

AGENCY NAME:	South Carolina Human Affairs Commission		
AGENCY CODE:	L-36	SECTION:	70



## Fiscal Year 2013-14 Accountability Report

### SUBMISSION FORM

**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.

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

	<u>Name</u>	<u>Phone</u>	<u>Email</u>
PRIMARY CONTACT:	Dan Koon	803 737-7832	danny@schac.sc.gov
SECONDARY CONTACT:	Lori Dean	803 737-7804	lgdean@schac.sc.gov

I have reviewed and approved the enclosed FY 2013-14 Accountability Report, which is complete and accurate to the extent of my knowledge.

AGENCY DIRECTOR  
(SIGN/DATE):

*Raymond Buxton, Jr*      *Sept. 11, 2014*

(TYPE/PRINT NAME):

*Raymond Buxton, Jr*

BOARD/CMSN CHAIR  
(SIGN/DATE):

*John A. Oakland - Board Chair*      *Sept. 11, 2014*

(TYPE/PRINT NAME):

*John A. Oakland*

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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 Relation 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 and 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.

**Compliance Division:** The Compliance Division enforces the laws prohibiting employment discrimination, and is comprised of three departments: 1) Intake, 2) Investigations, and 3) Mediation.

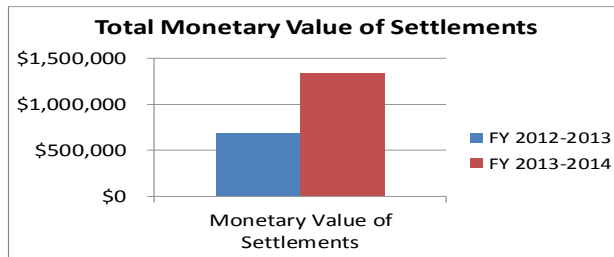
- 1) Intake Department:** During fiscal year 2013-2014 the **Intake Department** (the department where all inquiries related to filing discrimination complaints is processed) within the Compliance Division received approximately 6,290 contacts. As a result of these contacts the following occurred: A) 1,170 questionnaires were sent to citizens desiring to file a discrimination charge. B) 1,007 formal

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charges of discrimination were filed as a result of the returned questionnaires. C) 842 charges of discrimination were retained by the agency for investigation. D) 165 charges were waived to other agencies for investigation.

**2) Investigation Department:** During fiscal year 2013-2014 there were a total of 1,206 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 914 final actions taken by the agency. Of those final actions 237 were based on race, 115 were based on sex, 78 were based on disability, 57 were based on age, 16 were based on religion, 16 were based on National Origin, and 24 were based on retaliation. None were based upon color, but 371 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 118 final actions.

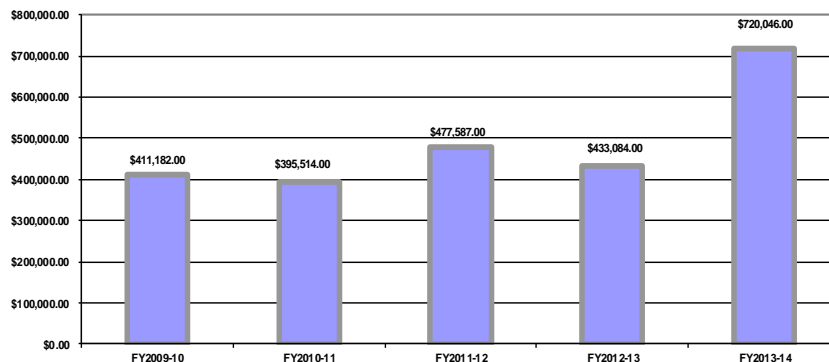
The resulting types of final actions or closures issued by the Commission during 2013-2014 are as follows: Administrative Closures 163, No Cause Determinations 588, Cause Determinations 4, and Conciliations or Settlements 159. The total monetary value of settlements was \$1,333,148.



During the last fiscal year, the Commission successfully completed a contract with the United States Equal Employment Opportunity Commission (EEOC) conducting the investigation of 853 cases at the end of the federal fiscal year ending September 30, 2013.

**3) Mediation Department:** During fiscal year 2013-2014 there were 138 Mediations that resulted in 101 complaints being successfully mediated for a total monetary value of \$720,046. The total successful mediations increased from 72 cases the previous year and there was a \$286,962 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.

**Monetary Settlements Obtained Through Mediation**



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**B) 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. Specifically, part of the outreach activity includes administering two grants, one that deals with outreach to counties with a growing Hispanic population, and the other to Richland County. Additionally, during the past fiscal year, the Fair Housing Division received 78 complaints that resulted in 52 charges of discrimination being investigated. Of those 52 cases, 8 were administrative closures, 23 were conciliated, 18 were no cause cases and 3 cases were closed as cause cases. The total monetary value of conciliations was \$15,747. The Commission, during fiscal year 2013-2014, successfully completed a contract with the United States Department of Housing and Urban Development.

