

RECEIVED

Apr 22 2025

SC Court of Appeals

RECEIVED

SOUTH CAROLINA HUMAN AFFAIRS COMMISSION

1026 Sumter Street, Suite 101
Columbia, South Carolina 29201

OCT 18 2022

Local: (803) 737-7800 / Toll Free: 1-800-521-0725 / Fax: (803) 737-7835

Web address: http://www.schac.sc.gov Email: information@schac.state.sc.us

INTAKE & REFERRAL UNIT

ED
10-2023

00664

EMPLOYMENT INITIAL INQUIRY QUESTIONNAIRE

Answer all questions as completely as possible. Type or print in ink only. You may add additional pages as needed.
Do not write on the back of any page in this Questionnaire.

COMPLETION AND SUBMISSION OF THIS QUESTIONNAIRE DOES NOT IMPLY OR CONSTITUTE THE FILING OF A CHARGE.

By signing and submitting this form, you hereby affirm that all information provided is true to the best of your knowledge, information and belief.

Full Legal Name: Lemuel Arthur Givens
(First) (Middle) (Last)

Mailing Address: 465 Kings Head Court

City: Irmo State: SC Zip: 29203

County: Lexington

Telephone Number: Home [Redacted] Work: [Redacted]
(Area Code) (Area Code)

Cell: [Redacted] E-mail Address: Lemuel.givens@youth.com
(Area Code)

Date of Birth: [Redacted] Age: 43 Sex (Circle one): M F

Race (Circle all that apply): Black White Hispanic Asian/Pacific Islander
 American Indian/Alaskan Native Other: _____

National Origin (country of origin or ancestry): _____

1. What business, organization or company allegedly harmed you? Give name and complete South Carolina business address including street number or post office box for the location where you are/were employed or applied for employment.

Business Name: SC DOT Orangeburg Construction

Street Address: 1768 Charleston Highway

Mailing Address: _____

City: Orangeburg State: South Carolina Zip: 29115

County: Orangeburg Telephone Number: () _____
(Area Code)

What does this company do? Department of Transportation

How many people does this business, organization, or company employ? Include all full-time and part-time employees at all locations.

___ less than 15 ___ 15 to 100 ___ 101 to 200 ___ 201 to 500 ___ over 500

2. Is the business, organization, or company named in question 1 owned by another business, organization or company?
 Yes No If yes, complete the following:

Business Name: _____
Street Address: _____
Mailing Address: _____
City: _____ State: _____ Zip: _____
Human Resource Contact: First Name: _____ Last Name: _____
Telephone Number: (____) _____
(Area Code)

3. Were you employed through the business, organization, or company named in question 1 through a temporary service or a staffing agency? Yes No If yes, complete the following:

Name of temporary service of staffing agency: _____
Street Address: _____
Mailing Address: _____
City: _____ State: _____ Zip: _____
Human Resource Contact: First Name: _____ Last Name: _____
Telephone Number: (____) _____
(Area code)

4. Have you filed this complaint with the United States Equal Employment Opportunity Commission, any federal, state or local antidiscrimination agency (including the SC Human Affairs Commission), or in court?

Yes No If yes, complete the following:

Name of Agency: _____
Case Number: _____ Date you filed this complaint: _____

5. Do you currently work for the business, organization or company in question 1? Yes No
If no, give date when you were fired or when you quit? 10-17-22
(mm/dd/yy)

Complete the following information about your current or most recent job that you held with the business, organization or company listed in question 1:

Date of hire: 8-17-22 Current or most recent pay rate: 28.55

Current or most recent job title: Engineering Associate II GS

Current or most recent unit: _____

Current or most recent Supervisor:

Name: Darryl Kennerly Title: Resident Construction
Race: W Sex: _____ Age: _____ National Origin: _____ Religion: _____

6. What did the business, organization, or company you listed in question 1 do to you? Check all of the issues that have happened to you in the last 300 days and give the date of the most recent occurrence of each. ****Note: These issues must include an actual estimate or approximate month, day, and year.**

✓	<u>10-17-22</u> (mm/dd/yy)	Fired	_____	_____	Quit
_____	_____	Disciplined	_____	_____	Suspended
_____	_____	Denied Benefits	_____	_____	Pregnancy (date you notified your employer)
_____	_____	Denied Equal Wages	_____	_____	Denied a Reasonable Accommodation (for a disability or religious beliefs)
_____	_____	Terms / Conditions	_____	_____	Intimidated
_____	_____	Sexually Harassed	_____	_____	Harassed - not sexually
_____	_____	Involuntarily Transferred from:	_____		
		To:	_____		
_____	_____	Denied Transfer from:	_____		
		To:	_____		
_____	_____	Demoted from:	_____		
		To:	_____		
_____	_____	Denied Promotion from:	_____		
		To:	_____		

Date you applied	Did you meet the qualifications?	Was the position available?	Who got the position?
_____	_____ Yes _____ No	_____ Yes _____ No	_____
(mm/dd/yy)			

_____	Denied Hire to:	_____	
(mm/dd/yy)		(Position Name)	
Date you applied	Did you meet the qualifications?	Was the position available?	Who got the position?
_____	_____ Yes _____ No	_____ Yes _____ No	_____
(mm/dd/yy)			

7. Why do you believe you received the treatment you checked in question 6? Check all bases applicable to your situation.

Race _____ Sex (including sexual harassment or pregnancy) Age (at least 40)
____ National Origin (Ancestry) _____ Color
____ Religion What is your religion? _____
____ Disability What is your medically diagnosed disability? _____

What is the expected duration of your disability? _____
Is any improvement expected? _____ Yes _____ No If yes, to what extent? _____
_____ N/A

When was your employer notified? _____
Was it an on-the-job injury? _____ Yes _____ No When did the injury occur? _____
Was a Worker's Compensation claim filed? _____ Yes _____ No If yes, on what date? _____
Does or did your employer perceive you as having a disability? _____ Yes _____ No If yes, explain: _____

____ Retaliation (opposed an unlawful employment practice or participated as a witness in a complaint)
Did you complain about your treatment to a member of management? _____ Yes _____ No
If yes, complete the following about the individual to whom you complained:

Name: _____
Title: _____
Date of Complaint: _____

Did you specifically allege that your treatment was discrimination based on one or more of the items checked in question 7? _____ Yes _____ No

Have you been involved in a previous antidiscrimination complaint at work? _____ Yes _____ No
If yes, provide dates and details of the complaint (Question 10).

