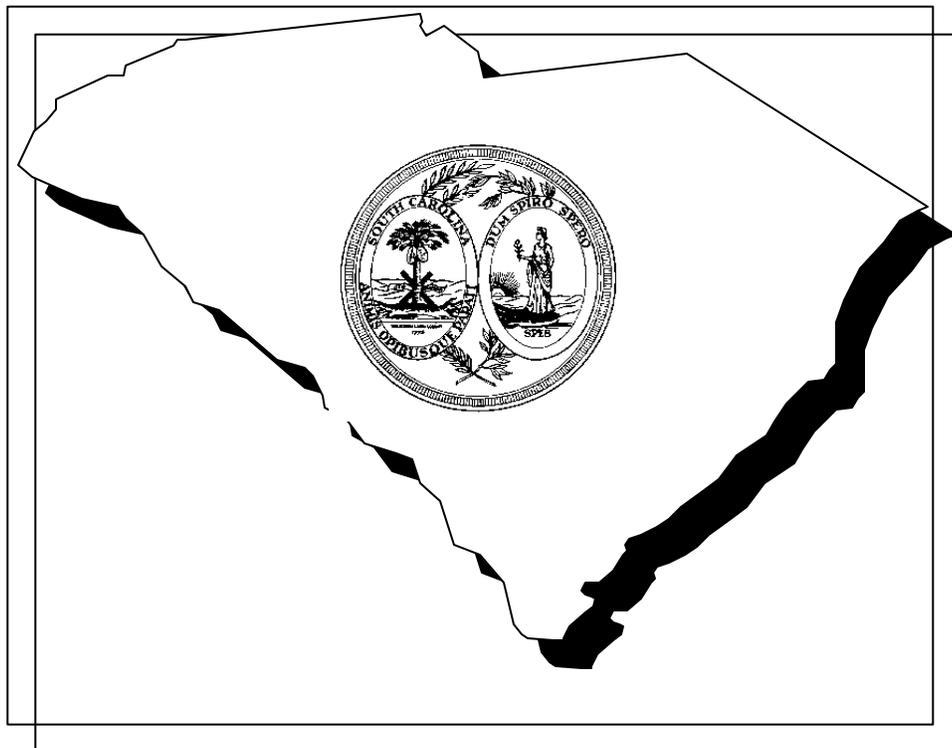


**South Carolina Human  
Affairs Commission  
2000 - 2001 Annual Report  
Jesse Washington, Jr., Commissioner**





STATE OF SOUTH CAROLINA



HUMAN AFFAIRS COMMISSION

Jesse Washington, Jr.  
Commissioner

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To the Citizens, General Assembly,  
and Governor of the State of South Carolina,

In 1972, the South Carolina Human Affairs Commission was charged with the job of promoting harmony and improving human affairs within the Palmetto State. Since that time, the Commission has had the responsibility to investigate and prevent discrimination in the areas of employment, housing, and public accommodations. The Commission has also spent considerable time and effort in assisting communities throughout our State to develop their own capacity to prevent and eliminate discrimination at the grass roots level.

Over the past year, the Commission has faced this responsibility with substantially fewer dollars and a reduced staff but with the same heartfelt commitment to the job of eliminating discrimination in our Great State. We have done so with the resolve of dedicated employees and Commissioners who are committed to the Commission's Mission. It is with the support of the Commission's staff and Board of Commissioners that I present the Annual Report for fiscal year 2000-2001.

In the future, I believe the Commission will continue to meet its challenges with the same dedication and with more efficient and effective methods that are being developed to enable us to perform at the highest possible level in this atmosphere of doing more with less.

Respectfully submitted,

Jesse Washington, Jr.  
Commissioner

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# South Carolina Human Affairs Commission

## Commission Members

### At-Large

Kaye L. Koonce, Esq., Chair  
Elaine Finney, Vice Chair  
C. Edward Bernier

Charleston  
Columbia  
Hilton Head

### First Congressional District

Harold M. Rhodes, III, DDS

Walterboro

### Second Congressional District

Susan Davis Bowers  
Clifford Bush, III, Esq.

Columbia  
Beaufort

### Third Congressional District

Carl E. Anderson  
William C. Price

Pendleton  
Aiken

### Fourth Congressional District

Reverend George A. Ashford  
Dayatra C. Baker-White, Esq.

