THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM THE COMMON PLEAS COURT

Clifton B. Newman, Common Pleas Fifth Judicial Circuit Judge

Appellate Case No. 2024-001835

Common Pleas Case No. 2022-CP-40-00027

RECEIVED
OCT 10 2025
SC Court of Appeals

South Carolina Department of Health and Environmental Control,
DOES 1 through X, inclusive:
and ROE Business Entities 1 through X, inclusive — Respondent

Teresa McWilliams — Appellant, *pro se*

RECORD ON APPEAL
AND RECORD ON APPEAL SUPPLEMENT

Teresa McWilliams
105 Arborgate Circle
Columbia, SC 29212
(803) 530-4738
Appellant, *pro se*

Meredith Seibert, Esquire
P.O. Box 1486
Columbia, SC 29202
(803) 790-0603
Attorney for Respondent

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM THE COMMON PLEAS COURT

Clifton B. Newman, Common Pleas Fifth Judicial Circuit Judge

Appellate Case No. 2024-001835

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South Carolina Department of Health and Environmental Control,
DOES 1 through X, inclusive:
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Teresa McWilliams — Appellant, *pro se*

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The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS
CLERK

CATHERINE S. HARRISON
CHIEF DEPUTY CLERK

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September 30, 2025

Teresa McWilliams
105 Arborgate Circle
Columbia SC 29212

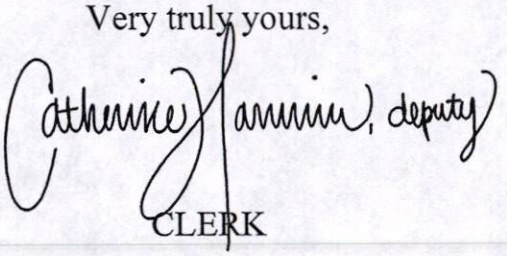
Re: Teresa McWilliams v. SCDHEC
Appellate Case No. 2024-001835

Dear Ms. McWilliams:

Upon reviewing your record on appeal, the following deficiencies have been noted under the South Carolina Appellate Court Rules (SCACR), and any deficiency must be corrected within ten (10) days of the date of this letter or this matter will be dismissed:

- The document is improperly paginated. Specifically, each page of the record on appeal must be numbered consecutively beginning with the index pursuant to Rule 210(c), SCACR.
- A proof of service has not been provided. You must serve and file a proof of service substantially in the format shown by Form 7 in Appendix C to part II of the SCACR.
- The record on appeal does not contain an index pursuant to Rule 210(e), SCACR.

Very truly yours,



CLERK

cc: Meredith L. Seibert, Esquire
David T. Duff, Esquire

Proof of Service of Record on Appeal to Respondent as Requested in Letter Regarding Deficiencies

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM THE COMMON PLEAS COURT

Clifton B. Newman, Common Pleas Fifth Judicial Circuit Judge

RECEIVED
OCT 10 2025
SC Court of Appeals

Appellate Case No. 2024-001835

Common Pleas Case No. 2022-CP-40-0027

South Carolina Department of Health and Environmental Control,
DOES 1 through X, inclusive:
and ROE Business Entities 1 through X, inclusive

Respondent

Teresa McWilliams

Appellant, *pro se*

CERTIFICATE OF SERVICE

Teresa McWilliams
105 Arborgate Circle
Columbia, SC 29212
(803) 530-4738
Appellant, *pro se*

Meredith Seibert, Esquire
P.O. Box 1486
Columbia, SC 29202
(803) 790-0603
Attorney for Respondent

The undersigned Teresa McWilliams hereby certifies that she has served the Respondent South Carolina Department of Health and Environmental Control's attorney the Appellant's Record on Appeal, both via email and certified mail.

Duff Freeman Seibert
P. O. Box 1486
Columbia, SC 29202
mseibert@dfl-lawfirm.com

Respectfully Submitted;

By: _____
Teresa McWilliams

October 10, 2025
Columbia, South Carolina

Documents Showing Timely Filing of Record on Appeal, Record of Appeal Supplement, and Designation of Matter

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM THE COMMON PLEAS COURT

Clifton B. Newman, Common Pleas Fifth Judicial Circuit Judge

RECEIVED
SEP 22 2025
SC Court of Appeals

Appellate Case No. 2024-001835

Common Pleas Case No. 2022-CP-40-00027

South Carolina Department of Health and Environmental Control,
DOES 1 through X, inclusive:
and ROE Business Entities 1 through X, inclusive

Respondent

v.

