in the Best Chance Network Program who are minorities.	1.2.6	60%	NA	60%	July-June (Fiscal year) calculated semi-annually
Percent of violent death records obtained for data abstraction purposes from SC Coroner Offices for incidents meeting ICD-10 Coding Standards (i.e., a medical classification list by the World Health Organization); expectation.	1.2.7	75% (CY2014 Data Year)	88.13%	75% (CY2015 Data Year)	January - December (Calendar Year)
Percent of violent death records obtained for data abstraction purposes from SC Law Enforcement Offices for incidents meeting ICD-10 Coding Standards; expectation.	1.2.7	70% (CY2014 Data Year)	75.71%	70% (CY2015 Data Year)	January - December (Calendar Year)
Make summary data available with regards to reports by healthcare providers of diseases and conditions on the DHEC List of Reportable Conditions.	1.3.1	Publish 2016 Annual Report on Reportable Conditions by October 31, 2017	In progress	Publish 2017 Annual Report on Reportable Conditions by October 31, 2018	October 31
Prevent the occurrence and spread of HIV, AIDS, STDs and Viral Hepatitis.	1.3.2	80%	NA	80%	January - December (Calendar Year)
All immunization providers will be mandated to report administered immunization into the Immunization Registry by January 1, 2017.	1.3.3, 1.4.7	100%	NA	100%	3-year phase in period ends Dec. 2016. Required for all providers 1/1/17
Identify and report persons with HIV. At least 85% of the expected number of cases diagnosed will be reported to the HIV/AIDS	1.3.4	85%	99%	85%	January - December (Calendar Year)

Performance Measure	Associated Objective(s)	Target Value	Actual Value	Future Target Value	Time Applicable
Surveillance program within twelve months of diagnosis year.					
Conduct STD and HIV testing, treatment and partner service investigations.	1.4.3	80%	NA	80%	January - December (Calendar Year)
Number of SC Health + Planning Toolkit trainings offered.	1.4.4	6	8	NA	July 1 - June 30
Percent of salmonellosis cases with exposure history.	1.4.5	74%	85% (1291/1521)	85%	August-July (Grant Year)
For TB patients with positive acid-fast bacilli (AFB) sputum-smear results, increase the proportion who have contacts elicited.	1.4.6	100%	NA	100%	Calendar Year
Meet Vital Statistics Cooperative Program deliverables for closeout of statistical files for birth records.	1.5.1	2016 data due March 1, 2017	NA	2017 data due March 1, 2018	March 1
Meet Vital Statistics Cooperative Program deliverables for closeout of statistical files for death records.	1.5.1	2016 data due May 1, 2017	NA	2017 data due May 1, 2018	May 1
100% of applications for certified copies of vital events that are received through the mail are receipted within 5 business days.	1.5.2	100%	99.90%	100%	Each Fiscal Year
Less than 3% of new cancer cases are identified only through death certificates (standard from National Program of Cancer Registries).	1.5.3, 1.5.6	<3%	2.30%	<3%	January - December (Calendar Year)

Performance Measure	Associated Objective(s)	Target Value	Actual Value	Future Target Value	Time Applicable
South Carolina Pregnancy Risk Assessment Monitoring System survey response rate.	1.5.4, 1.5.6	60%	NA	60%	January - December (Calendar Year)
Publish the Annual report on Reportable Conditions by October 31 of each year.	1.5.4	Publish 2016 Annual Reportable Conditions by October 31, 2017	NA	Publish 2017 Annual Report on Reportable Conditions by October 31, 2018	October 31
Publish 2016 interim report for Healthcare-Associated Infection (HAI) by October 15, 2016; and publish HAI Annual report by April 15, 2017.	1.5.5	Publish 2016 interim report for HAI by October 15, 2016; and publish HAI Annual report by April 15, 2017	NA	Publish 2017 Annual Report on HAIs by April 15, 2018	April 15
Review of internal review board requests are completed within 30 days of submission.	1.5.7	100.00%	72.00%	100%	Each Calendar year
Increase health care coalition membership by 10% in each Public Health Region.	1.6.1	10%	NA	10% increase	September 30
Facilitate discussions between DHEC, the American Red Cross, and local facilities to identify potential Special Medical Needs (SMN) shelter locations in three counties currently without any SMN shelter.	1.6.1, 1.6.3	3	NA	Discussions in 3 counties	September 30
Submit all required grant reports on time.	1.6.2	100%	NA	100%	September 30
Increase number of Closed Points of Distribution (POD) by 25%.	1.6.3	25% Statewide	NA	14 new PODs	September 30
Ensure all coalition members are afforded opportunity to participate in at least one exercise annually.	1.6.3, 1.6.4	100%	NA	1 exercise per Region	September 30

Table 14. Agency's resource allocations to Goal 2 (protect, enhance, and sustain environmental and coastal resources) in fiscal years 2015-16 and 2016-17.<sup>52</sup>

Strategic Plan Part	Number of physical employees working on the goal or strategy in 2015-16	Number of employee equivalents working the goal and strategy in 2015-16	Amount spent on each goal and strategy in 2015 - 2016	Number of physical employees working on the goal or strategy in 2016-17	Number of employee equivalents working the goal and strategy in 2016-17	Amount budgeted to each goal and strategy in 2016 - 2017
<b>Goal 2 - Protect, enhance, and sustain environmental and coastal resources.</b>	<b>1,180.82</b>	<b>1,139.52</b>	<b>\$120,165,616</b>	<b>1,204.82</b>	<b>1,163.52</b>	<b>\$185,082,367</b>
Strategy 2.1 – Implement and enforce strategies to protect and promote air quality.	136.62	132.62	\$9,523,102	152.62	148.62	\$11,834,847
Strategy 2.2 - Implement and enforce strategies to protect individuals from potential environmental and foodborne hazards.	558.97	532.32	\$37,036,700	558.97	532.32	\$41,232,169
Strategy 2.3 – Implement and enforce strategies to protect against hazards associated with waste-related activities and mining.	203.93	202.87	\$46,372,486	203.93	202.87	\$96,034,461
Strategy 2.4— Implement and enforce strategies to protect and promote water quality.	241.80	233.61	\$22,638,524	249.80	241.61	\$28,356,569
Strategy 2.5 – Implement and enforce strategies to preserve sensitive and fragile areas while promoting responsible development in the eight SC coastal counties.	39.50	38.10	\$4,594,804	39.50	38.10	\$7,624,321

Table 14.1 Performance measures associated with Goal 2.<sup>53</sup>

Performance Measure	Associated Objective(s)	Target Value	Actual Value	Future Target Value	Time Applicable
Maintain or decrease average number of permit process days.	2.1.1, 2.1.5, 2.2.1, 2.3.1, 2.4.1, 2.5.1	139	100	139	Federal Fiscal Year 2015 - Federal Fiscal Year 2016
Meet ozone standard at 100% of ozone monitoring sites and maintain ozone standard by 2018.	2.1.1, 2.1.2, 2.1.3, 2.1.4, 2.2.4	100%	100%	100%	October 31
On an annual basis, inspect at least 15% of all asbestos abatement projects that have been issued an asbestos permit by the department and are subject to the National Emissions Standards for Hazardous Air Pollutants.	2.1.5	15%	15%	15%	September 30
Improve compliance with R.61-25 Retail Food Establishments by the use of Downgrading and Civil Penalties.	2.2.1, 2.2.2, 2.2.3	This measure was not in place for this time period	This measure was not in place for this time period	5% reduction in total downgrades of Retail Food Establishments in 2015-2016	January - December (Calendar Year)
The number of compliance monitoring activities at hazardous waste facilities and the number of hazardous waste facilities on the Government Performance and Results Act (GPRA) Baseline that have: (1) control of unacceptable human exposures from site contamination; (2) control of	2.3.2	Meet or exceed Benchmark of National GPRA Goals for control of human exposure, contaminated groundwater migration, and remedy selection	400 CMAs; 53/53 facilities with human exposure under control; 52/53 facilities with contaminated groundwater migration under control; 35/53 facilities with site-wide remedies constructed	49/53 facilities with human exposure under control; 43/53 facilities with contaminated groundwater migration under control; 34/53 facilities with site-	Federal Fiscal Year

Performance Measure	Associated Objective(s)	Target Value	Actual Value	Future Target Value	Time Applicable
migration of contaminated groundwater; and (3) selection and construction of remedies to clean up contaminated sites.		No target for CMAs		wide remedies constructed  No benchmark for CMAs	
The number of teachers educated annually on environmental and recycling curriculum; and amount of municipal solid waste recycled annually.	2.3.3	Not applicable. Goal was set to be met by 2020	1,101,190 tons of municipal solid waste recycled. Number of teacher trained: 1,004. Number of students reached: 44,163 = Total 45,167	In 2011, the state set a goal to recycle 40 percent of its municipal solid waste by 2020	Recycling data is based on the fiscal year; number of teachers educated is compiled annually
Underground Storage Tank Release Cleanup Progress (release closures per federal fiscal year or FFY).	2.3.4	150 releases proposed to be closed during the FFY	To be calculated 9/30/2016	125 releases proposed to be closed during the FFY	Federal Fiscal Year
Number of acres made "ready for Brownfields reuse."	2.3.4	There are no targets driving this measure  This is a measure demonstrating effective use of federal Brownfields funding.	To be calculated 9/30/2016	There are no targets driving this measure  This is a measure demonstrating effective use of federal Brownfields funding	Federal Fiscal Year

Performance Measure	Associated Objective(s)	Target Value	Actual Value	Future Target Value	Time Applicable
Percent of surface waters meeting numeric standards (fishable, swimmable).	2.4.1, 2.4.2, 2.4.3, 2.4.5, 2.2.4	75%	61.80%	75%	Bi-Annual - Calculated every 5 years
Percent of population served by community public water systems that are in compliance with all health based standards.	2.4.1, 2.4.2	95%	95%	95%	Calendar Year
Percent of high hazard and significant hazard regulated dams receiving appropriate inspection.	2.4.4	High Hazard once every 2 years and Significant Hazard once every 3 years	100% All High and Significant dams were inspected after the flooding in October 2015	High Hazard once every 2 years and Significant Hazard once every 3 years	Calendar Year
Reduce the amount of marine debris in coastal waters and within the beach/dune system by increasing participation in the Adopt a Beach program.	2.5.2	Maintain 700-1000 volunteer hours	1,148 volunteer hours; 2,029 pounds of debris removed	Maintain 1000+ volunteer hours	July - June (Fiscal Year)
Strengthen interactions with local governments through improved technical assistance and beachfront management planning to reduce community vulnerability to coastal hazards.	2.5.3, 2.5.4	Provide technical assistance to at least one beachfront community on Local Comprehensive Beach Management Plan (LCBMP) revision	1 LCBMP revised with technical assistance from Office of Coastal Resource Management (OCRM)	Provide technical assistance to at least two beachfront communities on LCBMP revision in order to achieve goal of 9 communities over the past 5 years	July - June (Fiscal Year)

Table 15. Agency's resource allocations to Goal 3 (improve the quality, safety, and administration of health care, treatment, and services in South Carolina) in fiscal years 2015-16 and 2016-17.<sup>54</sup>

Strategic Plan Part	Number of physical employees working on the goal or strategy in 2015-16	Number of employee equivalents working the goal and strategy in 2015-16	Amount spent on each goal and strategy in 2015 - 2016	Number of physical employees working on the goal or strategy in 2016-17	Number of employee equivalents working the goal and strategy in 2016-17	Amount budgeted to each goal and strategy in 2016 - 2017
<b>Goal 3 – Improve the quality, safety, and administration of health care, treatment, and services in South Carolina.</b>	<b>218.65</b>	<b>216.20</b>	<b>\$18,816,233</b>	<b>218.65</b>	<b>216.20</b>	<b>\$25,970,782</b>
Strategy 3.1 – Implement and enforce standards for licensure, maintenance, and operation of health facilities and services to ensure the safe and adequate treatment of persons served in this State.	77.80	77.80	\$4,029,890	77.80	77.80	\$5,662,632
Strategy 3.2 – Certify that providers and suppliers meet minimum federal health and safety requirements and Clinical Laboratory Improvement Amendments regulatory standards.	61.25	60.68	\$4,086,848	61.25	60.68	\$6,344,449
Strategy 3.3 – Implement and enforce standards for emergency medical services.	16.87	16.87	\$4,187,845	16.87	16.87	\$5,377,949
Strategy 3.4 – Ensure new and modified health care facilities and services throughout the State reflect the needs of the public.	11.55	9.67	\$2,068,351	11.55	9.67	\$2,321,950
Strategy 3.5 – Protect the public by ensuring accountability of controlled substances.	25.83	25.83	\$2,451,376	25.83	25.83	\$3,774,767
Strategy 3.6 – Protect the public from unnecessary exposure from radiation.	25.35	25.35	\$1,991,923	25.35	25.35	\$2,489,035

Table 15.1 Performance measures associated with Goal 3.<sup>55</sup>

Performance Measure	Associated Objective(s)	Target Value	Actual Value	Future Target Value	Time Applicable
Issue all health facilities and services licenses and permits within 15 calendar days of receipt of completed licensing packet.	3.1.1	Agency did not use performance measure (PM) during this year	Agency did not use PM during this year	100%	July - June (Fiscal Year)
Conduct all routine inspections of health facilities and services within the timeframe prescribed by law or regulation.	3.1.2	Agency did not use PM during this year	Agency did not use PM during this year	100%	July - June (Fiscal Year)
Conduct all initial investigations of health facilities and services within the appropriate timeframe corresponding to the severity of the complaint, i.e., 24-48 hours, 30 days, 60 days, or 90 days.	3.1.3	Agency did not use PM during this year	Agency did not use PM during this year	100%	July - June (Fiscal Year)
Perform and document design reviews and construction inspections of health facilities within 15 calendar days of the date requested.	3.1.4	Agency did not use PM during this year	Agency did not use PM during this year	100%	July - June (Fiscal Year)
Meet the performance standards for the frequency, quality, and enforcement for nursing homes and other health care facilities.	3.2.1	100%	15 of 18 standards met.	100%	October - September (Federal Fiscal Year)
Meet the performance standards for the frequency, quality, and enforcement for CLIA laboratories.	3.2.1	100%	7 of 7 standards met.	100%	October - September (Federal Fiscal Year)

Process and approve 95% of all complete emergency medical technician (EMT) and athletic trainer credential applications within 10 days of receipt.	3.3.1	Agency did not use PM during this year	Agency did not use PM during this year	100%	July - June (Fiscal Year)
Increase the number of emergency service providers trained and certified in this State by in-state training institutions by 5% for EMT level and 10% for paramedic level within the next 12 months.	3.3.2	Agency did not use PM during this year	Agency did not use PM during this year	100%	July - June (Fiscal Year)
Guidelines and transport protocols for trauma patients reviewed and published for public comment by March 1, 2017.	3.3.3	Agency did not use PM during this year	Agency did not use PM during this year	100%	July - June (Fiscal Year)
Establish a statewide stroke registry by July 1, 2018, and ensure that 85% of stroke-certified hospitals are reporting data within 6 months of implementing the registry.	3.3.4	Agency did not use PM during this year	Agency did not use PM during this year	100%	July - June (Fiscal Year)
Implement the Pediatric Facility Recognition Program by September 2018 and ensure that at least 30% of acute care hospitals receive pediatric facility recognition by 2020.	3.3.5	Agency did not use PM during this year	Agency did not use PM during this year	100%	July - June (Fiscal Year)
Revise the State Health Plan every 2 years.	3.4.1	Agency did not use PM during this year	Agency did not use PM during this year	100%	July - June (Fiscal Year)
Improve the turnaround time for all Certificate of Need decisions by 10% each year.	3.4.2	Agency did not use PM during this year	Agency did not use PM during this year	100%	July - June (Fiscal Year)