8. Who allegedly harmed or discriminated against you?

Name: Darryl Keenly Job Title: Resident Construction Engineer
(First) (Last)
Race: Sex: _____ Age: _____ National Origin: _____ Religion: _____

Was this individual employed by the business, organization, or company listed in question 1?
 Yes _____ No If no, complete the following on that individual:

Employer: SC DOT Orangeburg Construction
Title: Resident Construction Engineer
Work relationship to you: Supervisor

SCDOT
For 2m.

Settlement Information

What is the minimum relief you would accept to settle this complaint?

Your job back Seniority Benefits Back Pay

Other not sure what can be done, I left a job I was employed for 7 years, I was at

Mediation is a form of Alternative Dispute Resolution (ADR) offered by the SC Human Affairs Commission. Mediation is a meeting in which the employer and the employee, assisted by a mediator (a neutral third party), reach a decision between themselves to resolve the dispute. It is a forum to seek relief for employment related concerns. Participation in the mediation program is strictly voluntary for both parties.

Would you like more information about the mediation option? Yes No

Contact Information

Provide the following information on how the Commission may contact you during the Commission's regular hours.

Home: [Redacted] Hours: any time
Work: [Redacted] Hours: any time

Provide the following information on a person who will know where you can be reached. This individual should be someone who DOES NOT live with you.

Contact Individual's Name: Amysha Lynita Arthur
(First) (Middle) (Last)

Mailing Address: 465 Kings Head Court

City: Irmo State: SC Zip: 29063

Telephone Number: Home: [Redacted] Work: ()
(Area Code) (Area Code)

Cell: () E-mail Address: _____
(Area Code)

Do you have an attorney representing you in this matter? Yes No

If yes, your attorney must send a *Letter of Representation* to the South Carolina Human Affairs Commission. The Commission cannot discuss any matter pertaining to your complaint with the attorney until it receives the Letter of Representation.

It is your responsibility to notify the Commission immediately if you change your address or telephone number. If you cannot be contacted because you have not met these responsibilities, your complaint may be dismissed. You must provide a telephone number by which the investigator can contact you during the Commission's normal business hours (8:30 A.M. to 5:00 P.M. Monday through Friday).

I have read (or it has been read to me) this document and understand the above information. I understand that the South Carolina Human Affairs Commission makes no promises or guarantees to me as to the possible outcome or results of this complaint.

I certify that all of the information provided in this questionnaire and throughout the investigation of my complaint is true, accurate, and factual to the best of my knowledge, information and belief.

Signature of Complainant: [Signature] Date: 10-18-22



U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

Charlotte District Office
129 West Trade Street, Suite 400
Charlotte, NC 28202
(980) 296-1250
Website: www.eeoc.gov

DETERMINATION AND NOTICE OF RIGHTS

(This Notice replaces EEOC FORMS 161 & 161-A)

Issued On: 06/20/2023

To: Lemuel A. Giviens
465 Kings Head Court
Irmo, SC 29063

Charge No: 14C-2023-00064

EEOC Representative and email: EYERUSALEM HAILE
State, Local & Tribal Coordinator
eyerusalem.haile@eeoc.gov

DETERMINATION OF CHARGE

The EEOC issues the following determination: The EEOC will not proceed further with its investigation and makes no determination about whether further investigation would establish violations of the statute. This does not mean the claims have no merit. This determination does not certify that the respondent is in compliance with the statutes. The EEOC makes no finding as to the merits of any other issues that might be construed as having been raised by this charge.

The EEOC has adopted the findings of the state or local fair employment practices agency that investigated your charge.

NOTICE OF YOUR RIGHT TO SUE

This is official notice from the EEOC of the dismissal of your charge and of your right to sue. If you choose to file a lawsuit against the respondent(s) on this charge under federal law in federal or state court, **your lawsuit must be filed WITHIN 90 DAYS of your receipt of this notice.** Receipt generally occurs on the date that you (or your representative) view this document. You should keep a record of the date you received this notice. Your right to sue based on this charge will be lost if you do not file a lawsuit in court within 90 days. (The time limit for filing a lawsuit based on a claim under state law may be different.)

If you file suit, based on this charge, please send a copy of your court complaint to this office.

On behalf of the Commission,

Digitally Signed By: Elizabeth A. Rader
06/20/2023

Elizabeth A. Rader
District Director

Cc: SC Dept. of Transportation
c/o Darlene M Rikard
955 PARK ST. Rm 103
COLUMBIA, SC 29201

Please retain this notice for your records.

STATE OF SOUTH CAROLINA
HUMAN AFFAIRS COMMISSION



Marvin Caldwell, Jr.
Interim Commissioner

1026 Sumter Street, Suite 101
Columbia, South Carolina 29201
(803) 737-7800 (803) 737-7835 Fax



www.schac.sc.gov
(800)-521-0725 In-State

Mr. Lemuel A. Giviens
465 Kings Head Court
Irmo, SC 29063

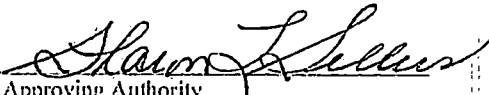
Re: Lemuel A. Giviens vs. SC Department of Transportation
SCHAC# 4-22-72A,R
EEOC# 14C-2023-00064

Dear Mr. Giviens:

The Commission did not find that a violation of the EEOC or South Carolina Human Affairs Laws had occurred in this matter and therefore, a determination of "No Cause" was made in your case. Enclosed you will find a notice of your right to bring a lawsuit in South Carolina State Court related to the allegations investigated by the South Carolina Human Affairs Commission. The above-referenced investigation is now closed pursuant to S.C. Code Ann. Regs. 65-2(J)(3).

Please feel free to contact me if you have any questions.

