



LAC

SOUTH CAROLINA GENERAL ASSEMBLY

Legislative Audit Council

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S.C. DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

A LIMITED REVIEW OF:

- HUMAN RESOURCES
- DIVERSITY, EQUITY, AND INCLUSION
- TRAINING



Legislative Audit Council

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Introduction and Background

Audit Objectives

Members of the S.C. General Assembly asked the Legislative Audit Council (LAC) to conduct an audit of the S.C. Department of Health and Environmental Control (DHEC) regarding possible changes it has been promoting to its workplace culture. The requestors were interested in the agency's diversity, equity, and inclusion (DEI) initiatives; staff training; changes in employee hiring, promotion, and retention practices; and compliance with state and federal nondiscrimination and equal opportunity laws. Our objectives for this audit were to:

- Determine agency compliance with relevant federal and state nondiscrimination and equal opportunity laws regarding employment practices.
- Assess agency training for compliance with nondiscrimination and equal employment laws and regulations.
- Determine the role of DHEC's Office of Diversity, Equity, and Inclusion (DEI).

Scope and Methodology

The period of our review was generally 2018 to 2022, with consideration of earlier or later periods, when relevant. We used the following sources of evidence:

- Interviews with DHEC employees, interested parties, and employees of other state agencies.
- Federal and state laws and regulations.
- DHEC's policies and procedures.
- DHEC training documentation, employee hiring packets, emails, and application files.
- Information regarding other organizations' DEI programs.
- Survey of DHEC staff.
- Information from applicable federal or state agencies.

Criteria used to measure performance included primarily state and federal laws, agency policies, agency training courses, and the practices of other states and organizations. We used a statistical sample of human resources' files in addition to non-statistical samples of human resources' records and employee email files. We reviewed internal controls in several areas, including DHEC's control of human resources' records and agency training. Our findings are detailed in the report.

We also interviewed staff regarding the various information systems used by DHEC to determine how the data was maintained and what levels of control were in place. We identified ongoing legal proceedings and considered those in relation to our audit objectives.

We conducted this performance audit in accordance with generally accepted government auditing standards. Those generally accepted government auditing standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

S.C. Code §2-15-50(b)(2) requires us to review the effectiveness of an agency to determine if it should be continued, revised, or eliminated. We did not conclude from this review that DHEC should be eliminated; however, our audit includes recommendations for improvement in several areas.

It should be noted that S. 399 was ratified on May 17, 2023 and signed by the Governor on May 19, 2023. This restructures DHEC effective July 1, 2024. DHEC will cease to exist in its current form. This law creates the:

DEPARTMENT OF PUBLIC HEALTH which includes the health-related functions of DHEC.

DEPARTMENT OF ENVIRONMENTAL SERVICES which includes the environmental-related functions of DHEC.

Background

According to the agency's website, DHEC is charged with promoting and protecting the health of the public and the environment in South Carolina. DHEC lists four core divisions:

ENVIRONMENTAL AFFAIRS

Protects, promotes, and preserves the environment so that South Carolinians have clean air, land and water, and enhanced coastal resources.

HEALTHCARE QUALITY

Enhances patient safety and the quality of care by leading efforts to make health care in South Carolina safer, more accessible, affordable, equitable, and of higher quality.

PUBLIC HEALTH

Promotes community health and well-being by protecting people from disease, illness and injury, as well as providing access to quality care.

SUPPORT SERVICES

Provides agency program areas and teams with the necessary support to ensure the successful accomplishment of the agency's mission and vision.

DHEC has more than 3,400 employees working in approximately 100 locations across the state. Its budget for FY 22-23 was \$661,248,769, with \$154,208,837 in state appropriations.

LAC Review of Agency Email

Our primary audit objectives included assessing the agency's hiring and training practices, compliance with federal and state equal employment opportunity law, and the agency's implementation of DEI initiatives.

We initially requested a sample of employee email activity for 17 individuals involved in hiring agency staff at various levels within the agency and other audit-related emails from July 1, 2021 through December 31, 2022. After more than two months of working with the agency and adjusting our request to reduce the timeframe requested and remove certain automatic response and advertising emails, we received all the information requested for one employee and the other audit-related emails. However, we received only one month of emails (December 2022) for the remaining 16 individuals.

The provision of data was also delayed by a multi-layered review by up to three DHEC staff, removing what they deemed to be information protected by attorney-client privilege.

We have also reviewed the agency's programs, policies, and procedures; however, employee emails provide an internal indication of how those programs, policies, and procedures are perceived and implemented. The agency states its stance is against discrimination; however, in our limited review of emails, there were reports of perceived discrimination and questionable hiring practices, including hiring preselected individuals and nepotism.

We reviewed emails related to DEI. One email noted that due to the LAC audit, DEI training materials were now being sent for review by DHEC management before being distributed. Certain agency-wide communications were questioned by staff regarding the inclusiveness of the messaging and its purpose relative to the agency's mission. In one instance, an article about *Diwali*, the festival of lights, was posted internally at the request of a DHEC board member. The question was asked whether the agency would be inclusive of acknowledging other religious holidays as well. The recommended response was that the agency would not be featuring religious holidays on the agency dashboard moving forward. Others noted concerns regarding agency messages about *Independence Day* and *Pride Month*. While some might find the messages offensive, our review noted inclusive language focused on respect for all, environmental justice, and healthcare equity.

LAC Survey of DHEC Employees

We surveyed all DHEC staff in November 2022 using SurveyMonkey®. We emailed a link to the survey to employees. The questions were designed to obtain anonymous feedback on issues including diversity, equity, and inclusion; hiring; discrimination; and training. We had a 53% response rate (1,877 of 3,535). The results of the survey are in Appendix A. Also, open-ended responses were summarized and referenced throughout the report.

Audit Findings

Human Resources

We reviewed DHEC's human resources' (HR) function and hiring practices, and found DHEC:

- Hired individuals who did not meet the required qualifications.
- Changed job postings to accommodate certain candidates.
- Did not follow agency policy for interviewing candidates.
- Changed interview scores to select certain candidates.
- Extended written offers prior to obtaining approval from the Office of HR.
- Did not follow agency policy for checking candidate references.
- Does not have a change log for its HR policies.
- Has not had an internal audit of HR functions in the past four years.
- Does not maintain hiring documents in a centralized location or for the required timeframe.
- Has minimal coordination and communication between the agency's Office of HR, regional HR, and HR individuals in the environmental affairs bureaus.
- Has the regional HR function structured in a way that potentially negatively impacts operations.

Sample of Hiring Records

DHEC does not maintain hiring records in accordance with its policy. We reviewed the hiring documents for a sample of 50 positions filled between July 2, 2021 and November 21, 2022. The sample included 40 statistically-valid, randomly-selected positions to ensure DHEC's population, across each region, central office, and program area was accurately reflected. The other ten positions were judgmentally selected.

According to DHEC policy, HR designees or HR liaisons coordinate with hiring managers to submit hiring packets (documents used to request a hire) to the Office of HR for review and approval. The policy states that the packets should contain documentation including, but not limited to:

- Employee hire/salary action form.
- Candidate's application.
- Employee reference check form(s).
- Copy of job posting.

After review by HR, the approved hiring packet contains any applicable modifications and signatures on the employee hire/salary action form, and HR returns it to the HR designee or liaison. We requested the hiring packet submitted to HR and approved hiring packet returned from HR, as well as the interview notes and scores, for each of the 50 positions in our sample. Chart 2.1 summarizes what we received.

Chart 2.1: Sample of Hiring Documents for 50 Positions

50 POSITIONS REQUESTED		DOCUMENTATION RECEIVED
HIRING PACKET	33	Complete Hiring Packets and Approved Hiring Packets.
	17	Partial Hiring Packets and/or Approved Hiring Packets.
INTERVIEW RECORDS	43	Complete interview records.
	6	No interview records.
	1	Partial interview records.

Source: LAC Review of DHEC Documentation

DHEC policy states hiring managers or HR designees must keep all applications and other interview documentation for two years. Our request was within the two-year window; therefore, all hiring packets and interview records should have been available for review.

In addition to not following its record retention policies, we found DHEC does not consistently follow its policies for hiring practices, which specifically state: “Deputy Directors, Personnel Coordinators, HR Consultants or their designees must adhere to the agency’s HR On-Boarding Procedures for all staff.” Providing initial and refresher training on agency hiring policies and procedures could aid in ensuring future hiring practices are executed in accordance with agency guidance.

Candidate Qualifications

DHEC has interviewed and hired multiple unqualified candidates. DHEC policy states: “The hiring manager will NOT consider any applicant for employment who does not meet the state minimum requirements and agency additional requirements for the classified position.” Additionally, all candidates must meet the minimum requirements and additional agency requirements for the posting in order to be qualified.

We compared the candidates who applied for each position in our sample with the candidates interviewed and found 17 instances where unqualified candidates were interviewed for the positions; 9 of those instances resulted in an unqualified candidate being hired for the positions. For example, we found:

A posting required licensure with the state of S.C.; three of the five candidates interviewed were not licensed.

A posting required a relevant degree and/or applicable experience; two of the three candidates interviewed did not have a relevant degree or applicable experience.

In one instance, more than 80 qualified candidates applied, but an unqualified candidate was hired.

We found one instance in which qualified candidates applied but the minimum and additional requirements were changed to lesser qualifications and the position was reposted to accommodate a candidate who was preselected. In our email review, we found another example of hiring managers changing the qualifications to accommodate a preselected candidate.

In our survey of DHEC staff (Appendix A), we asked whether staff was aware of questionable hiring practices by the agency. Chart 2.2 summarizes the respondents who indicated they were aware of questionable hiring practices.

Chart 2.2: DHEC Employee Awareness of Questionable Hiring Practices

RESPONDENTS	SURVEY RESPONSE
17% (324 of 1,893)	Indicated awareness of the hiring process being manipulated to hire a preselected candidate.
12% (235 of 1,893)	Indicated awareness of instances where the job posting was changed to accommodate a particular candidate.

Source: DHEC Employee Survey Results

When employing individuals who do not meet the basic qualifications or have not fairly competed for positions, the agency not only risks having a workforce where individuals are not competent to perform the functions of the job in which they were hired but also risks reinforcing the perception that hiring decisions are based on relationships rather than the presumed fairness of a merit based system. All of this undermines agency hiring decisions.

Selecting and Interviewing Candidates

According to a DHEC official, it is DHEC's practice to interview at least five candidates for each position or a mandatory minimum of three candidates for hard-to-fill positions. From our review, we found:

4	Instances in which only one candidate was interviewed for the position, when other candidates were qualified.
15	Instances in which fewer than three candidates were interviewed for the position, even though there were three or more qualified candidates eligible for interview in all but two of the instances.
30	Instances in which fewer than five candidates were interviewed for the position, even though there were five or more qualified candidates eligible for interview in 22 of the 30 instances.

Of the 30 instances in which fewer than 5 candidates were interviewed, there were 12 instances in which more than 10 qualified candidates applied and 4 instances in which more than 60 qualified candidates applied. It is unclear why DHEC is limiting its interview pool when it has many other qualified candidates.

We found agency hiring officials:

Adjusted interview scores to select a specific candidate.

Asked HR where applications were for specific candidates that were not forwarded as qualified.

Failed to confirm candidates were qualified before interviewing, selecting for hire, and/or extending offers.

Extended written conditional offers within two hours of concluding an interview, when other written conditional offers were extended several days later.

Scheduled interviews with candidates before having the interview questions approved by HR, as required.

Only interviewed candidates who met the preferred qualifications, which are not required.

We also found an employee responsible for selecting candidates for interview selected the employee's child as a candidate to be interviewed.

DHEC policy states interviews may not be scheduled until all interview questions have been approved by HR. DHEC policy states the hiring manager should review all applications to determine eligibility. In an internal email, agency officials discussed that hiring managers have been trained numerous times to not restrict interviews to only those who meet the preferred qualifications. Also, DHEC has a nepotism policy that outlines what relationships are considered nepotism. Additionally, the S.C. Ethics Act of 1991 prohibits nepotism. However, these instances show agency policies have not been followed consistently.

Job Offers

DHEC policy states "no *verbal offer*" may be extended prior to approval from HR; however, in our review, we found ten instances of a *written offer* being extended prior to obtaining approval from HR. Two of the written offers were the official offer letters, while the other eight offers were conditional offer letters. DHEC policy does not provide any guidance on conditional offers, other than a model letter. Therefore, DHEC's policies do not match the agency's hiring practices. Without clearly defined policies, hiring practices are executed inconsistently across the agency.

Reference Checks

We found seven instances where three reference checks were not completed for the external candidates. One other hiring packet did not include any reference check information; therefore, there is no documentation that any reference checks were completed. DHEC policy states that three reference checks must be completed for external candidates.

According to a DHEC HR official, an individual on the interview panel cannot complete a reference for a candidate. We found that this occurred twice in our sample, and we were told about another instance by an individual involved in the hiring process. We also identified questions raised by an employee via email to HR regarding this same concern. Agency policy does not address who can or cannot complete a reference. It is best practice that HR ensures policies and procedures regarding the responsibilities for verifying prior employment and professional references are clearly written and consistent with current business practice.