Issue registrations within 10 business days of receiving completed applications.	3.5.1	Agency did not use PM during this year	Agency did not use PM during this year	100%	July - June (Fiscal Year)
Increase the number of practitioners and registrants inspected by 10% each year.	3.5.2	Agency did not use PM during this year	Agency did not use PM during this year	100%	July - June (Fiscal Year)
Increase the usage and participation in South Carolina Reporting and Identification Prescription Training System (SCRIPTS) by 5% each year.	3.5.3	Agency did not use PM during this year	Agency did not use PM during this year	100%	July - June (Fiscal Year)
Issue registration and licensing actions for facilities that use x-ray equipment, radioactive materials, and tanning beds within 30 calendar days of reviewing complete applications.	3.6.1	Agency did not use PM during this year	Agency did not use PM during this year	100%	July - June (Fiscal Year)
Conduct all inspections of facilities that use x-ray equipment, radioactive materials, and tanning beds within the timeframe prescribed by law or regulation.	3.6.2	Agency did not use PM during this year	Agency did not use PM during this year	100%	July - June (Fiscal Year)
Conduct all investigations of incidents and allegations related to facilities that use x-ray equipment, radioactive materials, and tanning beds within the appropriate timeframe corresponding to the severity of the complaint.	3.6.3	Agency did not use PM during this year	Agency did not use PM during this year	100%	July - June (Fiscal Year)

Table 16. Agency's resource allocations to Goal 4 (develop our people, strengthen our processes, and invest in our technology to support a high performance organization and a culture of continuous improvement) in fiscal years 2015-16 and 2016-17.<sup>56</sup>

Strategic Plan Part	Number of physical employees working on the goal or strategy in 2015-16	Number of employee equivalents working the goal and strategy in 2015-16	Amount spent on each goal and strategy in 2015 - 2016	Number of physical employees working on the goal or strategy in 2016-17	Number of employee equivalents working the goal and strategy in 2016-17	Amount budgeted to each goal and strategy in 2016 - 2017
<b>Goal 4 – Develop our people, strengthen our processes, and invest in our technology to support a high performance organization and a culture of continuous improvement.</b>	<b>253.90</b>	<b>249.18</b>	<b>\$23,762,686</b>	<b>253.90</b>	<b>249.18</b>	<b>\$32,875,361</b>
Strategy 4.1 – Modernize the Agency’s IT infrastructure and allow for the automation of many Agency functions.	75.00	75.00	\$9,902,256	75.00	75.00	\$16,409,077
Strategy 4.2 – Become the premier employer in South Carolina by recruiting, developing, and retaining high quality employees.	68.50	67.64	\$8,678,531	68.50	67.64	\$8,592,162
Strategy 4.3 – Foster a culture of continuous improvement and operational excellence.	0	0	\$5,181,899	110.40	106.54	\$7,874,122

Table 16.1. Performance measures associated with Goal 4.<sup>57</sup>

Performance Measure	Associated Objective(s)	Target Value	Actual Value	Future Target Value	Time Applicable
<b>By June 30, 2019, transition all outdated mainframe applications to modern platforms.</b>	4.1.1	Agency did not use performance measure (PM) during this year	Agency did not use PM during this year	100%	June 30
<b>Fully implement ePermitting solution by June 30, 2020.</b>	4.1.2	Contract awarded	Contract awarded and gap analysis process began	Core system development complete and user acceptance testing complete	June 30

Performance Measure	Associated Objective(s)	Target Value	Actual Value	Future Target Value	Time Applicable
Deploy statewide Electronic Health Record system by June 30, 2018.	4.1.3	Agency did not use PM during this year	Agency did not use PM during this year	Contract awarded and gap analysis complete	June 30
Relocate DHEC data center to SC Division of Technology facility.	4.1.4	Agency did not use PM during this year	Agency did not use PM during this year	100%	June 30
Maximize the job satisfaction of current teams, identify and develop potential successors for key positions in the Agency, and provide an efficient and welcoming recruitment and onboarding process for new and future team members.	4.2.1	<p>Conduct an Employee Engagement Survey</p> <p>Development of a Succession Plan for critical roles</p> <p>Implementation of a Quarterly Agency New Hire Orientation</p> <p>Conduct Quarter Agency Leadership Meetings</p> <p>Implement Agency Enterprise Human Resources software to streamline the employee performance management, succession planning,</p>	<p>Conducted an Employee Engagement Survey</p> <p>The Agency has identified critical roles and is in the beginning stages of developing a Succession Plan for those critical roles</p> <p>The Agency has been conducting quarterly Agency New Hire Orientations</p> <p>The Agency has been conducting Quarter Agency Leadership Meetings</p> <p>The Agency is currently evaluating vendors for the Enterprise Human Resources software to</p>	<p>Conduct an Employee Engagement Survey</p> <p>Finalize a Succession Plan for critical roles</p> <p>Continue to conduct quarterly Agency New Hire Orientations</p> <p>Continue to conduct Quarter Agency Leadership Meetings</p> <p>Select a vendor and implement the Enterprise Human Resources software</p> <p>Utilize the HR Enterprise software</p>	June 30

Performance Measure	Associated Objective(s)	Target Value	Actual Value	Future Target Value	Time Applicable
		<p>recruiting, and onboarding processes</p> <p>Revise the Employee Performance Management Process</p> <p>Develop an Agency recruiting strategy</p>	<p>streamline the employee performance management, succession planning, recruiting, and onboarding processes</p> <p>The Employee Performance Management Process has been revised</p> <p>The Agency is developing a recruiting strategy for critical roles</p>	<p>to conduct the Employee Performance Management Process</p> <p>Finalize the Agency's recruiting strategy for critical roles</p>	
<b>Establish a safety office and determine policies and procedures for this office by June 30, 2017.</b>	4.2.2	Safety Officer to be onboard August 17, 2016	Safety Officer onboard August 17, 2016	Safety Officer working with management to implement policies and procedures for this office	June 30

Performance Measure	Associated Objective(s)	Target Value	Actual Value	Future Target Value	Time Applicable
Provide new internal and external continuing education opportunities for our teammates to develop and learn new skills and enhance their contributions to the Agency.	4.2.3	<p>Identify eight participants for the Certified Public Manager (CPM) program</p> <p>Identify twenty four participants for the Leadership Excellence and Achievement (LEAP) program</p> <p>All supervisors/managers in the agency trained.</p>	<p>Eight participants identified for and enrolled in the CPM process</p> <p>Twenty four employees are enrolled in the LEAP program</p> <p>Training scheduled for supervisors/managers</p>	<p>All eight Certified Manager Program (CPM) participants moving successfully through the process</p> <p>All 24 LEAP participants graduated successfully from the program</p> <p>Training staff will deliver a basic series of courses for new managers on a regular basis</p> <p>New managers will complete basic supervisory courses with 12 months of assuming supervisory roles</p> <p>Training staff will deliver an intermediate series of courses for managers with more than 2 years</p>	June 30

Performance Measure	Associated Objective(s)	Target Value	Actual Value	Future Target Value	Time Applicable
				<p>managing experience</p> <p>Experienced managers will complete at least 6 non-program specific hours of continuing education courses each year</p> <p>Non-managers will complete at least 3 non-program specific hours of continuing education courses each year</p>	

Performance Measure	Associated Objective(s)	Target Value	Actual Value	Future Target Value	Time Applicable
Establish the Office of Strategy and Continuous Improvement with standardized and fully implemented policies and procedures by June 30, 2017.	4.3.1	Form Office of Strategy and Continuous Improvement and begin strategic analysis of agency policies and practices.	Office of Strategy and Continuous Improvement formed within DHEC Operations. Developing the procedures for analysis of DHEC policies and practices.	Formal continuous improvement policies and procedures implemented. Standardized DHEC policies and practices evaluation tool developed.	June 30
Establish a Project Management Office (PMO) with standardized and fully implemented policies, procedures, and artifacts by June 30, 2017.	4.3.2	Formalize PMO and expand scope of control to cover strategic projects within all DHEC program areas	PMO formed within DHEC Operations. Team expanded and actively managed approximately 40 strategic and tactical projects spanning all areas of DHEC.	Formal PMO policies and procedures implemented. Standardized project artifacts developed.	June 30

# STUDY PROCESS

## *Agency Selection*

DHEC is an agency subject to legislative oversight.<sup>58</sup> During the 121<sup>st</sup> General Assembly, the Committee prioritizes the agency for study by the Healthcare Subcommittee on January 26, 2016.<sup>59</sup> When the Committee reorganizes for the 122<sup>nd</sup> General Assembly, the Subcommittee is renamed the Healthcare and Regulatory Subcommittee.<sup>60</sup>

As the Committee encourages **collaboration in its legislative oversight process**, the Speaker, standing committee chairs in the House, members of the House, Clerk of the Senate, and Governor are also notified about the agency study.

## *Subcommittee Membership*

The **Healthcare and Regulatory Subcommittee of the House Oversight Committee is studying the agency**.<sup>61</sup> The study begins during the 121<sup>st</sup> General Assembly and continues during the 122<sup>nd</sup> General Assembly. During the 121<sup>st</sup> General Assembly, the Honorable Nathan Ballentine serves as chair, and during the 122<sup>nd</sup> General Assembly, the Honorable Phyllis J. Henderson serves as chair.<sup>62</sup> Subcommittee Members and their time of service on the Subcommittee are listed below:

- The Honorable Nathan Ballentine (121<sup>st</sup> General Assembly);
- The Honorable William “Bill” Bowers (122<sup>nd</sup> General Assembly);
- The Honorable MaryGail K. Douglas (122<sup>nd</sup> General Assembly);
- The Honorable Phyllis J. Henderson (122<sup>nd</sup> General Assembly);
- The Honorable Mia McLeod (121<sup>st</sup> General Assembly);
- The Honorable Walton J. McLeod (121<sup>st</sup> General Assembly); and
- The Honorable Bill Taylor (121<sup>st</sup> General Assembly and 122<sup>nd</sup> General Assembly).<sup>63</sup>

## *Agency Reports to Legislative Oversight Committee*

During the legislative oversight process, the **Committee asks the agency to conduct a self-analysis** by requiring it to complete and submit annual Restructuring Reports, a Seven-Year Plan for cost savings and increased efficiencies, and a Program Evaluation Report. Each report is posted on the Committee’s website.

### *Restructuring Report*

The Annual Restructuring Report fulfills the requirement in SC Code §1-30-10(G)(1) that annually each agency report to the General Assembly “detailed and comprehensive recommendations for the purposes of merging or eliminating duplicative or unnecessary divisions, programs, or personnel within each department to provide a more efficient administration of government services.”<sup>64</sup> The report, at a minimum, includes information in the following areas - history, mission and vision, laws strategic plan, human and financial resources, performance measures, and restructuring recommendations.

The Department of Health and Environmental Control submits its Annual Restructuring Reports on March 11, 2015, and January 12, 2016.<sup>65</sup> The agency's 2015-2016 Annual Accountability Report to the Governor and General Assembly serves as its 2017 Restructuring Report.<sup>66</sup>

### *Seven-Year Plan for Cost Savings and Increased Efficiencies*

SC Code §1-30-10 requires agencies to submit "a seven year plan that provides initiatives and/or planned actions that implement cost savings and increased efficiencies of services and responsibilities within the projected seven-year period."<sup>67</sup> The Department of Health and Environmental Control submits its plan on January 12, 2015.<sup>68</sup>

### *Program Evaluation Report*

When an agency is selected for study, the Committee may acquire evidence or information by any lawful means, including, but not limited to, "requiring the agency to prepare and submit to the investigating committee a program evaluation report by a date specified by the investigating committee."<sup>69</sup> SC Code §2-2-60 outlines what an investigating committee's request for a program evaluation report must contain. Also it provides a list of information an investigating committee may request. The Committee sends guidelines for the Department of Health and Environmental Control's Program Evaluation Report (PER) on May 16, 2016.<sup>70</sup> The department submits the report on August 24, 2016.<sup>71</sup>

### *Information from the Public*

**Public input is a cornerstone of the House Legislative Oversight Committee's process.**<sup>72</sup> There are a variety of opportunities for public input during the legislative oversight process. Members of the public have an opportunity to participate anonymously in a public survey, provide comments anonymously via a link on the Committee's website, and appear in person before the Subcommittee.<sup>73</sup>

#### *Public Survey*

From May 1, 2016, to May 31, 2016, the Committee posts an **online survey to solicit comments from the public about the Department of Health and Environmental Control** and four other agencies.<sup>74</sup> Communication about this survey is sent to all House members to forward to their constituents. In an effort to communicate it throughout the state, it is also sent to media statewide via a press release.<sup>75</sup>

There are 1,025 responses to the survey, with at least one response coming from 41 of South Carolina's 46 counties.<sup>76</sup> These comments are not considered testimony.<sup>77</sup> As the survey notes, "input and observations from those citizens who [chose] to provide responses are very important . . . because they may help direct the Committee to potential areas for improvement with these agencies."<sup>78</sup> The **public is informed they could continue to submit written comments about agencies online** after the public survey closed.<sup>79</sup>

848 participants choose to provide opinions about the agency, and a majority were positive.<sup>80</sup> 578 (81% of those responding to the question) have a positive or very positive opinion of the agency. Of those expressing an opinion, 44.2% think the agency operates better than other state agencies, while 12.3% think it operates worse. 34.4% said it is about the same.<sup>81</sup> Notably, 642 (90% of those that responded to the question) participants respond that their opinions are influenced by either personal or business experience with the agency.<sup>82</sup>

Written comments about the agency are provided by 257 survey participants; often, those comments address more than one topic. Some of the topics addressed in the written comments are listed in Table 19.<sup>83</sup> The complete verbatim comments can be found online.<sup>84</sup> Responses to online surveys posted on the Committee's webpage are provided verbatim as they were received by the Committee. They are not the comments or expression of the House Legislative Oversight Committee, any of its Subcommittees, or the House of Representatives.

*Table 17. Some topics addressed by survey participants in written comments about the agency.<sup>85</sup>*

Topic	Number of Comments
Management	72
Salaries	65
Staffing/Retention	52
Morale	47
Customer Service	40
Funding/Resources	26
Training	13
Internal Processes	12

*Table Note: In most categories there were both positive and negative comments.*

In addition to the comments in the table, a small number of respondents include comments about public health, HIV/STD division, performance, large agency size, vital records, water, and the Special Supplemental Nutrition Program for Women, Infants, and Children (WIC). Also, at least 30 respondents share suggestions for improvement.<sup>86</sup>

### *Public Input via Committee Website*

Throughout the course of the study, people are able to submit comments anonymously on the Committee's website. Those comments are posted to the website verbatim.<sup>87</sup> One person submits a comment about the agency regarding DHEC's success and another submits a comment about Aiken County water withdrawals.<sup>88</sup> It is not the comment or expression of the House Legislative Oversight Committee, any of its Subcommittees, or the House of Representatives.

### *Public Input via In-Person Testimony*

The Committee offers the opportunity for the public to appear and provide sworn testimony. A meeting dedicated to public input is held on January 24, 2017.<sup>89</sup> Further detail on the testimony the Committee receives is in the meetings section of this report.

## *Meetings Regarding the Agency*

The Committee meets with, or about, the agency on two occasions and the Subcommittee meets with the agency on five occasions. All meetings are open to the public and stream live online; also, the videos are archived and the minutes are available online. A timeline of meetings is set forth in Figure 2.

## *121<sup>st</sup> General Assembly (2015-2016)*

### *January 2016*

During the **January 28, 2016**, meeting, the Committee selects the agency for study.<sup>90</sup> See Appendix A for the meeting packet and letter notifying agency of its selection for study.

### *April 2016*

During the **April 27, 2016**, meeting, the Subcommittee Chair states the meeting's purpose is for the Subcommittee to ensure DHEC has a clear understanding of the oversight process and to ensure the agency notifies its employees about the study and the opportunity to participate in the Committee's public survey. The agency director provides an overview of DHEC and answers Members' questions on the following topics: agency surveys regarding employees and the water aquifer.<sup>91</sup> See Appendix B for the meeting packet.

## *122<sup>nd</sup> General Assembly*

### *January 2017*

During the **January 24, 2017**, meeting, the agency director provides an overview of DHEC to the Subcommittee. Members ask questions about various topics, including, agency successes, agency improvements, and home health care services. The agency director answers these questions. The Subcommittee Chair proceeds to the public hearing portion of the meeting. Testimony is provided by numerous citizens on issues, including but not limited to, surface water withdrawal; agency's regulatory authority; and agency's partnerships.<sup>92</sup> After the meeting, the agency meets with constituents that provide input. See Appendix C for the meeting packet, agency overview handout, and agency responses to questions raised by Subcommittee Members and the public during the meeting.