Teresa McWilliams

Appellant, *pro se*

RECORD ON APPEAL

AND

RECORD ON APPEAL SUPPLEMENT

Teresa McWilliams
105 Arborgate Circle
Columbia, SC 29212
(803) 530-4738
Appellant, *pro se*

Meredith Seibert, Esquire
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(803) 790-0603
Attorney for Respondent

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

RECEIVED
JUN 09 2025
SC Court of Appeals

APPEAL FROM THE
Court of Common Pleas

The Honorable Clifton B. Newman, Fifth Judicial Circuit
Case No.: 2022-CP-40-00027

APPELLATE CASE NO.: 2024-001835

Teresa McWilliams.....Appellant,

vs.

South Carolina Department of Health and Environmental Control.....Respondent.

APPELLANT'S DESIGNATION OF MATTER TO BE INCLUDED IN THE RECORD ON APPEAL

Teresa McWilliams
105 Arborgate Circle
Columbia, South Carolina 29212
Telephone: (803) 530-4738

Appellant, *pro se*

David T. Duff, Esq.
Meredith L. Seibert, Esq

DUFF FREEMAN SEIBERT, LLC
3700 Forest Drive, Suite 404
P.O. Box 1436
Columbia, South Carolina 29203
Telephone: (803) 790-0603
Facsimile: (803) 790-0605

Attorneys for Respondent

Pursuant to Rule 209, SCACR, Respondent designates the following material for inclusion in the record on appeal:

ORDERS:

1. Order dated January 18, 2023

2. Order dated September 30, 2024

PLEADINGS:

3. Summons and Complaint filed January 4, 2022

4. Amended Complaint filed December 30, 2022

TRANSCRIPTS:

5. Transcript of August 8, 2023 Hearing on Motion to Dismiss Amended Complaint

MOTIONS:

6. Appellant's Motion for Extension filed May 20, 2025

7. Appellant's Motion to Exempt Rule 607 Regarding Audio/Visual Transcripts

8. Appellant's Memorandum for August 8, 2023 Hearing dated August 3, 2023

OTHER:

9. Attachments filed contemporaneously by Appellant with Amended Complaint filed December 30, 2022

10. Appellant's January 2, 2024 Memorandum: Analysis of Freedom of Information Response

Undersigned counsel certifies, pursuant to Rule 209(c), SCACR, that the designation contains no matter which is irrelevant to the appeal.

Respectfully Submitted:

Teresa McWilliams
Appellant *pro se*

June 9, 2025
Columbia, South Carolina

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

RECEIVED
MAR 07 2025
SC Court of Appeals

APPEAL FROM THE COMMON PLEAS COURT

Clifton B. Newman, Common Pleas Fifth Judicial Circuit Judge

Appellate Case No. 2024-001835

Common Pleas Case No. 2022-CP-40-00027

South Carolina Department of Health and Environmental Control,
DOES 1 through X, inclusive:
and ROE Business Entities 1 through X, inclusive

Respondent

v.

Teresa McWilliams

Appellant, *pro se*

DESIGNATION OF MATTER TO BE INCLUDED IN THE RECORD ON APPEAL

Teresa McWilliams
105 Arborgate Circle
Columbia, SC 29212
(803) 530-4738
Appellant, *pro se*

Meredith Seibert, Esquire
P.O. Box 1486
Columbia, SC 29202
(803) 790-0603
Attorney for Respondent

Appellant proposes the following be included in the Record on Appeal:

1. Order of September 30, 2024

2. Transcript of Hearing Held August 8, 2023

3. SCHAC Assignment to EEOC

4. EEOC Notice of Right To Sue

5. Revision to Amended Complaint: Analysis of SCDHEC FOIA Response

6. Freedom of Information Response from SCDHEC

6. Amended Complaint

7. Answer: Respondent's Motion to Dismiss

8. Defendant's Request to Charge Numbers 3, 4, 5

I certify that this designation contains no matter which is irrelevant to this appeal.

March 7, 2025

Teresa McWilliams

105 Arborgate Circle

Columbia, South Carolina 29212

(803) 530-4738

Order Granted on Motion To Order Transcript Outside of the Filing Deadlines

The South Carolina Court of Appeals

Teresa McWilliams, Appellant,

v.

South Carolina Department of Health and Environmental Control, Respondent.

Appellate Case No. 2024-001835

The Honorable Clifton Newman
Richland County
Trial Court Case No. 2022CP4000027

ORDER

The appellant has filed a motion to order the transcript outside of the filing deadlines. The motion is Granted. The Court is in receipt of the appellant's correspondence showing the transcript has been ordered. Within ten (10) days of the date of this order, the appellant must provide a status update on the delivery of the transcript.