Sincerely,


Approving Authority

Date: May 13, 2023

Enclosure: Notice of Right to Sue

cc: SC Department of Transportation

South Carolina Human Affairs Commission
1026 Sumter Street, Suite 101
Columbia, SC 29201

Dismissal and Notice of Right to Sue

Name: Lenuel A. Givens
Address: 965 Kings Head Court
City/ State/ Zip: Inno, SC 29063

Complainant

vs.

Name: SC Department of Transportation
Address: 955 Park Street
City/ State/ Zip: Columbia, SC 29201

Respondent

SCHAC Complaint Number
4-22-72A,R

EEOC Deferral As
14C-2023-00064

SCHAC Representative and Title:
Cristhian Teller, Investigator

Telephone No.: (803) 737-7800

The Commission has dismissed your charge for the following reason(s):

- The Commission does not have jurisdiction to process your charge for the following reason:
- | | | |
|---|---|---------------------------------|
| <input type="checkbox"/> Untimely | <input type="checkbox"/> Complainant failed to state claim | <input type="checkbox"/> Other: |
| <input type="checkbox"/> Prior court proceeding | <input type="checkbox"/> Less than 15 employees | |
| <input type="checkbox"/> No employee/ employer relationship | <input type="checkbox"/> Private membership/ nonprofit club | |
- No cause: The Commission is unable to conclude, based upon the information obtained during its investigation, that there has been a violation of the Human Affairs Law, Section 14-13-10, et seq, of the SC Code of Laws of 1976, as amended.
- You failed to provide requested necessary information, failed or refused to appear or be available for necessary interviews/conferences, or otherwise refused to cooperate with the Commission. You have had at least 15 days in which to respond to our final written request.
- The Commission has made reasonable efforts to locate you and has been unable to do so. You have had at least 30 days in which to respond to a notice sent to our last known address.
- The Respondent has made a written settlement offer which affords full relief for the harm you alleged. You have refused to accept the final relief offered and/or at least 30 days have expired since you received actual notice of this settlement offer.

This Notice of Right to Sue concludes the Commission's investigation of your charge. If you want to pursue the charge further, you MUST DO SO WITHIN ONE YEAR FROM THE ALLEGED VIOLATION OR WITHIN ONE HUNDRED TWENTY (120) DAYS FROM THE DATE OF ISSUANCE OF THIS NOTICE OF RIGHT TO SUE, WHICHEVER OCCURS EARLIER; OTHERWISE, YOUR RIGHT TO SUE UNDER THE HUMAN AFFAIRS LAW IS LOST.

THE PARTIES ARE HEREBY NOTIFIED THAT IF THEY WOULD LIKE TO REQUEST FILE CONTENTS FOR PURPOSES OF LITIGATION, THEN A REQUEST FOR COPIES REFLECTING A COURT DOCKET NUMBER SHOULD BE SUBMITTED TO THE AGENCY WITHIN THREE (3) YEARS OF THE DATE OF ISSUANCE OF THIS DETERMINATION. IN ACCORDANCE WITH THE RECORDS RETENTION SCHEDULE ESTABLISHED BY STATE ARCHIVES, THE FILE WILL BE DESTROYED THREE (3) YEARS AFTER THIS DATE.

The parties are reminded that state and federal laws prohibit retaliation against persons who have exercised their right to inquire or complain about matters they believe may violate the law. Discrimination against persons who have cooperated in Commission investigations is also prohibited. These protections apply regardless of the Commission's determination on the merits of the complaint.

You may contact the SCHAC representative named above if you have any questions. A copy of this NOTICE OF RIGHT TO SUE has been sent to the Respondent.

On Behalf of the Commission

May 23, 2023
Date of Issuance

Cristhian Teller
Approving Authority

Fw: Lem's Role

From: Lemuel Giviens (lemuel_giviens@yahoo.com)
To: lemuel_giviens@yahoo.com
Cc: lemwolf22@gmail.com
Date: Tuesday, February 7, 2023 at 03:21 PM EST

----- Forwarded Message -----

From: Giviens, Lemuel A. <giviensla@scdot.org>
To: lemuel_giviens@yahoo.com <lemuel_giviens@yahoo.com>
Sent: Monday, October 17, 2022 at 08:45:14 AM EDT
Subject: FW: Lem's Role

From: Kennerly, Darryl T <KennerlyDT@scdot.org>
Sent: Monday, October 17, 2022 8:42 AM
To: Giviens, Lemuel A. <GiviensLA@scdot.org>
Subject: RE: Lem's Role

Lem,

I am trying to get a meeting scheduled with yourself, Dean and I. Currently, I do not have everything that I need. Please continue to follow Dean's daily instructions until then. Let me know if there are any questions.

Thanks,

Darryl

From: Giviens, Lemuel A. <GiviensLA@scdot.org>
Sent: Monday, October 17, 2022 8:38 AM
To: Kennerly, Darryl T <KennerlyDT@scdot.org>
Subject: Lem's Role

Good Morning Mr. Kennerly,

Not sure when you will be available to speak with me privately? I would like to discuss my role and things I would like to contribute here in the office. Look forward to hearing from you.

Lemuel Giviens

Engineering Associate II

Office: 803-395-0847

Cell: 803-878-6111

giviensla@scdot.org

*1768 Charleston Highway
Orangeburg, SC 29115*



*Safety 1st – Live By It!
Let 'em Work, Let 'em Live!*


Delete Reply Reply Forward All

76102 & Bridge 76102
Bridge Inspection Lem
To Manager Done

Delete Respond Quick Steps Move Ass Polli

Till, Deborah J
 Kennerly, Darvy T; Edwards, Debra -
 L Giviens

FYI


 Corbin, Cecelia B
 RE: L Giviens
 To: Till, Deborah J
 You replied to this message on 10/16/2023 11:02 AM.

Good Morning!
 He would be paid for annual time and that's it. He was an exempt employee and he would not be paid for the comp time. No one is paid for...
 Thanks!!
 Cecelia Corbin
 SCDOT - District 2
 HR Manager
 205-395-7192

Deborah J Till
 Administrative Assistant - Orangeburg Construction
 205-395-7192

Sent: 10/16/2023 11:02 AM
 To: 'Cecelia Corbin' <ccorbin@scdot.gov>
 From: 'Deborah J Till' <dtill@scdot.gov>
 Subject: RE: L Giviens

Anderson, Shirley E.