### *February 2017*

The Subcommittee holds the **February 9, 2017**, meeting to learn about the agency's mission, vision, and strategic plan. The agency director summarizes the actions the department has taken in response to testimony given at the public hearing and introduces the members of the agency's leadership team present.<sup>93</sup> Additionally, the agency director gives a presentation about the "state of the agency" addressing such topics as: the agency's need to move its Columbia headquarters into new facilities; improvements over the past few years; Savannah River Site; and the development of new budgeting techniques. Members ask questions about the public's satisfaction with the agency's services; opinions of the agency's employees about its performance; and the agency's requests for legal changes to some of its regulatory authority.<sup>94</sup> See Appendix D for the meeting packet and agency presentation.

The Subcommittee holds is **February 23, 2017**, meeting to receive an overview of the agency's history and programs from the agency director. This overview addresses: agency history; major program areas; misconceptions about the agency; and continuous improvements at DHEC. Members ask questions about the following: restricted revenue; food inspections at festivals, fairs, and farmers markets; inspection authority of hotels and motels; lab equipment; septic tank issues; and the Savannah River Site.

The agency director responds to these questions.<sup>95</sup> See Appendix E for the meeting packet, agency presentation, and meeting related correspondence.

### *March 2017*

The Subcommittee holds its **March 23, 2017** meeting to ask questions about the following topics:

- Agency's strategic plan;
- Savannah River Site;
- Carolina Water Services;
- Agency's coastal management program;
- Rural water systems;
- Disease control response efforts;
- Obesity;
- Prescription Drug Monitoring Program;
- State Fire Marshall;
- Public Health Laboratory;
- Certificate of Need Program;
- Food regulations - festival and food trucks ; and
- Hotel and motel inspections.<sup>96</sup>

See appendix F for the meeting packet.

### *April 2017*

The Subcommittee holds its **April 20, 2017**, meeting to learn about DHEC's performance measures in the context of Goals 1 (health services) and 2 (environmental affairs) of the agency's strategic plan. The agency director provides a presentation about performance in these two areas.

Additionally, the agency director responds to questions asked by Members on a variety of topics: challenges to accomplishing the agency's goals in health services; HIV infection and death rate; teen pregnancy rate; agency partnerships with faith communities; storm water and water infrastructure; adopt-a-stream program; and clean air.<sup>97</sup> See Appendix G for the meeting packet and meeting related correspondence.

### *May 2017*

The Subcommittee holds its **May 9, 2017**, meeting to continue the discussion of DHEC's strategic plan starting with Goal 3 (health regulations and operations). The agency director responds to questions asked by Members on various topics, including: complaints; Freedom of Information Act; and Mercury Awards (i.e., advertising awards).<sup>98</sup> See Appendix H for the meeting packet.

### *June 2017*

The Subcommittee holds its **June 20, 2017**, meeting to discuss the agency's recommendations for statutory changes. The agency head presents the agency's analysis of the gaps between what the law requires and the agency's current practices. She then provides context for the agency's recommendations for statutory changes and highlight recommendations in the following areas:

- Rabies Control Act;
- Solid Waste Policy and Management Act;
- Hearing Aids;
- Emergency Health Powers Act;
- Narcotics and Controlled Substances Act;
- SC Prescription Monitoring Act;
- Vital Statistics; and
- Contagious and Infectious Diseases.<sup>99</sup>

See Appendix I for the meeting packet and meeting related correspondence.

### *July 2017*

On **July 19, 2017**, the Subcommittee meets to discuss and analyze information relating to the agency's statutory recommendations. Agency representatives are not required or requested to attend this work session; however, agency staff are present and respond to Members' questions about the recommendations. The Subcommittee adopts 47 recommendations, receives 11 for information purposes only, and rejects one agency recommendation. Detailed information about the recommendations is found in the Recommendations section of this report.<sup>100</sup> See Appendix J for the meeting packet.

## *Study Process Completion*

Pursuant to Committee Standard Practice 12.4, **Subcommittee members may provide a separate written statement for inclusion with the Subcommittee's Study.** After receipt of any written statements from Subcommittee members, the Subcommittee Chair, pursuant to Committee Standard Practice 12.5, shall notify the Committee Chair in writing that a Subcommittee Study is available for consideration by the full Committee.

Once the Committee Chair receives written notice from the Subcommittee chair, the Committee chair shall, pursuant to Committee Standard Practice 13.1, include the Subcommittee Study on the agenda for a full committee meeting. During a full Committee meeting at which the Subcommittee Study is discussed, the Committee may vote, pursuant to Committee Standard Practice 13.2, to (1) refer the study and investigation back to the Subcommittee for further evaluation; (2) approve the Subcommittee's study; or (3) further evaluate the agency as a full Committee, utilizing any of the resources of legislative oversight available.

When the Committee approves a study, **any member of the Committee may provide a written statement for inclusion with the study.** The study, and written statements, are published online and the agency, as well as all House Standing Committees, receive a copy. The Committee shall offer at least one briefing to members of the House about the contents of the final oversight study approved by the Committee.<sup>101</sup> The Committee Chair may provide briefings to the public about the final oversight study.<sup>102</sup>

**To support the Committee's ongoing oversight by maintaining current information about the Department of Health and Environmental Control, the agency receives an annual Request for Information.**

# RECOMMENDATIONS

The following **recommendations include areas identified for potential improvement by the Subcommittee.** The **Subcommittee recognizes these recommendations will not satisfy everyone nor address every issue or potential area of improvement at the agency.** These recommendations are based on the agency's self-analysis requested by the full Committee, discussion with the agency during multiple meetings with the Subcommittee, and analysis of the information obtained by the Subcommittee. This information, including, but not limited to the Program Evaluation Report, Accountability Report, Restructuring Report and videos of meetings with the agency can all be found on the Committee's website.

The Subcommittee has **47 recommendations arising from its study of the agency**, 41 to curtail or revise programs and six to eliminate programs. These recommendations fall into four categories: (1) general, (2) environmental, (3) health regulations, and (4) public health. Tables one through five summarize the recommendations.

## *Continue*

The **Subcommittee does not make any recommendations relating to continuing agency programs.**

## *Curtail (i.e. Revise)*

The **Subcommittee recommends 41 revisions to laws relating to the agency.** The laws, and any specific revisions recommended, along with the basis for the recommendation, are listed below.

### *General (i.e., Agency Wide) Recommendations*

**1. The Subcommittee recommends the General Assembly consider allowing email notice of department decisions and staff decisions, for which a department decision is not required by mail.** SC Code §44-1-60 requires notice of department decisions to be sent by certified mail, return receipt requested, and notice of staff decisions for which a department decision is not required must be sent by mail, delivery, or other appropriate means.

To improve efficiency and in acknowledgement of the general prevalence of email, recommendation 1 proposes the addition of email as an option to provide notice.

### *Environmental Affairs Division Recommendations*

#### *Solid Waste Policy Management Act*

- 2. The Subcommittee recommends the General Assembly consider amending SC Code §44-96-10 et seq., (Solid Waste Policy and Management Act) as follows:**
- (a) Require a facility that processes construction and demolition debris to be registered with DHEC and obtain a solid waste processing permit, exempting facilities that accept material that has been sorted by type and recycle at least 75% of each material type;**

- (b) Clarify that Demonstration of Need is only required for facility types identified in the regulation; and
- (c) Remove the requirement that DHEC perform a review of local zoning and land-use ordinances prior to issuing a solid waste management facility permit, adding a requirement that the facility provide proof of compliance.<sup>103</sup>

SC Code §44-96-10 et seq., (i.e., the Solid Waste Policy and Management Act) has not been substantially revised since its approval by the General Assembly over 25 years ago.<sup>104</sup> During the study process, DHEC proposes four major changes to improve efficiencies with these provisions; the Subcommittee adopts and recommends three of those changes.

Recommendation 2(a) addresses the claiming of permitting exemptions by “sham recyclers” of construction and demolition debris that accept mixed materials and meet the 75% recycling by weight requirement by processing concrete. Other debris is allowed to accumulate. According to DHEC, these accumulations pose risk to human health and the environment.

Recommendation 2(b) narrows the type of facility required to demonstrate need to those specified in regulation.

Recommendation 2(c) shifts the responsibility for review of compliance with local zoning from DHEC to the permit applicant. Officials from the South Carolina Municipal Association are in agreement with recommendation 2(c) if proof of compliance includes some official acknowledgement of compliance from the affected local government.

### *Hazardous Waste Management Act*

**3. The Subcommittee recommends the General Assembly consider deleting the requirement that within 24 hours of a hazardous waste DHEC notify the governing body of the concerned municipality or county of a violation, by amending SC Code §44-56-140(E).** SC Code §44-56-140(E) requires DHEC to report any violations of the Hazardous Waste Management Act to the governing body of the local government where the violation occurred within 24 hours. During the study, agency representatives inform the Subcommittee agency practice does not conform to this requirement. The agency’s current practice is when a violation presents an imminent or substantial endangerment or triggers an emergency response action, DHEC notifies and works with local officials.<sup>105</sup>

**4. The Subcommittee recommends the General Assembly eliminate preferences for in-state hazardous waste generators and restrictions on out of state hazardous waste, by amending SC Code §44-56-59, as it violates the Commerce Clause of the United States Constitution.**<sup>106</sup>

**5. The Subcommittee recommends the General Assembly eliminate preferences for in-state hazardous waste generators and restrictions on out of state hazardous waste, by amending SC Code §44-56-60(a)(1),(2), and (3), as they violate the Commerce Clause of the United States Constitution.**<sup>107</sup>

**6. The Subcommittee recommends that the General Assembly consider not requiring owners or operators of hazardous waste treatment, storage, or disposal facilities to reject waste from states that have not entered into an agreement under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), by deleting SC Code §44-56-130 (4), (5), and (6), because they violate the Commerce Clause of the United States Constitution.**<sup>108</sup>

**7. The Subcommittee recommends that the General Assembly consider not requiring hazardous waste facilities to give preference to in-state generators, by deleting SC Code §44-56-205, as it violates the Commerce Clause of the United States Constitution.<sup>109</sup>**

Recommendations 4-7 propose revisions to remove statutes that federal court decisions have ruled an unconstitutional violation of the Commerce Clause of the United States Constitution.<sup>110</sup> While these statutes remain in the code of laws, they have all been struck down as a result of litigation challenging laws, regulations, and executive orders attempting to limit the flow of out-of-state hazardous waste into South Carolina. These statutes are not enforced by the agency.

### *Health Regulation Division Recommendations*

#### *Certificate of Need and Health Facility Licensure Act*

**8. The Subcommittee recommends the General Assembly consider clarifying that kidney disease centers are exempt only from the certificate of need provisions and remain subject to the licensure provisions by amending SC Code §44-7-170 (B)(6).** SC Code §44-7-110 et seq., require a certificate of need (CON) in certain circumstances and separately require licensure for certain types of health care facilities.

Recommendation 8 proposes modification to §44-7-170(B)(6) to clarify that kidney disease centers are exempt only from the CON provisions and remain subject to licensure provisions. During the study process, agency representatives note the wording of this statute was changed pursuant to 2010 Act No. 278. The agency seeks clarification on this issues because, although 2010 Act No. 278 modified the language of §44-7-170, it did not change the language in §44-7-260(A)(8) requiring licensure for end-stage renal dialysis units. DHEC currently regulates and licenses these facilities. This recommendation seeks to remove any ambiguity as to the authority of DHEC to license kidney disease centers.

**9. The Subcommittee recommends the General Assembly consider clarifying disclosure requirements and prohibitions related to information obtained during licensing processes and allowing greater ability to publish information on the internet, by amending SC Code §44-7-310 through 315.**

SC Code §44-7-310 and 315 place requirements and prohibitions on disclosure of information obtained by DHEC in the course of performing its licensure duties under the Certificate of Need and Health Facility Licensure Act. This recommendation proposes revisions to allow greater ability to publish information online and to clarify disclosure requirements and prohibitions. During the course of the study, agency representatives note these two provisions in law could be read to conflict with each other as to disclosure requirements.

#### *Practice of Specializing in Hearing Act*

**10. The Subcommittee recommends the General Assembly consider removing formulation of examinations from the Commission of Hearing Aid Specialists' responsibilities, by amending SC Code §40-25-20(2).**

**11. The Subcommittee recommends the General Assembly consider allowing DHEC to issue a monetary penalty for violation of the Practice of Specializing in Hearing Aids Act, by amending SC Code §40-25-30.**

**12. The Subcommittee recommends the General Assembly consider allowing DHEC to assume the duties of**

the Commission of Hearing Aid Specialists related to monitoring continuing education compliance by modifying SC Code §40-25-150 (C) and (D).

13. The Subcommittee recommends the General Assembly consider allowing DHEC to charge a fee for the examination of persons seeking to specialize in hearing aids, by modifying SC Code §40-25-110.

14. The Subcommittee recommends that the General Assembly consider allowing DHEC to facilitate administration of qualifying exams, by modifying SC Code §40-25-30(2).

15. The Subcommittee recommends DHEC and the Department of Labor, Licensing, and Regulation (LLR) jointly make a recommendation as to which agency the administration of the Practice of Specializing in Hearing Aids Act best fits within.

SC Code §40-25-10 et seq., authorizes DHEC, with advice from the Commission of Hearing Aid Specialists, to license qualified persons to engage in the practice of specializing in hearing aids; oversee the examination of persons seeking licensure; conduct periodic inspections of persons, facilities, and equipment; and take enforcement action as authorized by statute. During testimony about these recommendations, Members ask how this particular role differs from the licensure role of the Department of Labor, Licensing, and Regulation (LLR) with many professions.<sup>111</sup> Therefore, recommendation 15 requests DHEC and LLR collaborate to make a recommendation about which agency the Practice of Specializing in Hearing Aids Act best fits within.

The Subcommittee adopts recommendations 10 -14 in an effort to modernize the code of laws and without regard for which agency administers the licensure requirements.

Recommendation 10 proposes to delete the statutory requirement for the Commission of Hearing Aid Specialists to formulate examinations, which leaves discretion to either formulate the exam or procure an outside source to administer the exam. Section 40-25-20(2) requires the commission to prepare the examinations. In past meetings with DHEC, the commissioners have indicated they do not have the time or resources to prepare the examination.

Recommendation 11 proposes allowing DHEC to issue a monetary penalty for violations of the Practice of Hearing Aid Specialist Act. Subsection 40-25-30(6) authorizes DHEC to suspend or revoke a license or require that a refund be made. However, there are no provisions in law authorizing DHEC to issue a monetary penalty for violations.

Recommendation 12 proposes to revising §40-25-150(C) and (D) to require licensees to submit proof of compliance with continuing educational requirements to DHEC and authorize the agency to approve or disapprove training activities and training providers. These are all functions of Commission of Hearing Aid Specialists under current law.

Recommendation 13 proposes to modify §40-25-110 to authorize the agency to charge a fee for the examination of persons seeking to specialize in hearing aids in order to subsidize the cost of administering the examination. SC Code §40-25-30(2) allows DHEC to administer a qualifying examination to applicants for licensure.

Recommendation 14 proposes modifying this duty to include the authority to facilitate the administration of the qualifying examinations. The agency does not currently administer examinations to any other

licensed entities. This modification allows for the examinations to be given by testing vendors.

### *Body Piercing*

**16. The Subcommittee recommends the General Assembly consider allowing DHEC to impose monetary penalties against licensed body piercing facilities and any other persons or entities that violate Title 44 Chapter 32 (Body Piercing) or related regulations, by amending SC Code §44-32-80.** SC Code §44-32-10 et seq., direct the agency to establish sterilization, sanitation, and safety standards for persons engaged in the business of body piercing, issue permits to facilities to engage in body piercing, and charge annual permitting fees. Also, the statutes contains requirements relating to body piercing technicians and prohibitions regarding body piercing of minors. Current law authorizes DHEC to suspend or revoke licenses, or refuse to renew licenses, for body piercing facilities.

Recommendation 16 proposes authorizing DHEC to assess a monetary penalty as a method of enforcement, in addition to the existing options (e.g., revoking, suspending, refusing to issue or renew a permit, or placing a body piercing facility on probation). Further, the recommendation proposes authorizing imposition of a monetary penalty on to any person who violates the act or regulation, (e.g., a person or entity that performs body piercing without a license). This requirement is similar to statutory provisions in other acts, including the State Certification of Need and Health Facility Licensure Act, SC Code §44-7-110, et seq., that authorize the department to assess monetary penalties against any person (not limited to licensee) for violation of applicable regulatory laws.