Policies and Procedures

DHEC does not have a change log for its HR policies that documents changes made to the policies for easy review by DHEC leadership. We reviewed and compared all HR policies from FY 18-19 to FY 21-22. For FY 18-19, DHEC provided 30 policies and provided 15 additional policies for FY 21-22. Of the 30 policies provided for both timeframes, there were changes made to only 3 policies, none of which were substantial changes. It was difficult to tell, without a change log, what changes were made.

We focused our attention on the two policies related to hiring and recruitment. No changes were noted to those policies. However, the policy on nepotism was approved in July 2019 and included in the FY 21-22 policies. The 15 additional policies cover topics such as telecommuting, tuition assistance, overtime, and outside employment.

Potential DEI Impact

We also specifically reviewed the policies for any impact from DHEC's DEI initiatives. The changes noted above are not indicative of changes made based on DEI initiatives. There is no indication of diversity, equity, and/or inclusion efforts in any of the newly-added policies. The new telecommuting policy does, however, state that telecommuting can be considered a reasonable accommodation under the Americans with Disabilities Act. The policies related to hiring and/or recruitment also have not been impacted by any DEI initiatives. We interviewed various staff involved in the hiring process and everyone interviewed stated they were unaware of any changes made to policies or procedures due to DEI initiatives.

Human Resources' Audits

DHEC's Office of Internal Audits has not conducted an audit on HR functions in the past four years. We reviewed audit reports provided by DHEC for July 2018 to April 2022. During that time, one report issued by DHEC's Office of Internal Audits was for a workplace culture survey of the Office of HR in February 2022. DHEC leadership requested the survey to assess the workplace culture due to complaints received regarding the work environment in the Office of HR. The report states the Office of Internal Audits did not investigate or audit any of the issues reported in the survey. We did not identify any audits of hiring processes completed by DHEC's Office of Internal Audits during our review. According to best practices, HR audits can help identify whether an HR department's practices or processes are adequate, legal, and effective.

The S.C. Department of Administration, Division of State Human Resources conducts periodic "Hire Above Minimum Delegation" audits to ensure compliance with the hire above minimum delegation agreement. We reviewed the FY 16-17 audit and the FY 19-20 to FY 20-21 audit; the results of both audits found the agency in compliance. In addition to these audits, the Division of State Human Resources conducted a review of DHEC's Office of HR in April 2022, including the onboarding process. The review noted the process appears to be well organized and suggested "bringing all the people involved together to make sure this is actually the way things are executed in the field."

Decentralized HR Records

According to individuals involved with the hiring process and our review of agency policies, the hiring records are maintained in various locations throughout DHEC, including central HR and with the hiring managers/HR designees in the central office, environmental affairs bureaus, and the regions. We verified the hiring records are maintained throughout the agency when we pulled our sample of 50 positions. A DHEC official stated it would be nice if the hiring documents were in a "one-stop shop."

Additionally, DHEC policy does not address the maintenance of hiring documents when a hiring manager or HR designee leaves the agency or is out-of-the-office for an extended period of time. As noted in our sample of hiring documents, we were unable to review full records for 17 positions due to the agency's inability to locate the documents. Without a policy, written guidelines, and additional training regarding the transfer of records for retention, and with a lack of centralization, documentation may be lost or misplaced and become unavailable for review.

Disconnect Between the Office of HR, Regional HR, and HR in the Bureaus

In addition to the decentralization of hiring records, we also found there is minimal coordination and communication between the Office of HR, regional HR, and HR individuals in the environmental affairs bureaus. The Office of HR is located in DHEC's central office in Columbia and finalizes all HR actions for the entire agency. Classification and compensation and employee relations are housed within the Office of HR. In the public health regional offices, there are HR managers who prepare all the paperwork for HR actions in their respective regions. The public health regional HR staff do not process any HR actions for environmental affairs staff, except for vital records. There are designated administrative staff in each of the environmental affairs' bureaus who prepare the paperwork for HR actions.

We interviewed individuals involved with HR functions and reviewed agency emails and learned:

Information from the Office of HR does not get disseminated timely and effectively.

Many of the processes handled by the Office of HR are "long and drawn out."

Actions are delayed by the Office of HR.

Processes are inconsistent and change without notice, warning, or explanation.

Information coming from the Office of HR is inconsistent.

One individual described the relationship between the Office of HR and other HR individuals as a "tug-of-war."

Prior to 2016, the regional HR staff worked independently of the Office of HR, with its own dedicated employee relations and classification and compensation individuals. In 2016, all the regional HR staff were moved from reporting directly to the regional health directors to a direct reporting structure in the Office of HR, located at the central office. Agency officials in the regions have expressed concern over the reporting structure of the HR function; stating the majority of regional programs are supervised regionally and HR is inconsistent with that structure since it is not supervised regionally.

According to an official, changing the structure would have many potential positive impacts including:

- Closing the communication gap as it relates to writing job descriptions, recruiting, and offering positions.
- Effectively using the regional HR staff as more than middlemen.
- Making consistent decisions about personnel actions.

HR functions are critical to the efficient operation of any organization; evidence suggests the current structure is negatively impacting the regions. Two agency officials stated that DHEC was looking at ways to give the regional HR staff more decision-making authority.

Recommendations

1. The S.C. Department of Health and Environmental Control should ensure individuals involved in the hiring process are properly trained regarding the documented hiring policy, especially for selecting and interviewing candidates.
2. The S.C. Department of Health and Environmental Control should thoroughly review the hiring packets to ensure written offers have not been extended prior to the Office of Human Resources' approval.
3. The S.C. Department of Health and Environmental Control should ensure all policies are up-to-date and reflect best practices.
4. The S.C. Department of Health and Environmental Control should thoroughly review the hiring packets to ensure all required reference checks have been completed.
5. The S.C. Department of Health and Environmental Control should develop and maintain a change log for human resources' policies.
6. The S.C. Department of Health and Environmental Control should conduct an internal audit of agency hiring practices on a biennial basis to ensure compliance with documented policies, procedures, best practices, and non-discrimination laws.
7. The S.C. Department of Health and Environmental Control should establish a centralized location to maintain hiring documents for all agency staff and a policy to maintain files accordingly.

8. The S.C. Department of Health and Environmental Control should ensure hiring documents are maintained for the required timeframe.
9. If the S.C. Department of Health and Environmental Control does not establish a centralized location to maintain hiring documents for all staff, the agency should establish a policy for the transfer of hiring documents when hiring managers or human resources' designees separate from the agency.
10. The S.C. Department of Health and Environmental Control should reorganize the regional human resources' function (with input from applicable regional staff) to maximize the efficiency and effectiveness of the regional human resources' staff.

Legal Claims and Findings Regarding Employment Discrimination

DHEC's employment practices from FY 18-19 through FY 21-22 have not resulted in disproportionate accusations or findings of violating federal and state nondiscrimination (also called equal employment opportunity) law compared to similar state agencies. We found:

- DHEC was about average among similar, large state agencies in terms of the number and outcomes of charges of discrimination against it that were reviewed by the S.C. Human Affairs Commission (SCHAC) in FY 21-22.
- SCHAC found in favor of DHEC for all five charges of discrimination against DHEC that were closed in FY 21-22.
- DHEC had two lawsuits against it that clearly alleged discrimination in violation of equal employment opportunity (EEO) law; both settled.
- Employees who filed grievances after receiving disciplinary actions from DHEC from FY 18-19 through FY 21-22 infrequently alleged discrimination on the basis of race (1 of 16 grievances) or disability (2 of 16 grievances).
- Compared to other similar, large state agencies, DHEC had the fewest grievance appeals filed against it from FY 18-19 through FY 21-22.
- Employees indicated particular workplace discrimination concerns among some areas of the agency, including the Bureau of Healthcare Quality, in their responses to our survey.
- DHEC does not communicate employees' rights to raise employment issues to external agencies, such as SCHAC, in all of its relevant policies.

Nondiscrimination Law

Laws prohibiting employers from discriminating against employees based on race, gender, and other protected classes are well-established in South Carolina and throughout the United States. These laws are generally called “equal employment opportunity” (EEO) laws. EEO laws and policy are found in South Carolina statute, proviso, and regulations, federal statute and regulations, and the U.S. Constitution. A foundational EEO law is the federal Title VII of the Civil Rights Act of 1964. EEO laws cover a wide range of employment practices, from recruitment to separation.

EEOC and SCHAC Charges of Discrimination

EEO enforcement agencies have not found DHEC in violation of fair employment practices under the law from FY 18-19 through FY 21-22.

The federal Equal Employment Opportunity Commission (EEOC) is charged with enforcing federal EEO law, including Title VII. At the state level, SCHAC is also responsible for enforcing workers’ EEO rights. Individuals who believe they have been discriminated against by a covered employer in South Carolina may file a charge of discrimination with either the EEOC or SCHAC. Under a work-sharing agreement, both agencies share data regarding charges of discrimination, including their filings, investigations, and final decisions. Generally, SCHAC is responsible for investigating properly-filed charges of discrimination against South Carolina state agencies, regardless of the agency with which the charge is initially filed.

In our analysis of charges of discrimination closed in FY 21-22 provided to us by SCHAC (excluding institutions of higher education), we found that among 24 agencies, DHEC had the 9th fewest cases adjusted for number of employees (a total of five cases). Among five large agencies with over 1,500 employees, the agency was average in terms of cases adjusted for the number of employees and placed third. The S.C. Department of Social Services and S.C. Department of Transportation had the fewest cases adjusted for the number of employees among large agencies. Finally, and perhaps most importantly, all five claims of discrimination against DHEC that SCHAC closed in FY 21-22 resulted in findings of “no cause” to believe that DHEC violated EEO law after investigation.

We also analyzed DHEC data regarding charges of discrimination filed from FY 18-19 to FY 21-22 and found that in the 17 cases where SCHAC had issued a decision as of May 30, 2023, SCHAC dismissed the case in favor of DHEC. Three cases from the data were still pending a decision.

One clear limitation of these analyses is that it depends on workers to recognize discrimination and then file and pursue formal charges to be included in the data. Therefore, incidents of discrimination could be underreported.

Lawsuits Alleging Discrimination

Two lawsuits filed against DHEC alleged violations of EEO law during our period of review, both of which were settled in 2023. Each suit was filed by a different former employee. In its responses to the lawsuits, DHEC denied the allegations and asserted a number of affirmative defenses to eliminate or limit legal liability.

One other, self-represented, former employee filed three nearly identical lawsuits. Although each contained a single reference to age discrimination and retaliation, the lawsuits did not specifically allege violations of EEO law.

DHEC did not have any other EEO lawsuits filed against it during our period of review. However, there were two EEO lawsuits filed earlier (2016) that were dismissed in DHEC's favor and later affirmed by courts of appeal in 2019.

All three cases that allege or alleged race discrimination were filed by African Americans, and one sex discrimination allegation was filed by a woman. There are two cases that have arisen out of one department at DHEC, but they were several years apart. One case alleges age discrimination while the other alleges race discrimination. Overall, review of relevant lawsuits against the agency did not find a pattern of alleged discrimination that posed an unusual legal risk to the agency's operations.

Employee Grievances and Grievance Appeals

We reviewed all 16 grievances filed by DHEC employees from FY 18-19 through FY 21-22. We found only one case that alleged discrimination in violation of Title VII in FY 18-19. We found two cases that alleged that the agency discriminated based on an employee's disability—one from FY 18-19 and one from FY 19-20.

Although grievances do not necessarily indicate discrimination issues, we included them in our review because they can provide a formal opportunity for an employee who feels discriminated against to raise that issue in the context of a specific adverse employment action. DHEC has a grievance policy for covered employees to contest several types of adverse employment actions. This policy is required by state law and is approved by the S.C. Department of Administration, Division of State Human Resources. Senior management in the employee's program area decide whether to accept, reject, or modify the disciplinary action taken against the employee after reviewing information accumulated during the grievance process and consulting with the agency's human resources' office.

Employees that file grievances may also appeal agency management’s final decisions to the Division of State Human Resources. This appeal process, including the relevant timelines, is included in the policy. We reviewed aggregate data for grievance appeals related to DHEC and other state agencies. We found that DHEC had the fewest grievance appeals filed against it, as compared to other large state agencies with over 1,500 employees that were not institutions of higher education.

Do DHEC Employees Feel They Have Been Discriminated Against?

Our DHEC employee survey results show areas of concern regarding workplace discrimination in some areas of the agency. Notably, employees identified workplace discrimination concerns within the Bureau of Healthcare Quality. Additionally, there are some differences among other groups that DHEC management should consider when implementing internal DEI and nondiscrimination strategies or initiatives. The results of our employee survey do not indicate that there is an agency-wide strategy or policy to engage in discriminatory workplace behavior.

We asked the question, “Do you feel like you have been discriminated against at DHEC?” and analyzed the results by work program area and region, and the protected classes of race and ethnicity, gender, and age. Overall, approximately 7% (137 of 1,986) of staff responded that they felt like they have been discriminated against at DHEC. However, we found notable increases from the norm among staff who:

Worked in the Bureau of Healthcare Quality.

Worked in DHEC’s Central Office or Upstate region.

Identified themselves as Asian American and Hispanic/Latino.

Identified themselves in older age groups.

We include detailed survey results in Appendix B.

