



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.

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