Spartanburg  
Greenville

### Fifth Congressional District

John P. Gettys, Jr., Esq.  
Reverend Flor Morales

Rock Hill  
York

### Sixth Congressional District

Gloria Morant James, LMSW  
Jacquetta Porter Jones

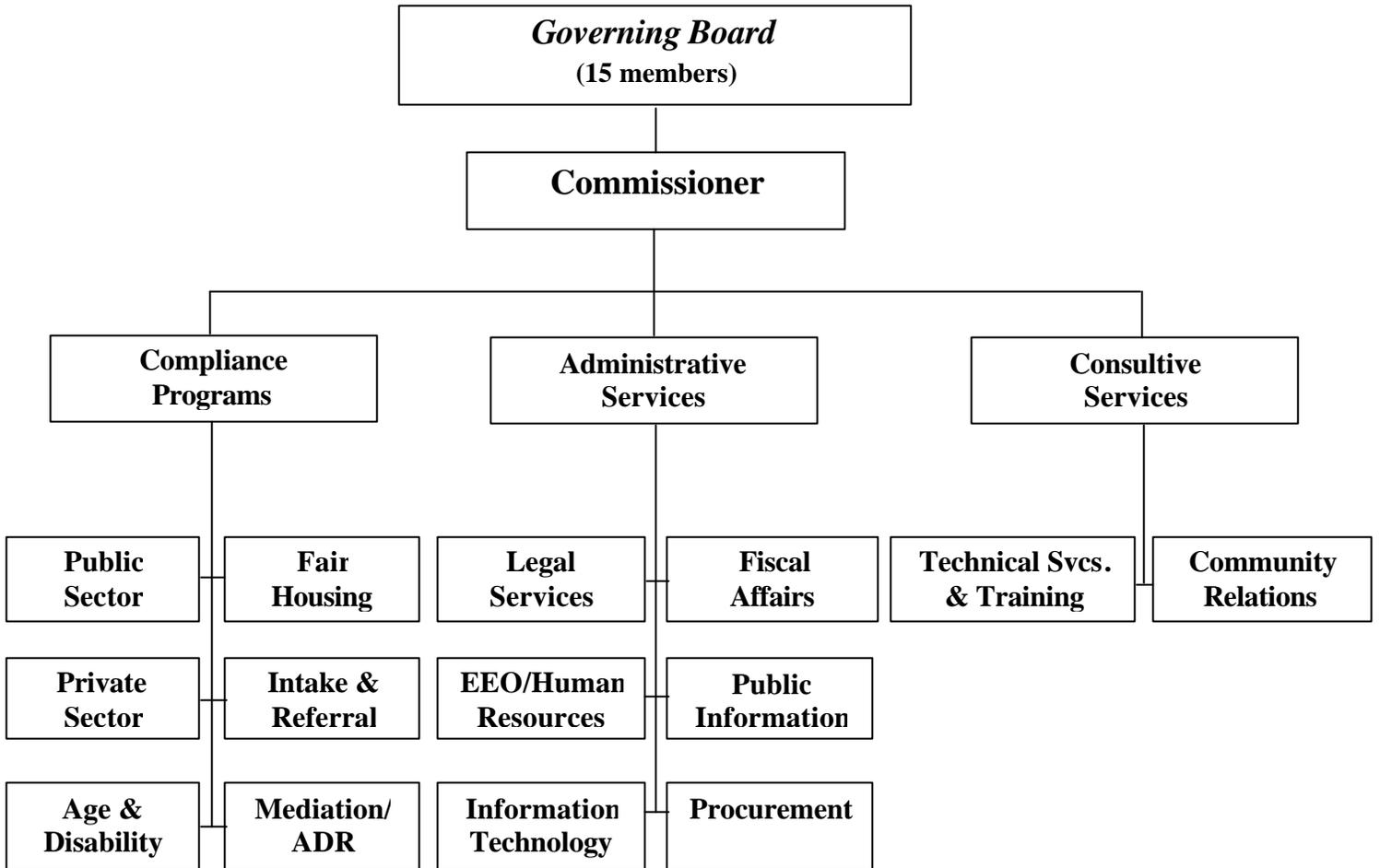
Holly Hill  
Ravenel

### Commissioner

Jesse Washington, Jr.