DHEC Harassment and Discrimination Policy

DHEC has a harassment and discrimination policy that includes a description of the agency's internal reporting and investigation process for complaints of discrimination in the workplace. However, unlike the agency's grievance policy that explains an employee's right to raise a grievance issue to an outside agency, this policy does not explain an employee's right to file a charge of discrimination with either SCHAC or the federal EEOC regarding the alleged discrimination. An explanation of the procedure to file a charge, including timelines, in its harassment and discrimination, Americans with Disabilities Act, breastfeeding, and any other relevant policies would improve employees' awareness of their rights.

Recommendation

11. The S.C. Department of Health and Environmental Control should communicate employees' right to file a charge of discrimination with the S.C. Human Affairs Commission or Equal Employment Opportunity Commission, including timelines, in all relevant policies.

Diversity, Equity, and Inclusion

We reviewed diversity, equity, and inclusion (DEI) initiatives at DHEC and found:

- DHEC has a DEI office within public health, starting late 2020.
- The Public Health DEI Office is drafting its own strategic plan to guide its initiatives.
- DHEC's overall strategic plan includes DEI as a strategic pathway.
- DHEC has been recruiting for an agency-wide chief inclusion officer since June 2022.
- DHEC has an environmental justice program, within environmental affairs, which is comparable to the operations of the Public Health DEI Office.

Diversity, Equity, and Inclusion Office

DHEC's DEI office is located within the public health side of the agency and was created in late 2020. The Public Health DEI Office conducts comprehensive needs assessments and creates service delivery plans based on the DEI needs of the public health staff, in conjunction with other programs focused on health equity. The Public Health DEI Office was asked to offer trainings to public health management staff, beginning January 2021. There were six trainings offered—two focused on diversity, two focused on equity, and two focused on inclusion. The trainings focused on providing a definition for each issue, explaining why it was important, and building basic knowledge around that. We analyzed DHEC trainings for potential violations of equal employment opportunity laws in the Employee Training section of this chapter.

On an ongoing basis, the Public Health DEI Office distributes DEI resources to public health managers and leaders in a monthly newsletter. The Public Health DEI Office conducted surveys of the public health managers and leaders to determine the best layout, content, and effectiveness of the newsletter. Final feedback on the newsletter from the public health managers and leaders, received in July 2021, indicated 100% satisfaction. Each newsletter contains the definition of one DEI term (e.g., health equity) and links to miscellaneous sources for more information on topics falling into four categories.

OBSERVATIONS – awareness days, weeks, or months.

OPPORTUNITIES – available grants, fellowships, and conferences.

RESOURCES – podcasts, mapping tools, blogs, and articles.

UPCOMING EVENTS – summits, webinars, and listening sessions.

When we initially began gathering information about the Public Health DEI Office, most of the staff's time was spent overseeing a U.S. Centers for Disease Control and Prevention health equity grant regarding COVID-19. As of March 2023, the Public Health DEI Office is no longer responsible for overseeing that federal grant, as it was transferred to another department.

Within the Public Health DEI Office, the multicultural health specialist position has been vacant for one year. The position was vacated in May 2022, was posted in September 2022 for applications, and interviews were conducted in October 2022. The position was reposted in February 2023. As of April 2023, no one had been selected to fill that position.

According to the posting, the multicultural health specialist is responsible for managing the implementation of the public health DEI strategic plan and continuous improvement process, facilitating meetings which provide guidance and insight into addressing health inequities and cultural competencies, and leading the development of community engagement efforts. The multicultural health specialist also works with state health partners and focuses on DEI in workplans and representing underserved populations.

Public Health DEI Office's Strategic Plan

Since the Public Health DEI Office was newly created and no baseline measurements were in place to improve upon, it conducted a comprehensive needs assessment survey in March 2022. From the survey, focus groups were created and a comprehensive needs assessment was completed in May 2022 by Sharper Development Solutions, Inc., an external contractor. In response to the comprehensive needs assessment, a strategic plan was drafted for the Public Health DEI Office for goal establishment and accountability. The Weathers Group, another external contractor, developed the strategic plan in April 2023. As of May 2023, the strategic plan was still in draft form and being reviewed by DHEC leadership prior to implementation.

The strategic plan is separated into three areas of concern—diversity, equity, and inclusion. There is a total of 11 need statements and 9 measurable program outcomes. A few of the need statements include fairness, compensation, and favoritism. While these need statements touch upon human resources' areas, the focus of the strategic plan is on implementing training and formalizing processes to mitigate potential biases and improper hiring practices. The Public Health DEI Office's strategic plan is distinct from the overall DHEC strategic plan.

Overall DHEC Strategic Plan

We reviewed DHEC's strategic plan for DEI initiatives and found it includes DEI as a strategic pathway and lists advancing equity as a core value. DHEC's planning document for the strategic plan states:

Together diversity, equity, and inclusion establish a set of shared behaviors that promote collaboration across diverse groups. They are ingrained in everything we do as an agency.

According to the strategic plan, advancing equity means DHEC is committed to giving all South Carolinians the opportunity to attain optimal environmental and health outcomes by fostering a culture of fairness, equity, and inclusion for everyone. The strategic pathway of DEI is explained in the strategic plan as:

- Respecting diverse viewpoints and perspectives inclusive of the many different unique experiences of employees, stakeholders, and all those served.
- Endeavoring to enhance collaboration across diverse groups, encouraging the building of a diverse, skilled workforce.
- Directing day-to-day operations in a manner that fosters better health and environmental outcomes for all – including eliminating health and environmental disparities, addressing the social determinates of health, and protecting local communities from hazardous conditions.

Chief Diversity Officer / Chief Inclusion Officer

During our review, DHEC solicited applications for a chief *diversity* officer who would report directly to DHEC’s chief of staff, not the director of the Public Health DEI Office. The chief diversity officer posting was open between June 2022 and July 2022. The duties outlined in the posting included:

- Advance DHEC’s strategic vision.
- Provide guidance and direction to DHEC leadership and staff.
- Provide oversight to DHEC’s DEI activities.
- Collaborate with DHEC’s human resources on strategic hiring and retention efforts.

As of September 2022, the chief diversity officer position had not been filled.

In December 2022, DHEC solicited applications for a chief *inclusion* officer who would report directly to DHEC’s chief of staff. The chief inclusion officer posting was open between December 2022 and January 2023, and open again in April 2023.

We asked DHEC for the difference between the chief inclusion officer position and the chief diversity officer position advertised previously. A DHEC official stated these two positions were the same position, reposted, and not yet filled, as of April 2023. The duties outlined in the chief inclusion officer posting included:

- Advance DHEC’s strategic vision.
- Function as a resource for staff and partners.
- Coordinate activities with DHEC staff in the development, implementation, and reporting of DHEC’s DEI initiatives.

A noted difference between the two postings is that the chief inclusion officer posting does not include collaboration with DHEC’s human resources on strategic hiring and retention efforts. Instead, the posting includes ensuring DHEC’s efforts include all South Carolinians. As recruitment efforts continue and the position evolves, it is imperative DHEC ensures the efforts of the position are in alignment with all nondiscrimination laws.

DEI in Environmental Affairs

Environmental justice, a program on the environmental affairs side of the agency, is comparable to the operations of the Public Health DEI Office. Environmental justice is defined by DHEC as “the fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies.”

Environmental justice is focused on the decisions DHEC makes and how they could intentionally or unintentionally impact the environment and the public by engaging with stakeholders and environmental justice communities. Environmental justice communities are not identified by DHEC but are self-reported by the communities as disadvantaged, underserved, or poor. The guiding principles of the environmental justice program include:

- Ensure environmental justice-designated communities are meaningfully involved and routinely considered in the decision-making process.
- Proactively promote partnerships between communities and other stakeholders.
- Strengthen DHEC’s leadership with the goal of sustaining environmental justice.

The environmental justice program also maintains an environmental justice hub in which environmental justice leaders meet to share updates and discuss topics such as: emergency response, chemical release, and flooding. Also shared on the hub are grant opportunities and loan opportunities; the federal government provides grants to rectify disparities in certain communities.

DEI in Other Public Entities

We researched South Carolina state agencies, municipalities, organizations, and other states to determine other DEI initiatives. We found the S.C. Department of Mental Health has an Office of DEI. The S.C. Chamber of Commerce has a DEI webpage and a specific DEI toolkit available on its website. We also noted the City of Greenville, S.C. was recruiting for a chief diversity officer in December 2022.

In other states, we found:

MAINE

The Maine Department of Health and Human Services is working to advance DEI in its organization: comparatively – Maine is developing infrastructure dedicated to health equity, utilizing data-driven approaches to assess health disparities and inequities, and ensuring meaningful stakeholder engagement.

OREGON

The Oregon Metro, an organization that oversees affordable housing, land use and development, and natural parks in the Portland Metropolitan area, has two separate DEI functions – similar to DHEC – one function is focused on applying a racial equity lens to Metro policy and manage grants to build the capacity of community-based organizations. The second function is focused on internal workforce diversity and training.

WASHINGTON

The Washington Department of Fish and Wildlife has implemented bystander training (when and how to intervene if harmful behavior is observed in the workplace), implicit bias training, and required supervisor training that incorporates DEI topics to address workplace culture.

We also identified several states introducing or passing anti-DEI legislation, including:

ARIZONA

Proposed legislation would prohibit public entities from spending public funds on DEI programs and hiring employees dedicated to DEI programs.

FLORIDA

Proposed legislation would prohibit the creation of DEI offices and the use of state funding on DEI.

TEXAS

In February 2023, Governor Greg Abbott released a memorandum warning state agencies that the use of DEI initiatives in hiring is “inconsistent with the law” and hiring cannot be on any other basis than “merit.” Further proposed legislation would prohibit the consideration of race or ethnicity in higher education admissions, government employment, and governmental contracting.

SOUTH CAROLINA

As of July 2023, we found no bills were introduced in the 2021-2022 legislative session and three bills (H4289, H4290, and S0833) have been introduced in the 2023-2024 legislative session, primarily related to DEI in higher education regarding instruction and employment.

Employee Training

We evaluated DHEC’s training and relevant policies and procedures from July 2018 through June 2022 and found:

- DHEC’s mandatory training for all employees does not contain content that violates nondiscrimination law.
- Public health training that contains content related to topics of diversity, equity, and inclusion (DEI) is not currently mandatory for all public health employees.
- Public health training has included DEI content since at least FY 18-19. Public health training included more DEI content in FY 21-22 compared to prior years, which corresponds with a general trend in the public health field.
- DHEC’s training policies and procedures do not include best practices as identified by the S.C. State Agency Training Standards.
- DHEC’s organizational structure and policies and procedures relevant to training do not meet the needs of all relevant staff across the agency’s different program areas.

Review of Selected Training Content

In reviewing DHEC training courses, we found no content that potentially violates equal employment opportunity (EEO) law. We reviewed DHEC's required training courses, training presentations created and delivered by DHEC's Public Health DEI Office, and documentation for a facilitated discussion for agency leadership procured by DHEC from a consulting company for content that could violate EEO legal standards.

Legal Standards

Employers, including DHEC, could violate EEO laws in their training practices by:

- Restricting or requiring an employee's participation in training based solely on his/her or the employer's race or sex.
- Including content in training that is discriminatory and rises to the level of harassment and creating a hostile work environment. This type of content must be unwelcomed by a participant, and also be severe or pervasive. Generic examples of harassing conduct are offensive jokes, slurs, intimidation, ridicule or mockery, insults, and offensive objects or pictures. This conduct is generally prohibited by DHEC's internal "Harassment and Discrimination" policy.

We also considered non-authoritative legal theories. Our research found two recent examples where individuals at other organizations have asserted that certain training content violates nondiscrimination law. These examples include trainings where participants were separated into racially exclusive "affinity groups," another that assumed participants had benefitted from or internalized racial supremacy. We also identified a recently-decided, federal case that looked at a mandatory, organization-wide DEI training from a First Amendment lens. Although these arguments have not yet been fully settled by case law and therefore are not authoritative, they do illustrate how certain training content could potentially be deemed as discriminatory under EEO law or otherwise illegal. (See additional detail in Appendix C).

Training Content Review

DHEC's current required training policy contains 19 courses, which must be completed by all new employees. Mandatory all-staff training course content could generally be more at risk of violating EEO law because the content is not necessarily welcomed by participants, and it implicitly signals that the entire workplace should conform to the standards presented in the required training.

