L360

SECTION:

70



# Fiscal Year 2014-15 Accountability Report

# **SUBMISSION FORM**

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, respect and the betterment of human affairs for all citizens.

Please identify your agency's preferred contacts for this year's accountability report.

	<u>Name</u>	<u>Phone</u>	<u>Email</u>
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I have reviewed and approved the enclosed FY 2014-15 Accountability Report, which is complete and accurate to the extent of my knowledge.

AGENCY DIRECTOR (SIGN/DATE):	Paymond Butter I	9-14-15
(TYRE/PRINT NAME):	Raymond Buxton, II	
BOARD/CMSN CHAIR (SIGN/DATE):	SaldCall-Board CHAIR	SEPT, 11, 2015
(TYPE/PRINT NAME):	John A. Oakland, Board Chair	

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# **AGENCY'S DISCUSSION AND ANALYSIS**

The Human Affairs Commission was created in response to the Civil Rights movement of the 1960s. During that time there were a number of demonstrations by South Carolinians who demanded equal opportunity and fair treatment. Some of these demonstrations led to violent clashes. During the early 1970s, as a result of the demonstrations and clashes, state leaders decided that it was time to eliminate discrimination in South Carolina and to promote fairness for all of its citizens. Thus, the South Carolina Human Affairs Commission was created in 1972 with the mission to eliminate and prevent discrimination and to foster harmony and respect for the betterment of all South Carolinians. The agency strives to meet this mission objective through A) enforcing the state laws administered by the Commission and B) through the use of preventive methods which the law prescribes.

The laws enforced by the Commission are: 1) the South Carolina Human Affairs Law (dealing with employment discrimination), 2) the SC Fair Housing Law and 3) the SC Public Accommodations Law. The primary methods used by the Commission to prevent discrimination are: 1) to monitor each state agency's Affirmative Action Plan and provide an Annual Report to the General Assembly, 2) to provide training to educate the private and public sector, and 3) to create and sustain community relations councils in each county to promote harmony among a diverse people and to bring communities together to resolve issues of division when those problems occur at the local level.

Along with our mission, the Commission has the Vision of being a well-trained team working together in a safe and supportive environment to prevent and eliminate discrimination and to promote harmony and respect among all South Carolinians. To fulfil this Vision, the Commission emphasizes the Values of: Accountability, Customer Service, Fairness, Integrity, Loyalty, Professionalism, and Teamwork.

### Major Achievements

Major Achievements in the area of laws enforced by the Commission:

A) South Carolina Human Affairs Law: Most financial resources within the Commission are used to enforce the South Carolina Human Affairs Law (Employment Discrimination), and for good reason. In order for the citizens of this state to have the resources to live a productive life without government dependence, to make a contribution to society, and to have the right to "life, liberty and the pursuit of happiness", all South Carolinians must have fair access to employment. For a majority of the state's history, many people in South Carolina did not have fair access to jobs, but with the employment law enforced by this agency, citizens are now protected from employment discrimination. Citizens cannot be treated unfairly during the hiring process or treated unfairly on the job based on their: race, color, sex, national origin, religion, age or disability.

<u>Compliance Division:</u> The Compliance Division enforces the laws prohibiting employment discrimination, and is comprised of four departments 1) Intake, 2) EEO Investigations, 3) Mediation and 4) Housing Investigations.

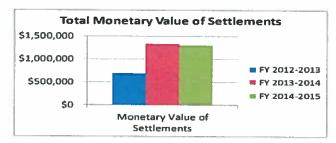
<u>Intake Department:</u> During fiscal year 2014-2015 the <u>Intake Department</u> (the department where all inquiries related to filing discrimination complaints is processed) within the Compliance Division received approximately 6,455 contacts. As a result of these contacts the following occurred: A)

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1,692 questionnaires were sent to citizens desiring to file a discrimination charge. B) 1,125 questionnaires were returned. C) 715 formal charges of discrimination were filed as a result of the returned questionnaires. D) 624 charges of discrimination were retained by the agency for investigation. E) 91 charges were waived to other agencies for investigation.

EEO Investigation Department: During fiscal year 2014-2015 there were a total of 977 employment discrimination complaints received for investigation from either the Intake Department or transferred to the Human Affairs Commission from the US Equal Employment Opportunity Commission resulting in 938 final actions taken by the agency. Of those final actions 215 were based on race, 143 were based on sex, 159 were based on disability, 77 were based on age, 9 were based on religion, 11 were based on national origin and 20 were based on retaliation. None were based upon color, but 304 were based on multiple bases (e.g. race and sex or religion and national origin). The number of final actions or closures from the previous year increased by 24 final actions.