### *Tattooing*

**17. The Subcommittee recommends the General Assembly consider authorizing DHEC to impose a monetary penalty against licensed tattoo facilities and any person who violates Title 44 Chapter 34 (Tattooing) or related regulations, by amending SC Code §44-34-80.** SC Code §44-34-10 et seq., requires DHEC to establish sterilization, sanitation, and safety standards for persons engaged in the business of tattooing and to issue licenses to facilities to engage in tattooing and charge licensing fees and inspection fees. The statute outlines requirements relating to tattoo artists and certain prohibitions regarding the tattooing of minors, and makes certain acts criminal in nature. Current law authorizes DHEC to suspend or revoke licenses, refuse to renew licenses, or impose monetary penalties against tattoo facilities for certain violations.

Recommendation 17 proposes authorizing the imposition of a monetary penalty against any person who violates the act or regulation (e.g., a person or entity that performs tattooing without a license) and not just a licensee of the facility.

### *Emergency Medical Services Act*

**18. The Subcommittee recommends the General Assembly consider giving DHEC discretion in convening the Investigative Review Committee that considers revocation of emergency medical services (EMS) licenses and certifications, by amending SC Code §44-61-160 (C), and amending SC Code §44-61-20(16) to reflect that appointment to the Committee is made by the Chief of the Bureau of EMS and Trauma.**

**19. The Subcommittee recommends the General Assembly consider authorizing DHEC to join the Emergency Medical Services Compact.**

Recommendations 18 and 19 both relate to the Emergency Medical Services Act. SC Code §44-61-10 et

seq., authorize DHEC to develop standards for emergency medical services in the state; license, certify, and permit ambulance services, emergency medical technicians, and ambulance vehicles in the state; and take certain enforcement actions. Section 44-61-160 establishes an Investigative Review Committee and provides for its composition.

Recommendation 18 proposes to modify the definition of “Investigative Review Committee” to indicate that DHEC may convene this committee regarding an official investigation that may warrant suspension or revocation of a license or certification, but the agency is not required to convene this committee in every circumstance. This modification seeks efficiency in matters where there is clear evidence supporting the department’s recommended action. According to DHEC staff, this change does not negatively impact the person’s right to request a review of the agency’s decision to the DHEC Board, or right to appeal. Also, recommendation 18 proposes to further modify the definition to reflect that appointment to the committee is made by the Chief of the Bureau of EMS and Trauma, rather than the Director of the Division of EMS and Trauma.

Recommendation 19 proposes authorizing DHEC to become a member of the Recognition of EMS Personnel Licensure Interstate Compact (REPLICA) with other states to help meet the demand for EMS personnel. According to agency officials, medical professionals at other levels (e.g., registered nurse, respiratory therapist, and medical doctors) have interstate compacts allowing for cross-border practice when the licensee meets South Carolina standards for licensure. There is a need for EMTs and paramedics in South Carolina. According to a survey conducted in 2015, there are eight jobs across the state for every one paramedic that graduates. Since 2014, 23 additional EMS agencies have opened adding to the demand for applicants. Becoming a compact state facilitates the day-to-day movement of EMS personnel across state boundaries and allows South Carolina to recognize and accept the EMS credentials from another compact state.

## *Health Services Division Recommendations*

### *Vital Statistics*

**20. The Subcommittee recommends the General Assembly consider modernizing vital statistics statutes by clarifying terminology, recognizing the transition to an electronic system, removing obsolete references, clarifying treatment of sealed records and paternity acknowledgements, and reflecting changes to DHEC’s organization, by amending SC Code §44-63-10 through 180.** SC Code §44-63-10 through 180 empowers DHEC to establish a bureau of vital statistics and to provide a system for the registration and certification of births, deaths, marriages, and divorces.

Recommendation 20 proposes to clarify terminology, recognize the transition to an electronic system, remove obsolete references, clarify treatment of sealed records and paternity acknowledgements, and reflect changes to DHEC’s organization. The recommended changes relate to the agency's desire to remain consistent with the national model. According to an agency official, more people call the agency about vital statistics, than any other issue.<sup>112</sup>

**21. The Subcommittee recommends the General Assembly consider allowing DHEC discretion in assessing civil penalties related to the late filing of death certificates, and giving DHEC civil enforcement powers in all aspects of Section 44-63-74.** SC Code §44-63-74 provides for the electronic filing and transmission of death certificates, including the authority to assess penalties for noncompliance.

Recommendation 21 proposes allowing DHEC discretion in assessing civil penalties, including the amount. Current administrative penalties for violations include \$250 (first violation or warning letter), \$500 (second violation), and \$750 (third or subsequent violation). Also, the recommendation proposes allowing civil enforcement powers in cases other than late filing of death certificates. According to agency staff, the ability to issue orders and assess civil penalties may facilitate enforcement of registration requirements and discretion in setting amounts may prevent accumulation of excessive penalties.

**22. The Subcommittee recommends the General Assembly consider disallowing a person to petition for Delayed Certificate of Birth Established by Court outside of South Carolina, and requiring that DHEC must be a party to the action, by amending SC Code §44-63-100(A).** SC Code §44-63-100 provides for the registration of birth through petition for delayed certificate of birth established by court order.

Recommendation 22 proposes removing the provision allowing a petition for delayed birth certificate to be filed outside of South Carolina (i.e., the state of the petitioner's residence). Further, this recommendation proposes clarifying that DHEC is a party to the action.

**23. The Subcommittee recommends the General Assembly consider deleting reference to an administrative determination of paternity pursuant to SC Code §63-17-10 in SC Code §44-63-163 (birth certificates - administrative determination of paternity) and in SC Code §44-63-165 (birth certificates - acknowledgement of paternity), clarifying whether paternity determinations by courts outside of South Carolina may be accepted, and clarifying if pre-birth orders in surrogacy cases are effective to determine parentage for the purposes of birth registration.** SC Code §44-63-163, §44-63-165, and §63-17-10 relate to paternity. Sections 44-63-163 and 165 relate to birth certificates, and §63-17-10 relates to paternity determinations.

Recommendation 23 proposes removing references to an administrative determination of paternity (§44-63-163) and an acknowledgement of paternity (§44-63-165) pursuant to §63-17-10, as agency representatives note this section does not provide for either of those things.

**24. The Subcommittee recommends the General Assembly consider clarifying the following provisions relating to vital statistics:**

- (a) Clarify parents can only make changes to an adult child's birth certificates when the child is legally incompetent;**
- (b) Clarify the family court has jurisdiction over amendments to birth certificates;**
- (c) Clarify the probate court has express jurisdiction over corrections to death certificates; and**
- (d) Clarify whether an out-of-state court order can serve as the basis for a correction or amendment to a birth certificates or death certificates.**

SC Code §44-63-150 provides for the correction of mistakes in birth or death certificates. Section 62-1-302 provides the subject matters over which the probate courts have exclusive jurisdiction. Section 63-3-530 provides the subject matters over which the family courts have exclusive jurisdiction.

Recommendation 24(a) proposes allowing parents to make changes to adult children's birth certificates only when the adult child is legally incompetent.

Recommendation 24(b) proposes clarifying the family court has jurisdiction over amendments to birth certificates that may not be considered corrections (e.g., name changes or addition of a father's name

after paternity findings).

Recommendation 24(c) proposes granting the probate court express jurisdiction over corrections to death certificates. During the study process, agency representatives note no court has this express authority which leads to confusion and uncertainty within the bench, the bar, and the agency.<sup>113</sup>

Recommendation 24(d) proposes clarifying whether an out-of-state court order can serve as the basis for a correction or amendment to birth certificates or death certificates, which are South Carolina records.

### *Contagious and Infectious Diseases*

**25. The Subcommittee recommends the General Assembly consider removing the requirement that physicians report contagious or infectious diseases to the county health department, and replacing it with a requirement that the report be made to DHEC, by amending SC Code §44-29-10(A).** SC Code §44-29-10(A) addresses physician reporting of contagious or infectious diseases.

Recommendation 25 proposes removing the requirement that physicians report to county health department, and replacing it with an instruction that the reporting be submitted to DHEC.

**26. The Subcommittee recommends the General Assembly consider adding the term “sexually transmitted infection” to SC Code §44-29-70.** SC Code §44-29-70 requires certain healthcare professionals to report cases of sexually transmitted diseases to health authorities.

Recommendation 26 proposes adding the term “sexually transmitted infection” to the title and body of the section. This term is more inclusive and is consistent with current nomenclature.

**27. The Subcommittee recommends the General Assembly consider adding the term “sexually transmitted infection” and remove reference to local boards of health, by amending SC Code §49-29-80.** SC Code §49-29-80 requires laboratories to report positive tests for sexually transmitted disease to DHEC and local boards of health.

Recommendation 27 proposes adding the term “sexually transmitted infection” to the title and body of the section and removing the reference to local boards of health.

**28. The Subcommittee recommends the General Assembly consider replacing “venereal disease” with “sexually transmitted disease and sexually transmitted infection,” and adding “sexually transmitted infection” where “sexually transmitted disease” appears alone, by amending SC Code §44-29-90.** SC Code §44-29-90 addresses the examination, treatment and isolation of persons infected with venereal disease.

Recommendation 28 proposes to replace the term “venereal disease” with “sexually transmitted disease and sexually transmitted infection” and adding the term “sexually transmitted infection” to each phrase where “STD” is used alone.

**29. The Subcommittee recommends the General Assembly consider removing the requirement that prisoners “suffering with a sexually transmitted disease at the time of expiration of their terms of imprisonment must be isolated and treated at public expense as provided in SC Code §44-29-90 until, in the judgment of the local health officer, the prisoner may be medically discharged,” and adding the term “sexually transmitted infection” where “sexually transmitted disease” appears alone.** SC Code §44-29-100

addresses the examination, treatment, and isolation of prisoners for sexually transmitted diseases.

Recommendation 29 proposes removing the requirement that prisoners remain in prison after their terms expire for treatment. This is not the current practice. Also, the recommendations proposes adding the term “sexually transmitted infection” to each phrase where “sexually transmitted disease” is used alone.

**30. The Subcommittee recommends the General Assembly consider adding the term “sexually transmitted infection” where “sexually transmitted disease” appears alone in SC Code §4-29-136.** SC Code §44-29-136 addresses court orders for disclosure of records for law enforcement purposes.

Recommendation 30 proposes adding the term “sexually transmitted infection” to each phrase where “sexually transmitted disease” is used alone. This is consistent with current nomenclature.

**31. The Subcommittee recommends the General Assembly consider amending SC Code §44-29-140 to replace “venereal disease” with “sexually transmitted disease and sexually transmitted infection.”** SC Code §44-29-140 addresses penalties related to venereal disease.

Recommendation 31 proposes replacing the term “venereal disease” with “sexually transmitted disease and sexually transmitted infection.”

**32. The Subcommittee recommends the General Assembly consider removing the requirement that DHEC notify certain schools when a student has Acquired Immune Deficiency Syndrome (AIDS) or is infected with Human Immunodeficiency Virus (HIV), by repealing SC Code §44-29-135(f).** SC Code §44-29-135(f) requires DHEC to notify public schools when a student in kindergarten through fifth grade has Acquired Immune Deficiency Syndrome (AIDS) or is infected with Human Immunodeficiency Virus (HIV).

Recommendation 32 proposes repeal of the section. According to DHEC staff, “medical literature today indicates that there is no risk of spreading HIV between children through casual, social contact and federal law prohibits children with HIV from being discriminated against.”<sup>114</sup>

#### *Emergency Health Powers Act*

**33. The Subcommittee recommends the General Assembly consider expanding the definition of “qualifying health condition” to include the following:**

- (a) a nuclear attack or accident;**
- (b) a chemical attack or release;**
- (c) a man-made disaster widely affecting public health or the environment; and**
- (d) an act of terrorism or bioterrorism affecting public health or the environment.**

SC Code §44-4-130(R) provides a definition of “qualifying health condition,” which supports the definition of a “public health emergency” in §44-4-130(P). The Governor’s authority to declare a “public health emergency” pursuant to SC Code §1-3-430 is based on these definitions.

Recommendation 33 proposes to expand the definition of a “qualifying health condition” to include “a nuclear attack or accident,” “a chemical attack or release,” “a man-made disaster widely affecting public health or the environment,” and “an act of terrorism or bioterrorism affecting public health or the environment.”

### *Tuberculosis*

**34. The Subcommittee recommends the General Assembly consider deleting any reference to tuberculosis camps is SC Code §44-7-610 through 780.** SC Code §44-7-610 through 780 relate to county, township or municipal hospitals or tuberculosis camps. These sections allow for the citizens of a county to petition for a public hospital or tuberculosis camp, as well as provide the manner in which such a facility must be administered.

Recommendation 34 proposes deleting any reference to tuberculosis camps in these sections as the department no longer treats or controls tuberculosis disease through the use of tuberculosis camps.

**35. The Subcommittee recommends the General Assembly consider amending SC Code §44-31-10 to reflect current tuberculosis medical recommendations and reporting practices.** SC Code §44-31-10, which requires certain medical providers and entities to report cases of tuberculosis to DHEC, has not been updated since 1970.

Recommendation 35 proposes to update the language to reflect current medical recommendations and reporting practices for notification to DHEC of tuberculosis cases.

**36. The Subcommittee recommends the General Assembly consider clarifying that a petition must be filed in the probate court in the county in which the person is being detained under SC Code §44-31-105, in the event that the individual has not requested a hearing and the thirty day detainment is nearing an end.** SC Code §44-31-105 provides DHEC the authority to issue and enforce emergency orders for the control and treatment of tuberculosis.

Recommendation 36 proposes clarifying that a petition be filed in the probate court in the county in which the person is being detained in the event that the individual has not requested a hearing and the 30-day detainment is nearing an end. Currently, the statute requires that the probate court enforce all provisions of the emergency order, but it only provides a venue when an individual has requested a hearing.

### *Community Oral Health Coordinator*

**37. The Subcommittee recommends the General Assembly consider allowing for provision of services to persons of any age in underserved and vulnerable populations in the designated counties, by amending SC Code §44-8-10 through 60.** SC Code §44-8-10 through 60 provide for the creation and implementation of a targeted community program for dental health education, screening, and treatment referral. In three to five counties state-wide, targeted by need, the department is required to implement a community dental health program for public school students at specified grade-levels, or upon a child's transfer into the South Carolina public school system, regardless of grade-level.

Recommendation 37 proposes expanding the provision of services facilitated by the community oral health coordinator to persons of any age in underserved and vulnerable populations in the designated counties. According to DHEC staff, this proposed expansion aligns with those of the Dental Practice Act (SC Code §40-15-110), as well as provides centralized oversight of the community oral health coordinator activities by DHEC.

### *Dental Practices Act of 2003*

**38. The Subcommittee recommends the General Assembly consider moving SC Code §40-15-110 (E) to Title 44.** SC Code §40-15-110 (E) requires DHEC to target dental services in a public health setting to under-served populations.

Recommendation 38 proposes moving §40-15-110 (E) to Title 44 (Health) where the majority of DHEC's health-related responsibilities are located. To ensure that these services are being properly implemented, this recommendation also proposes adding to Title 44 a requirement that any dental provider operating in a public health setting must submit specific data to DHEC and use agency surveillance tools for the implementation of public health core functions. This affords DHEC broader oversight of providers and may help ensure that the needs of under-served populations are being met.

#### *Care of the Newly Born*

**39. The Subcommittee recommends the General Assembly consider removing the requirement for indefinite retention of blood samples collected to detect metabolic errors and hemoglobinopathies in newborns, by amending SC Code §44-37-30 .** SC Code §44-37-30 addresses neonatal testing of children for metabolic errors and hemoglobinopathies. This section requires samples be stored unless the parent or child, after he reaches the age of 18, directs DHEC to do something different. According to agency staff, there is no clinical or scientific reason for DHEC to maintain long-term possession of these blood samples, nor does the department have the ability or capacity to store them in freezers indefinitely.

The 2017-2018 General Appropriations Act includes proviso 34.37 allowing DHEC to suspend activity related to the storage requirement when funding is not available. Recommendation 39 proposes codifying the proviso by removing the requirement for indefinite storage of the sample.