We performed a detailed review of the content of two of these courses that we deemed most relevant to our review:

“BASIC CULTURAL COMPETENCE”

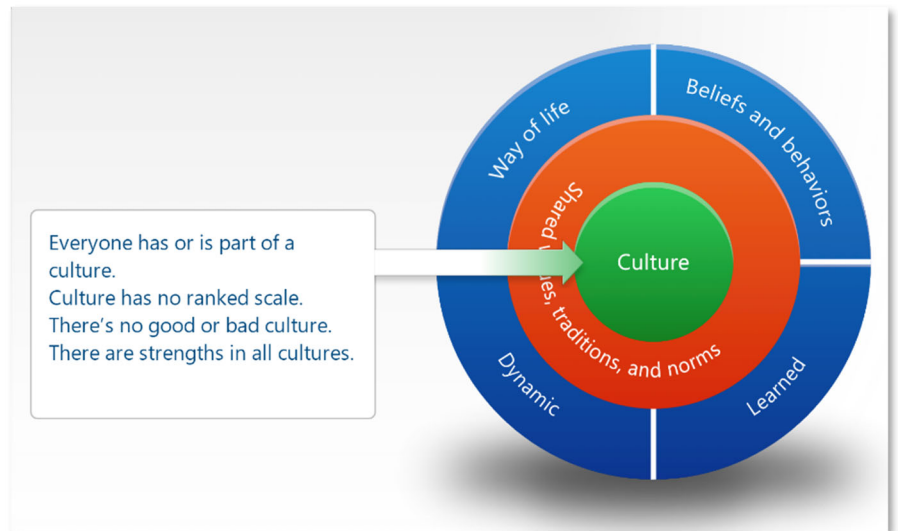
(a 135-minute course developed by DHEC)

“ANTI-HARASSMENT”

(a 30-minute course provided by the S.C. Department of Administration, with annual refreshers)

Both courses included content relevant to race, sex, religion, and other protected statuses, but we did not find any content that could potentially be considered discriminatory. Our review noted training content that stood in stark contrast to the harassing and potentially harassing behavior described above, such as the slide included as Chart 2.3, which includes statements of “[t]here is no good or bad culture” and “[t]here are strengths in all cultures.”

Chart 2.3: DHEC Culture Training



Source: DHEC

We did find, however, that the required basic cultural competence course included some dated material, such as using information from the 2010 census that has likely changed substantially in the past 13 years. An agency official also acknowledged that the training has not undergone core content updates for several years. Courses with current content are more relevant and useful for all employees.

Similarly, we did not find any content that could potentially be considered discriminatory when reviewing ten trainings created and presented by DHEC's Public Health DEI Office. A central focus of DEI efforts in the public health field are health disparities and the "social determinants of public health." A recent presentation by the Public Health DEI Office clarified that these social determinants are not based on a single attribute like race, sex, or religion, but instead on a variety of other, non-protected factors like income, neighborhood/physical environment, education, and quality and availability of healthcare.

We also identified and reviewed documentation for a 150-minute training session that DHEC procured from a consulting company, Diversity Leadership in Action, for its executive leadership, and did not find any potentially discriminatory content. The training took place in late 2020. The stated goals of the training were to:

... engage SCDHEC leaders in a dialogue about the current state of diversity, equity and inclusion in America that is candid and authentic, while also being safe and productive; and to introduce strategic diversity, equity and inclusion tools that can guide the development of actionable plans.

According to the training proposal, the majority of the session was a facilitated discussion of DHEC leadership's pre-submitted questions. The documentation showed that the training included the following content:

- How various institutions and organizations responded to an increased awareness of, sensitivity to, and focus on injustice and inequity.
- How information systems can cause binary thinking, echo chambers, and "cancel culture."
- How groups that include different kinds of thinkers outperform homogeneous groups, termed "the diversity bonus" in the presentation.

Employee Survey Results

Our survey of DHEC staff included a series of questions designed to identify potential EEO violations in agency training practices and content. Overall, very few respondents indicated potential EEO violations had occurred.

We analyzed respondents' answers by their self-identified work program area and region and the protected classes of race and ethnicity, gender, and age. Summaries of the questions, overall responses, and notable results are illustrated in Chart 2.4. We include detailed results for each of these questions in Appendix B.

Chart 2.4: Staff Survey Questions And Responses Regarding Potential EEO Violations in Training

STAFF SURVEY QUESTION	PERCENTAGE/NUMBER WHO RESPONDED "YES"	NOTED TRENDS
Have you felt that your ability to receive or attend any training in the last three years was restricted because of your race, sex, gender, disability, age, or other protected classification?	1.98% 38 of 1,921	Highest (3.7%) among Bureau of Healthcare Quality respondents
Have you felt that you were required to receive or attend any training in the last three years because of your race, sex, gender, disability, age, or other protected classification?	1.35% 26 of 1,921	Highest (6.45%) among Asian or Asian American respondents
Did any training in the last three years separate attendees based on their race, sex, gender, disability, age, or other protected classification (either for the duration of the training, or for a specific workshop or exercise)?	1.09% 21 of 1,921	Highest (12.9%) among Asian or Asian American respondents
Have you felt that the content of any training that you have attended in the last three years made your work environment feel hostile (including humiliation, debasement, stereotyping, or harassment) based on race, sex, gender, disability, age, or other protected classification?	2.29% 44 of 1,921	Highest (6.45%) among Asian or Asian American respondents

Source: LAC Analysis of Collected Survey Data

Public Health Trainings

Less than 8% (23 of 298) of all identified training courses for DHEC public health staff from FY 18-19 through FY 21-22 included topics of DEI. We analyzed data collected regarding all training courses for DHEC public health staff—the largest single area of the agency—from FY 18-19 through FY 21-22. DHEC’s public health leadership provided the trainings, including dates, topics, attendance requirements, and course materials. We found:

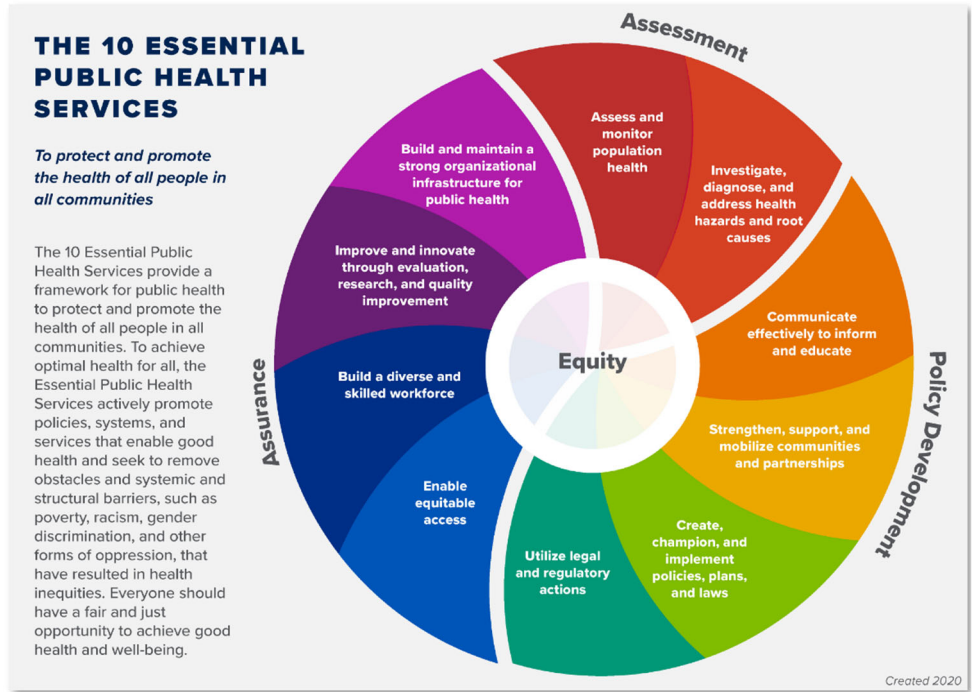
- Only two of the trainings that included DEI topics were open to all staff.
- No trainings that included DEI topics were mandatory for all staff to attend.
- Seven of the courses that included DEI topics were mandatory for only some staff, ranging from a single employee attending a series of health debt meetings, to all Supplemental Nutrition Program for Women, Infants, and Children (WIC) staff attending annual customer service and civil rights training.
- Seven of the trainings that included DEI topics were developed and delivered internally.
- Sixteen of the trainings that included DEI topics were part of courses that were created and delivered by external organizations.

We also found that the number of trainings with DEI topics increased most noticeably in FY 21-22 from prior years.

FY 18-19	FY 19-20	FY 20-21	FY 21-22
4	1	5	8

This increase matches DHEC’s creation of the Public Health DEI Office and hiring of a director for that office in November 2020. It also corresponds with a recent increased emphasis in the general field of public health to emphasize the concepts of diversity, equity, and inclusion in public health practice. For example, as shown in Chart 2.5, “The 10 Essential Public Health Services”—a long-standing and well-recognized framework for carrying out the mission of public health—was revised by a collaborative task force (in September 2020) to include “equity” as a central guiding principle in public health services. According to the U.S. Centers for Disease Control and Prevention (CDC), this change is “intended to bring the framework in line with current and future public health practice.”

Chart 2.5: The 10 Essential Public Health Services



Source: The de Beaumont Foundation, Public Health National Center for Innovations, and CDC

Similarly, the CDC launched an agency-wide core health equity science and intervention strategy in 2021, designed to embed health equity into its work and enhance “diversity, inclusion, and engagement.” This emphasis in the public health field focuses on non-protected attributes, or the “social determinants of public health,” like poverty, housing, employment, education, and access to healthcare—not directly on protected classes like race or sex.

Training Policies and Procedures

DHEC's training policies and procedures are limited, do not include best practices identified by the S.C. State Agency Training Standards, and do not manage risks to the agency that it could sponsor inappropriate or discriminatory trainings.

The S.C. State Agency Training Standards include several best practices for administrative functions related to training, including a recommendation to "[n]otify the agency's training department of all trainings." It further explains that "having a centralized training department in each agency allows for oversight on all training deliverables," and that "proper documentation should be maintained for all trainings," such as the agenda, attendance roster, and copies of training course materials and evaluations.

DHEC has one policy relevant to training titled "Required Trainings Policy," which addresses the required trainings for all DHEC employees and supervisors. The policy contains a restriction that "[a]ny changes or additions to Agency Required Training must be approved and/or coordinated with Staff Training and Development." However, there is no other provision or separate policy that specifically states standards or procedures for all other trainings. We interviewed multiple agency officials who affirmed this practice, one of whom stated that he would prefer not to involve the agency's training department if he created trainings for his area.

This means many trainings created or sponsored by the agency have no specific standards for either content or procedure explained in written policy. While the agency's harassment and discrimination and Americans with Disabilities Act compliance policies apply to all agency activity, including creating or sponsoring trainings, it would be beneficial to clearly reference them in a separate training policy as a reminder to staff engaging in training activity. A separate training policy would also clearly explain to staff additional procedures and content standards for creating and delivering agency training, like those mentioned in the S.C. State Agency Training Standards.

Other proactive standards may include prohibitions on training exercises that segregate participants on the basis of a protected class or stereotype participants. The legal standard for what constitutes discriminatory harassment in the context of a training is largely undefined; therefore, this necessarily involves management's discretion in balancing potential utility to the agency (for example, opportunities to improve employee morale, productivity, or services that are offered to all South Carolina residents) against the risks of EEO law violation and other negative impacts of discrimination (or perceived discrimination) against employees.

Administrative Structure Regarding Training

Multiple agency officials expressed dissatisfaction with the current agency structure as it relates to training. In several of our interviews, agency officials stated that they had not or would not choose to work with DHEC's central office staff when creating or offering trainings. Another agency official stated that various divisions and regions of the agency do not necessarily follow agency policy when creating or offering trainings, and believed that this practice created a number of employee complaints.

Another official stated that he observed inconsistencies in training between DHEC's offices and program areas throughout the state, which can lead to gaps in knowledge between co-workers and issues with succession planning. A supervisor based in a regional office internally raised an issue regarding the systemic lack of training for new employees in his department despite his efforts to obtain the training. Another employee in the same department, but a different regional office, also raised this same issue regarding lack of training during an exit interview.

Recommendations

12. The S.C. Department of Health and Environmental Control should review and update its basic cultural competency course.
13. The S.C. Department of Health and Environmental Control should create a policy regarding training that adopts the administrative best practices identified by the S.C. State Agency Training Standards.
14. The S.C. Department of Health and Environmental Control should include, in policy, a statement that agency-sponsored training content must comply with its harassment and discrimination and Americans with Disabilities Act compliance policies.
15. The S.C. Department of Health and Environmental Control should include, in policy, limitations on types of content that can be included in agency trainings that balance utility to the agency with the risk of violating equal employment opportunity law (e.g., not separating participants based on protected classes, like race or sex).
16. The S.C. Department of Health and Environmental Control should ensure that training standards and procedures are consistent throughout program areas and regions, and review compliance at least every two years.

DHEC Employee Survey Results

The LAC survey of DHEC employees was conducted between November 2, 2022 and November 18, 2022, using SurveyMonkey®. We sent a total of 3,535 survey invitations. We received 1,877 complete responses, yielding a response rate of 53%. The survey was conducted anonymously, and the open-ended responses have been either omitted or summarized by the LAC to preserve anonymity for DHEC employees who participated.

Responses to certain open-ended questions (Questions 18, 20, 22, 27, 32, 56, and 58) were categorized and ranked by volume to determine and present the most mentioned topics by DHEC staff. The descriptions are based on a summary of staff comments for each topic.