**C) 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. Eleven cases were filed during the last fiscal year.

**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 4, 2014, 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 administrative assistant in Technical Services and purchase 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.

**B) Community Relations:** Due to severe budget cuts in 2010 the function of the Community Relations Department was eliminated until state government was able to re-establish funding to the Commission during FY 2011-2012. As a result of the increased funding, one full time Community Relations Consultant and a temporary employee were hired to help revitalize an important aspect of state government’s efforts to prevent discrimination in South Carolina. The Community Relations Department has been able to bring about communication with the 10 existing Community Relation 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 occurred in Ferguson, Missouri.

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. Through participating in “Deliberative Dialogue”, the agency collaborated with the Lexington/Richland Counties Legislative delegations and the Greater Columbia

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Community Relations Council to bring together two high school senior students from each public and private high school in Richland and Lexington Counties to spend one day at the State House. The day was called “Students for Civility” and it was used to help students understand the operation of state government and how through civil engagement, the democratic process of government operates.

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

- C) Training:** Another major achievement within the Division was the ability to increase the amount of training and the number of people trained 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, staff development and training within the agency was conducted on nine occasions in the past year. Training was conducted in the area of Ethics, Employment Law, Business Writing, and Team Building.

**Major Achievements in Administration:**

During the past fiscal year, the agency underwent several audits which confirmed that the agency is in successful compliance with federal EEO and HUD contracts, state policies and guidelines. In addition, due to current financial stability for the past three years, and as a result of agency reorganization, the Commission during the fiscal year of 2013-2014 was able to initiate significant hiring of twelve new employees. These new positions consists of 2 new Attorneys and a Legal Assistant, 3 Intake Officers, 4 Investigators and 2 Administrative Assistants. The hiring of these employees will enhance the agency’s ability to carry out its legislative mandates.

Another significant achievement that Administration accomplished during the past fiscal year was that after approximately 30 years of being located at the same location, the agency physically moved from a privately rented office building to a state-owned facility. The re-location will bring cost saving measures to the agency and state.

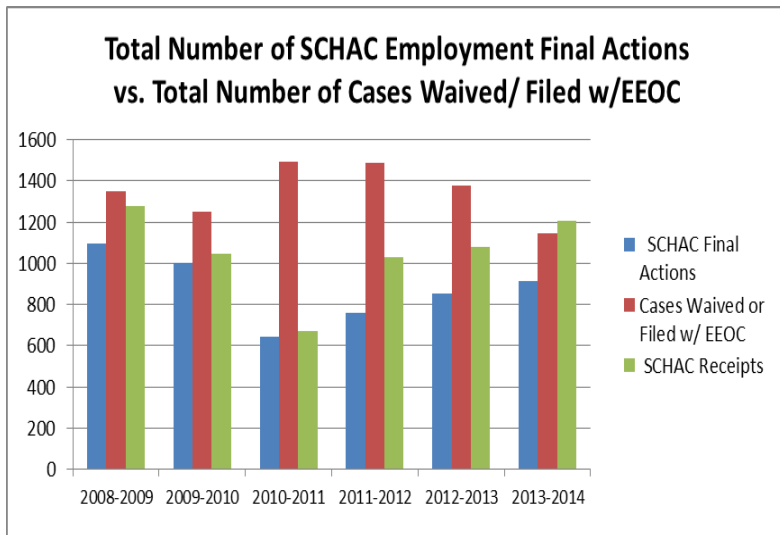
Financial stability also allowed the agency to once again set agency priorities through a much needed update to its strategic plan.

**Strategic Plan:** Under the leadership of a new Executive Director, the Commission was able to begin the process in January of 2014 of updating its strategic plan, an initiative that had not been undertaken in a formal manner since the inception of the original plan in 1999. With the assistance of the University of South Carolina’s Institute for Public Service and Policy Research, the Commission developed a new two year strategic plan with the following strategic issues being addressed in the areas of: A) Funding, B) Professionalism, C) Teamwork/Dedication, D) Image and Reputation and E) Efficiency & Customer Service. These strategic issues, goals, and objectives are listed in the Strategic Planning Template attached to this report.

Additionally, in conjunction to the Strategic Plan, another area at the Commission that received special emphasis was **Team Building**. The Commission brought in an outside consultant to assess personnel at the agency, conduct team building exercises and make recommendations regarding teamwork and staff professionalism to the Commissioner for future action. The final recommendations were made to the Commissioner in August of 2014.