The resulting types of final actions or closures issued by the Commission during 2014-2015 are as follows: Administrative Closures 144, No Cause Determinations 665, Conciliations or Settlements 127 and Unsuccessful Conciliations 2. The total monetary value of settlements was \$1,304,428.

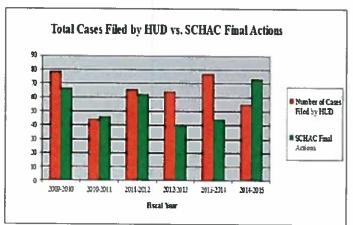


During the last fiscal year, the Commission successfully completed a contract with the United States Equal Employment Opportunity Commission (EEOC) conducting the investigation of 985 cases. In addition two new permanent EEO Investigator positions were added to assist investigations and a total of four additional investigative positions were approved by the legislature for the new fiscal year. Also, the universal review date for employee performance reviews was instituted with investigators being held accountable to a standard of investigating the majority of their cases within 180 days of their assignment.

- 3) Mediation Department: During fiscal year 2014-2015 there were 106 Mediations that resulted in 78 complaints being successfully mediated for a total monetary value of \$828,319. The total successful mediations decreased from 101 cases the previous year but there was a \$108,273 monetary increase from the previous year. Mediations are important because they give the charging party and respondent an opportunity to meet and sort out their issues in order to come to mutually agreed terms for settling the matter.
- 4) South Carolina Fair Housing Law: The Fair Housing Division enforces the laws that prevent discrimination on the basis of race, color, sex, religion, national origin, disability and familial status. The Fair Housing Division works to prevent discrimination through education and outreach to communities around the state. The Division also has an investigative component that investigates complaints of housing discrimination. To resolve these complaints the Fair Housing Division may mediate or conciliate cases on behalf of the complaintant and respondent. In the event that the Fair Housing Division makes a determination that the respondent has violated the Fair Housing Law, the Legal Division of the Human Affairs Commission can litigate a case in court on behalf of the

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aggrieved complainant. The Fair Housing Division has a working relationship with the Federal Housing & Urban Development (HUD). As a result of a negative HUD review in December of 2014, during the last half of the 2014-2015 fiscal year, the Fair Housing Division has undergone a dramatic shift in operations and performance. With new leadership in the Housing area, the Housing Division has seen much improvement in its operations area to include: the completion of 82 cases after only completing 47 and 49 cases respectively in the past two fiscal years. Investigation revenue increased to \$336,225 after only receiving \$133,282 and \$142,469 during the previous fiscal years respectively. Average case processing time has been reduced from an average case processing time of 220 days to only 62 days per case. As a result of these successes, HUD completed its recertification review and insured the Commission that due to the improvements that a Memorandum of Understanding will be renewed for another 10 years.



Fiscal Year	Number of Cases Filed by HUD	SCHAC Final Action
2009-2010	78	66
2010-2011	44	-16
2011-2012	65	62
2012-2013	64	39
2013-2014	77	44
2014-2015	.55	73
Average	64	55

B) South Carolina Public Accommodation Law: The third law administered by the Human Affairs Commission is the South Carolina Public Accommodation Law. This law prevents discrimination in the area of citizens having access to public facilities such as restaurants, hotels, recreational parks and others facilities. The law protects citizens on the basis of race, color, national origin and religion. Twenty Two Statute 1-13-90 (e) and Public Accommodation cases were filed during the last fiscal year. Sixteen 90 (e) cases and Public Accommodation cases were closed during FY 2014-2015.

## Major Achievements in the area of Prevention or Consultative Services:

The Division for Technical Services, Training and Community Relations accomplished the following:

A) Technical Services: The Division successfully monitored the hiring and promotions of employees in 85 state agencies and thereby produced on February 2, 2015, the "Annual Report to the General Assembly on the Status of Equal Employment Opportunity in South Carolina State Government". The results of the report show that while it appears that state government is making progress in the area of affirmative action where women and minorities have increased their representation in state employment, there continues to be under-representation of African Americans and women in the highest three pay bands of government. In order to accurately update affirmative action reporting for all state agencies including technical colleges and universities, the Human Affairs Commission during the last fiscal year was able to hire an additional EEO Consultant in Technical Services and to begin the implementation of a new Computerized Affirmative Action Management System (CAAMS). CAAMS will allow more accurate statistics and data to be obtained from the 2010 US census which will assist agencies in their recruitment of minorities and allow agencies to more accurately obtain their affirmative action goals.