From: Lemuel Giviens <lemuel_giviens@yahoo.com>
Sent: Tuesday, December 13, 2022 6:42 AM
To: D8FOIAInfo
Subject: ATTN: FOIA Request- Lemuel Giviens

*** This is an EXTERNAL email. Please do not click on a link or open any attachments unless you are confident it is from a trusted source. ***

Good Morning,

I was employed with SCDOT from 8/17/22 to 10/17/22. I would like you to send me your policy that I was not allowed to receive a payout of my comp time upon me being terminated without me leaving on my free will, I believe the amount is 24.5 that should still be on your books. Also can you send me any performance evaluation, offer letter, documents related to my employment and reason for termination. Thanks in advance. Have a wonderful day.

V/r,

Lemuel Giviens



ATTN: Case 436-2023-00109-Giviens [Incident: 221019-001361]

From: EEOC - I I G (info@eeoc.gov)

To: lemuel_giviens@yahoo.com

Date: Thursday, October 20, 2022 at 03:56 PM EDT



Recently you requested personal assistance from our on-line support center. Below is a summary of your request and our response. We hope we have answered your questions or referred you to the appropriate place to have your questions answered. *To access your question from our support site, [click here](#)*

Subject

ATTN: Case 436-2023-00109-Giviens

Response By Email (Inquiry) (10/20/2022 02:56 PM)

Thank you for contacting us.

The EEOC Intake Information Group has access to limited information relating to specific charges. Information pertaining to the charge you reference is maintained in the charge records located at the field office where the charge was filed. You may wish to contact the field office directly.

Greenville Local Office
301 North Main Street
Suite 1402
Greenville, SC 29601
Direct Dial: 1-864-565-0340
Fax: 864-241-4416

Sincerely,

U.S. Equal Employment Opportunity Commission

Auto-Response By (Administrator) (10/19/2022 06:07 PM)

Thank you for contacting the United States Equal Employment Opportunity Commission. This automated response confirms receipt of your inquiry and is not intended to address your specific questions. For those of you wishing to file a charge of employment

discrimination, please note that there is a time limit of either 180 or 300 days to file a charge, depending on a number of factors. If you want to begin the process, you can use our online assessment tool at [US EEOC](#) . You can not file a charge via email. We will respond to your specific questions as quickly as possible.

Customer By CSS Email (Lemuel Giviens) (10/19/2022 06:07 PM)

Good afternoon

I just made a EEOC (inquiry) it was no way for me to upload the typed document attached concerning the discriminatory events. Can you see that it is forwarded and put with case 436-2023-00109? Thanks in advance.

v/r,
Lemuel Giviens



===== application File Attachment

=====
SCDOT Complaint.docx, 14917 bytes, Added to incident

Question Reference # 221019-001361

Date Created: 10/19/2022 06:07 PM

Date Last Updated: 10/20/2022 02:56 PM

Status: Closed

ATTN: FOIA Request- Lemuel Giviens

From: Lemuel Giviens (lemuel_giviens@yahoo.com)

To: FOIAInfo@dot.state.sc.us

Date: Tuesday, December 13, 2022 at 06:41 AM EST

Good Morning,

I was employed with SCDOT from 8/17/22 to 10/17/22. I would like you to send me your policy that I was not allowed to receive a payout of my comp time upon me being terminated without me leaving on my free will, I believe the amount is 24.5 that should still be on your books. Also can you send me any performance evaluation, offer letter, documents related to my employment and reason for termination. Thanks in advance. Have a wonderful day.

V/r,

Lemuel Giviens





South Carolina
Department of Employment and Workforce



22484788

Original

LEMUEL A GIVIENS
465 KINGSHEAD CT
IRMO SC 29063-2406

Decision Date: 10/31/2022
Mailing Date: 11/01/2022
Effective Date: 10/16/2022
Type: LO01
Category: Lay Off (SC)
Benefit Year Ends: 10/14/2023
RE: SC DEPT OF TRANSPORTATION
Claimant ID: 4422457
SSN:
WBA: \$326.00
RBA: \$0.00

DECISION

You are eligible for benefits from 10/16/2022, if otherwise eligible.

DETERMINATION REASON

You are on lay off from your most recent bona fide employer due to lack of work and no disqualification is imposed on the separation under the South Carolina code.

CONCLUSION

You have met the eligibility requirements of the law, benefits are allowed.

UI Claims Adjudicator

IMPORTANT: This determination will be the final decision of the Department unless you file an appeal setting forth in detail the grounds for appeal by 11/14/2022. Appeals may be filed by mail addressed to the "Appeal Tribunal, Post Office Box 995, Columbia, SC 29202," or by fax to 803-737-0287, or via the CSS or ESS portals using the "Request Appeal" button. NOTE: UPLOADING DOCUMENTS TO THE PORTALS WILL NOT BE ACCEPTED AS AN APPEAL. For additional information on filing an appeal, contact the Appeals Department at 803-737-2520 or visit our website at <https://www.dew.sc.gov/individuals/appeals>.

SEE FURTHER EXPLANATIONS OF THE LAW ON PAGE TWO (2) OF THIS FORM

South Carolina
Department of Employment and Workforce

EXPLANATION OF DETERMINATION

South Carolina Employment and Workforce Law provides varying penalties for a claim that does not meet the requirements of the law.

The term "bona fide employer" means the employer with whom the claimant last earned at least eight (8) times the weekly benefit amount.

SECTION 41-35-110 provides that a claimant is eligible for benefits for any week only if the week is claimed according to the regulations, and the claimant has registered and continued to report to an employment office for work as required. Additionally, a claimant must be physically able to work at his usual occupation which prior training and experience show him to be qualified. Also, a claimant must be available for work, which means being ready, able, and willing to accept suitable work, and that personal circumstances would not prevent him from accepting such work.