# South Carolina Human Affairs Commission

## Organizational Chart



## **Summary Statement of Expenditures: 2000-2001**

### **Expenditure Categories:**

<b>Administration</b>	<b>\$732,013.59</b>
<b>Compliance Programs</b>	<b>\$1,422,241.66</b>
<b>Consultive Services</b>	<b>\$722,268.04</b>
<b>Employer Contributions</b>	<b>\$563,218.48</b>
<b>Non-Recurring Appropriations</b>	<b>0</b>
<b>Total Expenditures</b>	<b><u>\$3,439,741.77</u></b>

### **Sources of Funds:**

<b>2000-2001 State Appropriations</b>	<b>\$2,558,966.08</b>
<b>Federal Funds</b>	<b>\$175,290.87</b>
<b>Earmarked Funds</b>	<b>\$705,484.82</b>
<b>Total Funds</b>	<b><u>\$3,439,741.77</u></b>

## History and Purpose

The primary purpose of the South Carolina Human Affairs Commission is to administer and enforce the **South Carolina Human Affairs Law**, the **South Carolina Fair Housing Law** and the **Equal Enjoyment and Privileges to Public Accommodations Act**. The major objective of each of these laws is the prevention and elimination of unlawful discrimination.

The **South Carolina Human Affairs Law**, enacted in 1972, created the South Carolina Human Affairs Commission. The law was implemented to promote harmony and the improvement of human affairs in South Carolina and to allow for maximum development of the State economically, educationally and socially. The Commission administers the law by several means. The agency's primary activities include investigating and attempting to resolve complaints alleging unlawful discrimination; monitoring the employment practices and affirmative action efforts of state government agencies; providing training and technical assistance to employers and others seeking to comply with the Human Affairs Law; working with communities to assist them in developing their capacity to address concerns at the local level; and conducting studies of problems which threaten achievement of the Human Affairs Law, thereby promoting 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 arising in South Carolina. This law makes it 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 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. Examples of the types of public establishments covered by the law include any inn, motel or other lodging business; any restaurant, cafeteria, lunchroom, lunch counter or soda fountain; any hospital or clinic; any retail or wholesale establishment; and any motion picture house, theater, concert hall, billiard parlor, saloon, bar room, golf course, sports arena, stadium, or any other recreational area.

## **Program Descriptions**

### **I. Administrative Unit**

The Administrative Unit is responsible for the overall operation and support services for the agency as well as to serve as a point of contact for and facilitator in the statewide community with respect to the agency's mission. The Commissioner, the chief executive officer of the agency, is employed by the agency's governing body (the Commission Members) with the approval of the Governor. The Commissioner coordinates all agency operations and is responsible to the fifteen members of the Commission. The Commissioner has the responsibility for ensuring that the agency's operations adhere to the requirements of the law and the policies, rules and regulations established by the Commission Members.

The Administrative Unit's staff provides resource management for the Commission, including finance and budgeting, purchasing, human resource management, legal services, public information and information resource management. The Administrative Unit staff also provides support for other special projects which may be developed by the Commission in order to fulfill the purposes of the South Carolina Human Affairs Law and Section 3, Article 1 of the South Carolina Constitution.

### **II. Compliance Programs Unit**

The Compliance Programs Unit serves as the investigative and enforcement arm of the Commission. The goal of the unit is to prevent and eliminate employment and housing discrimination practices which are illegal under the **South Carolina Human Affairs Law** and the **South Carolina Fair Housing Act**.

The primary responsibilities of the unit are to receive, investigate and resolve complaints alleging unlawful discriminatory employment and housing practices filed against respondents in South Carolina on the basis of race, color, sex, age, religion, national origin, disability and familial status (housing).

The Compliance Programs Unit is composed of six divisions: Intake & Referral, Private Sector Investigations, Public Sector Investigations, Age & Disability Investigations, Fair Housing Investigations, and Mediation Services.

#### **Intake & Referral Division**

The Intake & Referral Division serves as the initial contact point for all complaints of discrimination received by the Commission. Its primary responsibilities are to conduct interviews with potential complainants; gather essential information and documents from potential complainants; maintain complete records and files of complaint activity for tracking and reporting purposes; provide appropriate notices to respondents of complaints filed against them; perfect complaints and prepare them for assignment for investigation; file complaints with appropriate federal agencies; accomplish service of complaints on respondents; make appropriate referrals; and provide other technical assistance to the public.

#### **Private Sector Investigations Division**

The Private Sector Investigations Division processes employment discrimination complaints filed against private, non-governmental employers in South Carolina.

### **Public Sector Investigations Division**

The Public Sector Investigations Division processes employment discrimination complaints filed against South Carolina state government agencies and their local subdivisions, city and county government agencies, and regional government agencies.

### **Age & Disability Investigations Division**

The Age & Disability Investigations Division processes complaints alleging discrimination in employment based on age and/or disability in both the private and the public sectors.

### **Fair Housing Investigations Division**

The Fair Housing Investigations Division processes fair housing discrimination complaints in both the private and the public sectors.