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**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 furlough for 90 days or seven days a month resulting in a salary loss of 32% for employees. 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 Final Actions	Cases Waived or Filed w/ EEOC	SCHAC Receipts
2008-2009	1098	1347	1280
2009-2010	1004	1248	1046
2010-2011	643	1491	672
2011-2012	758	1487	1028
2012-2013	853	1378	1078
2013-2014	914	1144	1206
<b>Average</b>	<b>878</b>	<b>1349</b>	<b>1052</b>
*** Averages are rounded to the nearest whole number***			

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 a US Equal Employment Opportunity Commission contract, (though fewer cases investigated than in past years when there were additional staff to perform investigative duties) a US 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 unlawful discrimination. In addition, the Commission has made successful contacts in at least 20 counties to begin the process of creating Community Relation Councils, so that deliberative dialogue, respect and civility will become a primary focus of communication in South Carolina. This effort to promote Community Relation Councils will most likely help prevent civil and racial unrest in our communities such as that which recently occurred in Ferguson, Missouri in August of 2014. Not only has the staff of the agency exhibited a history of dedication and sacrifice to the mission of the agency through accepting personal financial loss and

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performing additional duties in order to keep the mission of the agency alive in South Carolina, but the staff, through its cultural value of helping others, consistently ranks among the highest of all state agencies through its giving to the State Government’s United Way Campaign. In 2013, the United Way of South Carolina presented the agency the “Spirit of Giving Award”. The name of the award exemplifies how this agency serves this state and works to fulfill the legislative mandate to prevent and eliminate discrimination in South Carolina.

Since the early 1970’s, the State of South Carolina, in part through the work of the Human Affairs Commission, has made 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.

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Strategic Planning Template

Type	Item #			Description
	Goal	Strat	Object	
G	1			<b>Enhance Efficiency &amp; Customer Service</b>
S		1.1		<b>Develop and communicate consistent processes and procedures agency wide to decrease case processing time</b>
O			1.1.1	Upgrade technology by January 30, 2015
O			1.1.2	Increase online options for customers within 60 days after technology upgrade
O			1.1.3	Ensure that process improvement studies with the EEOC and HUD are completed by March 30, 2015
O			1.1.4	Partner with three other agencies to share resources by March 30, 2015
O			1.1.5	Launch a training program regarding case processing for Compliance Staff by April 1, 2015
S		1.2		<b>Improve customer satisfaction</b>
O			1.2.1	Ensure that lobby is more customer friendly by January 2015
O			1.2.2	Develop and Implement customer satisfaction surveys by December, 2014
S		1.3		<b>Ensure that employment cases are not transferred to the Federal EEOC but remain under state jurisdiction</b>
O			1.3.1	Ensure that Case processing time for employment cases is held to a 180 day standard by September 30, 2016
O			1.3.2	Increase the number of Investigators in Compliance for 6 new FTE Positions by November 30, 2015
S		1.4		<b>Increase the number of EEO Consultants by one FTE position</b>
O			1.4.1	Ensure that all 85 state agency Affirmative Action Plans are properly updated and revised on an annual basis
O			1.4.2	Ensure that the 85 state agency Affirmative Action Plans are properly monitored on an annual basis to prevent a loss of state or federal funding to agencies
G	2			<b>Enhance Professionalism</b>
S		2.1		<b>Develop a positive culture and working environment to increase employee satisfaction</b>
O			2.1.1	Conduct monthly reviews of agency vision, mission and values with employees
O			2.1.2	Ensure that employee handbook is updated and reviewed with all employees by January 2015
O			2.1.3	Ensure that department expectations are clearly communicated with employees on monthly basis
S		2.2		<b>Improve employee accountability</b>
O			2.2.1	Ensure that managers consistently use the EPMS on an annual basis for all employees
O			2.2.2	Ensure that use of sign-in and sign-out sheet is used on a consistent basis every day
G	3			<b>Teamwork/Dedication</b>
S		3.1		<b>Improve employee relations and increase communication between departments</b>
O			3.1.1	Ensure that once a month meetings are held with division management to review expectations/standards
O			3.1.2	Ensure that one staff team building retreat occurs outside the office on an annual basis
O			3.1.3	Ensure that employees attend one meeting on an annual basis for a review of agency services
G	4			<b>Enhance Image and Reputation</b>
S		4.1		<b>Ensure that the work of the agency is seen as fair, impartial and responsive by all stakeholders</b>
O			4.1.1	Ensure that a quarterly newsletter is created and shared internally and externally by January 30, 2015
O			4.1.2	Ensure that a marketing video for the website is developed and operating by June 30, 2015
O			4.1.3	Increase customer awareness of services by producing a marketing video for the website by June 30, 2015
O			4.1.4	Increase customer awareness of agency mission through opening an official Facebook and twitter page by June 30, 2015
O			4.1.5	Implement mystery shoppers to obtain objective review of employee customer service by June 30, 2015