#### *Health Care Professional Compliance Act*

**40. The Subcommittee recommends the General Assembly consider redefining "CDC Recommendation" to include current Centers for Disease Control (CDC) or equivalent guidelines, making the requirement that DHEC appoint or approve an existing expert review panel optional, and adding an enforcement mechanism targeted to educational institutions that provide training in preparation for licensure but that do not provide annual certification to DHEC.** SC Code §44-30-10 through 90 provide for the creation of expert review panels to determine if health care worker who is either HIV or HBV (hep-b) positive can receive recommendations for participating in certain invasive procedures in the health care setting.

Recommendation 40 proposes including current CDC or equivalent guidelines, allowing DHEC to appoint at least one or approve an existing expert review panel if needed, and providing an enforcement mechanism for the requirement that educational institutions provide current training in infection control practices for health care professionals participating in the institutions' education programs.

#### *Infants and Toddlers with Disabilities Act*

**41. The Subcommittee recommends the General Assembly consider moving SC Code sections related to the implementation of the Infants and Toddlers with Disabilities Act (BabyNet) to the South Carolina Children's Code (Title 63).** SC Code §44-7-2510 through 2610 provide the Governor with discretion to

designate the lead agency for the implementation of the Infants and Toddlers with Disabilities Act. This is commonly known as BabyNet, and the lead agency is subject to change (e.g., DHEC, First Steps to School Readiness, and the Department of Health and Human Services all have been lead agency). In order to reflect that the lead agency could be in any subject area but that this section will always apply to services for children, recommendation 41 proposes to move this section out of Title 44 (Health) to Title 63, the South Carolina Children's Code.

## *Eliminate*

The **Subcommittee recommends eliminating six programs.** The laws, and any specific revisions recommended, along with the basis for the recommendation, are listed below.

**42. The Subcommittee recommends the General Assembly consider removing the requirement that DHEC make available lice treatment products to certain families, by repealing SC Code §44-29-195 (B).** SC Code 44-29-195 relates to head lice, school children, and vouchers for treatment products. This section requires that DHEC make available to families with children in public school, who receive Medicaid or free/reduced lunch, products or vouchers for products for the treatment of pediculosis. Recommendation 42 proposes removing the requirement that DHEC make products available for treatment of pediculosis (i.e., head lice infestation). According to agency staff, this is not currently funded and the agency has not received any requests for this service.<sup>115</sup>

**43. The Subcommittee recommends the General Assembly consider eliminating reference to "District Advisory Boards of Health," and change all mention of "Districts" to "Regions."** SC Code §44-1-130 establishes Health Districts and District Advisory Boards. This statute is not consistent with current agency practice. The District Advisory Boards of Health no longer exist, and the agency's geographical subdivisions are now referred to as regions.

**44. The Subcommittee recommends that the General Assembly consider eliminating the Catawba Health District.** SC Code §44-3-110 through 140 establish and organize the Catawba Health District, serving Chester, Lancaster, and York Counties. This statute is not consistent with current agency practice as the Catawba Health District no longer exists. The counties within the former Catawba Health District are now served by the Midlands Regional Office for Public Health.

**45. The Subcommittee recommends that the General Assembly consider eliminating the Hazardous Waste Management Research Fund.** SC Code §44-56-810 through 840 creates the Hazardous Waste Management Research Fund, funded by Pinewood Site fees. Recommendation 45 proposes deleting this section as Pinewood Site in Sumter County no longer collects fees since its closure in 2000.

**46. The Subcommittee recommends that the General Assembly consider eliminating the Coastal Zone Management Appellate Panel.** SC Code §48-39-40 creates the Coastal Zone Management Appellate Panel, including terms and membership, which acts as an advisory council to DHEC to hear appeals of staff decisions on Coastal Division permits. To improve efficiency and be consistent with current law and practice, recommendation 46 proposes deleting this section. It conflicts with SC Code §44-1-60, which creates a "uniform procedure for contested cases and appeals from administrative agencies and to the extent that a provision of this act conflicts with an existing statute or regulation, the provisions of this act are controlling." Notably, there has been an annual proviso to suspend this panel.

**47. The Subcommittee recommends that the General Assembly consider discontinuing the Osteoporosis Education Fund and the Osteoporosis Prevention and Treatment Education Program.** SC Code §44-125-10 through 40 establishes an Osteoporosis Education Fund and an Osteoporosis Prevention and Treatment Education Program to promote public awareness, prevention, and treatment of osteoporosis. This recommendation proposes repeal of these sections as the fund has not been established and funds have not been allocated to carry out the stated purpose.

# INTERNAL CHANGES IMPLEMENTED BY AGENCY RELATED TO STUDY PROCESS

During the study of DHEC the agency implements several improvements directly related to its participation in the study process. Those improvements are listed below.

- While prior to the Healthcare and Regulatory Subcommittee’s study DHEC staff begin evaluating agency programs and legal mandates to determine if there are gaps, the study helps expedite and prioritize the review.

The program evaluation report template allows DHEC staff to assess programs using the same metrics, which provides for greater consistency across the agency.<sup>116</sup>

## ADDITIONAL INFORMATION

The Department of Health and Environmental Control makes 11 recommendations that the Subcommittee receives and provides here for information purposes only.

*Table 18. Agency recommendations received for information purposes only.<sup>117</sup>*

Agency Recommendation Number	Impacted SC Code Sections	Summary
1.1	47-5-10 through 47-5-210	<b>Rabies Control Act</b> The agency recommends updating statutes to be consistent with national veterinary practice and to clarify definitions and roles of implementing entities.
2.4	44-96-170	<b>Solid Waste Policy and Management Act</b> The agency recommends changes to address the distribution of the waste tire fee, methods for encouraging a more robust waste tire recycling industry, and language to aid in the ceasing, prevention, or diminishment of illegal dumping and accumulation of waste tires.
2.2	49-11-110 et seq.	<b>Dam and Reservoir Safety Act</b> While this recommendation is part of the agency’s Program Evaluation Report, these provisions are also in H.3218, which passed the House of Representatives and is pending in the Senate Agriculture and Natural Resources Committee.

2.7	44-56-160, 163, 164, 165, 170, 175, 180, 190, 510	<b>Hazardous Waste Management Act</b> The agency recommends addressing provisions related to the assessment and use of fees generated by the disposal of hazardous waste at the former Pinewood Site, which has not accepted hazardous waste for disposal since closing in 2000. Funds created to receive the monies generated by the Pinewood fees are inactive. Other fees (unrelated to Pinewood) that are still assessed are the storage fee in Section 44-56-170(D), the incinerator fee in Section 44-56-170(F)(1), and the annual generator fee in Section 44-56-215); the agency recommends that these fees be kept.
2.8	48-20-10 et seq.	<b>SC Mining Act</b> The agency recommends updating the SC Mining Act, last revised two decades ago, to keep pace with industry standards, practices, and developments. Within the next three years, DHEC intends to begin the stakeholder process to update these provisions that impact several state and federal agencies.
2.10	46-45-80	<b>Agricultural Facility Setback Requirements</b> The agency proposes a bright-line setback and that such a setback be established at a sufficient distance to protect of public health. While this recommendation is made in the PER, it is considered in the development of H.3929 (2017-2018) which passes the House and is referred to the Senate Agriculture and Natural Resources Committee.
2.24	44-53-110 et seq.	<b>Narcotics and Controlled Substances Act</b> The agency proposes improving drug inspections and creating efficiencies in the scheduling of controlled substances.
2.25	44-53-1610 et seq.	<b>SC Prescription Monitoring Act</b> The “South Carolina Prescription Monitoring Act” sets forth requirements of a program for monitoring the prescribing and dispensing of all Schedule II, III, and IV controlled substances by applicable licensed professionals. Notably, a portion of the initial recommendation is included in the prescription monitoring program legislation enacted by the General Assembly in May 2017.
1.22	44-89-60 et seq.	<b>Midwives</b> The agency proposes consideration of whether DHEC is the appropriate agency to license lay midwives. Additionally, the agency recommends clarifying the requirements for licensing lay-midwives.
2.18	13-7-10 et seq.	<b>Atomic Energy and Radiation Control Act</b> The agency requests authorization to retain additional funds collected through annual registration fees to help fund the staff who perform the inspections and other associated duties related to tanning equipment. Further, the agency requests the authority to conduct routine inspections to help ensure public safety.

5.1	44-7-80 et seq.	<b>Medicaid Nursing Home Permits Act</b> The agency proposes to eliminate the directive to allocate Medicaid nursing home permit days, act on applications and issue permits for Medicaid nursing home patient days, and enforce penalties for noncompliance. The agency’s rationale is this directive impedes the purpose of the Certificate of Need (CON) Program, which administers both the CON portions of the State Certification of Need and Health Facility Licensure Act (CON Act), SC Code Sections 44-7-110, et seq., and the Medicaid Nursing Home Permits Act.
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Notably, the Subcommittee rejects the agency’s recommendation for the General Assembly to repeal statutes relating to (SC Code §59-111-150 through 580) the South Carolina Medical and Dental Loan Fund, which assists loan recipients with the costs of medical and dental education in return for commitments to practice in underserved areas. In making this recommendation, agency representatives note the South Carolina Medical and Dental Loan Fund has not received funding for many years.<sup>118</sup>

## SELECTED AGENCY INFORMATION

**Department of Health and Environmental Control. “Program Evaluation Report, 2016.”**

[http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/DHEC/Program%20Evaluation%20Report%208\\_24\\_16.PDF](http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/DHEC/Program%20Evaluation%20Report%208_24_16.PDF) (accessed May 30, 2017).

**Department of Health and Environmental Control. “Restructuring and Seven-Year Plan Report, 2015.”**

<http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/2015AgencyRestructuringandSevenYearPlanReports/2015%20Department%20of%20Health%20and%20Environmental%20Control.pdf> (accessed May 30, 2017).

**Department of Health and Environmental Control. “Agency Accountability Report, 2015-16.”**

<http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/DHEC/Reports%20&%20Audits%20-%20Reports%20and%20Reviews/Accountability%20Report%20-%202015-2016.pdf> (accessed May 30, 2017).

**Department of Health and Environmental Control. “Annual Request for Information, 2017.”**

[http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/DHEC/Response%20to%20RFI%20\(PDF\)%2012.1.16.pdf](http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/DHEC/Response%20to%20RFI%20(PDF)%2012.1.16.pdf) (accessed May 30, 2017).

**SC House of Representatives, Legislative Oversight Committee. “May 2016 Survey Results.”**

<http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/SurveysforAllAgencies/Results%20of%20Survey%20of%20Dept.%20of%20Agric.;%20DHEC;%20CJA;%20Archives%20and%20History;%20and%20RSIC.PDF> (accessed May 30, 2017).

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**Committees:**

Labor, Commerce and Industry  
Legislative Oversight  
Joint Legislative Committee to  
Screen Candidates for College and  
University Boards of Trustees

**House of Representatives**

State of South Carolina

**Majority Whip**

**Statement of Representative Phyllis Henderson for the Subcommittee Study of the  
Department of Health and Environmental Control**

RE: Healthcare and Regulatory Subcommittee Study of the Department of Health and  
Environmental Control

Recommendations with respect to the Narcotics and Controlled Substances Act and the  
South Carolina Prescription Monitoring Act

While I supported the subcommittee recommendation to accept for information only the  
agency's recommendations with respect to changes in the Narcotics and Controlled  
Substances Act, I agree that many changes need to be made and that those changes need  
additional study. I will be meeting with DHEC staff over the next few months to go over  
their recommendations in greater detail and work on a bill for prefilings in December.

Likewise, the agency recommended amending the South Carolina Prescription Monitoring Act  
by adding Schedule V controlled substances. While I am very supportive of efforts to  
control the abuse of prescription drugs in South Carolina, I believe this addition requires  
further study before any changes are recommended by this subcommittee.

The Honorable Phyllis J. Henderson  
Subcommittee Chair

Executive	Education and Cultural	Healthcare and Regulatory	Economic Development, Transportation, and Natural Resources	Law Enforcement and Criminal Justice
<ol style="list-style-type: none"> <li>1. Comptroller General's Office</li> <li>2. Treasurer's Office</li> <li>3. <u>Retirement System Investment Commission</u></li> <li>4. <u>Election Commission</u> (Subcommittee Study approved)</li> <li>5. <i>Parks, Recreation and Tourism, Dept. of</i></li> <li>6. <i>Secretary of State's Office</i></li> <li>7. Aeronautics Commission</li> <li>8. Adjutant General</li> <li>9. Ethics Commission</li> <li>10. Financial Institutions, Board of</li> <li>11. Lt. Governor's Office on Aging</li> </ol>	<ol style="list-style-type: none"> <li>1. Deaf and Blind, School for</li> <li>2. First Steps</li> <li>3. Archives and History, Dept. of</li> <li>4. <i>Education, Dept. of</i></li> <li>5. <i>ETV Commission</i></li> <li>6. <u>John de la Howe School</u></li> <li>7. <u>Patriots Point Authority</u></li> <li>8. Arts Commission</li> <li>9. Higher Education Commission</li> <li>10. Library, State</li> <li>11. Museum Commission and Confederate Relic Room</li> <li>12. Technical and Comprehensive Education Board</li> <li>13. Tuition Grants Commission</li> <li>14. Wil Lou Gray Opportunity School</li> </ol>	<ol style="list-style-type: none"> <li>1. Social Services, Dept. of</li> <li>2. Blind, Commission for the</li> <li>3. <u>Health and Environmental Control, Department of</u> (Subcommittee Study approved)</li> <li>4. <i>Alcohol and Drug Abuse, Dept. of</i></li> <li>5. <u>Disabilities and Special Needs, Dept. of</u></li> <li>6. <i>Labor, Licensing and Regulation, Dept. of</i></li> <li>7. <i>Mental Health, Dept. of</i></li> <li>8. <i>State Accident Fund</i></li> <li>9. Consumer Affairs, Dept. of</li> <li>10. Health and Human Services, Department of</li> <li>11. Insurance, Dept. of</li> <li>12. <i>Patients' Compensation Fund</i></li> <li>13. <i>Vocational Rehabilitation, Department of</i></li> <li>14. Workers' Compensation Commission</li> </ol>	<ol style="list-style-type: none"> <li>1. Transportation, Dept. of</li> <li>2. Transportation Infrastructure Bank</li> <li>3. Agriculture, Dept. of</li> <li>4. <i>Employment and Workforce, Dept. of</i></li> <li>5. <u>Human Affairs Commission</u></li> <li>6. <i>Motor Vehicles, Dept. of</i></li> <li>7. Commerce, Dept. of</li> <li>8. Conservation Bank</li> <li>9. Forestry Commission</li> <li>10. Housing Finance and Development Authority</li> <li>11. Jobs Economic Development Authority</li> <li>12. <u>Minority Affairs, Commission on</u></li> <li>13. Revenue, Dept. of</li> <li>14. Rural Infrastructure Authority</li> <li>15. Sea Grants Consortium</li> </ol>	<ol style="list-style-type: none"> <li>1. Law Enforcement Training Council</li> <li>2. Juvenile Justice, Dept. of</li> <li>3. <u>Public Safety, Dept. of</u></li> <li>4. <i>Indigent Defense</i></li> <li>5. <u>Natural Resources, Dept. of</u></li> <li>6. <i>Prosecution Coordination Commission</i></li> <li>7. <i>Administrative Law Court</i></li> <li>8. Attorney General's Office</li> <li>9. <i>Corrections, Dept. of</i></li> <li>10. Probation, Parole and Pardon, Dept. of</li> <li>11. State Law Enforcement Division</li> </ol>
Chair: Rep. Clary Rep. Funderburk Rep. Newton Rep. Williams	Chair: Rep. Jefferson Rep. Dillard Rep. Felder Rep. Stringer	Chair: Rep. Henderson Rep. Bowers Rep. Douglas Rep. Taylor	Chair: Rep. Bannister Rep. Collins Rep. Norrell Rep. Ridgeway	Chair: Rep. Tallon Rep. Arrington Rep. Hixon Rep. Rutherford