### **Mediation Services**

The Commission's mediation program is designed to expedite the resolution of complaints without the necessity of a formal investigation by bringing the parties of a dispute together and assisting them in reaching a mutually acceptable solution. An agency official trained in mediation techniques, neutral third party, facilitates the process. Mediation often results in both the complainant and the respondent leaving with a "win-win" solution to the problem.

## **III. Consultive Services Unit**

The Consultive Services Unit includes the Technical Services and Training Division and the Community Relations Division.

### **Technical Services and Training Division**

The primary technical services function of this division is to assist state agencies with the development and implementation of their affirmative action plans and affirmative action programs. The division provides assistance to employers who are developing and/or revising personnel policies and procedures in the areas of recruitment, hiring, compensation, benefits, promotions, transfers, layoffs, recalls from layoff, and other areas of human resource management. Assistance is also provided to private sector employers upon request. Each year, the division undertakes the legislatively-required project of determining the level of affirmative action goal attainment achieved by state agencies; the results of this project are summarized in a report delivered to the General Assembly by February 1<sup>st</sup> of each year.

The division fulfills its training responsibilities by assisting agency staff members in developing the skills necessary to achieve the Commission's workplace objectives and by assisting employers in attaining the knowledge necessary to prevent and eliminate discrimination in employment. Due to limited staff and budget resources, the division has prioritized training activities into three categories: staff development training, quarterly employment forums (at

various locations across the State), and critical needs training (for employers who request training to prevent and eliminate discrimination or who are referred to the Commission as the result of an investigation).

### **Community Relations Division**

The Community Relations Division was created to encourage local resolution of local problems and to foster better community relations throughout the State. The division uses conference, conciliation and persuasion to bring together cross sections of people to resolve disputes involving alleged discrimination in police-community relations, education, business practices and other non-employment issues.

The Community Relations Division is responsible for eight program areas: (1) establishing and consulting with local community relations councils; (2) processing non-employment complaints of alleged discrimination; (3) coordination of activities with the United States Department of Education, Office of Civil Rights; (4) the Federal Highway Administration Survey; (5) the South Carolina Project Notification and Review System; (6) the South Carolina Emergency Preparedness programs; (7) technical assistance and referrals; and (8) enforcement of the Equal Enjoyment and Privileges to Public Accommodations Act.

Since its inception, the Commission has worked to link state government to community groups by assisting in the establishment and continuance of local community relations councils. The Community Relations Division will send members of its staff to any community relations council meeting upon request. If a community has an existing council or committee, the division offers its support and resources. The division staff also advises councils on identifying problems, setting priorities in program planning and development, and planning funding processes for community projects.

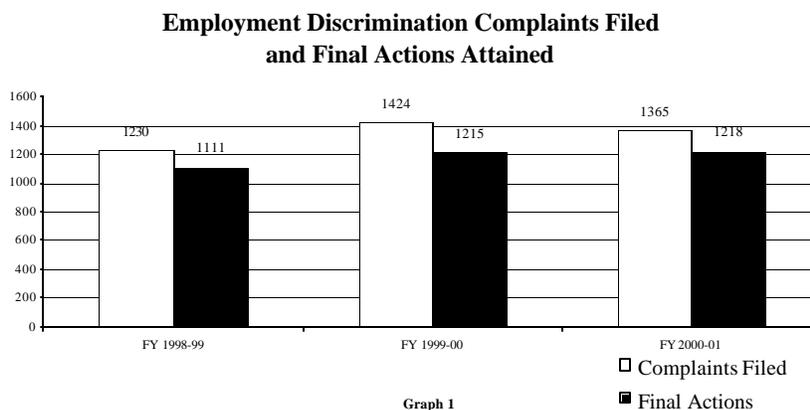
## Compliance Programs and Consultive Services Reports

The South Carolina Human Affairs Commission is charged by law to receive and resolve complaints alleging unlawful discrimination arising out of employment, housing, public accommodations, and other “problems in human affairs.” The agency’s responsibilities are also preventative, requiring that it provide technical assistance and training and that it seek to assist communities across the State in developing the means to address problems locally. The information which follows presents in summary the work of the Commission in meeting these diverse responsibilities over the three most recent state fiscal years.

### I. Compliance Programs

#### Employment Discrimination Complaint Processing

During state fiscal year 2000-2001, the Commission attained final actions on a total of 1,218 complaints of employment discrimination, representing a slight increase over the number of final actions attained during state fiscal year 1999-2000. During the last state fiscal year, a total of 1,365 complaints of employment discrimination were filed with the Commission, a slight decline from the preceding year.