FOR THE COURT

BY Catherine Harrison, deputy
CLERK

Columbia, South Carolina

FILED
Jan 30 2025

cc:
Teresa McWilliams
Meredith L. Seibert, Esquire
David T. Duff, Esquire

Order Denying Exception to Rule 607

The South Carolina Court of Appeals

Teresa McWilliams, Appellant,

v.

South Carolina Department of Health and Environmental Control, Respondent.

Appellate Case No. 2024-001835

ORDER

On February 7, 2025, Appellant filed a "motion to request exception to Rule 607 [of the South Carolina Appellate Court Rules] regarding audio and video copies of transcripts." Appellant requests either audio or video of a hearing so that she may determine if the judge listed on the transcript is correct. No return was filed. This appears to be a challenge to the accuracy of the transcript; therefore, we deny Appellant's motion. *See* Rule 607(i)(2), SCACR (requiring court reporters to maintain records "to allow a party to challenge the accuracy of the transcription").[1]

FOR THE COURT

Columbia, South Carolina

FILED
Mar 24 2025

cc:
Teresa McWilliams
Meredith L. Seibert, Esquire
David T. Duff, Esquire

[1] The Court Reporter Manual published by South Carolina Court Administration provides procedures for challenging transcripts. *See* Court Reporter Manual found at https://www.sccourts.org/courtreporter/CourtReporterManual.pdf.

Order of September 30, 2024

ELECTRONICALLY FILED - 2024 Sep 30 9:39 AM - RICHLAND - COMMON PLEAS - CASE#2022CP4000027

Richland Common Pleas

Case Caption: Teresa Mcwilliams vs Georgette Lee Jackson , defendant, et al

Case Number: 2022CP4000027

Type: Order/Dismissal

So Ordered

s/ Clifton B. Newman, 2127

ELECTRONICALLY FILED - 2024 Sep 30 9:39 AM - RICHLAND - COMMON PLEAS - CASE#2022CP4000027

STATE OF SOUTH CAROLINA COUNTY OF RICHLAND	IN THE COURT OF COMMON PLEAS FOR THE FIFTH JUDICIAL CIRCUIT
Teresa McWilliams, Plaintiff, vs. South Carolina Department of Health and Environmental Control, Defendant.	C.A. No.: 2022-CP-40-00027 **PROPOSED ORDER**

This matter comes before the Court upon Defendant South Carolina Department of Health and Environmental Control's Motion to Dismiss Plaintiff's Amended Complaint Pursuant to Rule 12(b)(6), SCRCP. A hearing was held on August 8, 2023, before Judge Clifton Newman. Meredith L. Seibert, Esquire of Duff Freeman Lyon LLC, now Duff Freeman Seibert, LLC., appeared on behalf of the South Carolina Department of Health and Environmental Control ("Defendant" or "DHEC"). Ms. Teresa Williams appeared *pro se*. After reviewing the pleadings, including the prior order permitting Plaintiff the opportunity to amend her Complaint, Defendant's Motion to Dismiss, the parties' memoranda, the arguments of the parties, and relevant case law, the Court hereby grants Defendant's Motion to Dismiss.

I. INTRODUCTION

On January 4, 2022, Plaintiff, who is proceeding *pro se,* filed a Complaint against DHEC. DHEC filed a Motion to Dismiss pursuant to 12(b)(6), SCRCP. On November 30, 2022, the Court, retired Chief Justice Toal presiding, heard arguments from Plaintiff and counsel for the Defendant on the pending Motion. Per the resulting order, Plaintiff stated at the hearing that she wanted to pursue a cause of action for age-based employment discrimination following receipt of a right-to-sue notice from the Equal Employment Opportunity Commission ("EEOC"). While noting that the original Complaint lacked any factual support for, or attempted statement of, a legal cause of

ELECTRONICALLY FILED - 2024 Sep 30 9:39 AM - RICHLAND - COMMON PLEAS - CASE#2022CP4000027

action for such a claim, the Court nevertheless granted Plaintiff an opportunity to amend her Complaint, subject to specific directives. Specifically, Plaintiff was advised by the Court that she must include sufficient factual and procedural averments if she wished to avoid dismissal of her action. An Order memorializing the Court's directives was filed on January 18, 2023.

Plaintiff filed an Amended Complaint with the Court on December 30, 2022, prior to the issuance of the Court's January 18, 2023 Order. Plaintiff filed no other proposed amended complaint or revisions to her December 30, 2023, filing following the January 18, 2023, Order. Defendant filed the present Motion on January 30, 2023.