1. How long have you been employed by DHEC?		
ANSWER CHOICES	RESPONSES	
Less than 3 years	32.51%	675
3 to 5 years	17.20%	357
6 to 10 years	13.44%	279
More than 10 years	36.85%	765
TOTAL		2,076

2. What is your employee group classification?		
ANSWER CHOICES	RESPONSES	
Full-Time Employee (FTE - Classified/Unclassified)	88.87%	1,845
Temporary Grant/Time Limited	6.41%	133
Temporary	3.61%	75
Prefer not to answer	1.11%	23
TOTAL		2,076

3. To which area of DHEC do you report?		
ANSWER CHOICES	RESPONSES	
Public Health	50.39%	1,046
Environmental Affairs	30.68%	637
Administration	13.39%	278
Healthcare Quality	5.54%	115
TOTAL		2,076

4. In which region of DHEC do you work?		
ANSWER CHOICES	RESPONSES	
Central Office	42.34%	879
Upstate	13.15%	273
Midlands	21.29%	442
Pee Dee	11.32%	235
Lowcountry	11.90%	247
TOTAL		2,076

5. What is your state job class title? (If unsure, please check your "Position" field as designated on your leave statement in SCEIS Central or refer to your "Current State Title" on your latest State of South Carolina Position Description.)		
ANSWER CHOICES	RESPONSES	
Responses removed in order to maintain confidentiality.		
TOTAL		2,015

6. How much time do you spend on direct client-facing duties? For example, seeing health center patients, conducting community outreach, communicating with license holders, etc.		
ANSWER CHOICES	RESPONSES	
All of my time	9.87%	205
Most of my time	20.86%	433
Some of my time	40.22%	835
None of my time	29.05%	603
TOTAL		2,076

7. What is your race?		
ANSWER CHOICES	RESPONSES	
Prefer not to answer	11.46%	238
White or Caucasian	60.40%	1,254
Black or African American	24.95%	518
Hispanic or Latino	1.40%	29
Asian or Asian American	1.59%	33
American Indian or Alaska Native	0.19%	4
TOTAL		2,076

8. What is your ethnicity?		
ANSWER CHOICES	RESPONSES	
Prefer not to answer	11.46%	238
Hispanic or Latino	3.32%	69
Non-Hispanic or Latino	85.21%	1,769
TOTAL		2,076

9. What is your gender?		
ANSWER CHOICES	RESPONSES	
Male	24.37%	506
Female	68.98%	1,432
Non-binary	0.29%	6
Other	0.05%	1
Prefer not to answer	6.31%	131
TOTAL		2,076

10. What is your age range?		
ANSWER CHOICES	RESPONSES	
Under 18	0.00%	0
18-24	3.28%	68
25-34	18.55%	385
35-44	21.53%	447
45-54	22.11%	459
55-64	23.60%	490
65+	4.05%	84
Prefer not to answer	6.89%	143
TOTAL		2,076

11. I work as part of a diverse team.		
ANSWER CHOICES	RESPONSES	
Strongly agree	33.99%	675
Agree	46.42%	922
Neither agree nor disagree	11.38%	226
Disagree	6.19%	123
Strongly disagree	2.01%	40
TOTAL		1,986

12. DHEC's executive management team (director/deputies) is diverse.		
ANSWER CHOICES	RESPONSES	
Strongly Agree	17.42%	346
Agree	40.48%	804
Neither Agree nor Disagree	26.44%	525
Disagree	11.38%	226
Strongly Disagree	4.28%	85
TOTAL		1,986

13. My team is respectful of each other's differences.		
ANSWER CHOICES	RESPONSES	
Strongly agree	42.65%	847
Agree	41.59%	826
Neither agree nor disagree	9.67%	192
Disagree	4.43%	88
Strongly disagree	1.66%	33
TOTAL		1,986

14. Diversity among DHEC staff is important to fulfilling DHEC's mission: "To improve the quality of life for all South Carolinians by protecting and promoting the health of the public and the environment."		
ANSWER CHOICES	RESPONSES	
Strongly agree	43.25%	859
Agree	40.33%	801
Neither agree nor disagree	12.39%	246
Disagree	2.77%	55
Strongly disagree	1.26%	25
TOTAL		1,986

15. DHEC hires individuals from all backgrounds and communities.		
ANSWER CHOICES	RESPONSES	
Strongly agree	30.61%	608
Agree	48.99%	973
Neither agree nor disagree	14.60%	290
Disagree	4.58%	91
Strongly disagree	1.21%	24
TOTAL		1,986

16. How well does DHEC accommodate employees with disabilities?		
ANSWER CHOICES	RESPONSES	
Extremely Well	16.77%	333
Well	36.25%	720
Neutral	41.74%	829
Poor	4.08%	81
Very Poor	1.16%	23
TOTAL		1,986

17. Do you feel like you have been treated unfairly (concern not considered discriminatory but possibly unfair) as an employee while working for DHEC?		
ANSWER CHOICES	RESPONSES	
Yes	16.97%	337
No	72.86%	1,447
Possibly	10.17%	202
TOTAL		1,986

18. If yes or possibly, please explain by including parties involved, what, when, and where it happened. (Information will remain confidential.)		
ANSWER CHOICES	RESPONSES	
Open-Ended Responses Only – (summarized to maintain confidentiality)		
PAY Paying one job classification more than another when job duties are the same, salary compression, gender bias, and lack of raises for part-time staff.	33.33%	116
FAIRNESS Work schedules, workloads, and differing availability of telecommute options within the organization.	22.99%	80
OPPORTUNITY FOR ADVANCEMENT Management inaction or interference, unclear path for career advancement, and lack of opportunity for part-time staff to shift to full-time employment.	22.70%	79
HIRING Modification of job postings to hire a specific individual, race and/or gender considered in hiring decisions, preselection of the candidate to be hired, and management interference.	17.53%	61
RETRIBUTION Fear of repercussions and tense working environment when reporting concerns to management, human resources, or to the Legislative Audit Council via this survey.	16.38%	57
MANAGEMENT Lack of communication and not holding management or employees accountable when appropriate.	14.66%	51
TOTAL		348

19. Do you feel like you have been discriminated against at DHEC?		
ANSWER CHOICES	RESPONSES	
Yes	6.90%	137
No	84.24%	1,673
Possibly	8.86%	176
TOTAL		1,986

20. If yes or possibly, please explain by including parties involved, what, when, and where it happened. (Information will remain confidential.)		
ANSWER CHOICES	RESPONSES	
Open-Ended Responses Only – (summarized to maintain confidentiality)		
Race	18.13%	35
Gender bias	15.54%	30
Age	9.84%	19
Pay	8.81%	17
Education (Academic degrees valued over experience.)	7.77%	15
TOTAL		193

21. Do you think DHEC's career advancement opportunities and policies are fair for all?		
ANSWER CHOICES	RESPONSES	
Yes	60.78%	1,207
No	39.22%	779
TOTAL		1,986

22. If no, please explain and provide suggestions of how this could be improved.		
ANSWER CHOICES	RESPONSES	
Open-Ended Responses Only - (summarized to maintain confidentiality)		
Increase opportunities for advancement, develop career ladders, increase training/certification opportunities, etc.	53.72%	318
Ensure equal opportunity in hiring practices, consider experience in lieu of education.	25.68%	152
Eliminate perception of favoritism in hiring.	25.00%	148
Increase pay.	17.06%	101
Be as fair as possible in opportunities for advancement, pay, application of policies, etc.	10.30%	61
TOTAL		592

23. Do you think your management team (immediate supervisor, head of division/bureau) handles the matters related to equity issues satisfactorily?		
ANSWER CHOICES	RESPONSES	
Yes	81.04%	1,586
No	18.96%	371
TOTAL		1,957

24. Does DHEC's human resources office (central office) handle matters related to equity issues satisfactorily?		
ANSWER CHOICES	RESPONSES	
Yes	30.97%	606
No	10.83%	212
I don't know	58.20%	1,139
TOTAL		1,957

25. Do you think promotions are awarded fairly among employees?		
ANSWER CHOICES	RESPONSES	
Yes	53.76%	1,052
No	46.24%	905
TOTAL		1,957

26. I am comfortable reporting issues (mistreatment, harassment, poor work quality, etc.) to DHEC's central office employee relations staff.		
ANSWER CHOICES	RESPONSES	
Strongly agree	19.57%	383
Agree	29.02%	568
Somewhat agree	10.37%	203
Neither agree nor disagree	21.51%	421
Somewhat disagree	6.39%	125
Disagree	6.08%	119
Strongly disagree	7.05%	138
TOTAL		1,957

27. If somewhat disagree, disagree, or strongly disagree, please describe any concerns.		
ANSWER CHOICES	RESPONSES	
Open-Ended Responses Only – (summarized to maintain confidentiality)		
Retribution Some DHEC staff acknowledged a fear of bullying or retaliatory behavior in response to reporting concerns to DHEC’s employee relations’ staff.	43.18%	147
Human resources Concern regarding the way in which the human resources’ division responds to claims and a perceived lack of communication regarding follow-up causes some employees to lose faith that individuals will be held accountable or that situations will be handled appropriately.	27.27%	96
Inaction Some DHEC staff noted a lack of follow up on complaints, which leads to a perception of inaction regarding the situation reported.	18.47%	65
Communication Staff expressed concern regarding the immediate involvement of management by human resources, noting that management may be the cause of the incident reported. Additionally, some staff indicated that they are unaware of how to contact DHEC’s employee relations’ staff or how to obtain answers to human resource-related questions.	16.76%	59
TOTAL		352

28. Have you reported an event to DHEC’s central office employee relations staff?		
ANSWER CHOICES	RESPONSES	
Yes	12.21%	239
No	87.79%	1,718
TOTAL		1,957

29. If you reported an event to DHEC’s central office employee relations staff, how satisfied were you with the process?		
ANSWER CHOICES	RESPONSES	
Very satisfied	11.3%	27
Satisfied	23.43%	56
Neither satisfied nor dissatisfied	18.41%	44
Dissatisfied	27.2%	65
Very dissatisfied	19.67%	47
TOTAL		239

30. My salary is appropriate when compared with coworkers in the same or similar role within DHEC.		
ANSWER CHOICES	RESPONSES	
Strongly agree	6.23%	122
Agree	33.47%	655
Disagree	22.18%	434
Strongly disagree	17.68%	346
Do not know	20.44%	400
TOTAL		1,957

31. Do you plan to stay at DHEC for the foreseeable future?		
ANSWER CHOICES	RESPONSES	
Very likely	36.13%	707
Likely	34.54%	676
Neither likely nor unlikely	18.70%	366
Unlikely	6.69%	131
Very Unlikely	3.93%	77
TOTAL		1,957

32. Other than PAY increases, what else could DHEC do to increase the likelihood of you staying with the agency?		
ANSWER CHOICES	RESPONSES	
Open-Ended Responses Only – (summarized to maintain confidentiality)		
Benefits Benefits include a variety of suggestions including opening tuition assistance to additional staff, team events, bonuses, and store discounts. Additional recommendations were mentioned regarding improvements to state employee health insurance, employee leave, and retirement benefits. (Auditor’s Note: These employee benefits are governed by state law and are outside of DHEC’s immediate control.)	31.06%	350
Opportunity for Advancement	14.73%	166
Telecommute (tie)	14.20%	160
Training (tie)	14.20%	160
Management Responses ranged from changing the executive management team to improving leadership, interacting in a positive manner with staff, embracing employee input and ideas, and hiring managers that trust employees to do their work.	11.09%	125
Fairness	9.41%	106
TOTAL		1,127

33. I think my salary is competitive compared to similar positions in other companies or state agencies.		
ANSWER CHOICES	RESPONSES	
Strongly agree	2.86%	56
Agree	13.95%	273
Neither agree nor disagree	19.93%	390
Disagree	34.08%	667
Strongly disagree	29.18%	571
TOTAL		1,957

34. Do you feel your management team values your feedback?		
ANSWER CHOICES	RESPONSES	
Strongly agree	22.43%	439
Agree	41.90%	820
Neither agree nor disagree	19.16%	375
Disagree	10.58%	207
Strongly disagree	5.93%	116
TOTAL		1,957

35. Have you attended any training (including presentations, meetings, or workshops) conducted or offered by DHEC in the past three (3) years that included concepts of diversity, equity, and inclusion?		
ANSWER CHOICES	RESPONSES	
Yes	67.42%	1,316
No	32.58%	636
TOTAL		1,952

36. What impact did DHEC training regarding DEI have on your ability to effectively perform your job duties?		
ANSWER CHOICES	RESPONSES	
Very positive impact	24.33%	318
Somewhat positive impact	32.67%	427
Neutral impact	41.32%	540
Somewhat negative impact	1.15%	15
Very negative impact	0.54%	7
I have not attended any DHEC training on DEI	0.00%	0
TOTAL		1,307

37. What impact did any DHEC training regarding DEI have on your perception of DHEC as a fair and equal workplace?		
ANSWER CHOICES	RESPONSES	
Very positive impact	24.87%	325
Somewhat positive impact	33.82%	442
Neutral impact	37.87%	495
Somewhat negative impact	2.45%	32
Very negative impact	0.99%	13
TOTAL		1,307

38. The DHEC training regarding DEI was consistent with DHEC's mission: "To improve the quality of life for all South Carolinians by protecting and promoting the health of the public and the environment."?		
ANSWER CHOICES	RESPONSES	
Strongly agree	27.70%	362
Agree	45.37%	593
Neither agree nor disagree	24.87%	325
Disagree	1.53%	20
Strongly disagree	0.54%	7
TOTAL		1,307

39. Please detail any additional comments, explanations, or recommendations you may have regarding the impact of the DHEC training regarding DEI.		
ANSWER CHOICES	RESPONSES	
Answered		154
Skipped		1,920