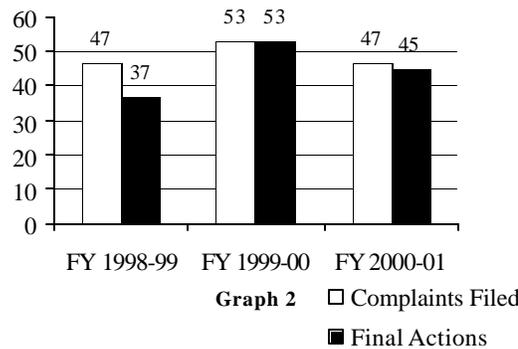


The overall trend in terms of both the number of complaints filed and the number of final actions attained has been generally stable over the past three state fiscal years. The level of performance reflected by these statistics was attained despite the loss of highly productive staff members who could not be replaced due to budgetary constraints. The agency’s success in maintaining this level of performance under such adverse circumstances is solely the result of staff members who are consistently performing at levels well beyond “the call of duty”. Whether the agency will be able to maintain this level of performance and service will depend on any future staff turnover, the ability to fill vacant positions, and potential employee “burn out” due to the demands to maintain past performance levels which were attained with greater resources.

## **Fair Housing Complaint Processing**

A total of 47 fair housing complaints were filed with the Commission during state fiscal year 2000-2001. During the same period, final actions were attained on a total of 45 fair housing complaints. Both figures represent slight decreases from the preceding state fiscal year.

**Fair Housing Complaints Filed and Final Actions Attained**



The decline in the number of complaints filed, and the corresponding reduction in the number of final actions attained, reflects the impact of the agency's budgetary constraints. The agency's ability to engage in public education and outreach has been significantly limited by the lack of the necessary financial resources, and this has had a direct impact on citizens' awareness of their rights and the exercise thereof.

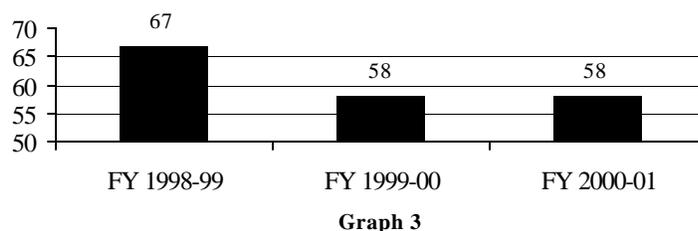
## **II. Consultive Services**

### **Technical Services and Training**

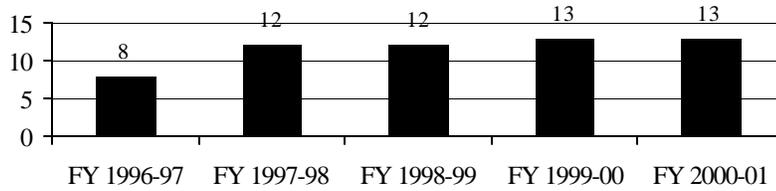
The Commission is required to report to the General Assembly by February 1<sup>st</sup> of each calendar year on the status of state agencies' affirmative action plans. Accordingly, the Commission publishes an annual report on the status of the South Carolina state government's workforce composition by race and sex and summarizes each state agency's efforts toward attaining a representative workforce.

A total of 58 state agencies attained at least 70% of their affirmative action goals during state fiscal year 2000-2001. This total equaled that of the preceding fiscal year, despite the impact of budgetary considerations on state government.

**State Agencies Attaining 70% of Their Affirmative Action Goals**



**Number of State Agencies Exempted From  
Affirmative Action Reporting Requirements**



**Graph 4**

Pursuant to the authority granted to the Commission by the General Assembly in the Proviso on Affirmative Action, those state agencies which have achieved a fair representation of minorities and women at all levels of their workforces as measured by standards set by the Commission may be exempted from the Commission’s affirmative action reporting requirements. During state fiscal year 2000-2001, a total of 13 state agencies had been granted exemptions from affirmative action reporting in recognition of their achievements.