II. STANDARD OF REVIEW

Under Rule 12(b)(6), SCRCP, a defendant may move for dismissal based on a failure to state facts sufficient to constitute a cause of action. *Ashley River Properties I, LLC v. Ashley River Properties II, LLC*, 374 S.C. 271, 648 S.E.2d 295 (Ct. App. 2007) citing *Flateau v. Harrelson,* 355 S.C. 197, 201, 584 S.E.2d 413, 415 (Ct.App.2003) (citing *Baird v. Charleston County,* 333 S.C. 519, 511 S.E.2d 69 (1999)). A Rule 12(b)(6) motion to dismiss should be granted when the pleadings, construed in the light most favorable to the non-moving party, fail to allege sufficient facts to state a cause of action. Rule 12(b)(6), SCRCP; *Haskell Co. v. Morgan*, 274 S.C. 261, 262 S.E.2d 737 (1980). "Generally, in considering a 12(b)(6) motion, the trial court must base its ruling solely upon allegations set forth on the face of the complaint." *Doe v. Marion,* 361 S.C. 463, 469, 605 S.E.2d 556, 559 (Ct.App.2004), aff'd 645 S.E.2d 245, 2007 WL 1321978; *accord Stiles v. Onorato,* 318 S.C. 297, 457 S.E.2d 601 (1995); *see also Brown v. Leverette,* 291 S.C. 364, 353 S.E.2d 697 (1987) (noting trial court must dispose of a motion for failure to state a cause of action based solely upon the allegations set forth on face of complaint); *Williams,* 347 S.C. at 233, 553 S.E.2d at 499 (finding trial court's ruling on 12(b)(6) motion must be bottomed and premised solely upon allegations set forth by plaintiff). However, an allegation of a mere legal conclusion is insufficient to state a cause of action. *Jones v. Gilstrap*, 288 S.C. 525, 343 S.E.2d 646 (1986); see

ELECTRONICALLY FILED - 2024 Sep 30 9:39 AM - RICHLAND - COMMON PLEAS - CASE#2022CP4000027

also *Russell v. City of Columbia*, 301 S.C. 117, 390 S.E.2d 463 (Ct. App. 1989) ("The court must take well pleaded factual allegations as true. However, allegations which are conclusory rather than factual should be disregarded.")

III. DECISION

The Amended Complaint fails to state facts sufficient to constitute a cause of action upon which relief may be granted. In the Amended Complaint, Plaintiff asserts that she was retaliated against for embarrassing her supervisor by questioning a grant discrepancy. Amended Compl. ¶ 6. Specifically, Plaintiff alleges she was "terminated as an act of retaliation and the method used to argue cause was veiled age discrimination." Amended Compl. ¶ 5. To the extent Plaintiff seeks to state a cause of action for age-based employment discrimination and retaliation, the Amended Complaint fails to state facts sufficient to constitute a cause of action. Because there is no common law cause of action for age discrimination and retaliation, it was incumbent upon Plaintiff to include the statutory basis for her purported claim. Such a claim must be brought pursuant to the S.C. Human Affairs Law (SCHAL), the Age Discrimination in Employment Act ("ADEA"), or Title VII of the federal Civil Rights Act of 1964 ("Title VII") - yet none of these are alleged or referenced. Moreover, the Amended Complaint fails to allege except in the most conclusory fashion that her termination was motivated by her age. In fact, Plaintiff even fails to allege her age at the time of her termination. In short, beyond using the terms "age discrimination" and "retaliation," the Amended Complaint is devoid of any facts sufficient to assert or support age-based discrimination or retaliation nor does it include a statutory basis for Plaintiff's claim, whether in state or federal law. See *Ridley v. S.C. Dept. of Mental Health*, 2017 WL 3924003 (S.C. Comm. Pl., June 1, 2017) at *3 ("Although the court must liberally construe a pro se pleading, . . . [it is] clear that a plaintiff must do more than make conclusory statements to state a claim"; ". . . the pleading must contain sufficient factual matter, accepted as true, to state a claim that is plausible on its face . . . .") (citations omitted).