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B) Community Relations: An important aspect of state government's efforts to prevent discrimination in South Carolina is to create and sustain Community Relations Councils. Since the re-establishment of the Community Relations Department in 2012, it has maintained a working relationship with the 7 existing Community Relations Councils (CRCs) in SC and is in the process of establishing or revitalizing 20 other CRCs to eventually reach the goal of maintaining a CRC in each of the state's 46 counties. A CRC in each county will provide a system of local entities within the state to help prevent and resolve issues of division at a local level. A functioning CRC will most likely prevent civil unrest with racial undertones such as the recent events that have occurred this past year in Ferguson, Missouri, Baltimore, Maryland, and other cities across our United States.

During the 2014-2015 fiscal year the department has created and sustained Community Relations Councils in 7 Counties to include the following: Allendale, Hampton, Beaufort, Jasper, Berkeley, Laurens and McCormick Counties. The Community Relations Department has also been involved in bringing formal discussions to communities through the use of "Deliberative Dialogue". This designed method of dialogue allows citizens to come together to discuss issues in a civil manner.

The Community Relations staff also investigates discriminatory complaints involving non-employment and Public Accommodation complaints.

C) <u>Training:</u> Another major achievement within the Division was the ability to provide training to a number of people in the areas of preventing discrimination. Training was conducted for 24 separate entities comprised of state agencies, private businesses, and nonprofit organizations. The training focused on prevention through educating the public about EEO Laws, diversity training, and issues in employment involving the areas of sexual harassment and disability. Over 1000 citizens were trained in these areas during the past fiscal year.

In addition to training the public and other state agency personnel, staff development and training within the agency was conducted on 22 occasions in the past year. Training was conducted in the area of employment law, civil rights, and agency staff security.

### **Major Achievements in Administration:**

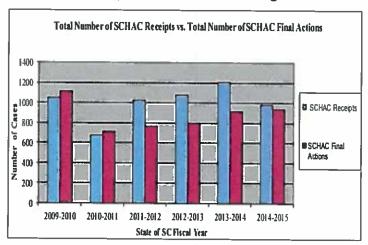
During the past fiscal year, the agency underwent several audits including one from the Legislative Audit Council which confirmed that the agency is in successful compliance with federal EEO and HUD contracts, state policies and guidelines. In addition, due to the agency's increased financial stability, the Commission during the fiscal year of 2014-2015 was able to initiate significant hiring of 6 new employees. These hirings included 1 Intake Officer, 4 Investigators, and 1 Attorney. The hiring of these employees will enhance the agency's ability to carry out its legislative mandates to assist in the prevention and elimination of discrimination in South Carolina.

In addition to the previously mentioned goals strategies and objectives achieved in EEO Enforcement, Fair Housing, Technical Services & Training; additional goals, strategies and objectives obtained through the efforts of Administration this past year included: 1) upgrade in technology, 2) improved partnership relations with the EEOC and HUD, 3) a customer friendly lobby, 4) the consistent use of the EPMS on an annual universal date, 5) the consistent use of a sign in sheet for employees, 6) a staff team building retreat, 7) monthly management meetings where there was a review of expectations and standards, 8) a quarterly newsletter was implemented and shared internally and externally, 9) increased customer awareness through a Face Book page, 10) developed a customer service survey, 11) partnered with three state agencies regarding office space utilization

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and professional development, and 12) partnered with four federal agencies in terms of carrying out the agencies mission.

Internal and External Factors affecting the Agency's Performance: During fiscal year 2010-2011, the Commission was presented with one of the severest cuts to an operating and functioning state agency in modern times. This budget cut reduced the Commission's staff from 36 employees to 18 employees, and those remaining employees took a voluntary seven day a month furlough for 90 days resulting in a salary loss of 32 %. With foresight and vision for the future, the General Assembly and Governor understood that a State which historically sanctioned discrimination must maintain a functioning state agency whose primary mission is to prevent and eliminate discrimination. State leadership also recognized that the citizens and businesses of this State would prefer for issues of discrimination to be investigated at the state level as opposed to the federal level. Thus, state government leadership restored funding to the agency beginning in the 2011-2012 fiscal year. However, with each succeeding year, state leaders have not maintained an appropriate level of funding with which the agency can properly function. Unfortunately, the underfunding of the agency allows the federal EEOC to process employment discrimination complaints that the Human Affairs Commission could have processed had state government provided sufficient funding.