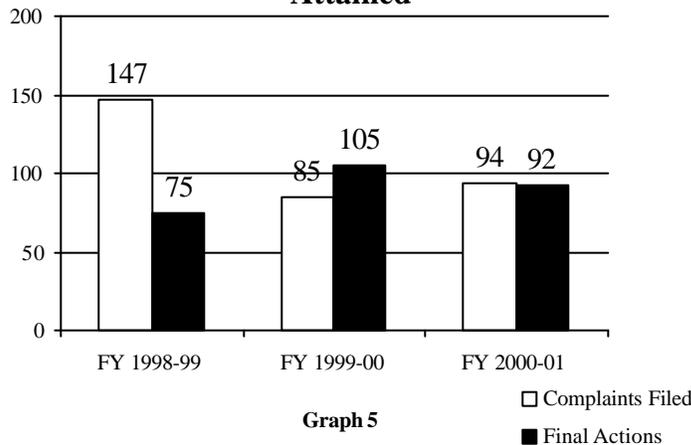
Training is essential to providing the knowledge and skills required for successful efforts in equal employment opportunity and affirmative action. Providing this training is a responsibility of the Commission. During state fiscal year 2000-2001, the agency’s Technical Services and Training Division provided training to a total of 3,645 participants representing state government, local government and the private sector.

**Community Relations**

Discrimination can and does occur in areas other than employment. Complaints of discrimination which are not employment-related are also subject to the Commission’s jurisdiction, and are processed and resolved by the Community Relations Division.

A total of 94 non-employment discrimination complaints were filed with the Commission during state fiscal year. A total of 92 final actions were attained by the Community Relations Division during that period.

**90(e) Complaints Filed and Final  
Attained**

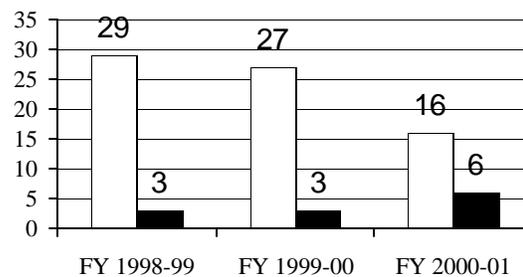


**Graph 5**

The trend in non-employment complaint activity in terms of both complaint filing and final actions attained has been relatively stable over the past two state fiscal years. The sharp increase in the number of such complaints filed during state fiscal year 1998-1999 was attributable to a large number of complaints filed against one respondent during that year.

Community relations councils are key means for enabling communities to enhance communication and address matters of concern locally, thereby contributing positively to the quality of life for all citizens. The Commission works closely with communities in their efforts to establish viable community relations councils and with operating councils to support their efforts.

### Operating and Planned Community Relations Councils



**Graph 6**  
 Councils Operating  
 Councils Planned

During state fiscal year 2000-2001, 16 community relations councils recognized by the Commission were operating across South Carolina. During that period, another six councils were in various stages of planning and development.

## **Summary of the South Carolina Human Affairs Law**

(The complete text is available in the [South Carolina Code of Laws of 1976, as amended](#) or from the Commission on request.)

**Section 1-13-10:** Names the law “The South Carolina Human Affairs Law.”

**Section 1-13-20:** Declares discrimination on the basis of race, religion, color, sex, age, national origin and disability unlawful. Creates the South Carolina Human Affairs Commission to prevent and eliminate discrimination.

**Section 1-13-30:** Defines words and phrases used throughout the Law. For example, “age” is defined as “at least 40 years.” The phrase “because of sex” includes rules about pregnancy, childbirth and related medical conditions.

**Section 1-13-40:** Sets the number of Commission Members at fifteen. The Commission Members are appointed by the Governor with the advice and consent of the Senate. Commission Members generally serve for a three-year term, and are eligible to serve two consecutive terms. The Governor appoints the Chairman of the Commission from among the three At-Large members. This section sets up the framework for the Commission to meet and transact business.

**Section 1-13-50:** Allows the Commission to employ a Commissioner with the Governor’s approval. The Commissioner is given the authority to hire a staff.

**Section 1-13-60:** Duties of Chairman and Vice-Chairman. The chairman shall be the presiding officer at meetings of the Commission and shall promote the orderly transaction of its business. In the chairman's absence, or his inability to act, the vice-chairman or if no vice-chairman has been appointed or elected a commissioner designated by the chairman shall act in his stead.

**Section 1-13-70:** Allows the Commission to:

- 1) establish offices in South Carolina
- 2) adopt bylaws
- 3) establish rules and regulations
- 4) make policies
- 5) cooperate and contract with federal agencies
- 6) recognize certain local groups that can help promote and enhance the South Carolina Human Affairs Law and its purpose
- 7) require specific reports from state agencies and/or departments
- 8) deal with problems in human affairs above and beyond problems of employment discrimination
- 9) go to court to compel employers to cooperate with the Commission
- 10) furnish technical assistance.

**Section 1-13-80:** Defines unlawful employment practices (with limited exceptions) making the South Carolina Human Affairs Law apply to all aspects of employment, including hiring, promotion, pay and terminations.