No weeks of unemployment benefits will be paid for weeks for which the claimant is held to be unavailable. The claimant should call 1-866-831-1724 if the condition which caused the unavailability changes.

SECTION 41-35-120(1) provides that a claimant shall be disqualified from benefits if the Department finds that the claimant left work without good cause connected with the employment. The disqualification shall begin on the effective date of the claim and shall continue until the claimant returns to work and earns at least eight times the weekly benefit of the claim.

SECTION 41-35-120(2)(a) provides that a claimant shall be disqualified from benefits if the Department finds that the claimant was discharged for misconduct connected with the most recent work. The disqualification shall begin on the effective date of the claim and shall continue for twenty weeks, with a corresponding reduction of the claimant's benefits to be calculated by multiplying the weekly benefit amount by twenty. Misconduct includes deliberate violations or disregard of standards of behavior the employer has the right to expect, or carelessness or negligence of such degree or recurrence as to show an intentional and substantial disregard of the employer's interest or the claimant's duties and obligations to the employer.

SECTION 41-35-120(2)(b) provides that a claimant shall be disqualified from benefits if the Department finds that the claimant was discharged for cause, other than misconduct, connected with the most recent work. The disqualification shall begin on the effective date of the claim and shall continue for not less than five nor more than nineteen weeks, with a corresponding reduction of the claimant's benefits to be calculated by multiplying the weekly benefit amount by the number of weeks of the disqualification.

SECTION 41-35-120(3) provides that a claimant shall be disqualified from benefits if the Department finds that the claimant was discharged for illegal drug use. The disqualification shall begin on the effective date of the claim and shall continue until the claimant returns to work and earns at least eight times the weekly benefit amount of the claim.

SECTION 41-35-120(4) provides that a claimant shall be disqualified from benefits if the Department finds that the claimant was discharged for gross misconduct. The disqualification shall begin on the effective date of the claim and shall continue until the claimant returns to work and earns at least eight times the weekly benefit amount of the claim.

SECTION 41-35-120(5) provides that a claimant shall be disqualified from benefits if the Department finds the claimant failed without cause to either apply for suitable work when directed by the Department or to accept available suitable work. The disqualification shall begin on the effective the week the failure occurs and shall continue until the claimant returns to work and earns at least eight times the weekly benefit amount of the claim.

SECTION 41-35-120(8) provides that a claimant shall be disqualified from benefits if the Department finds that the claimant retired voluntarily from the most recent work. The disqualification shall begin on the effective date of the claim and shall continue until the claimant returns to work and earns at least eight times the weekly benefit amount of the claim.

If you are still unemployed at the end of a period of disqualification or believe you have met the requalification requirements imposed, you may reopen your claim by reporting to the local unemployment office on the earliest possible date following the end of the disqualification or after meeting the earnings requirement.

FOR ADDITIONAL INFORMATION OR QUESTIONS PLEASE CONTACT US AT 1-866-831-1724.

Lemuel Giviens

Unemployment Appeal

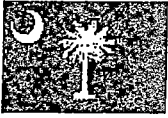
10/28/22

To whom it may concern;

Im responding to the false allegations of me falsifying times (time sheets) I worked at South Carolina Department of Transportation (Orangeburg Construction Office). I was only employed at SCDOT for exactly two months (8/17/22-10/17/22). The reason given for my termination by Darryl Kennerly (Resident Construction Engineer) was I did not pass the CEPSI exam; a test that was not required by my job but he felt it was clear that I was not a "good fit" for the position of Engineering Associate II 6B by not passing it. I missed passing the test by six points, I have documentation to show this. I was hired as a salaried worker not able to earn overtime, I reported to work when I was told and stayed late as I was instructed by Darryl Kennerly. This is an accusation I take serious because I'm still employed with the Armed Forces and this accusation attacks my integrity and "good character". Within this position I was able to accumulate comp time which before filing unemployment I had to make a compliant with the Labor Board because they refuse to pay me for the time. Please ask SCDOT Orangeburg Office to submit any evidence or documentation that I falsified times, I'm confident that it will not be any type of evidence or documentation because I followed Darryl Kennerly (Resident Construction Engineer) and Dean Edwards (Assistant Construction Engineer) instructions completely, reporting to and from work and even staying late for training on Asphalt operations as instructed.

Lemuel Giviens

(803) 361-2447



State of South Carolina
**Engineer/ Engineering Associate II (61031945) **Re-
 advertisement****

SALARY	\$56,565.00 - \$77,298.00 Annually	LOCATION	Orangeburg County, SC
JOB TYPE	FTE - Full-Time	JOB NUMBER	125810
AGENCY	Department of Transportation-District 7	OPENING DATE	06/14/2022
CLOSING DATE	6/20/2022 11:59 PM Eastern	CLASS CODE:	HD65
POSITION NUMBER:	61031945	NORMAL WORK SCHEDULE:	Other
NORMAL WORK SCHEDULE (OTHER):	Monday - Friday (8:00-5:00)	PAY BAND	Band 6
HIRING RANGE - MIN.	\$56,565.00	HIRING RANGE - MAX.	\$77,298.00
OPENING DATE	02/04/2022	EEO STATEMENT	Equal Opportunity Employer
AGENCY SPECIFIC APPLICATION PROCEDURES:	Apply online and fully complete all sections of the application. A resume may be provided, but will not substitute for completing any section of the application. Accurately respond to all Supplemental Questions since they are part of your official application and are used to initially screen applicants. If the selected candidate indicates attainment of a college degree(s), he/she may be required to provide an official college transcript within thirty (30) calendar days of employment. Failure to provide documentation within the required time frame may result in termination of employment. SCDOT Human Resources Office, Post Office Box 1086, Orangeburg, SC 29116. Phone: (803) 531-6850.	VETERAN PREFERENCE STATEMENT	South Carolina is making our Veterans a priority for employment in state agencies and institutions.

Job Responsibilities

Re-advertisement

Previous applicants need not reapply. Your application will still be considered.