40. Have you felt that your ability to receive or attend any training in the last three years was restricted because of your race, sex, gender, disability, age, or other protected classification?		
ANSWER CHOICES	RESPONSES	
Yes	1.98%	38
No	98.02%	1,884
TOTAL		1,922

41. Have you felt that you were required to receive or attend any training in the last three years because of your race, sex, gender, disability, age, or other protected classification?		
ANSWER CHOICES	RESPONSES	
Yes	1.35%	26
No	98.65%	1,896
TOTAL		1,922

42. Did any training in the last three years separate attendees based on their race, sex, gender, disability, age, or other protected classification (either for the duration of the training, or for a specific workshop or exercise)?		
ANSWER CHOICES	RESPONSES	
Yes	1.09%	21
No	98.91%	1,901
TOTAL		1,922

43. Have you felt that the content of any training that you have attended in the last three years made your work environment feel hostile (including humiliation, debasement, stereotyping, or harassment) based on race, sex, gender, disability, age, or other protected classification?		
ANSWER CHOICES	RESPONSES	
Yes	2.29%	44
No	97.71%	1,878
TOTAL		1,922

44. In general, are you aware of any violations of nondiscrimination or equal opportunity laws regarding DHEC's employment processes?		
ANSWER CHOICES	RESPONSES	
Yes	5.23%	99
No	94.77%	1,794
TOTAL		1,893

45. If yes, please detail what you believe to be internal violations of nondiscrimination or equal opportunity laws.		
ANSWER CHOICES	RESPONSES	
Open-Ended Responses Only	<i>answered</i>	61
	<i>skipped</i>	2,013

46. Have you observed any changes in DHEC's employee hiring, promotion, or retention practices since 2019?		
ANSWER CHOICES	RESPONSES	
Yes	21.29%	403
No	78.71%	1,490
TOTAL		1,893

47. If yes, what changes have you observed?		
ANSWER CHOICES	RESPONSES	
Open-Ended Responses Only	<i>answered</i>	359
	<i>skipped</i>	1,715

48. Are you aware of instances where the hiring process was manipulated to hire a preselected individual?		
ANSWER CHOICES	RESPONSES	
Yes	17.12%	324
No	82.88%	1,569
TOTAL		1,893

49. If yes, please provide additional information including, but not limited to, names, dates, location/office, and job position.		
ANSWER CHOICES	RESPONSES	
Open-Ended Responses Only	<i>answered</i>	210
	<i>skipped</i>	1,864

50. Are you aware of hiring instances where job postings were changed to accommodate a particular candidate?		
ANSWER CHOICES	RESPONSES	
Yes	12.41%	235
No	87.59%	1,658
TOTAL		1,893

51. If yes, please provide additional information including, but not limited to, names, dates, location/office, and job position.		
ANSWER CHOICES	RESPONSES	
Open-Ended Responses Only	<i>answered</i>	131
	<i>skipped</i>	1,943

52. The selections for vacant job positions are made fairly and equitably among everyone who applies.		
ANSWER CHOICES	RESPONSES	
Strongly agree	16.53%	313
Agree	37.56%	711
Neither agree nor disagree	32.75%	620
Disagree	9.56%	181
Strongly disagree	3.59%	68
TOTAL		1,893

53. Personnel decisions (hiring, salary, training, schedules, promotions, etc.) are made fairly and equitably at DHEC.		
ANSWER CHOICES	RESPONSES	
Strongly agree	11.78%	223
Agree	30.53%	578
Neither agree nor disagree	34.13%	646
Disagree	17.27%	327
Strongly disagree	6.29%	119
TOTAL		1,893

54. Are you aware of any instances where you believe someone was hired based on race, gender, sex, age, or any other protected class within the past three years?		
ANSWER CHOICES	RESPONSES	
Yes	6.60%	125
No	93.40%	1,768
TOTAL		1,893

55. How would you rate employee morale at DHEC?		
ANSWER CHOICES	RESPONSES	
Very poor	5.88%	111
Poor	17.44%	329
Neither excellent, nor poor	31.11%	587
Good	39.75%	750
Excellent	5.83%	110
TOTAL		1,887

56. Other than increasing PAY, what could DHEC do to improve employee morale?		
ANSWER CHOICES	RESPONSES	
Open-Ended Responses Only – (summarized to maintain confidentiality)		
INCREASE BENEFITS Employees mentioned having more employee engagement events, potentially allowing a four-day workweek schedule, providing childcare, and improving current benefits such as healthcare, retirement, and employee leave accruals.	20.60%	200
INCREASE RECOGNITION OF EMPLOYEES Employees expressed an interest in receiving more information on success at the agency that includes positive impacts on individuals and the environment. Additional suggestions include employee of the month events at each DHEC location, increase in verbal appreciation, and rewards for exceeding standards, i.e., gift cards, passes to state parks, or DHEC shirts/gear, etc.	14.62%	142
IMPROVE MANAGEMENT Employee suggestions regarding management ranged from reducing the turnover of managers to a complete change in the leadership of the agency. DHEC staff indicated a need for increased communication, inclusiveness in decision making, reduction in micromanagement, ensuring management has knowledge of assigned programs, and holding leadership accountable when appropriate.	12.77%	124
INCREASE PAY	11.23%	109
BETTER COMMUNICATION Recommendations range from having town hall type meetings for all staff to ensuring information is shared with all staff, in all areas of DHEC, in a timely manner. Employees want to be included in the decision-making process.	10.50%	102
TOTAL		971

57. What do you enjoy most about working at DHEC? (Select all that apply.)		
ANSWER CHOICES	RESPONSES	
Flexibility	64.97%	1,200
Work-life balance	61.23%	1,131
DHEC culture	23.12%	427
Fair pay	8.88%	164
State employee benefits	62.37%	1,152
Challenging work	27.88%	515
Personal growth	28.86%	533
Professional development	31.73%	586
Coworkers	55.55%	1,026
Positive contribution to DHEC and/or the state	55.93%	1,033
Other (please specify)	0.09%	158
TOTAL		1,847

58. Please provide any other concerns, comments, or suggestions that you think might be useful to our review of DHEC regarding the agency's hiring practices and diversity, equity, and inclusion initiatives. Please remember that all of your responses will remain anonymous.		
ANSWER CHOICES	RESPONSES	
Open-Ended Responses Only – (summarized to maintain confidentiality)		
HIRING Employees reported seeing evidence of the inclusion of diversity, equity, and inclusion in hiring practices driven by federal grant guidelines with the goal of having a diverse workforce that reflects the communities being served. In addition, employees would like to see a reduction in the time required to hire qualified candidates, reduce manipulation of scoring during the hiring process, create career paths for employees, better communication throughout the hiring process, and ensure that hiring qualifications accurately reflect the requirements for the position (i.e., High school diploma versus post-graduate degree).	36.62%	130
PAY Employees described pay as being uncompetitive, inequitable, and unfair; especially pay compression related to the onboarding of new staff.	29.01%	103
FAIRNESS Employees noted perceptions of favoritism regarding opportunities for cross training, inequity in awarding raises, lack of accountability for inappropriate actions, and inadequate opportunities for advancement. Basically, employees want to be treated fairly based on their work, leadership ability, and pursuit of the agency's mission.	16.34%	58
TOTAL		355

59. If you are willing to allow us (LAC) to contact you regarding your responses, please provide your name, email, and phone number below (answer not required).		
ANSWER CHOICES	RESPONSES	
	<i>answered</i>	286
	<i>skipped</i>	1,790

DHEC Employee Survey Results: Detailed Analyses

As part of the DHEC employee survey (Appendix A), we asked several questions regarding potential workplace discrimination generally and in the context of agency training. Overall, the results show differences between agency-related and demographic categories that DHEC can use to identify and investigate problems and implement solutions. The analyses below each question detail the responses to that question according to respondents' self-identified work program area and location, and the protected classes of race and ethnicity, gender, and age.

19. Do you feel like you have been discriminated against at DHEC?

TABLE B.1: DISCRIMINATION BY PROGRAM AREA

PROGRAM	NO		POSSIBLY		YES		TOTAL	
Administration	223	83.52%	26	9.74%	18	6.74%	267	100%
Environmental Affairs	507	83.80%	57	9.42%	41	6.78%	605	100%
Healthcare Quality	91	83.49%	7	6.42%	11	10.09%	109	100%
Public Health	852	84.78%	86	8.56%	67	6.67%	1,005	100%
TOTAL	1,673	84.24%	176	8.86%	137	6.90%	1,986	100%

TABLE B.2: DISCRIMINATION BY REGION

REGION	NO		POSSIBLY		YES		TOTAL	
Central Office	682	80.81%	99	11.73%	63	7.46%	844	100%
Lowcountry	210	89.36%	14	5.96%	11	4.68%	235	100%
Midlands	366	87.14%	25	5.95%	29	6.90%	420	100%
Pee Dee	196	87.89%	11	4.93%	16	7.17%	223	100%
Upstate	219	82.95%	27	10.23%	18	6.82%	264	100%
TOTAL	1,673	84.24%	176	8.86%	137	6.90%	1,986	100%

TABLE B.3: DISCRIMINATION BY GENDER

GENDER	NO		POSSIBLY		YES		TOTAL	
Female	1,175	85.77%	109	7.96%	86	6.28%	1,370	100%
Male	420	85.89%	38	7.77%	31	6.34%	489	100%
Non-binary	3	60.00%	2	40.00%	-	-	5	100%
Other	1	100.00%	-	-	-	-	1	100%
Prefer not to answer	74	61.16%	27	22.31%	20	16.53%	121	100%
TOTAL	1,673	84.24%	176	8.86%	137	6.90%	1,986	100%

TABLE B.4: DISCRIMINATION BY AGE

AGE	NO		POSSIBLY		YES		TOTAL	
18-24	62	95.38%	2	3.08%	1	1.54%	65	100%
25-34	340	91.15%	19	5.09%	14	3.75%	373	100%
35-44	374	87.38%	25	5.84%	29	6.78%	428	100%
45-54	369	84.44%	37	8.47%	31	7.09%	437	100%
55-64	376	79.49%	58	12.26%	39	8.25%	473	100%
65+	66	83.54%	6	7.59%	7	8.86%	79	100%
Prefer not to answer	86	65.65%	29	22.14%	16	12.21%	131	100%
TOTAL	1,673	84.24%	176	8.86%	137	6.90%	1,986	100%

TABLE B.5: DISCRIMINATION BY RACE AND ETHNICITY

RACE AND ETHNICITY	NO		POSSIBLY		YES		TOTAL	
American Indian or Alaska Native	3	75.00%	1	25.00%	-	-	4	100%
Non-Hispanic or Latino	3	75.00%	1	25.00%	-	-	4	100%
Asian or Asian American	24	72.73%	5	15.15%	4	12.12%	33	100%
Hispanic or Latino	-	-	2	100.00%	-	-	2	100%
Non-Hispanic or Latino	22	75.86%	3	10.34%	4	13.79%	29	100%
Prefer not to answer	2	100.00%	-	-	-	-	2	100%
Black or African American	406	81.04%	53	10.58%	42	8.38%	501	100%
Hispanic or Latino	4	80.00%	1	20.00%	-	-	5	100%
Non-Hispanic or Latino	389	81.21%	50	10.44%	40	8.35%	479	100%
Prefer not to answer	13	76.47%	2	11.76%	2	11.76%	17	100%
Hispanic or Latino	25	86.21%	1	3.45%	3	10.34%	29	100%
Hispanic or Latino	25	86.21%	1	3.45%	3	10.34%	29	100%
Prefer not to answer	150	68.49%	41	18.72%	28	12.79%	219	100%
Non-Hispanic or Latino	30	69.77%	8	18.60%	5	11.63%	43	100%
Prefer not to answer	120	68.18%	33	18.75%	23	13.07%	176	100%
White or Caucasian	1,065	88.75%	75	6.25%	60	5.00%	1,200	100%
Hispanic or Latino	26	83.87%	3	9.68%	2	6.45%	31	100%
Non-Hispanic or Latino	1,025	89.44%	67	5.85%	54	4.71%	1,146	100%
Prefer not to answer	14	60.87%	5	21.74%	4	17.39%	23	100%
TOTAL	1,673	84.24%	176	8.86%	137	6.90%	1,986	100%

40. Have you felt that your ability to receive or attend any training in the last three years was restricted because of your race, sex, gender, disability, age, or other protected classification?