**Section 1-13-90:** Gives the Commission certain powers concerning complaints, investigations, hearings and orders.

Complaints must be:

- in writing
- filed within 180 days of the date of the allegedly discriminatory action
- filed at the Commission's offices, in person or by mail
- served on the employer by the Commission.

A complaint of employment discrimination filed against a state agency:

- will be investigated by the Commission under the supervision of one Commission Member. The Commission has the power to require the cooperation of the state agency employer;
- may be settled or withdrawn at any time;
- if not settled, may go to a public hearing before a panel of three Commission Members. During or before a hearing, the Commission may issue a subpoena requiring a witness to appear or requiring the employer to provide records. At the hearing, both sides can present witnesses and testimony. The panel, after hearing the testimony, can issue an order either dismissing the complaint or ruling in favor of the person who filed the complaint. A panel's order can be appealed to the Court of Common Pleas. The Commission can go to court to have an order enforced.

A complaint of employment discrimination against an employer which is not an agency of state government:

- will be investigated by the Commission. The Commission has the power to require the cooperation of the employer.
- may be settled or withdrawn at any time;
- if not settled before the investigation ends, will be acted upon by the Commissioner by issuance of a determination regarding whether the evidence supports the complainant's allegation;
- may be taken to court by the complainant if the complainant disagrees with the Commission's determination or if the Commission cannot conciliate a determination issued in the complainant's favor. The Commission, at its option, may also litigate the matter.

**Section 1-13-100:** Makes it clear that the sections of the law dealing with employers are intended to parallel Title VII of the federal Civil Rights Act of 1964.

**Section 1-13-110:** Requires state agencies to develop affirmative action plans. Requires the Commission to submit an annual report to the General Assembly on the status of affirmative action plans of all state agencies.

## **Summary of the South Carolina Fair Housing Law**

(The complete text is available in the [South Carolina Code of Laws of 1976, as amended](#) or from the Commission on request.)

**Section 31-21-10:** Names the law “The South Carolina Fair Housing Law.”

**Section 31-21-20:** States it is the policy of this State to provide fair housing.

**Section 31-21-30:** Defines words and phrases used throughout the Law. For example, “familial status” means one or more individuals who have not attained the age of eighteen years and domiciled with parent or legal guardian; or a pregnant person; or one securing legal custody of a child under 18 years.

**Section 31-21-40:** Describes activities which are unlawful as they relate to selling or renting dwellings because of race, color, religion, sex, familial status, national origin or handicap.

**Section 31-21-50:** Makes unlawful the denial of real estate services based on race, color, religion, sex, familial status, national origin, or handicap.

**Section 31-21-60:** Makes discrimination in making real estate-related transactions available or in the terms and conditions of transactions because of race, color, religion, sex, familial status, national origin or handicap unlawful.

**Section 31-21-70:** Describes activities exempted from the provisions of the Law.

**Section 31-21-80:** Makes coercion, intimidation, threats or interference with any person for exercising rights under the Law unlawful.

**Section 31-21-90:** Grants jurisdiction to the South Carolina Human Affairs Commission to administer the South Carolina Fair Housing Law.

**Section 31-21-100:** Allows the Commission to:

- promulgate regulations
- make studies of housing practices
- publish reports of such studies
- cooperate with and give technical assistance to agencies, organizations and institutions within the State
- cooperate with and contract with the United States Department of Housing and Urban Development (HUD) and other governmental agencies
- accept reimbursement for services rendered to the HUD
- accept gifts and donations
- go to court to compel compliance with the Law
- contract with and accept reimbursement from persons and organizations in effectuating the purposes of the Law
- administer the programs and activities relating to housing in a manner to affirmatively further the policies of the Law.

**Section 31-21-110:** Gives the Commission the power to:

- examine and copy records
- take testimony or statements
- issue subpoenas

- go to court to enforce subpoenas.

**Section 31-21-120:** Requires complaints to be in writing, filed within 180 days after an allegedly discriminatory housing practice occurs, and requires notice to complainants and respondents; imposes confidentiality and imposes criminal sanctions for breach of confidentiality; imposes certain time requirements for completion of investigations and final administrative disposition of complaints.

**Section 31-21-130:** Provides for administrative hearings and court trials; establishes procedures for hearing panels, pleadings, penalties for violations, court enforcement of Commission orders, and judicial appeal from Commission orders.

**Section 31-21-140:** Establishes a one-year statute of limitations for filing a court action under the Law and provides remedies if the Court determines the existence of violations.