Plans, supervises, and performs inspection work in all phases of highway and bridge construction projects. Conducts sampling and field tests on all projects. Takes samples and/or supervises others in sampling materials used by the contractor to ensure that all is in accordance with specifications. Makes recommendations regarding sample results. Ensures compliance with plans and specifications for both state and federal projects. Manages and verifies survey data on projects as necessary. Serves as Project Engineer on major highway and bridge construction projects. Performs miscellaneous tasks but not limited to checking complaints, nighttime traffic control inspections, inspecting erosion control and traffic control plans on all construction projects. Prepares daily diaries, weekly and monthly reports, monthly and final construction estimates, and final plans on construction projects. Performs computer work as necessary to perform these assigned tasks. Reviews reports, estimates, and final plans produced by subordinates. Assists in the coordinating of all work performed by utility companies for relocation of water, sewer, natural gas, electricity, fiber optic communications, cable television, etc. Maintains utility diaries on complex projects and coordinates utility relocation work with contractor and project plans. Meets with general public, contractor personnel, utility company representatives, and city and county officials as necessary while representing the Department. Performs other related duties as required by supervisor.

Minimum and Additional Requirements

A bachelor's degree in Engineering, Engineering Technology, or Construction Science and Management and one and one-half (1.5) years of entry-level engineering or construction management work experience; or an approved acceptable equivalence in accordance with State Human Resources Regulations.

Additional Comments

Non Discrimination Statement:

The South Carolina Department of Transportation is committed to a diverse workforce and does not discriminate on the basis of race, color, religion, sex (including pregnancy), national origin, age (40 or older), disability or genetic information.

Agency

State of South Carolina

Agency

Department of Transportation-District 7

Address

PO Drawer 1086

Orangeburg, South Carolina, 29116

Phone

803-395-7162

THE LANGUAGE USED IN THIS DOCUMENT DOES NOT CREATE AN EMPLOYMENT CONTRACT BETWEEN THE EMPLOYEE AND THE AGENCY. THIS DOCUMENT DOES NOT CREATE ANY CONTRACTUAL RIGHTS OR ENTITLEMENTS. THE AGENCY RESERVES THE RIGHT TO REVISE THE CONTENT OF THIS DOCUMENT, IN WHOLE OR IN PART. NO PROMISES OR ASSURANCES, WHETHER WRITTEN OR ORAL, WHICH ARE CONTRARY TO OR INCONSISTENT WITH THE TERMS OF THIS PARAGRAPH CREATE ANY CONTRACT OF EMPLOYMENT.

Engineer/ Engineering Associate II (61031945) **Re-advertisement** Supplemental Questionnaire

*QUESTION 1

Are you currently employed with SCDOT?

- Yes
- No

*QUESTION 2

What is your highest level of education completed?

- 10th grade completed
- 11th grade completed
- High School or GED completed
- Associate's Degree
- Bachelor's Degree
- Master's Degree

*QUESTION 3

What class driver's license do you possess?

- Class A
- Class B
- Class C
- Class D

QUESTION 4

Do you have a valid motor vehicle operator's license?

- Yes
- No

*QUESTION 5

How did you find out about this vacancy at the South Carolina Department of Transportation? Please check all that apply.

- Job/Career Fair
- Referred by current SCDOT employee
- SCDOT presentation
- Sign or billboard
- Bumper sticker/magnetic sign
- Facebook or Twitter post
- Internship
- Newspaper Ad
- Radio Ad
- Television Ad
- Trade Journal

- Referred from Vocational Rehab
- Referred from Department of Employment and Workforce
- Jobs.SC.Gov webpage
- Other

QUESTION 6

If you selected "other" please explain how you found out about the vacancy at the South Carolina Department of Transportation.

***QUESTION 7**

If you were referred by a current SCDOT employee, what is his or her name?

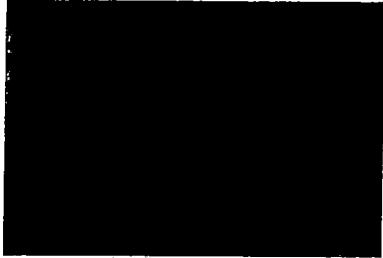
***QUESTION 8**

I understand that I must complete the state application to include all current and previous work history and education. A resume cannot be submitted for completed work history and education sections of the employment application. Only information contained within this application will be used to determine my qualifications for this position or for any other employment consideration should I be the selected candidate. I have read and acknowledged this statement.

- Yes
- No

* Required Question

Sent: 12/22/2022 12:49:47 PM
From: Cynthia.Barnes@llr.sc.gov
To: ReLAESDocs@llr.sc.gov
CC:
BCC:



From: Cynthia Barnes
Sent: Thursday, December 22, 2022 12:49 PM
To: [REDACTED]
Subject: Wage complaint case# 2022-1415

Ms. Rikard,

The wage complaint that was filed against SCDOT is now complete. Please find the attached closing letter for the above reference wage claim. The letter was also mailed. Thank you for your time.

Happy Holiday!



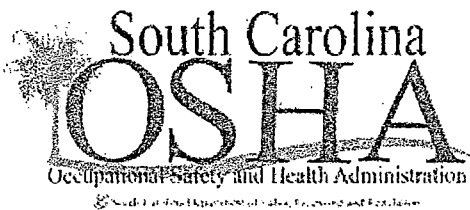
Thank you!

Cynthia (Luu) Barnes
Administrative Coordinator I
Immigration/Child Labor/Wages
Cynthia.barnes@llr.sc.gov

Twitter: [@SC OSHA](#), [@SCDLLR](#)

Facebook: [@SCLLR](#)

Website: <http://www.scosha.llronline.com/>, www.llr.sc.gov



Making South Carolina a Safe Place to Work and Live



110 Centerview Drive
Post Office Box 11329
Columbia, SC 29211-1329
Phone: (803) 896-4470
FAX: (803) 896-4656

South Carolina
Department of Labor, Licensing and Regulation



Division of Labor
Office of Wages and Child Labor

Henry D. McMaster
Governor

Emily H. Farr
Director

December 22, 2022

SCDOT
1768 Charleston Hwy.
Orangeburg, SC 29115

Re: Employee: Lemuel Giviens
Case No.: 2022-1415

Dear Ms. Rikard:

The Department of Labor, Licensing and Regulation, through its Office of Wages and Child Labor, has completed the investigation in the above-referenced case.