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Agency Code: **L36** Section: **070**

Program Template

Program/Title	Purpose	FY 2012-13 Expenditures				FY 2013-14 Expenditures				Associated Objective(s)
		General	Other	Federal	TOTAL	General	Other	Federal	TOTAL	
I. Administration	To provide administrative direction, control and support for the agency	\$ 434,984	\$ 4,805		\$ 439,789	\$ 633,434			\$ 633,434	2.1.1, 3.1.1, 5.1.1, 5.2.1
II. Consultative Services	To provide technical services, training, equal opportunity and community relations consulting services	\$ 122,828			\$ 122,828	\$ 309,297			\$ 309,297	1.1.1, 2.1.1, 5.2.1
III. Compliance Programs	To enforce state laws prohibiting employment, housing and public accommodation discrimination	\$ 361,852	\$ 384,985	\$ 222,412	\$ 969,249	\$ 410,462	\$ 383,761	\$ 162,924	\$ 957,147	1.1.1, 2.1.1, 5.2.1
IV. Employer Contributions		\$ 221,385	\$ 76,231	\$ 29,351	\$ 326,967	\$ 283,486	\$ 72,785	\$ 33,082	\$ 389,353	2.1.1

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Performance Measurement Template

Item	Performance Measure	Last Value	Current Value	Target Value	Time Applicable	Data Source and Availability	Reporting Freq.	Calculation Method	Associated Objective(s)
1	Intake Calls and Initial Inquires	14,975	6290*	6605	July 1-June 30	Internal Records	Annually	Monthly Report	1.1.1, 1.2.1, 3.2.1, 5.1.1, 5.2.1
2	Intake Charges Formalized	909	1007	1057	July 1-June 30	IMS	Annually	Monthly Report	1.1.1, 2.1.1, 3.2.1
3	Employment Cases Received	1,078	1,206	1,266	July 1-June 30	IMS	Annually	Monthly Report	2.1.1, 3.2.1
4	Employment Cases Closed	796	914	960	July 1-June 30	IMS	Annually	Monthly Report	1.1.1, 1.2.1, 2.1.1, 3.2.1, 4.1.1
5	Employment Cases Successfully	57	101	106	July 1-June 30	IMS	Annually	Monthly Report	1.1.1, 1.2.1, 2.1.1, 3.2.1, 4.1.1,
6	Funds Collected at Mediation	433,084	720,046	756,048	July 1-June 30	IMS	Annually	Monthly Report	2.1.1, 3.2.1, 4.1.1, 5.2.1
7	Employment: Monetary Value of	690,866	1,333,148	1,399,805	July 1-June 30	IMS	Annually	Monthly Report	2.1.1, 3.2.1, 4.1.1, 5.2.1
8	Housing Cases Received	58	78	82	July 1-June 30	TEAPOTS	Annually	Monthly Report	2.1.1, 3.2.1, 4.1.1
9	Housing Cases Closed	46	52	55	July 1-June 30	TEAPOTS	Annually	Monthly Report	1.1.1, 2.1.1, 3.2.1, 4.1.1, 5.2.1
10	Housing Cases Conciliated	15	23	24	July 1-June 30	TEAPOTS	Annually	Monthly Report	2.1.1, 3.2.1, 4.1.1, 5.2.1
11	Public Accommodation Cases	17	5	5	July 1-June 30	Internal Records	Annually	Monthly Report	1.1.1, 2.1.1, 3.2.1, 4.1.1, 5.2.1
12	90 ( e ) cases Investigated	35	25	26	July 1-June 30	Internal Records	Annually	Monthly Report	1.1.1, 2.1.1, 3.2.1, 4.1.1, 5.2.1
13	Community Relation Councils	0	2	5	July 1-June 30	Internal Records	Annually	Monthly Report	2.1.1, 3.2.1, 4.1.1, 5.1.1
14	State Agency AA Plans Monitored	85	85	85	July 1-June 30	CAAMS	Annually	Monthly Report	2.1.1, 3.2.1, 4.1.1
15	Training-External	13	24	24	July 1-June 30	Internal Records	Annually	Monthly Report	2.1.1, 3.2.1, 4.1.1, 5.2.1
16	Training-Internal	4	9	12	July 1-June 30	Internal Records	Annually	Monthly Report	2.1.1, 3.2.1, 4.1.1, 5.2.1

\*Different method of record keeping