TABLE B.6: DISCRIMINATORY TRAINING RESTRICTION BY PROGRAM AREA

PROGRAM	NO		YES		TOTAL	
Administration	251	96.91%	8	3.09%	259	100%
Environmental Affairs	574	97.62%	14	2.38%	588	100%
Healthcare Quality	104	96.30%	4	3.70%	108	100%
Public Health	954	98.76%	12	1.24%	966	100%
TOTAL	1,883	98.02%	38	1.98%	1,921	100%

TABLE B.7: DISCRIMINATORY TRAINING RESTRICTION BY REGION

REGION	NO		YES		TOTAL	
Central Office	808	97.94%	17	2.06%	825	100%
Lowcountry	216	97.30%	6	2.70%	222	100%
Midlands	396	97.78%	9	2.22%	405	100%
Pee Dee	215	98.62%	3	1.38%	218	100%
Upstate	248	98.80%	3	1.20%	251	100%
TOTAL	1,883	98.02%	38	1.98%	1,921	100%

TABLE B.8: DISCRIMINATORY TRAINING RESTRICTION BY GENDER

GENDER	NO		YES		TOTAL	
Female	1,300	98.19%	24	1.81%	1,324	100%
Male	474	98.75%	6	1.25%	480	100%
Non-binary	5	100.00%	-	-	5	100%
Other	1	100.00%	-	-	1	100%
Prefer not to answer	103	92.79%	8	7.21%	111	100%
TOTAL	1,883	98.02%	38	1.98%	1,921	100%

TABLE B.9: DISCRIMINATORY TRAINING RESTRICTION BY AGE

AGE	NO		YES		TOTAL	
18-24	62	98.41%	1	1.59%	63	100%
25-34	357	99.44%	2	0.56%	359	100%
35-44	410	99.03%	4	0.97%	414	100%
45-54	414	97.41%	11	2.59%	425	100%
55-64	450	97.40%	12	2.60%	462	100%
65+	76	100.00%	-	-	76	100%
Prefer not to answer	114	93.44%	8	6.56%	122	100%
TOTAL	1,883	98.02%	38	1.98%	1,921	100%

TABLE B.10: DISCRIMINATORY TRAINING RESTRICTION BY RACE AND ETHNICITY

RACE AND ETHNICITY	NO		YES		TOTAL	
American Indian or Alaska Native	4	100.00%	-	-	4	100%
Non-Hispanic or Latino	4	100.00%	-	-	4	100%
Asian or Asian American	30	96.77%	1	3.23%	31	100%
Hispanic or Latino	2	100%	-	-	2	100%
Non-Hispanic or Latino	27	100%	-	-	27	100%
Prefer not to answer	1	50.00%	1	50.00%	2	100%
Black or African American	475	96.94%	15	3.06%	490	100%
Hispanic or Latino	4	80.00%	1	20.00%	5	100%
Non-Hispanic or Latino	457	97.44%	12	2.56%	469	100%
Prefer not to answer	14	87.50%	2	12.50%	16	100%
Hispanic or Latino	27	96.43%	1	3.57%	28	100%
Hispanic or Latino	27	96.43%	1	3.57%	28	100%
Prefer not to answer	194	94.63%	11	5.37%	205	100%
Non-Hispanic or Latino	38	97.44%	1	2.56%	39	100%
Prefer not to answer	156	93.98%	10	6.02%	166	100%
White or Caucasian	1,153	99.14%	10	0.86%	1,163	100%
Hispanic or Latino	29	96.67%	1	3.33%	30	100%
Non-Hispanic or Latino	1,103	99.37%	7	0.63%	1,110	100%
Prefer not to answer	21	91.30%	2	8.70%	23	100%
TOTAL	1,883	98.02%	38	1.98%	1,921	100%

41. Have you felt that you were required to receive or attend any training in the last three years because of your race, sex, gender, disability, age, or other protected classification?

TABLE B.11: DISCRIMINATORY TRAINING MANDATE BY PROGRAM AREA

PROGRAM	NO		YES		TOTAL	
Administration	256	98.84%	3	1.16%	259	100%
Environmental Affairs	577	98.13%	11	1.87%	588	100%
Healthcare Quality	105	97.22%	3	2.78%	108	100%
Public Health	957	99.07%	9	0.93%	966	100%
TOTAL	1,895	98.65%	26	1.35%	1,921	100%

TABLE B.12: DISCRIMINATORY TRAINING MANDATE BY REGION

REGION	NO		YES		TOTAL	
Central Office	812	98.42%	13	1.58%	825	100%
Lowcountry	219	98.65%	3	1.35%	222	100%
Midlands	402	99.26%	3	0.74%	405	100%
Pee Dee	216	99.08%	2	0.92%	218	100%
Upstate	246	98.01%	5	1.99%	251	100%
TOTAL	1,895	98.65%	26	1.35%	1,921	100%

TABLE B.13: DISCRIMINATORY TRAINING MANDATE BY GENDER

GENDER	NO		YES		TOTAL	
Female	1,313	99.17%	11	0.83%	1,324	100%
Male	469	97.71%	11	2.29%	480	100%
Non-binary	5	100.00%	-	-	5	100%
Other	1	100.00%	-	-	1	100%
Prefer not to answer	107	96.40%	4	3.60%	111	100%
TOTAL	1,895	98.65%	26	1.35%	1,921	100%

TABLE B.14: DISCRIMINATORY TRAINING MANDATE BY AGE

AGE	NO		YES		TOTAL	
18-24	62	98.41%	1	1.59%	63	100%
25-34	357	99.44%	2	0.56%	359	100%
35-44	412	99.52%	2	0.48%	414	100%
45-54	419	98.59%	6	1.41%	425	100%
55-64	454	98.27%	8	1.73%	462	100%
65+	74	97.37%	2	2.63%	76	100%
Prefer not to answer	117	95.90%	5	4.10%	122	100%
TOTAL	1,895	98.65%	26	1.35%	1,921	100%

TABLE B.15: DISCRIMINATORY TRAINING MANDATE BY RACE AND ETHNICITY

RACE AND ETHNICITY	NO		YES		TOTAL	
American Indian or Alaska Native	4	100.00%	-	-	4	100%
Non-Hispanic or Latino	4	100.00%	-	-	4	100%
Asian or Asian American	29	93.55%	2	6.45%	31	100%
Hispanic or Latino	2	100%	-	-	2	100%
Non-Hispanic or Latino	26	96.30%	1	3.70%	27	100%
Prefer not to answer	1	50.00%	1	50.00%	2	100%
Black or African American	487	99.39%	3	0.61%	490	100%
Hispanic or Latino	5	100.00%	-	-	5	100%
Non-Hispanic or Latino	467	99.57%	2	0.43%	469	100%
Prefer not to answer	15	93.75%	1	6.25%	16	100%
Hispanic or Latino	28	100%	-	-	28	100%
Hispanic or Latino	28	100%	-	-	28	100%
Prefer not to answer	197	96.10%	8	3.90%	205	100%
Non-Hispanic or Latino	39	100.00%	-	-	39	100%
Prefer not to answer	158	95.18%	8	4.82%	166	100%
White or Caucasian	1,150	98.88%	13	1.12%	1,163	100%
Hispanic or Latino	29	96.67%	1	3.33%	30	100%
Non-Hispanic or Latino	1,100	99.10%	10	0.90%	1,110	100%
Prefer not to answer	21	91.30%	2	8.70%	23	100%
TOTAL	1,895	98.65%	26	1.35%	1,921	100%

42. Did any training in the last three years separate attendees based on their race, sex, gender, disability, age, or other protected classification (either for the duration of the training, or for a specific workshop or exercise)?

TABLE B.16: DISCRIMINATORY TRAINING SEPARATION BY PROGRAM AREA

PROGRAM	NO		YES		TOTAL	
Administration	257	99.23%	2	0.77%	259	100%
Environmental Affairs	582	98.98%	6	1.02%	588	100%
Healthcare Quality	107	99.07%	1	0.93%	108	100%
Public Health	954	98.76%	12	1.24%	966	100%
TOTAL	1,900	98.91%	21	1.09%	1,921	100%

TABLE B.17: DISCRIMINATORY TRAINING SEPARATION BY REGION

REGION	NO		YES		TOTAL	
Central Office	814	98.67%	11	1.33%	825	100%
Lowcountry	219	98.65%	3	1.35%	222	100%
Midlands	401	99.01%	4	0.99%	405	100%
Pee Dee	218	100.00%	-	-	218	100%
Upstate	248	98.80%	3	1.20%	251	100%
TOTAL	1,900	98.91%	21	1.09%	1,921	100%

TABLE B.18: DISCRIMINATORY TRAINING SEPARATION BY GENDER

GENDER	NO		YES		TOTAL	
Female	1,313	99.17%	11	0.83%	1,324	100%
Male	472	98.33%	8	1.67%	480	100%
Non-binary	5	100.00%	-	-	5	100%
Other	1	100.00%	-	-	1	100%
Prefer not to answer	109	98.20%	2	1.80%	111	100%
TOTAL	1,900	98.91%	21	1.09%	1,921	100%

TABLE B.19: DISCRIMINATORY TRAINING SEPARATION BY AGE

AGE	NO		YES		TOTAL	
18-24	61	96.83%	2	3.17%	63	100%
25-34	359	100.00%	-	-	359	100%
35-44	408	98.55%	6	1.45%	414	100%
45-54	420	98.82%	5	1.18%	425	100%
55-64	457	98.92%	5	1.08%	462	100%
65+	76	100%	-	-	76	100%
Prefer not to answer	119	97.54%	3	2.46%	122	100%
TOTAL	1,900	98.91%	21	1.09%	1,921	100%

TABLE B.20: DISCRIMINATORY TRAINING SEPARATION BY RACE AND ETHNICITY

RACE AND ETHNICITY	NO		YES		TOTAL	
American Indian or Alaska Native	4	100.00%	-	-	4	100%
Non-Hispanic or Latino	4	100.00%	-	-	4	100%
Asian or Asian American	27	87.10%	4	12.90%	31	100%
Hispanic or Latino	2	100.00%	-	-	2	100%
Non-Hispanic or Latino	24	88.89%	3	11.11%	27	100%
Prefer not to answer	1	50.00%	1	50.00%	2	100%
Black or African American	485	98.98%	5	1.02%	490	100%
Hispanic or Latino	5	100.00%	-	-	5	100%
Non-Hispanic or Latino	465	99.15%	4	0.85%	469	100%
Prefer not to answer	15	93.75%	1	6.25%	16	100%
Hispanic or Latino	27	96.43%	1	3.57%	28	100%
Hispanic or Latino	27	96.43%	1	3.57%	28	100%
Prefer not to answer	200	97.56%	5	2.44%	205	100%
Non-Hispanic or Latino	38	97.44%	1	2.56%	39	100%
Prefer not to answer	162	97.59%	4	2.41%	166	100%
White or Caucasian	1,157	99.48%	6	0.52%	1,163	100%
Hispanic or Latino	29	96.67%	1	3.33%	30	100%
Non-Hispanic or Latino	1,105	99.55%	5	0.45%	1,110	100%
Prefer not to answer	23	100.00%	-	-	23	100%
TOTAL	1,900	98.91%	21	1.09%	1,921	100%

43. Have you felt that the content of any training that you have attended in the last three years made your work environment feel hostile (including humiliation, debasement, stereotyping, or harassment) based on race, sex, gender, disability, age, or other protected classification?

TABLE B.21: HOSTILE TRAINING BY PROGRAM AREA

PROGRAM	NO		YES		TOTAL	
Administration	252	97.30%	7	2.70%	259	100%
Environmental Affairs	574	97.62%	14	2.38%	588	100%
Healthcare Quality	106	98.15%	2	1.85%	108	100%
Public Health	945	97.83%	21	2.17%	966	100%
TOTAL	1,877	97.71%	44	2.29%	1,921	100%

TABLE B.22: HOSTILE TRAINING BY REGION

REGION	NO		YES		TOTAL	
Central Office	803	97.33%	22	2.67%	825	100%
Lowcountry	217	97.75%	5	2.25%	222	100%
Midlands	399	98.52%	6	1.48%	405	100%
Pee Dee	215	98.62%	3	1.38%	218	100%
Upstate	243	96.81%	8	3.19%	251	100%
TOTAL	1,877	97.71%	44	2.29%	1,921	100%

TABLE B.23: HOSTILE TRAINING BY GENDER

GENDER	NO		YES		TOTAL	
Female	1,301	98.26%	23	1.74%	1,324	100%
Male	468	97.50%	12	2.50%	480	100%
Non-binary	4	80.00%	1	20.00%	5	100%
Other	1	100.00%	-	-	1	100%
Prefer not to answer	103	92.79%	8	7.21%	111	100%
TOTAL	1,877	97.71%	44	2.29%	1,921	100%

TABLE B.24: HOSTILE TRAINING BY AGE

AGE	NO		YES		TOTAL	
18-24	61	96.83%	2	3.17%	63	100%
25-34	355	98.89%	4	1.11%	359	100%
35-44	407	98.31%	7	1.69%	414	100%
45-54	411	96.71%	14	3.29%	425	100%
55-64	455	98.48%	7	1.52%	462	100%
65+	74	97.37%	2	2.63%	76	100%
Prefer not to answer	114	93.44%	8	6.56%	122	100%
TOTAL	1,877	97.71%	44	2.29%	1,921	100%

TABLE B.25: DISCRIMINATORY TRAINING SEPARATION BY RACE AND ETHNICITY

RACE AND ETHNICITY	NO		YES		TOTAL	
American Indian or Alaska Native	4	100.00%	-	-	4	100%
Non-Hispanic or Latino	4	100.00%	-	-	4	100%
Asian or Asian American	29	93.55%	2	6.45%	31	100%
Hispanic or Latino	2	100.00%	-	-	2	100%
Non-Hispanic or Latino	26	96.30%	1	3.70%	27	100%
Prefer not to answer	1	50.00%	1	50.00%	2	100%
Black or African American	483	98.57%	7	1.43%	490	100%
Hispanic or Latino	5	100.00%	-	-	5	100%
Non-Hispanic or Latino	463	98.72%	6	1.28%	469	100%
Prefer not to answer	15	93.75%	1	6.25%	16	100%
Hispanic or Latino	27	96.43%	1	3.57%	28	100%
Hispanic or Latino	27	96.43%	1	3.57%	28	100%
Prefer not to answer	196	95.61%	9	4.39%	205	100%
Non-Hispanic or Latino	38	97.44%	1	2.56%	39	100%
Prefer not to answer	158	95.18%	8	4.82%	166	100%
White or Caucasian	1,138	97.85%	25	2.15%	1,163	100%
Hispanic or Latino	30	100.00%	-	-	30	100%
Non-Hispanic or Latino	1,087	97.93%	23	2.07%	1,110	100%
Prefer not to answer	21	91.30%	2	8.70%	23	100%
TOTAL	1,877	97.71%	44	2.29%	1,921	100%

Legal Theories Regarding Discrimination in Employer Training

In addition to reviewing established rules for employment discrimination in the context of employer training, we also researched pending and recently-decided trial court cases and new legal theories. We identified three instances that were relevant to the questions presented in our audit.