The investigation did not reveal any violations under the South Carolina Payment of Wages Act; specifically, S.C. Code Ann. § 41-10-40 (failure to pay wages) or S.C. Code Ann. § 41-10-30 (recordkeeping).

The Department has officially closed this file. If you have any questions, please feel free to contact me.

Sincerely,

Tyler Livezey

Tyler Livezey
Program Manager

Dow, Cherry

From: Lemuel Giviens <lemuel_giviens@yahoo.com>
Sent: Wednesday, October 19, 2022 9:20 AM
To: Dow, Cherry
Subject: [External] ATTN: Ms. Dow- Giviens Case
Attachments: Screenshot_20221018-194228_Messages.jpg

Good morning Ms. Dow,

The representative from your office told me you were my case worker. Attached to this email is a screen shot from my phone from my old boss Mr. Kennerly. I asked Monday 10-17-22 if I could get the comp time I earned while being there its like 24 or 25 hours. He sent me the screenshot from the HR personnel, saying I'm not entitled to it. Ill send you anymore revelent information for my case. Thanks in advance

V/r,

Lemuel Giviens

<p>CHARGE OF DISCRIMINATION</p> <p>This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.</p>	<p>Charge Presented To: Agency(ies) Charge No(s):</p> <p style="text-align: center;">EEOC 14C-2023-00064</p> <p style="text-align: center;">FEPA</p>
<p>South Carolina Human Affairs Commission and EEOC</p> <p style="text-align: center;"><i>State or local Agency, if any</i></p>	

Name (indicate Mr., Ms., Mrs., Miss, Mx., Dr., Hon., Rev. etc.)	Home Phone	Year of Birth
Lemuel A. Giviens	[REDACTED]	---

Street Address

465 Kings Head Court

Irmo, SC 29063

Named is the Employer, Labor Organization, Employment Agency, Apprenticeship Committee, or State or Local Government Agency That I Believe Discriminated Against Me or Others. (If more than two, list under PARTICULARS below.)

Name	No. Employees, Members	Phone No.
SOUTH CAROLINA DEPARTMENT OF TRANSPORTATION	501+ Employees	(803) 440-2011

Street Address

955 PARK ST

COLUMBIA, SC 29201

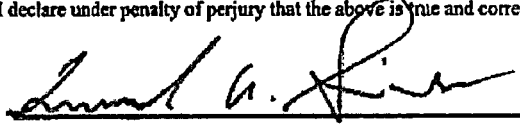
Name	No. Employees, Members	Phone No.

Street Address

DISCRIMINATION BASED ON	DATE(S) DISCRIMINATION TOOK PLACE				
Age, Race	<table style="width:100%;"> <tr> <td style="width:50%;">Earliest</td> <td style="width:50%;">Latest</td> </tr> <tr> <td>10/17/2022</td> <td>10/17/2022</td> </tr> </table>	Earliest	Latest	10/17/2022	10/17/2022
Earliest	Latest				
10/17/2022	10/17/2022				

THE PARTICULARS ARE (If additional paper is needed, attach extra sheet(s)):

I was discharged on or about October 17, 2022. I was told I was not a good fit after I failed the Cesti exam. I contend I was not trained properly and requested training several times but was ignored and given the run around. I am aware of another employee (Younger) who failed the Cesti exam but was not terminated. I was informed by another employee (Caucasian/Younger) who held the same position as I did, stated he was not trained or given the run around and was not treated as such. Because of my age, I was subjected to such treatment. I therefore believe I have been discriminated against because of my race (African American) and age (43) in violation of the South Carolina Human Affairs Law, as amended, Title VII of the US Civil Rights Act of 1964, as amended, and Age Discrimination in Employment Act of 1967, as amended.

<p>I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.</p> <p>I declare under penalty of perjury that the above is true and correct.</p> <p style="text-align: center;"></p> <p>Date: 11-02-2022 Charging Party Signature</p>	<p>NOTARY - When necessary for State and Local Agency Requirements</p> <p>I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.</p> <p>SIGNATURE OF COMPLAINANT</p> <p>SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE (month, day, year)</p>
---	--

South Carolina Human Affairs Commission

1026 Sumter Street, Suite 101
Columbia, SC 29201

Dismissal and Notice of Right to Sue

Name: Emmanuel A. Givens
Address: 465 Kings Head Court
City/ State/ Zip: Irmo, SC 29063

SCHAC Complaint Number
4-22-72A.R

Complainant

EEOC Deferral As
HC-2023-00064

vs.

Name: SC Department of Transportation
Address: 955 Park Street
City/ State/ Zip: Columbia, SC 29201

SCHAC Representative and Title:
Cristhian Teller, Investigator

Respondent

Telephone No.: (803) 737-7800

The Commission has dismissed your charge for the following reason(s):

- The Commission does not have jurisdiction to process your charge for the following reason:
 - Untimely
 - Prior court proceeding
 - No employee/ employer relationship
 - Complainant failed to state claim
 - Less than 15 employees
 - Private membership/ nonprofit club
 - Other:
- No cause: The Commission is unable to conclude, based upon the information obtained during its investigation, that there has been a violation of the Human Affairs Law, Section 1-13-10, et seq, of the SC Code of Laws of 1976, as amended.
- You failed to provide requested necessary information, failed or refused to appear or be available for necessary interviews/conferences, or otherwise refused to cooperate with the Commission. You have had at least 15 days in which to respond to our final written request.
- The Commission has made reasonable efforts to locate you and has been unable to do so. You have had at least 30 days in which to respond to a notice sent to our last known address.
- The Respondent has made a written settlement offer which affords full relief for the harm you alleged. You have refused to accept the final relief offered and/or at least 30 days have expired since you received actual notice of this settlement offer.

This Notice of Right to Sue concludes the Commission's investigation of your charge. If you want to pursue the charge further, you MUST DO SO WITHIN ONE YEAR FROM THE ALLEGED VIOLATION OR WITHIN ONE HUNDRED TWENTY (120) DAYS FROM THE DATE OF ISSUANCE OF THIS NOTICE OF RIGHT TO SUE, WHICHEVER OCCURS EARLIER; OTHERWISE, YOUR RIGHT TO SUE UNDER THE HUMAN AFFAIRS LAW IS LOST.