**Section 31-21-150:** Provides for determination of other agencies having investigative authority of complaints and coordination of efforts to avoid multiple investigations.

# Summary of the Equal Enjoyment and Privileges to Public Accommodations Act

(The complete text is available in the South Carolina Code of Laws of 1976, as amended or from the Commission on request.)

**Section 45-9-10:** States that every person is entitled to full enjoyment of described services and accommodations without discrimination on account of race, color, religion or national origin, and defines places of public accommodation.

**Section 45-9-20:** Exempts private clubs and other establishments not open to the general public.

**Section 45-9-30:** Protects persons from intimidation, threats, coercion or punishment for exercising rights and privileges granted by the Act.

**Section 45-9-40:** Grants authority to the Attorney General to prosecute pattern-and-practice complaints before a panel of Commission Members following an investigation by the State Law Enforcement Division, and provides for procedures.

**Section 45-9-50:** Provides for full hearings before a Commission panel and establishes procedures therefore.

**Section 45-9-60:** Empowers the Commission to establish rules; grants authority to issue subpoenas; and provides for relief if a violation is found.

**Section 45-9-65:** Creates exceptions to liability for certain unauthorized conduct of an establishment's or agency's employee if that conduct is not known to the person in charge; provides panel discretion in license revocation in certain described situations.

**Section 45-9-70:** Provides for intervention by interested parties.

**Section 45-9-75:** Describes method and procedures for hearing panel's findings of fact, conclusions of law and order of determination; establishes limited right of appeal.

**Section 45-9-80:** Provides for mandatory immediate revocation of license and 3-year prohibition against issuance or reissuance of licenses.

**Section 45-9-85:** Establishes criminal and civil sanctions for breach of confidentiality.

**Section 45-9-90:** Makes violations of the Act a misdemeanor with penalties of a fine of not more than \$2,000 or imprisonment for not less than six months nor more than three years, or both.

**Section 45-9-100:** Creates a private right of action with civil remedies of not less than \$5,000 and provides for payment of attorney fees and court costs.

**Section 45-9-110:** Requires an aggrieved party to exhaust administrative process by filing a complaint with the South Carolina Human Affairs Commission and allowing a period of sixty days for investigation and conciliation prior to filing an action in court.

**Section 45-9-120:** States legislative intent to create three independent courses of action for violations of the Act.



## **The Proviso on Affirmative Action**

It is the policy of the State of South Carolina to recruit, hire, train and promote employees without discrimination because of race, color, sex, national origin, age, religion or physical disability. This policy applies to all levels and phases of personnel within state government, including, but not limited to, recruiting, hiring, compensation, benefits, promotions, layoffs, recalls from layoffs, and educational, social or recreational programs. It is the policy of the State to take affirmative action to remove disparate effects of past discrimination, if any, because of race, color, sex, national origin, age, religion or physical disability.

Each state agency shall submit to the South Carolina Human Affairs Commission employer workforce data and applicant information data by race and sex by October 31<sup>st</sup> of each year.

In accordance with Section 1-13-110 of the South Carolina Code of Laws of 1976, as amended, the South Carolina Human Affairs Commission shall submit a report on the status of State Agencies' Affirmative Action Plans and Programs to the General Assembly by February 1<sup>st</sup> of each year. This report shall contain the total number of persons employed in each job group, by race and sex, at the end of the preceding reporting period, a breakdown by race and sex of those hired or promoted from within the agency during the reporting period, and an indication of whether affirmative action goals were achieved.

For each job group referenced in the South Carolina Human Affairs Commission's **Report to the General Assembly**, where the hiring of personnel does not reflect the percentage goals established in the agency's Affirmative Action Plan for the year in question, the state agency shall submit a detailed explanation to the South Carolina Human Affairs Commission by February 15<sup>th</sup> explaining why goals were not achieved.

The South Carolina Human Affairs Commission shall review the explanations and notify the Budget and Control Board of any agency not in satisfactory compliance with meeting its stated goals.

The Budget and Control Board shall notify any agency not in compliance that their request for additional appropriations for the next appropriations cycle may not be processed until such time as the Budget and Control Board, after consultation with the South Carolina Human Affairs Commission, is satisfied that the agency is making a good faith effort to comply with its Affirmative Action Plan, and that compliance must be accomplished within a reasonable length of time to be determined by the mission and circumstances of the agency. This requirement shall not affect additional appropriation requests for public assistance payments or aid to entities.

This section does not apply to those agencies that have been exempted from the reporting requirements of the South Carolina Human Affairs Commission.