State of SC Fiscal Year	SCHAC Receipts	SCHAC Final Actions
2009-2010	1016	1116
2010-2011	672	709
2011-2012	1028	765
2012-2013	1078	796
2013-2014	1206	914
2014-2015	977	938
Average	1001	873

The underfunding has also led to internal issues as it relates to customer service, teamwork, out-reach and service delivery. Without proper funding, there is not adequate staff to perform all the necessary functions that the legislature has mandated the agency to perform. Additionally the staff carries heavier workloads than in previous years, and in several cases, one staff person performs the duties that two or three people once performed. Also, due to the fact that employees are performing multiple tasks, there is little time for succession or cross training for employees to allow the Commission to adequately address future agency staffing needs.

Despite these tremendous odds working against the Commission in recent years, during this past fiscal year the dedicated agency staff was able to successfully complete an Equal Employment Opportunity contract, (though less than in past years when there were additional staff to perform investigative duties) a Housing and Urban Development contract, monitor each state agency's hiring and promotion practices, and provide training to a significant number of people regarding how to prevent and eliminate discrimination. In addition, the Commission has successfully created 7 new Community Relations Councils this past year and continues in its quest to create councils in all 46 counties so that deliberative dialogue, respect and civility will become a primary focus of communication in South Carolina. This effort to promote Community Relations Councils will most likely help prevent civil and racial unrest in our communities such as that which recently occurred in many areas of the United States this past year.

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Unfortunately, the State of South Carolina was faced with a tragic incident in April, 2015 involving police brutality in North Charleston and then later an incident of horrific proportions in June, 2015 when 9 African Americans were killed during a Bible study by an individual whose reported motive was to incite racial conflict. However, with forgiving families of the victims and strong leadership from local and state leaders to promote healing, South Carolina averted some very precarious situations. This same spirit to promote healing, harmony and respect in South Carolina (highlighted recently by the press throughout the nation) is exactly what the Governor and General Assembly were hoping to accomplish through the establishment of the South Carolina Human Affairs Commission in 1972. The Human Affairs Commission through the years has worked hard to maintain good race relations in South Carolina and this effort and effect has had a positive impact on how South Carolinians exhibited harmony during our most recent crises. The mission and work of the Human Affairs Commission has helped South Carolina to make great progress in terms of social and economic growth for many of its citizens. In fact, the economic/social transformation which the state as a whole has achieved in modern times will only continue to be successful if State Government consistently prioritizes the principles on which the Human Affairs Commission was founded: the belief that all citizens, no matter how complex or differently that they have been created, will have the free right to employment, housing and public accommodation so that the American dream of "life, liberty and the pursuit of happiness" may be fulfilled, and people may live in harmony and with respect for one another.