THE PARTIES ARE HEREBY NOTIFIED THAT IF THEY WOULD LIKE TO REQUEST FILE CONTENTS FOR PURPOSES OF LITIGATION, THEN A REQUEST FOR COPIES REFLECTING A COURT DOCKET NUMBER SHOULD BE SUBMITTED TO THE AGENCY WITHIN THREE (3) YEARS OF THE DATE OF ISSUANCE OF THIS DETERMINATION. IN ACCORDANCE WITH THE RECORDS RETENTION SCHEDULE ESTABLISHED BY STATE ARCHIVES, THE FILE WILL BE DESTROYED THREE (3) YEARS AFTER THIS DATE.

The parties are reminded that state and federal laws prohibit retaliation against persons who have exercised their right to inquire or complain about matters they believe may violate the law. Discrimination against persons who have cooperated in Commission investigations is also prohibited. These protections apply regardless of the Commission's determination on the merits of the complaint.

You may contact the SCHAC representative named above if you have any questions. A copy of this NOTICE OF RIGHT TO SUE has been sent to the Respondent.

On Behalf of the Commission

May 23, 2023
Date of Issuance

Cristhian Teller
Approving Authority

STATE OF SOUTH CAROLINA
HUMAN AFFAIRS COMMISSION



Marvin Caldwell, Jr.
Interim Commissioner

1026 Sumter Street, Suite 101
Columbia, South Carolina 29201
(803) 737-7800 (803) 737-7835 Fax



www.schac.sc.gov
(800)-521-0725 In-State

Mr. Lemuel A. Giviens
465 Kings Head Court
Irmo, SC 29063

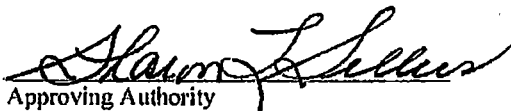
Re: Lemuel A. Giviens vs. SC Department of Transportation
SCHAC# 4-22-72A,R
EEOC# 14C-2023-00064

Dear Mr. Giviens:

The Commission did not find that a violation of the EEOC or South Carolina Human Affairs Laws had occurred in this matter and therefore, a determination of "No Cause" was made in your case. Enclosed you will find a notice of your right to bring a lawsuit in South Carolina State Court related to the allegations investigated by the South Carolina Human Affairs Commission. The above-referenced investigation is now closed pursuant to S.C. Code Ann. Regs. 65-2(J)(3).

Please feel free to contact me if you have any questions.

Sincerely,


Approving Authority

Date: May 13, 2023

Enclosure: Notice of Right to Sue

cc: SC Department of Transportation

STATE OF SOUTH CAROLINA
HUMAN AFFAIRS COMMISSION



Marvin Caldwell, Jr.
Interim Commissioner

1026 Sumter Street, Suite 101
Columbia, South Carolina 29201
(803) 737-7800 (803) 737-7835 Fax



www.schac.sc.gov
(800)-521-0725 In-State

February 15, 2023

Mr. Lemuel A Giviens
465 Kings Head Court
Irmo, SC 29063

Re: Lemuel A Giviens -v- South Carolina Department of Transportation
EEOC# 14C-2023-00064
SCHAC# 4-22-72A/R

Dear Mr. Giviens:

This complaint has been forwarded to the SC Human Affairs Commission's (SCHAC) investigative division, and I have been assigned as the investigator in charge of this complaint. Please direct future correspondence to me at the above address. I may also be reached via email at ctellez@schac.sc.gov or by telephone at (803) 737-2152.

Charging Party is reminded that South Carolina and Federal law prohibits retaliation or discrimination against persons filing charges, assisting or participating in an investigation, or providing information pursuant to any proceeding, inquiry, or hearing under the SC Human Affairs Law, as amended, Title VII of the Civil Rights Act of 1964, as amended, the Age Discrimination in Employment Act, or Title I of the Americans with Disabilities Act.

Only after SCHAC has completed the investigation of your case and a determination has been made, SCHAC's findings will be sent to the United States Equal Employment Opportunity Commission (EEOC) for processing under federal law. Under Section 1601.76 of the EEOC's Regulations, the Charging Party is entitled to request that the EEOC perform a Substantial Weight Review of SCHAC's determination in this case. To secure this review, you must send a **written request to the EEOC within 15 days of the date postmarked on the envelope** in which you receive SCHAC's determination and your Notice of Right to Sue. Again, you may send this written request to the person listed below, **ONLY AFTER** you receive a determination and your Notice of Right to Sue from SCHAC. The request should be sent to:

Eyerusalem Haile
State, Local, and Tribal Coordinator
EEOC Charlotte District Office
129 W. Trade Street, Suite 400
Charlotte, NC 28202

(*Due to the Coronavirus pandemic and EEOC Employees temporarily working from home, Charging Party should NOT submit the request to the EEOC by US Mail, but instead, MUST e-mail their request for a Substantial Weight Review to Eyerusalem.Haile@eoc.gov.)

I will contact you regarding the next steps in the investigation of this complaint. I appreciate your patience and cooperation throughout this process.

Cordially,

Cristhian Tellez

Cristhian Tellez
SCHAC Investigator

Richland County Common Pleas

Clerk : Jeanette W. McBride
 Richland County Judicial Center
 Columbia, SC 29201
 (803) 576-1999

Received From: Givens, Lemuel A

Date: 8/ 7/2023
 Receipt #: 327768
 Clerk: c40rmoorma

Paying for: Self
 Transaction Type: Payment
 Payment Type: Cash
 Total Paid: \$150.00

Reference #:
 Comment:

Total Received: \$150.00
 Change Due: \$0.00

Non-Refundable

Case #	Caption	Previous Balance	Amount Paid	Balance Due	S/T
2023CP4004099	Lemuel A Givens vs Sc Dept Of Transportation	\$150.00	\$150.00	\$0.00	170
Total Cases:	1	\$150.00	\$150.00	\$0.00	