In one example, a school district held a professional development training for certain staff and a book club for management that separated participants into racially exclusive “affinity groups.” In a leaked draft letter, the U.S. Department of Education, Office of Civil Rights tentatively concluded that these trainings violated Title VI, a nondiscrimination law with legal elements similar to EEO law. While that investigation has since been suspended for re-evaluation in light of new law, a personal lawsuit from a teacher at the district with similar legal theories, including a claim of a hostile environment, is currently pending in the U.S. District Court for the Northern District of Illinois as *Deemar v. Board of Education of the City of Evanston/Skokie*.

In another example, a member of the U.S. Commission on Civil Rights, in his personal capacity, wrote the Mayor of Seattle about what he understood to be a training with content that “likely violated Title VII’s prohibition against segregating employees by race.” Specifically, the member identified two items of training content he believed to be discriminatory: (1) presentation slides that defined four types of racism, including “internalized racism,” which included several characteristics of “internalized racial superiority,” and (2) leading prompts that assumed that the participants had internalized or benefitted from white supremacy.

Finally, a U.S. District Court for the Western District of Missouri recently dismissed a case brought by two school district staff who alleged First Amendment violations arising from a mandatory, district-wide diversity, equity, and inclusion training. The court examined the employment context of the alleged violations, holding that the training justifiably represented the unified workplace policy of the school district because it did not implement consequences for the staff if not followed, or require staff to personally believe or support the policy outside of employment duties. This case was styled as *Henderson v. School District of Springfield R-12*.

Agency Comments

Appendix D
Agency Comments



Edward D. Simmer, MD, MPH, DFAPA, Director

Board:

Seema Shrivastava-Patel, Chairman
Robert R. Morgan, Jr., MD, MBA, Vice-Chairman
Charles M. Joye, II, P.E., Secretary

J.B. (Sonny) Kinney
Morris E. Brown, III, MD, FAAFP
William D. Richmond, MD

August 10, 2023

K. Earle Powell, Director
Legislative Audit Council
1331 Elmwood Avenue, Suite 315
Columbia, SC 29201

Re: Department Response to Legislative Audit Council's Report, *A Limited Review of the S.C. Department of Health and Environmental Control Human Resources, Diversity, Equity and Inclusion, and Training*

Dear Director Powell:

Thank you for the Legislative Audit Council's (LAC) staff efforts over the past two years to conduct a *Limited Review of the S.C. Department of Health and Environmental Control Human Resources, Diversity, Equity and Inclusion, and Training*. DHEC appreciates the work undertaken by LAC and the detailed analysis and thoughtful recommendations presented in the report. DHEC acknowledges LAC's findings and concerns and is currently evaluating and updating its policies, procedures and training in response to them.

DHEC would also like to thank its many employees who participated in LAC's audit process by providing candid feedback. DHEC aims to be a high-performance organization and promotes a culture of continuous improvement through streamlining, improving, and modernizing critical processes across our Department. This requires our Department and its teams to continue to develop our people, strengthen our processes, identify challenges and opportunities, and measure our progress so that we can meet the diverse needs of the communities we serve. Our goal is always to put people first, and this audit will help us do so by providing another valuable opportunity for assessment and receiving feedback.

In addition to the important opportunities for improvement the LAC found, your team also discovered a number of important Department strengths in the areas reviewed. We appreciate the LAC identifying these strengths as well as opportunities for improvement, and DHEC would like to recognize the work our team members have done to achieve them before we outline our strategies for improvement — many already in progress — to address shortcomings.



Strengths

Equal Employment Opportunity, and Grievances

Compared to similarly sized state agencies, DHEC's employment practices have not resulted in disproportionate accusations or findings of violations of equal employment opportunity law; DHEC had the fewest grievance appeals filed against it from fiscal year 18-19 to fiscal year 21-22; and EEO enforcement agencies have not found DHEC in violation of fair employment practices during this entire period.

Employee Training

Both DHEC's mandatory and optional trainings align with antidiscrimination law. In fiscal year 21-22, DHEC's Public Health area increased its DEI training to keep pace with the public health field which was also increasing its training.

Diversity, Equity and Inclusion

LAC's review of DHEC's DEI efforts resulted in no findings or recommendations. We appreciate the diligent work of all our staff involved with trainings and their dedication to ensure all efforts are compliant with applicable practices and laws and contributes to our mission and vision. It also contributes to reducing the well-documented health and environmental disparities in our state.

Employee Engagement

LAC's staff survey found that on the whole, our employees are strongly motivated and dedicated to the people of South Carolina. Specifically, our employees value the opportunity to make a positive contribution to the state and our agency that comes with working at DHEC. The survey also highlighted that our staff also appreciate the flexibility and work-life balance that comes with working at the Department and enjoy working with their colleagues. These factors are particularly important to our recruitment and retention efforts since employees can often earn more working in the private sector.

Opportunities

Hiring practices

DHEC understands the importance of having clear, fair, and lawful hiring practices, and of having a connected human resources function that consistently upholds its practices, including thorough record-keeping, across the Department. DHEC believes its hiring practices are, on the whole, fair and consistent with policy. Nevertheless, LAC's findings on selection of candidates are especially concerning to Department leadership and DHEC is committed to continued improvement of its recruitment and selection process.

Much of the time period covered by the audit fell within the agency's response efforts to the COVID-19 pandemic. This unprecedented public health emergency required the agency to hire more than 1,500 new staff members, without the addition of human resources staff. These exigent circumstances may have resulted in some irregularities in hiring that would normally not have occurred. Regardless of the reason, however, we are committed to ensuring these issues do not recur.

Specifically with regard to the finding about individuals being interviewed who did not meet the required qualifications, we would note that in a very competitive environment for hiring some professionals, such as nurses and engineers, it is not unusual to interview individuals who have just graduated from professional training or have just moved to South Carolina but before they have

actually received required state licensure. Any offers of employment made are contingent upon all requirements being met. This practice is consistent with other employers who are competing for these same professionals, and in the Department's opinion does not reduce the quality of professionals hired or the service provided to the people of South Carolina.

DHEC also notes the LAC's findings that in some instances, it appeared that a candidate had been preselected. Although the findings did not suggest this is a common occurrence, it should never occur. DHEC is committed to fair, open hiring practices and does not allow preselection. We will review our policies to ensure this is clearly stated, and will emphasize this is in training and will take actions to prevent this from happening in the future.

With regard to the finding that in some instances only candidates with preferred qualifications were interviewed, DHEC would note that we seek to interview the most qualified candidates. These are often those with the preferred qualifications, and thus we believe it is reasonable that these would be the candidates who are interviewed.

Discrimination

DHEC has a zero-tolerance policy for harassment or discrimination of any form in the workplace. During Director Town Halls this spring, several staff raised concerns about discrimination or harassment. Our Executive Leadership Team ensured employees knew that there is absolutely no room for harassment or discrimination at DHEC. DHEC shared how to report concerns, and to whom. Protecting the health and wellbeing of all our employees is our top-priority and duty.

Employee Training

DHEC is reviewing the best practices identified by the S.C. State Department Training Standards to ensure all training remains risk-free in terms of appropriateness or nondiscrimination.

Recommendation Responses

Below we have outlined a specific response to each recommendation from the report:

- 1. The S.C. Department of Health and Environmental Control should ensure individuals involved in the hiring process are properly trained regarding the documented hiring policy, especially for selecting and interviewing candidates.**

Hiring procedures are covered in Personnel Practices training, the annual Personnel Coordinators meeting, and monthly HR Consultants meetings, and will be stressed again in the Regional All Hands refresher training for Personnel Coordinators and HR Consultants held annually in August. Areas of concern noted in the LAC report will be specifically emphasized in this training.

- 2. The S.C. Department of Health and Environmental Control should thoroughly review the hiring packets to ensure written offers have not been extended prior to the Office of Human Resources' approval.**

The Department is evaluating additional language to include in its Recruitment and Selection Policy to ensure that this occurs.

3. The S.C. Department of Health and Environmental Control should ensure all policies are up-to-date and reflect best practices.

Policies undergo an annual program review to ensure inclusion of necessary updates. The Department will continue this practice and will do an additional out-of-cycle review of all policies impacted by the LAC's findings and recommendations.

4. The S.C. Department of Health and Environmental Control should thoroughly review the hiring packets to ensure all required reference checks have been completed.

The Department is evaluating revision to its Employment References policy regarding minimum reference checks for new hires and working to ensure this policy is followed.

5. The S.C. Department of Health and Environmental Control should develop and maintain a change log for human resources' policies.

This is in place. Policy revisions and version history for all Department policies, including HR policies, have been specifically documented by the Policy Review Committee Coordinator since October 2021. The Department will continue this practice.

6. The S.C. Department of Health and Environmental Control should conduct an internal audit of Department hiring practices on a biennial basis to ensure compliance with documented policies, procedures, best practices, and non-discrimination laws.

The Department will consider this recommendation along with other Department priorities and risks in future allocations of internal audit resources as it moves forward with restructuring.

7. The S.C. Department of Health and Environmental Control should establish a centralized location to maintain hiring documents for all Department staff and a policy to maintain files accordingly.

The Department is evaluating alternate methods to address storage and maintenance of hiring documents in a centralized electronic system(s), along with Recruitment and Selection Policy revisions to ensure continuity and maintenance of records according to established retention requirements. This evaluation will be coordinated with the Department restructuring planning.

8. The S.C. Department of Health and Environmental Control should ensure hiring documents are maintained for the required timeframe.

Please see Response to Recommendation 7.

9. If the S.C. Department of Health and Environmental Control does not establish a centralized location to maintain hiring documents for all staff, the Department should establish a policy for the transfer of hiring documents when hiring managers or human resources' designees separate from the Department.

Please see Response to Recommendation 7.

- 10. The S.C. Department of Health and Environmental Control should reorganize the regional human resources' function (with input from applicable regional staff) to maximize the efficiency and effectiveness of the regional human resources' staff.**

This recommendation is being addressed as part of the Department restructuring.

- 11. The S.C. Department of Health and Environmental Control should communicate employees' right to file a charge of discrimination with the S.C. Human Affairs Commission or Equal Employment Opportunity Commission, including timelines, in all relevant policies.**

The Department already has posters communicating employees' rights to file a charge of discrimination with the S.C. Human Affairs Commission or Equal Employment Opportunity Commission located in break and common areas in facilities where staff are housed, in accordance with the law. The Department will include appropriate South Carolina Human Affairs Commission and Equal Employment Opportunity Commission notification language in its policies on Harassment and Discrimination, American with Disabilities Act compliance, and Breastfeeding.

- 12. The S.C. Department of Health and Environmental Control should review and update its basic cultural competency course.**

The Department will evaluate its current Basic Cultural Competence course and provide updates as needed.

- 13. The S.C. Department of Health and Environmental Control should create a policy regarding training that adopts the administrative best practices identified by the S.C. State Department Training Standards.**

The Department is evaluating adoption of a best practices training policy in accordance with this Recommendation.

- 14. The S.C. Department of Health and Environmental Control should include, in policy, a statement that Department-sponsored training content must comply with its harassment and discrimination and Americans with Disabilities Act compliance policies.**

The Department will include an appropriate statement in policy.

- 15. The S.C. Department of Health and Environmental Control should include, in policy, limitations on types of content that can be included in Department trainings that balance utility to the Department with the risk of violating equal employment opportunity law (e.g., not separating participants based on protected classes, like race or sex.)**

The Department will include an appropriate statement in policy.

- 16. The S.C. Department of Health and Environmental Control should ensure that training standards and procedures are consistent throughout program areas and regions, and review compliance at least every two years.**

The Department will include these requirements in policy.

We appreciate the opportunity to present this response to LAC's report concerning *A Limited Review of the S.C. Department of Health and Environmental Control Human Resources, Diversity, Equity and Inclusion, and Training*. Should you have any questions, please do not hesitate to contact my office.

Sincerely,

A handwritten signature in black ink, appearing to read "E. D. Simmer". The signature is fluid and cursive, with the first name "Edward" and last name "Simmer" clearly legible.

Edward D. Simmer, MD, MPH, DFAPA
Director

cc: Yolanda Wardlaw, Senior Auditor, LAC

This report was published for a total cost of \$74.88; 18 bound copies were printed at a cost of \$4.16 per unit.