# HOUSE LEGISLATIVE OVERSIGHT COMMITTEE

## OUTCOMES FOR THE CITIZENS OF SOUTH CAROLINA

**Increased transparency of agencies' activities and outcomes** with information available online at any time

**Increased accountability to the citizens of South Carolina through legislator questioning** of agencies' programs and their performance

**Improved effectiveness of agency personnel recruitment methods** as testimony from a longtime patron of the Department of Archives and History helped inform an agency decision to post an opening for a curator position

**Saved state personnel and financial resources** as public survey responses and legislator questioning about them alerted Department of Archives and History management to the existence of numerous records at the Department of Health and Environmental Control waiting to be moved to temporary storage and this summer 3,662 boxes have been transferred to the state record center

**Increased public accessibility of agency resources** as public survey responses helped inform the Department of Agriculture's decision to align laboratory employee work hours with the time the agency is open to the public

**Increased clarity regarding funding of road projects** as during the study process the State Transportation Infrastructure Bank implemented study recommendations by revising its internal operating guidelines to define the term "local match" and prohibit the "bundling" of individual projects to meet minimum threshold amount requirements

**Helped to refocus an agency on its primary mission** as a Department of Public Safety study recommendation to transfer grant programs unrelated to highway safety to another agency was implemented in Act 96 of 2017

**Continued efforts to help ensure the health, safety, and welfare of juveniles and employees at the Department of Juvenile Justice** through receipt of detailed monthly updates posted on the Committee's webpage

## MEETINGS TO DATE

121 <sup>st</sup> General Assembly			122 <sup>nd</sup> General Assembly	
<b>75</b>	<b>15</b>	<b>6</b>	<b>61</b>	<b>8</b>
sub-committee	full committee	ad hoc committee	sub-committee	full committee

## IDENTIFIED AGENCIES AND OTHER STUDIES

Of 217 potential agencies to study:

<b>12</b>	<b>studies issued</b> Comptroller General's Office; DSS; First Steps; Commission for the Blind; School for the Deaf and the Blind; DOT; DJJ; State Transportation Infrastructure Bank; Department of Archives and History; Treasurer's Office; Department of Agriculture; and Law Enforcement Training Council and Criminal Justice Academy
<b>10</b>	<b>agencies under study</b> DPS*; State Election Commission*; DHEC*; Human Affairs Commission+; DDSN; John de la Howe School; Commission for Minority Affairs; DNR; and Patriots Point <i>*Subcommittee study approved; under consideration by the full committee</i>
<b>1</b>	<b>study on hold</b> Retirement System Investment Commission
<b>42</b>	<b>agencies confirmed for review</b>
<b>152</b>	<b>agencies may be reviewed</b>
<b>1</b>	<b>other study completed</b> on agencies' relationship with, funding of, and other activities relating to Planned Parenthood and other abortion providers in South Carolina

## ITEMS OF INTEREST FROM STUDIES UNDER CONSIDERATION

### BY THE FULL COMMITTEE

- Department of Public Safety:** Inspector General Report released in October
- Commission for Minority Affairs:** As with other agencies that have been under study, there are members of the Commission for Minority Affairs serving in a hold-capacity (3) and one vacancy. Public input received in October and a 2015 State Inspector General Performance Review of the agency note, among other things, concerns with Native American Affairs
- State Election Commission:** Until the predicted completion of county boundary mapping in 2030, practical problems related to issues such as taxation without representation and provision of services to constituents (e.g., education, utilities, etc.) may arise
- Department of Natural Resources:** Some state agencies, including DNR, accept payment by credit card, but are not authorized to add fees associated with accepting credit cards to the transaction; the agency absorbs the cost

**Department of Health and Environmental Control:** Identifies needs for modernization of the various statutes to reflect current terminology and practices, complementing but not duplicating the work of the House Opioid Abuse Prevention Study Committee

# RESTRUCTURING RECOMMENDATIONS FROM FISCAL YEAR 2016-17 AGENCY ACCOUNTABILITY REPORTS

**97** state agencies have the opportunity to submit restructuring recommendations with their annual Accountability Reports.

As of September 29, 2017, the committee has received fiscal year 2016-2017 reports from **91** agencies, and **10\*** of them had recommendations.

(\*Department of Administration[2], Department of Agriculture[11], Arts Commission[2], Francis Marion University [3], School for the Deaf and the Blind [4], DHEC [11], John de la Howe School [1], State Museum [1], Department of Probation, Parole and Pardon Services [1], and S.C. State University Public Service Activities [1])

## Of the **37** recommendations:

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**6** are for internal restructuring that does not require General Assembly action.

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**15** have already been adopted by the full LOC or a subcommittee, but may require further General Assembly action.

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**16** have not been adopted by the LOC or its subcommittees and would require General Assembly action. See examples below.

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### *Examples of Agency Restructuring Recommendations to the General Assembly include:*

- A proviso directing the **Department of Administration** to develop SCEIS uniform data entry standards for all agencies.
- Movement of some offices within the **Department of Administration** to other state agencies that share similar missions and functions.
- Focusing the mission of the **John de la Howe School** on agricultural education.
- Changing the way in which the **State Museum** rents its building.
- Passage of Senate Bill 18 regarding the practices of the **Board of Pardons and Pardon**.
- Revisions to **DHEC** statutory requirements related to:
  - The Rabies Control Act
  - Licensure of midwives
  - The Solid Waste Policy and Management Act
  - The S.C. Hazardous Waste Management Act
  - The S.C. Mining Act
  - The Atomic Energy and Radiation Control Act
  - The Narcotics and Controlled Substances Act
  - The South Carolina Prescription Monitoring Act
  - The Medical and Dental Loan Fund
  - The Medicaid Nursing Home Permits Act

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## *House Legislative Oversight Committee Recommendations*

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### 121<sup>ST</sup> GENERAL ASSEMBLY (2015-2016)

<b>Comptroller General</b>		
1	Minimum qualifications for the Comptroller General be established	12/15/15 <sup>1</sup>
2	The Comptroller General be appointed rather than elected	12/15/15 <sup>2</sup>
3	Revise 3 provisos; 98 laws; and 3 regulations to ensure laws and regulations complied with current practices	12/15/15
4	Eliminate 20 laws and 3 regulations to ensure laws and regulations complied with current practices	12/15/15
<b>Department of Social Services</b>		
5	Revise South Carolina Code of Laws § 43-5-220 to require use of Child Support Guidelines in establishing child support orders	4/13/16
6	Revise South Carolina Code of Laws § 63-17-1210 to require employers to participate in the Employer New Hire Reporting program and add to the data that the employer is required to report	4/13/16
7	Revise SC Code § 63-17-2310 et seq to clarify the name of the Financial Institution Data Match program, clarify the groups of entities required to report, and insert an additional penalty for an entity's refusal to comply	4/13/16
8	Revise SC Code §63-17-2710 et seq to resolve ambiguities in the wording of the child support lien statutes in order to remove hindrances to attach assets of people who fail to meet their child support obligations	4/13/16
9	Revise SC Code §63-17-3010 and §63-17-3935 to clean up erroneous cross references in order to ensure compliance with changes to the Uniform Interstate Family Support Act	4/13/16
10	Institute annual mandatory staff training related to domestic violence	4/13/16
11	Consider and implement, as appropriate, internal changes to track practices and performance measures relating to recruitment, licensure, and support services for foster families	4/13/16
12	Examine operational units for elimination, duplication, and streamlining of functions	4/13/16
13	Examine specific functions of the agency to determine if they best fit within the agency's core mission	4/13/16
14	Examine the need to reduce the size of administrative functions	4/13/16
15	Merge all administrative functions into one division	4/13/16
16	Examine the agency's over-reliance on contracting core services to external providers	4/13/16
17	Align supervision of county operations with regional structure	4/13/16
18	Standardize the regional structure for Economic Services and Human Services	4/13/16
<b>Department of Transportation</b>		
19	Revise Section 57-5-820 and 54-5-830 - Municipal approval of projects	5/3/16
20	Revise Section 57-5-1495 - Collection of toll violations from out of state drivers	5/3/16
21	Revise Section 6-29-770 - State roads and rights of way subject to zoning ordinances	5/3/16
22	Revise Section 28-2-420 - Interest rate on condemnation cases	5/3/16
23	Revise Section 28-11-30 - Expediting inverse condemnation cases	5/3/16
24	Revise Proviso 84.1 Fiscal Year 14-15 Appropriations Bill - Expenditure limitation	5/3/16
25	Revise Proviso 84.2 and 84.3 Fiscal Year 14-15 Appropriations Bill - Special fund authorization and securing bonds and insurance	5/3/16
26	Revise Proviso 84.4 Fiscal Year 14-15 Appropriations Bill - Benefits	5/3/16
27	Revise Proviso 84.5 Fiscal Year 14-15 Appropriations Bill - Document fees	5/3/16

<sup>1</sup> A member of the Committee appended a statement regarding this recommendation to the Committee Study.

<sup>2</sup> Two members of the Committee appended a statement regarding this recommendation to the Committee Study.

28	Revise Proviso 84.6 Fiscal Year 14-15 Appropriations Bill - Meals in emergency operations	5/3/16
29	Revise Proviso 84.7 Fiscal Year 14-15 Appropriations Bill - Rest area water rates	5/3/16
30	Revise Proviso 117.73 Fiscal Year 14-15 Appropriations Bill - Printed report requirements	5/3/16
31	Revise Proviso 117.74 Fiscal Year 14-15 Appropriations Bill - Welcome Centers	5/3/16
32	Add a new Proviso - Non-federal aid restrictions	5/3/16
33	Following up with the agency at the end of this year, via a Request for Information, to ascertain the status of the agency's stated plan for internal changes, including but not limited to, the agency's implementation plan that includes target dates for the Legislative Audit Council's recommendations in which the agency concurs	5/3/16
<b>First Steps</b>		
34	Continue investment in a comprehensive, results-oriented initiative for improving early childhood development by providing, through local partnerships, public and private funds, and support for high-quality early childhood development and education services for children by providing support for their families' efforts toward enabling their children to reach school ready to succeed. Also recommends that SC First Steps continue to operate that initiative.	5/4/16
35	Revise law to establish a common assessment tool for school readiness for use within the public and private sectors and commit to its use over a period of years	5/4/16
36	Revise law to appropriate resources to develop an interagency, early childhood data system	5/4/16
37	Revise law to appropriate all BabyNet funds to the BabyNet lead agency	5/4/16
38	Revise law to take steps to ensure greater equity in 4K provider funding, to include teacher pay and the exploration of tax and other incentives to participating private providers	5/4/16
39	Determine the feasibility of instituting a sliding fee scale for BabyNet services	5/4/16
40	Work in collaboration with the SC Department of Education to study and depict the comprehensive costs of public and private sector 4K service provision	5/4/16
41	Develop a pilot project designed to provide startup funds for potential private 4K providers in underserved areas. The development of the pilot project should consider best practices in other states and nontraditional funding mechanisms (eg Social Impact Bonds).	5/4/16
42	Work with its local partnerships to establish 4K classrooms in communities where no other providers are available	5/4/16
43	Update Provisos 1.66 and 1A.31 to adjust the 4K tuition amount to match the law's requirement that the rate be inflation indexed and to support additional materials funding	5/4/16
44	Update Proviso 1.71 to update the type of assessment for which unspent funds can be used to purchase technology	5/4/16
45	Update Proviso 1A.67 to require provision of special education accommodations during the administration of readiness assessments	5/4/16
46	Update Proviso 1A.68 to modify the BabyNet autism therapy services rates	5/4/16
47	Add a proviso permitting 4K geographic expansion and/or extension of the school year for children with identified early literacy deficiencies	5/4/16
48	Add a proviso reauthorizing SC First Steps for FY17 in the absence of standalone statutory reauthorization	5/4/16
<b>Commission for the Blind</b>		
49	The agency's budget in the ensuing fiscal year be increased to bring the funding for the prevention program up to what it was prior to budget curtailments in 2008 and 2009 in present value, which would require an additional \$650,000	10/3/16
50	The agency should seek to develop relationships with state and local human resources agencies, regarding both connecting clients to positions and assisting government employers with methods for retaining employees with declining vision	10/3/16
51	Revise SC Code § 43-25-10 to change the visual acuity requirement for three Commission members from 20/200 to the legal definition of blindness, as stated in §43-25-20	10/3/16
52	Revise SC Code § 43-25-30 to remove the requirement that the Commission assist in the furtherance of now deleted sections of the S.C. Code of Laws	10/3/16
53	Revise SC Code § 43-25-60 to change the term "itinerant teacher" to "itinerant counselor"	10/3/16

<b>School for the Deaf and the Blind</b>		
<b>54</b>	Add a section to Chapter 47, of Title 59, of the SC Code of Laws stating that “The School for the Deaf and the Blind is established to provide high quality education programs and outreach services to students who are deaf, blind, or sensory multi-disabled”	10/31/16
<b>55</b>	Delete SC Code of Laws §59-47-90, relating to the collection of maintenance fees	10/31/16
<b>56</b>	Amend SC Code of Laws §59-47-100, deleting the phrase “the names of the persons who have received the bounty, the ages and places of residence of such persons and information as to their progress”	10/31/16
<b>57</b>	Amend SC Code of Laws §8-11-270 to clarify the definition of “instructional position” by including the phrase “including but not limited to teachers, associate teachers, bus drivers, orientation mobility staff, occupational therapists, physical therapists, and interpreters”	10/31/16
<b>Other Study</b>		
<b>58</b>	Add a provision in statute that makes it illegal to sell products of conception, but allows for the donation of such products for medical research without compensation and with the mother’s written consent	4/13/16
<b>59</b>	Require (1) abortion clinics and hospitals, including emergency rooms, to report to the agency post-operative complications arising as a result of an abortion procedure regardless of where the abortion was performed; (2) if the patient is willing to provide the information, the name of the abortion clinic or hospital which performed the initial abortion, and (3) the agency to use that reporting to collect and provide, by facility which performs the abortion, statistics on the number of post-operative complications reported.	4/13/16
<b>60</b>	Add a provision in statute to require that an ultrasound be performed prior to an abortion procedure to determine the gestational age of the fetus	4/13/16
<b>61</b>	Require physicians performing any abortion to comply with requirements of the “Woman’s Right to Know Act”	4/13/16

## 122<sup>ND</sup> GENERAL ASSEMBLY (2017-2018)

South Carolina Transportation Infrastructure Bank		
1	The Subcommittee recommends implementation of the Legislative Audit Council's recommendation number 24 from its comprehensive audit released May 26, 2016. Specifically, this is a recommendation that "[t]he General Assembly should amend South Carolina Code of Laws § 8-13-710 to make it illegal for all state public officials, board members, and employees to accept any gifts over a specific dollar amount that are a result of their holding state government positions."	3/30/17
2	The Subcommittee recommends SCTIB not fund projects that have been "bundled together" to meet the minimum project threshold amount, if the smaller projects individually do not reach the \$25,000,000 minimum project cost required by statute.	3/30/17
3	The Subcommittee recommends SCTIB adopt, in its publicly available operating guidelines, a definition of the term "local match."	3/30/17
4	The Subcommittee recommends follow up with SCTIB in the next year to obtain more information about the working relationship between SCTIB and the Department of Transportation (DOT) in light of the changes effected by Act 275 of 2016 with regards to the approval process for providing a loan or other financial assistance to a qualified borrower on a qualified project.	3/30/17
Department of Juvenile Justice		
5	Update case manager policies - DJJ require case managers to enter activity notes related to the juveniles in the Juvenile Justice Management System.	3/30/17
6	Determine and eliminate duplication in case manager activities - DJJ provide a list of the tools case managers need to avoid duplication in performing their job duties along with the associated costs and a potential time frame to provide these tools.	3/30/17
7	Review appropriateness of agency employee's membership in state retirement systems - DJJ request the Public Employee Benefit Authority (PEBA) analyze DJJ employees' membership in state retirement systems (e.g., South Carolina State Retirement System and Police Officers Retirement System) to determine appropriateness of employee participation in one system or another.	3/30/17
8	Cite to source of data when providing information - DJJ include a citation (e.g., footnote or endnote) when providing data or statistics to legislators or others. In this citation, the agency may explain the following: (1) source of the information, (2) search parameters; and (3) any other necessary contextual information to assist the reader.	3/30/17
9	Provide quarterly updates - DJJ provide an update, in an approved format, once a quarter from April 3, 2017, until April 3, 2018, or the Committee re-visits the need for the updates. Information included in the quarterly updates may include: (1) updated strategic plan, in which each objective meets the S.M.A.R.T. criteria; (2) updated strategic budget chart for 2016-17 and 2017-18, with agency funding allocated to an objective; (3) updated performance measures, with an eye towards focusing on measuring more outcomes, rather than outputs, for the citizens of South Carolina; (4) data for the quarter related to Performance Based Standards; (5) implementation status of recommendations from the Legislative Audit Council's audit of the agency; and (6) implementation status of other recommendations.	3/30/17
Department of Archives and History		
10	Create informational media (e.g., pamphlet) and work with the Municipal Association of South Carolina to raise awareness among municipalities about the Certified Local Government Program, which promotes community preservation planning and heritage education through a partnership with the State Historic Preservation Office (i.e., the agency) and the National Park Service.	8/16/17
11	Conduct a regular review of fees or charges for services to commercial customers to ensure they sufficiently cover the agency's cost to research and prepare materials.	8/16/17
12	Revise SC Code of Laws § 12-6-5060 to authorize taxpayer voluntary contribution to the Department of Archives and History to be used to purchase or preserve collections with significant historical value to South Carolina.	8/16/17
13	Codify Proviso 26.1 by revising SC Code of Laws § 60-11-120 relating to disposition of certain duplicative archival material.	8/16/17