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Strategic Planning Template

Trends to the part to get and particular distribution			
Provide feedback twice per resording performance and attendance	4.1		2
Improve Employee Accountability		4	മ
Ensure that a marketing video is developed and operating on the Agency website by June 30, 2016	3.3.2		0
Develop training and events that involve partners so that more groups are aware of our Agency and its resources by December 31, 2016	3.3.1		0
Educate state and local agencies about our mission	3.3	100	S
Implement a method by which we can use and access surveying in our current outreach programs by December 31, 2015	3.2.1		٥
Survey existing customers for awareness of the Agency	3.2		S
Strategize visits to at least two counties per month beginning January 1, 2016	3.1.4		0
Involve current staff (such as Community Relations Consultants) in outreach efforts by February 1, 2016	3.1.3		0
Hire a Fair Housing Outreach Liaison by November 1, 2016	3.1.2		0
Finalize an Outreach Plan by December 31, 2015	3.1.1		0
Increase awareness of the Agency in under-served counties	3.1		s
Enhance the Agency's Image, Reputation and Outreach to the Citizens of South Carolina		w	G
Evaluate where our operations affer from equivalent feaeral agencies by June 30, 2016	2.3.3		c
Engage with members of the General Assembly for change to existing statues during FY 2015-16	2.3.2		
Update the regulations with more consistency by March 31, 2016	2.3.1		0
Update and standardize the laws and regulations of SHAC	2.3		S
Continue to pursue legislation for mandatory mediating during FY 2015-16	2.2.3		0
Provide more flexibility of times for mediation during FY 2015-16, (contract other mediators when necessary)	2.2.2		0
Contact all Complainants filing employment discrimination complaints regarding our free Mediation Program during FY 2015-16	2.2.1		0
Increase the number of mediated cases	2.2		s
Conduct a practice administrative hearing regarding an employment or housing case for the Board of Commissioners and SHAC stoff by June 30, 2016	2.1.4		0
File suit in cases under the new Employment Litigation Policy by June 30, 2016	2.1.3		0
Develop a policy/system to begin litigating employment cases by March 31 of 2016	2.1.2		0
Continue to litigate probable cause cases in the Fair Housing Division during FY 2015-16	2.1.1		0
Litigate cases pursuant to the General Assembly's Mandates as it relates to Fair Housing and Employment Discrimination Laws	2.1		S
Strengthen the Legal & Mediation Divisions through litigation and statutory means		2	മ
Create investigative plans when necessary for problematic cases during FY 2015-16	1.2.3		0
Adhere to strict time limits for formal documentation of files during 2015-16	1.2.2		0
Continue 21, 42, 63 and 84-day meetings with Investigators to discuss cases during FY 2015-16	1.2.1		0
Maintain an average processing time of 100 days or less for Housing Complaints	1.2		s
Follow-up with those counties quarterly during Fiscal Year 2016	1.1.4		0
Strategize visits to at least two counties per month by January 1, 2016	1.1.3		0
Hire a Fair Housing Outreach Liaison by November 1, 2015	1.1.2		0
Finalize a Fair Housing Outreach Plan by December 31, 2015.	1.1.1		0
Enhance awareness of the Housing Division to include the awareness of the Agency in under-served counties	1.1		s
Complete at least 100 cases in the Fair Housing Division		1	G
Description	Strat Object	Goal	Туре

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Investigate 1200 EEO Cases in a timely manner Implement a process of hiring and training qualified employment investigators Recruit 5 Program Coordinator i / Investigators by the end of FY 2015-16 Provide monthly training sessions related to employment law for all investigators in FY 2015-16 Provide newly hired investigators with a mentoring apportunity with a Senior Investigator during FY 2015-16 Implement a reliable and measurable tracking system for the time it takes to process and investigate an employment discrimination complaint Decrease the overage amount of case processing time to investigate a charge of discrimination from the date of filing to the date of completion to within 180 days by December 1, 2016 Greate and Sustain Existing Community Relations Councils in 46 Counties Develop an Internal community relation plan to establish and maintain local community leaders and contacts in each county that does not have a Community Relations Council during FY 2015-16 Update and maintain the current leadership in counties with existing Community Relations Councils during FY 2015-16 Using current available agency technology, develop an external plan of community Relations Councils and potential leaders in counties who have not developed a Community Relations Council of Counties and potential Distribute an electronic newsletter devoted to Community Relations Councils every quarter during FY 2015-16	Create : Dev Usir	5.2 5.2.1 5.2.1 6.1 6.1.1 6.1.2 6.2.1	
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	4.2.2 Upd	4.2	
Update training manual and aresent to employees by February 28, 2016	4.2.1 Upd	4.2	
Reinforce Agency policy and procedures	Reinfor	4.2	
Implement mystery shoppers to obtain objective review of employees' customer service by June 30, 2016	4.1.3 Imp	4.1	
Ensure that managers consistently use the EPMS on an annual basis for all employees and conduct midyear reviews during FY 2015-16	4.1.2 Ensi	4.1	
Provide professional and communication training for staff during FY 2015-16	4.1.1 Pro	4.1	
Description	bject	Item# Goal Strat Object	ച

070	1360 Section:	Agency Code:	
mission	SC Human Affairs Com	Agency Name:	