14	Codify Proviso 26.2 by revising SC Code of Laws § 60-11-100 to allow for use of proceeds.	8/16/17
15	Revise SC Code of Laws § 12-6-3535 so as to establish a State Historic Preservation Grant Fund through authorization of a fee for the State Historic Preservation Office's review of state income tax credit applications for making qualified rehabilitation expenditures to a certified historic structure. Require the agency to develop an application process for distribution of funds from the State Historic Preservation Grant Fund.	8/16/17
16	Ask all agencies under study by the House Legislative Oversight Committee if they are current with transferring records, including electronic ones, to the Department of Archives and History. If not, why not?	8/16/17
17	Ask any agency that has a technology funding request for a server if it is current with transferring its electronic records to the Department of Archives and History. If not, why not?	8/16/17
18	Provide accountability for funds that pass through state agencies to other entities. This is a concept recommendation only.	8/16/17
19	Include provisions allowing for the transfer of the records to the Department of Archives and History when procuring proprietary software.	8/16/17
<b>Treasurer's Office</b>		
20	Develop a written employee retention policy, to the extent one does not already exist, or review such policy if one does exist.	8/16/17
21	Clarify, through legislation, the duties of the Treasurer's Office regarding its role as custodian of the state's public pension funds, member of the Retirement System Investment Commission, and member of the State Fiscal Accountability Authority.	8/16/17
22	Add provisions in law requiring the Treasurer's Office, no later than July 1 of each year, to provide to the General Assembly, and publish on the agency's website: <ul style="list-style-type: none"> <li>• the Investment Policy Statements which reflect the intended management of the investment portfolios for the fiscal year; and</li> <li>• a Performance report which includes the annualized net-of-fee return of each investment portfolio versus all internal benchmarks stated in the Investment Policy Statements, for the trailing 1,3,5, and 10 years.</li> </ul>	8/16/17
23	Review the drafting and approval process of litigation retention agreements and settlement agreements during the Committee's study of the Office of the Attorney General.	8/16/17
24	Follow-up with the Treasurer's office by the end of 2017 about its review or development of an employee retention plan, and any other questions the committee has for the agency.	8/16/17
<b>Law Enforcement Training Council and Criminal Justice Academy</b>		
25	Approve nationally recognized aptitude tests and minimum scores as a prerequisite to attending the agency's basic training.	11/3/17
26	Clarify hiring requirements and annual firearms qualifications by amending SC Code Section 23-23-40 or applicable regulations.	11/3/17
27	Require law enforcement officers to receive training in cultural professionalism; prejudice and personality; and/or culture diversity by updating regulations.	11/3/17
28	Authorize the agency director, in his sole discretion, to issue civil penalties to law enforcement agencies not following laws or regulations with appeal to the Training Council as a final agency decision. Provide a mechanism for the agency to collect penalties issued by amending SC Code Ann. §23-23-100.	11/3/17
29	Revise laws to designate an entity in state government responsible for ensuring local governments remit timely and accurate payments of court fines and fees as required in law. Further, work with the designated entity to determine if there are more effective options for obtaining compliance.	11/3/17
30	Work with various stakeholders, to determine what revisions to laws, if any, are necessary relating to local government audited financial statements and penalties for non-compliance.	11/3/17
31	Provide the agency a steady, reliable base source of funding.	11/3/17
32	Require an employer with a Class I Law Enforcement Officer to certify it has access to the Internet and the ability to access online forms and/or databases utilized by the Training Council and/or Academy.	11/3/17

33	Allow law enforcement entities to complete personnel change in status information via a web based form, and create formulas and rules in the database to increase the ability of the agency to analyze information.	11/3/17
34	Determine the cost of tracking law enforcement officer discipline in a central database, with individual records available only with the consent of the individual officer. Follow up: Provide this information to the House Oversight Committee by Tuesday, January 9, 2018, the first day of the 2018 legislative session.	11/3/17
35	Annotate data and statistics provided to the public and legislators.	11/3/17
36	Compile and update annually a list with information about computer systems/databases utilized by each county and municipality to ensure future programs obtained by the State will work across the different technologies utilized.	11/3/17
37	Define key terms related to misconduct, including “dishonesty” and “untruthfulness,” as well as add and define, “officers of the court,” by updating SC Code of Regulations 37-025 Denial of Certification for Misconduct and 37-026 Withdrawal of Certification of Law Enforcement Officers.	11/3/17
38	Update laws relating to the officer misconduct hearing process as outlined by the agency. Prohibit receipt of any allegations of law enforcement misconduct impacting certification more than 30 days after an officer’s separation from an agency, unless there are extenuating circumstances.	11/3/17
39	Remove the pass through of funds to Education Television Commission (ETV) from the Training Council and Academy’s section of the General Appropriations Act and include those funds in ETV’s section of the General Appropriations Act.	11/3/17
40	Authorize the agency director to determine the location of a “training facility” for mandatory training or other types of training by amending SC Code Ann. §23-23-20.	11/3/17
<b>Department of Agriculture</b>		
41	Remove the bond (\$50,000) requirement of the Commissioner of Agriculture.	11/3/17
42	Limit service in a hold-over capacity on the Agriculture Commission to a period not to exceed six months.	11/3/17
43	Remove statutory references to the Agriculture Commission’s authority to establish the agency’s policies and annually approve the agency’s budget as the Commissioner of Agriculture is a state constitutional officer.	11/3/17
44	Adopt the model feed law proposed by the American Association of Feed Control Officials, which approximately 25 other states have already adopted.	11/3/17
45	Require businesses dispensing petroleum products to notify the agency within 30 days of operating dispensers.	11/3/17
46	Enforce a tiered monetary penalty for habitual and willful offenders of petroleum law that take advantage of consumers.	11/3/17
47	Remove statutory reference to the agency’s involvement with the “cottage law,” which is regulated by the Department of Health and Environmental Control (i.e., remove an exemption registration burden from small home-based food producers that distribute non-potentially hazardous baked-goods and candy to the end consumer).	11/3/17
48	Modernize the cotton warehouse receipt law (i.e., accept Permanent Bale Identification from a cotton gin as the universal warehouse receipt number).	11/3/17
49	Revise state egg law (i.e., exempt United States Department of Agriculture graded facilities from state licensing; remove licensure requirements for small producers; and authorize the licensure of quail eggs).	11/3/17



- Website - <http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee.php>
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- Location - Blatt Building, Room 228

# CONTACT INFORMATION

## Committee Contact Information

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Legislative Oversight Committee  
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Online:

You may visit the South Carolina General Assembly Home Page (<http://www.scstatehouse.gov>) and click on "Citizens' Interest" then click on "House Legislative Oversight Committee Postings and Reports". This will list the information posted online for the committee; click on the information you would like to review. Also, a direct link to committee information is <http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee.php>.

## Agency Contact Information

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# ENDNOTES

- <sup>1</sup> Figure 1 is compiled from information in the Human Affairs Commission study materials available online under "Committee Postings and Reports," under "House Legislative Oversight Committee," and then under "Human Affairs Commission" <http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyPHPFiles/HumanAffairsCommission.php> (accessed October 27, 2017).
- <sup>2</sup> S.C. Code Ann. § 2-2-20(C).
- <sup>3</sup> S.C. House of Representatives, House Legislative Oversight Committee, "Letter from Human Affairs Commission to Oversight Subcommittee (October 13, 2017)," under "Committee Postings and Reports," under "House Legislative Oversight Committee," under "Human Affairs Commission," and then under "Correspondence" [http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/HumanAffairsCommission/Letter%20from%20Human%20Affairs%20Commission%20to%20Oversight%20Subcommittee%20\(10.13.17\).PDF](http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/HumanAffairsCommission/Letter%20from%20Human%20Affairs%20Commission%20to%20Oversight%20Subcommittee%20(10.13.17).PDF) (accessed October 27, 2017).
- <sup>4</sup> The agency has provided the Committee with an overview of its history. See also S.C. House of Representatives, House Legislative Oversight Committee, "Agency PER (April 13, 2017)," under "Committee Postings and Reports," under "House Legislative Oversight Committee," and under "Human Affairs Commission" <http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyPHPFiles/HumanAffairsCommission>

- n.php (accessed October 30, 2017). In addition, Committee staff has confirmed the accuracy of any assertion of legislative action.
- <sup>5</sup> Agency PER (April 13, 2017), p. 4.
- <sup>6</sup> Congressman James E. Clyburn currently serves as the United States Representative for South Carolina's Sixth Congressional District.
- <sup>7</sup> U.S. Equal Employment Opportunity Commission, "Fair Employment Practices Agencies (FEPAs) and Dual Filing," <https://www.eeoc.gov/employees/fepa.cfm> (accessed November 1, 2017).
- <sup>8</sup> Act 124 of 1983.
- <sup>9</sup> Act 72 of 1989.
- <sup>10</sup> Act 423 of 1990.
- <sup>11</sup> Act 445 of 1990.
- <sup>12</sup> U.S. Department of Housing and Urban Development, "Substantial Equivalence Certification," [https://www.hud.gov/program\\_offices/fair\\_housing\\_equal\\_opp/partners/FHAP/equivalency](https://www.hud.gov/program_offices/fair_housing_equal_opp/partners/FHAP/equivalency) (accessed November 1, 2017).
- <sup>13</sup> Ibid.
- <sup>14</sup> Act 426 of 1996.
- <sup>15</sup> S.C. House of Representatives, House Legislative Oversight Committee, "2016-17 Agency Accountability Report" under "Committee Postings and Reports," under "House Legislative Oversight Committee," under "Human Affairs Commission," and under "Oversight Reports and Studies," <http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/HumanAffairsCommission/Reports%20&%20Audits%20-%20Reports%20and%20Reviews/Accountability%20Report%20-%202016-2017.pdf> (accessed October 27, 2017).
- <sup>16</sup> Ibid.
- <sup>17</sup> Agency PER (April 13, 2017), pp. 6 and 50.
- <sup>18</sup> Agency PER (April 13, 2017), p. 281.
- <sup>19</sup> Agency PER (April 13, 2017), p. 6.
- <sup>20</sup> 2016-17 Agency Accountability Report, p. 25.
- <sup>21</sup> 2016-17 Agency Accountability Report.
- <sup>22</sup> Agency PER (April 13, 2017), pp. 57-61.
- <sup>23</sup> S.C. Code Ann. § 2-2-10(1).
- <sup>24</sup> S.C. House of Representatives, House Legislative Oversight Committee, "January 10, 2017 Meeting Minutes," under "Committee Postings and Reports," under "House Legislative Oversight Committee," under "Human Affairs Commission," and under "Meetings," <http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/FullCommitteeMinutes/January102017.pdf>. A video of the meeting is available at <http://www.scstatehouse.gov/video/videofeed.php>.
- <sup>25</sup> S.C. House of Representatives, House Legislative Oversight Committee, "Subcommittees -2017," under "Committee Information," under "House Legislative Oversight Committee," <http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/Subcommittee%20Assignments%20-%202017.pdf> (accessed November 1, 2017).
- <sup>26</sup> S.C. House of Representatives, "Tuesday, February 21, 2017, House Journal," [http://www.scstatehouse.gov/query.php?search=DOC&searchtext=norman&category=HOUSEJOURNALS&year=2017&conid=8678024&result\\_pos=10&keyval=H12220170221&numrows=10#OCC1](http://www.scstatehouse.gov/query.php?search=DOC&searchtext=norman&category=HOUSEJOURNALS&year=2017&conid=8678024&result_pos=10&keyval=H12220170221&numrows=10#OCC1) (accessed July 26, 2017).
- <sup>27</sup> 2016-17 Agency Accountability Report.
- <sup>28</sup> Ibid.
- <sup>29</sup> S.C. Code Ann. § 1-30-10.
- <sup>30</sup> S.C. House of Representatives, House Legislative Oversight Committee, "2016 Annual Restructuring Report" under "Committee Postings and Reports," under "House Legislative Oversight Committee," under "Human Affairs Commission," and under "Oversight Reports and Studies," <http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/2016%20ARR/2016%20ARR%20-%20Human%20Affairs.PDF> (accessed November 1, 2017).
- <sup>31</sup> S.C. House of Representatives, House Legislative Oversight Committee, "Program Evaluation Report Extension Request (March 28, 2017)" under "Committee Postings and Reports," under "House Legislative Oversight Committee," under "Human Affairs Commission," and under "Oversight Reports and Studies,"

[http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/HumanAffairsCommission/Program%20Evaluation%20Report%20Extension%20Request%20\(March%2028,%202017\).pdf](http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/HumanAffairsCommission/Program%20Evaluation%20Report%20Extension%20Request%20(March%2028,%202017).pdf) (accessed November 1, 2017).