Fiscal Year 2014-15 Accountability Report

	Agency Lode:	1360		ection:	070						
Program/Title	Purpose			-14 Ехрег	<u>iditures</u>			FY 2014-15 Expenditures	ditures	(	Program Template
I. Administration	To provide administrative direction, control and support for the agency	\$ 633,434	134		to.	633,434	\$ 601,139	Since	S.	601,139	A N A
					55				16		11.6. a., d. a. a.
II. Consultative Services	To provide technical services, training, equal opportunity and community relations consulting services	\$ 309,297	297		10	309,297	\$ 213,185		46	213,185	3.13,31.4,3.21,33.1, 3.3.2,61.1,6.1.2,6.2.1, 6.2.2
III. Compliance Programs	To enforce state laws prohibiting employment, housing and public accommodation discrimination	\$ 410,462	462 \$	383,761 \$	162,924 \$	957,147	\$ 608,408 \$	405,624 \$	104,688 \$	1,118,720	1.1.1, 1.1.2, 1.1.3, 1.1.4, 1.2.1, 1.2.2, 1.2.3, 2.1.1, 2.1.3, 2.2.1, 3.1.2, 5.1.1, 5.1.2, 5.1.3, 5.2.1
IV. Employer Contributions		\$ 283,486	486 \$	72,785 \$	33,082 <b>\$</b>	389,353 \$	\$ 331,992 \$	\$ 056,68	24,222 \$	446,164	
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Fiscal Year 2014-15
Accountability Report
Performance Measurement Template

ltem	m Performance Measure	Last Value	Current Value	Target Value	Time Applicable	Data Source and Availability Reporting		g Freq. Calculation Method	
<b>L</b>	Intake Calls and Initial Inquiries	6290	6455*	7000	July 1 - June 30	Internal Records	Annualty	Monthly Report	
2	Intake Charges Formalized	1007	715	1057	July 1 - June 30	IMS	Annually	Monthly Report	3.1.1, 5.1.1, 5.1.2, 5.2.1
w	Employment Cases Received	1206	977	1260	July 1 - June 30	IMS	Annually	Monthly Report	
A	Employment Cases Closed	914	938	1000	July 1 - June 30	IMS	Annually	Monthly Report	511,512,513,521
ıs	Employment Cases Successfully Mediated	101	78	110	July 1 - June 30	IMS	Annually	Monthly Report	212,213,221,222,223
6	Funds Collected at Mediation	720,046	828,319	900,000	July 1 - June 30	IMS	Annually	Monthly Report	212,213,221,222,223
7	Employment: Monetary Value of Settlements	1,333,148	1,304,428	1,400,000	July 1 - June 30	IMS	Annually	Monthly Report	5.1.1, 5.1.2, 5.1.3
00	Housing Cases Received	78	55	136	July 1 - June 30	TEAPOTS	Annually	Monthly Report	1.11, 11.2, 1.13, 1.14, 2.11, 2.13, 3.11, 3.1.2
49	Housing Cases Closed	52	82	100	July 1 - June 30	TEAPOTS	Annually	Monthly Report	1.1.1, 1.1.2, 1.1.3, 1.1.4, 1.2.1, 1.2.2, 1.2.3
10	Housing Cases Concillated	23	13	22	July 1 - June 30	TEAPOTS	Annually	Monthly Report	1.1.1, 1.1.2, 1.1.3, 1.1.4, 1.2.1, 1.2.3, 2.1.1
11	Public Accommodation Cases investigated	ı	4	<b>cs</b>	July 1 - June 30	Internal Records	Annually	Monthly Report	3.1.1, 3.1.3, 3.1.4, 3.3.2, 3.3.1
12	90 (e) Cases investigated	25	12	31	July 1 - June 30	Internal Records	Annually	Monthly Report	3.1.1, 3.1.3, 3.1.4, 3.3.2, 3.3.1
ii.	Community Relations Councils	2	7	12	July 1 - June 30	Internal Records	Annually	Monthly Report	3.1.1, 3.1.3, 6.1.1, 6.1.2, 6.2.1, 6.2.2, 3.1.4
14	State Agency AA Plans Monitored	85	85	85	July 1 - June 30	CAAMS	Annually	Monthly Report	3.3.1, 4.1.2
15	Training - External	24	24	24	July 1 - June 30	Internal Records	Annually	Monthly Report	113,311,331,332
16	Training - Internal	9	22	15	July 1 - June 30	Internal Records	Annually	Monthly Report	2.3.1, 4.1.1, 4.1.2, 4.1.3, 4.2.1, 4.2.2, 5.1.2, 5.1.3

\*Different method of record keeping