- <sup>32</sup> Agency PER (April 13, 2017).
- <sup>33</sup> S.C. House of Representatives, House Legislative Oversight Committee, “Letter from Human Affairs Commission to Oversight Subcommittee (June 1, 2017)” under “Committee Postings and Reports,” under “House Legislative Oversight Committee,” under “Human Affairs Commission,” and under “Correspondence,”  
[http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/HumanAffairsCommission/Letter%20from%20Human%20Affairs%20Commission%20to%20Oversight%20Subcommittee%20\(June%201,%202017\).pdf](http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/HumanAffairsCommission/Letter%20from%20Human%20Affairs%20Commission%20to%20Oversight%20Subcommittee%20(June%201,%202017).pdf) (accessed November 1, 2017).
- <sup>34</sup> A brochure about the House Legislative Oversight’s Committee process is available online. Also, there are ongoing opportunities to request notification when meetings are scheduled and to provide feedback about state agencies under study that can be found online. <http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/Brochure%205.18.17.pdf> (accessed October 27, 2017).
- <sup>35</sup> S.C. House of Representatives, House Legislative Oversight Committee.  
<http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee.php> (accessed October 27, 2017).
- <sup>36</sup> S.C. House of Representatives, House Legislative Oversight Committee, “Press Release announcing Public Survey (February 16, 2017),” under “Committee Postings and Reports,” under “House Legislative Oversight Committee,” under “Human Affairs Commission,” and under “Public Survey & Public Input via LOC webpage,”  
[http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/HumanAffairsCommission/Media%20Release%20-%20Public%20Survey%20Open%20\(February%209,%202017\)%20\(pdf\).pdf](http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/HumanAffairsCommission/Media%20Release%20-%20Public%20Survey%20Open%20(February%209,%202017)%20(pdf).pdf) (accessed October 27, 2017).
- <sup>37</sup> S.C. House of Representatives, House Legislative Oversight Committee, “Results from the 2017 Survey of the Department of Disabilities and Special Needs; State Election Commission; Human Affairs Commission; and John de la Howe School (February 9, 2017 - March 13, 2017),” under “Committee Postings and Reports,” under “House Legislative Oversight Committee,” and under “Human Affairs Commission,”  
[http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/SurveysforAllAgencies/Results%20from%202017%20Survey%20of%20DDSN;%20Election%20Commission;%20Human%20Affairs%20Commission;%20and%20John%20de%20la%20Howe%20School%20\(2\\_9%20-3\\_13\).PDF](http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/SurveysforAllAgencies/Results%20from%202017%20Survey%20of%20DDSN;%20Election%20Commission;%20Human%20Affairs%20Commission;%20and%20John%20de%20la%20Howe%20School%20(2_9%20-3_13).PDF) (accessed November 1, 2017).
- <sup>38</sup> S.C. House of Representatives, House Legislative Oversight Committee, “Standard Practices,” Committee Standard Practice 10.4, under “Committee Postings and Reports,” under “House Legislative Oversight Committee,” and under “Committee Information,”  
<http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/StandardPractices01102017new.pdf> (accessed November 1, 2017).
- <sup>39</sup> Results from the 2017 Survey of the Department of Disabilities and Special Needs; State Election Commission; Human Affairs Commission; and John de la Howe School (February 9, 2017 - March 13, 2017).
- <sup>40</sup> S.C. House of Representatives, House Legislative Oversight Committee, “Submit Public Input,” under “Committee Postings and Reports,” under “House Legislative Oversight Committee,” and under “Public Participation,”  
<http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee.php> (accessed November 1, 2017).
- <sup>41</sup> Results from the 2017 Survey of the Department of Disabilities and Special Needs; State Election Commission; Human Affairs Commission; and John de la Howe School (February 9, 2017 - March 13, 2017).
- <sup>42</sup> Committee Standard Practice 10.4.2 allows for the redaction of profanity.
- <sup>43</sup> S.C. House of Representatives, House Legislative Oversight Committee, “Public Survey & Public Input via LOC webpage,” under “Committee Postings and Reports,” under “House Legislative Oversight Committee,” and under “Human Affairs Commission,”  
<http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyPHPFiles/HumanAffairsCommission.php> (accessed November 1, 2017).
- <sup>44</sup> Also, the Chair of either the Committee or the Economic Development, Transportation, and Natural Resources Subcommittee has the discretion to allow testimony during meetings.
- <sup>45</sup> S.C. House of Representatives, House Legislative Oversight Committee, “March 9, 2017 - Meeting Minutes,” under “Committee Postings and Reports,” under “House Legislative Oversight Committee,” under “Human Affairs Commission,” and under “Meetings,”  
<http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/FullCommitteeMinutes/March%209,%202017%20Mtg%20Minutes.pdf> (accessed October 30, 2017). A video of the meeting is available at <http://www.scstatehouse.gov/video/videofeed.php>. Hereinafter, “March 9, 2017 - Meeting Minutes.”

<sup>46</sup> S.C. House of Representatives, House Legislative Oversight Committee, “Letter from Oversight Committee to the Human Affairs Commission (January 17, 2017),” under “Committee Postings and Reports,” under “House Legislative Oversight Committee,” under “Human Affairs Commission,” and under “Correspondence,” <http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/HumanAffairsCommission/Human%20Affairs%20Commission%20-%20Notification%20letter%20to%20agency%201.17.17.pdf> (accessed October 30, 2017).

On February 16, 2017, the Committee Chair provides notice of his recusal from the study of the agency. S.C. House of Representatives, House Legislative Oversight Committee, “Rep. Newton’s recusal from study of the agency letter to Rep. Funderburk (February 15, 2017),” under “Committee Postings and Reports,” under “House Legislative Oversight Committee,” under “Human Affairs Commission,” and under “Correspondence,” <http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/HumanAffairsCommission/2.15.17%20Letter%20from%20Rep.%20Newton%20to%20Rep.%20Funderburk.pdf> (accessed October 30, 2017).

<sup>47</sup> March 9, 2017 - Meeting Minutes.

<sup>48</sup> A statewide media release inviting the public to provide testimony about six agencies under study, including the South Carolina Human Affairs Commission, was issued on February 16, 2017. S.C. House of Representatives, House Legislative Oversight Committee, “Statewide media release Inviting the Public to Provide Testimony About Six Agencies Under Study (February 16, 2017)” under “Correspondence” under “Committee Postings and Reports,” under “Human Affairs Commission” <http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/HumanAffairsCommission/2.16.17%20Media%20Release.PDF> (accessed October 30, 2017).

<sup>49</sup> S.C. House of Representatives, House Legislative Oversight Committee, “June 22, 2017 - Meeting Minutes,” under “Committee Postings and Reports,” under “House Legislative Oversight Committee,” under “Human Affairs Commission,” and under “Meetings,” <http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/SubcommitteeMinutes/EconomicSub/June%2022,%202017%20-%20Meeting%20Minutes.pdf> (accessed October 30, 2017). A video of the meeting is available at <http://www.scstatehouse.gov/video/videofeed.php>. Hereinafter, “June 22, 2017 - Meeting Minutes.”

See also S.C. House of Representatives, House Legislative Oversight Committee, “Agency Presentation to Subcommittee on Mandate, Mission, Vision, Laws Enforced, Organizational Structure, Major Program Areas, Employment Discrimination, Investigation Process, Mediation, Housing Discrimination, Training and Community Relations (June 22, 2017)” under “Committee Postings and Reports,” under “House Legislative Oversight Committee,” under “Human Affairs Commission,” and under “Mission, Goals, & Strategic Plan,” <http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/HumanAffairsCommission/6.22.17%20Presentation%20to%20the%20House%20LOC%20-%20Revised%206.20.17.pdf> (accessed October 30, 2017). Hereinafter, “Agency Presentation to Subcommittee (June 22, 2017).”

<sup>50</sup> S.C. House of Representatives, House Legislative Oversight Committee, “Letter from Oversight Committee to Human Affairs Commission (June 27, 2017),” under “Committee Postings and Reports,” under “House Legislative Oversight Committee,” under “Human Affairs Commission,” and under “Correspondence,” [http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/HumanAffairsCommission/Oversight%20Subcommittee%20Letter%20to%20Human%20Affairs%20Commission%20\(June%2027,%202017\).pdf](http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/HumanAffairsCommission/Oversight%20Subcommittee%20Letter%20to%20Human%20Affairs%20Commission%20(June%2027,%202017).pdf) (accessed October 30, 2017).

<sup>51</sup> S.C. House of Representatives, House Legislative Oversight Committee, “Letter from Human Affairs Commission to Oversight Subcommittee (July 7, 2017),” under “Committee Postings and Reports,” under “House Legislative Oversight Committee,” under “Human Affairs Commission,” and under “Correspondence,” [http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/HumanAffairsCommission/Letter%20from%20Human%20Affairs%20to%20Oversight%20Subcommittee%20\(July%207,%202017\).pdf](http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/HumanAffairsCommission/Letter%20from%20Human%20Affairs%20to%20Oversight%20Subcommittee%20(July%207,%202017).pdf) (accessed October 30, 2017).

<sup>52</sup> S.C. House of Representatives, House Legislative Oversight Committee, “July 10, 2017 - Meeting Minutes,” under “Committee Postings and Reports,” under “House Legislative Oversight Committee,” under “Human Affairs Commission,” and under “Meetings,” <http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/SubcommitteeMinutes/EconomicSub/July%2010,%202017%20-%20Meeting%20Minutes.pdf> (accessed October 30, 2017). A video of the meeting is available at <http://www.scstatehouse.gov/video/videofeed.php>. Hereinafter, “July 10, 2017 - Meeting Minutes and Video.”

<sup>53</sup> Ibid.

<sup>54</sup> S.C. House of Representatives, House Legislative Oversight Committee, “Letter from Oversight Committee to Human Affairs Commission (July 12, 2017),” under “Committee Postings and Reports,” under “House Legislative Oversight Committee,” under “Human Affairs Commission,” and under “Correspondence,” <http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/HumanAffairsCommission>

ion/Oversight%20Subcommittee%20Letter%20to%20Human%20Affairs%20Commission%20(July%202012,%202017).pdf (accessed October 30, 2017).

- <sup>55</sup> S.C. House of Representatives, House Legislative Oversight Committee, "Letter from Human Affairs Commission to House Oversight Subcommittee (July 31, 2017)," under "Committee Postings and Reports," under "House Legislative Oversight Committee," under "Human Affairs Commission," and under "Correspondence," [http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/HumanAffairsCommission/Letter%20from%20Human%20Affairs%20to%20Oversight%20Subcommittee%20\(July%202017\).PDF](http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/HumanAffairsCommission/Letter%20from%20Human%20Affairs%20to%20Oversight%20Subcommittee%20(July%202017).PDF) (accessed October 30, 2017).
- <sup>56</sup> S.C. House of Representatives, House Legislative Oversight Committee, "September 18, 2017 - Meeting Minutes," under "Committee Postings and Reports," under "House Legislative Oversight Committee," under "Human Affairs Commission," and under "Meetings," [http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/SubcommitteeMinutes/EconomicSub/9.18.17\\_Meeting\\_Minutes\\_EDTNR.pdf](http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/SubcommitteeMinutes/EconomicSub/9.18.17_Meeting_Minutes_EDTNR.pdf) (accessed October 30, 2017). A video of the meeting is available at <http://www.scstatehouse.gov/video/videofeed.php>. Hereinafter, "September 18, 2017 - Meeting Minutes and Video." See also S.C. House of Representatives, House Legislative Oversight Committee, "Agency Presentation to Subcommittee entitled 'How the Agency Resources its Crucial Mission' (September 18, 2017)" under "Committee Postings and Reports," under "House Legislative Oversight Committee," under "Human Affairs Commission," and under "Mission, Goals, & Strategic Plan," [http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/HumanAffairsCommission/Agency%20Presentation%20to%20Subcommittee%20-%20How%20the%20Agency%20Resources%20its%20Crucial%20Mission%20\(September%202018,%202017\).PDF](http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/HumanAffairsCommission/Agency%20Presentation%20to%20Subcommittee%20-%20How%20the%20Agency%20Resources%20its%20Crucial%20Mission%20(September%202018,%202017).PDF) (accessed October 30, 2017).
- <sup>57</sup> S.C. House of Representatives, House Legislative Oversight Committee, "Letter from House Oversight Subcommittee to Human Affairs Commission (October 2, 2017)," under "Committee Postings and Reports," under "House Legislative Oversight Committee," under "Human Affairs Commission," and under "Correspondence," [http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/HumanAffairsCommission/Oversight%20Subcommittee%20Letter%20to%20Human%20Affairs%20Commission%20\(PDF%20-%20October%202,%202017\).PDF](http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/HumanAffairsCommission/Oversight%20Subcommittee%20Letter%20to%20Human%20Affairs%20Commission%20(PDF%20-%20October%202,%202017).PDF) (accessed October 30, 2017).
- <sup>58</sup> S.C. House of Representatives, House Legislative Oversight Committee, "Letter from Human Affairs Commission to House Oversight Subcommittee (October 13, 2017)," under "Committee Postings and Reports," under "House Legislative Oversight Committee," under "Human Affairs Commission," and under "Correspondence," [http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/HumanAffairsCommission/Letter%20from%20Human%20Affairs%20Commission%20to%20Oversight%20Subcommittee%20\(10.13.17\).PDF](http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/HumanAffairsCommission/Letter%20from%20Human%20Affairs%20Commission%20to%20Oversight%20Subcommittee%20(10.13.17).PDF) (accessed October 30, 2017). Hereinafter, "Letter from Human Affairs Commission to House Oversight Subcommittee (October 13, 2017)."
- <sup>59</sup> S.C. House of Representatives, House Legislative Oversight Committee, "October 17, 2017 - Meeting Minutes," under "Committee Postings and Reports," under "House Legislative Oversight Committee," under "Human Affairs Commission," and under "Meetings," [http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/SubcommitteeMinutes/EconomicSub/10.17.17\\_Meeting\\_Minutes\\_EDTNR.pdf](http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/SubcommitteeMinutes/EconomicSub/10.17.17_Meeting_Minutes_EDTNR.pdf) (accessed October 30, 2017). A video of the meeting is available at <http://www.scstatehouse.gov/video/videofeed.php>. Hereinafter, "October 17, 2017 - Meeting Minutes and Video." See also Letter from Human Affairs Commission to House Oversight Subcommittee (October 13, 2017).
- <sup>60</sup> S.C. House of Representatives, House Legislative Oversight Committee, "Letter from House Oversight Subcommittee to Human Affairs Commission (October 18, 2017)," under "Committee Postings and Reports," under "House Legislative Oversight Committee," under "Human Affairs Commission," and under "Correspondence," [http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/HumanAffairsCommission/Letter\\_to\\_SCHAC\\_101817.pdf](http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/HumanAffairsCommission/Letter_to_SCHAC_101817.pdf) (accessed October 30, 2017).
- <sup>61</sup> S.C. House of Representatives, House Legislative Oversight Committee, "Letter from Human Affairs Commission to House Oversight Subcommittee (October 20, 2017), under "Committee Postings and Reports," under "House Legislative Oversight Committee," under "Human Affairs Commission," and under "Correspondence," [http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/HumanAffairsCommission/Letter%20from%20Human%20Affairs%20Commission%20to%20Oversight%20Subcommittee%20\(10.13.17\).PDF](http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/HumanAffairsCommission/Letter%20from%20Human%20Affairs%20Commission%20to%20Oversight%20Subcommittee%20(10.13.17).PDF) (accessed October 30, 2017).
- <sup>62</sup> S.C. House of Representatives, House Legislative Oversight Committee, "Subcommittee Study (November 13, 2017)," under "Committee Postings and Reports," under "House Legislative Oversight Committee," under "Human Affairs Commission," and under "Full and Subcommittee Study Reports,"

- <http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/HumanAffairsCommission/Subcommittee%20Study%20-%20Human%20Affairs%20Commission%20-%20Final.pdf> (accessed December 1, 2017).
- <sup>63</sup> S.C. House of Representatives, House Legislative Oversight Committee, “Rep. Newton’s recusal from study of the agency letter to Rep. Funderburk (February 15, 2016),” under “Committee Postings and Reports,” under “House Legislative Oversight Committee,” under “Human Affairs Commission,” and under “Correspondence,” <http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/HumanAffairsCommission/2.15.17%20Letter%20from%20Rep.%20Newton%20to%20Rep.%20Funderburk.pdf> (accessed December 4, 2017).
- <sup>64</sup> S.C. House of Representatives, House Legislative Oversight Committee, “November 13, 2017 - Meeting Minutes,” under “Committee Postings and Reports,” under “House Legislative Oversight Committee,” under “Human Affairs Commission,” and under “Meetings,” (Minutes will be posted once they are approved at the next Committee meeting.) <http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyPHPFiles/HumanAffairsCommission.n.php> (accessed December 1, 2017). A video of the meeting is available at <http://www.scstatehouse.gov/video/videofeed.php>.
- <sup>65</sup> The South Carolina Department of Administration, “Fiscal Year 2016-2017 Accountability Report Technical Assistance,” <http://www.admin.sc.gov/files/FY%202016-17%20Accountability%20Report%20Technical%20Assistance.pdf> (accessed November 1, 2017), p. 5.
- <sup>66</sup> Agency Presentation to Subcommittee (June 22, 2017). See unnumbered slides 48- 49.
- <sup>67</sup> October 17, 2017 - Meeting Minutes and Video. See 1:40:55 testimony by Commissioner Raymond Buxton, II. Agency Presentation to Subcommittee (June 22, 2017). See unnumbered slides 48- 49.
- <sup>68</sup> September 18, 2017 - Meeting Minutes and Video. See 56:55 testimony by Deputy Commissioner Dan Koon.
- <sup>69</sup> Letter from Human Affairs Commission to House Oversight Subcommittee (October 13, 2017).
- <sup>70</sup> Ibid.
- <sup>71</sup> July 10, 2017 - Meeting Minutes and Video. See 25:37 testimony by Commissioner Raymond Buxton, II.
- <sup>72</sup> Agency PER (April 13, 2017).
- <sup>73</sup> Ibid.
- <sup>74</sup> S.C. Legislative Audit Council, “A Limited Review of the S.C. Human Affairs Commission,” [http://lac.sc.gov/LAC\\_Reports/2014/Documents/SCHAC.pdf](http://lac.sc.gov/LAC_Reports/2014/Documents/SCHAC.pdf) (accessed October 30, 2017).
- <sup>75</sup> Letter from Human Affairs Commission to House Oversight Subcommittee (October 13, 2017).