ELECTRONICALLY FILED - 2024 Sep 30 9:39 AM - RICHLAND - COMMON PLEAS - CASE#2022CP4000027

In reaching this conclusion, the Court does not overlook that Plaintiff was given directions on statements and factual allegations she should include in her Amended Complaint if she wished to avoid dismissal. Plaintiff received specific directions – both in a November 20, 2022 hearing, and in the Court's prior January 18, 2023 Order - of factual allegations that she must include in her Amended Complaint, if she intended to bring a claim for an age-based employment discrimination. Specifically, Plaintiff was told she must include within her Amended Complaint "sufficient factual allegations to state a claim for age discrimination/retaliation and the statutory basis for such claim." She was also advised to include factual allegations related to the "timely filing an administrative charge, receipt of a right-to-sue letter, and timely commencement of the judicial action." See Judge Jean Toal's January 18, 2023, Order, page 3. None of those factual or procedural averments are found in the Amended Complaint. *See Georganne Apparel, Inc. v. Todd,* 303 S.C. 87, 399 S.E.2d 16 (Ct. App. 1990) (finding trial judge did not abuse her discretion by dismissing a plaintiff's amended complaint when plaintiff ignored court order limiting what amended complaint should include).

Having considered the pleadings, Defendant's Motion to Dismiss, the parties' memoranda, the arguments of the parties, and relevant case law, Defendant's Motion to Dismiss Plaintiff's Amended Complaint should be and **IS** therefore **GRANTED**.

AND IT IS SO ORDERED.

[JUDGE'S E-SIGNATURE PAGE FOLLOWS]

Order dated January 18, 2023

ELECTRONICALLY FILED - 2023 Jan 18 11:53 AM - RICHLAND - COMMON PLEAS - CASE#2022CP4000027

Richland Common Pleas

Case Caption: Teresa Mcwilliams vs Georgette Lee Jackson , defendant, et al

Case Number: 2022CP4000027

Type: Order/Other

So Ordered

Jean H. Toal

ELECTRONICALLY FILED - 2023 Jan 18 11:53 AM - RICHLAND - COMMON PLEAS - CASE#2022CP4000027

STATE OF SOUTH CAROLINA COUNTY OF RICHLAND Teresa McWilliams, Plaintiff, vs. Georgette Lee-Jackson, South Carolina Department of Health and Environmental Control; Emma Kennedy, in her official and individual capacities, Does 1 through X, inclusive, and ROE Business Entities 1 through X, inclusive, Defendants.	IN THE COURT OF COMMON PLEAS FOR THE FIFTH JUDICIAL CIRCUIT C.A. No. 2022-CP-40-00027 **Order**

INTRODUCTION; ALLEGATIONS OF COMPLAINT

This matter is before the Court on Motions of Defendants Georgette Lee-Jackson, Emma Kennedy, and the South Carolina Department of Health and Environmental Control (DHEC) to dismiss Plaintiff's Complaint pursuant to Rules 12(b)(6) and 12(b)(8), SCRCP. Defendants also moved for a more definite statement pursuant to Rule 12(e), SCRCP, in the event the motions to dismiss were denied.

On November 30, 2022, the Court heard arguments from Plaintiff, who is proceeding *pro se,* and counsel for the Defendants. For the reasons set forth below, Defendants' motions are granted in part and denied in part.

In an unclear, conclusory fashion, with thread-bare averments, the Complaint alleges that Plaintiff was employed and terminated by Defendant Emma Kennedy, "not for cause" and "as an act of retaliation and age discrimination." Compl. ¶s 7–9. The only material additional averment against Defendant Kennedy is that she was motivated to terminate the Plaintiff because

ELECTRONICALLY FILED - 2023 Jan 18 11:53 AM - RICHLAND - COMMON PLEAS - CASE#2022CP4000027

she questioned whether grant monies were being distributed. Compl. ¶s 10–11. The Complaint further alleges, also in conclusory averments, that Defendant Georgette Lee-Jackson accepted "generalities" by Kennedy about Plaintiff being "old" and that Lee-Jackson "continued to retaliate against Plaintiff by barring Plaintiff from other employment." Compl. ¶s 13–14 & ¶ 18. The Complaint does not specifically allege that Kennedy or Lee-Jackson are employees of DHEC, but does allege, presumably in reference to Kennedy and Lee-Jackson, that "individual[s]" acted "within the scope of any agency or employment," presumably a reference to Kennedy and Jackson being employees of DHEC. See Compl. ¶ 5. It thus appears that, without reference to a federal or state statutory basis, the Complaint asserts claims for discriminatory and retaliatory termination by Kennedy and Lee-Jackson, as employees and agents of DHEC, on the basis of Plaintiff's age. It is noted, however, that the Complaint contains no averment as to Plaintiff's age.

It is unclear whether, beyond a purported claim for age discrimination and retaliation, Plaintiff intended to assert a claim under a contractual or tort related theory of liability; however, the Complaint in its present form lacks any factual support or attempted statement of a legal cause of action for such claims. *See Ridley v. S.C. Dept. of Mental Health*, 2017 WL 3924003 (S.C. Comm. Pl., June 1, 2017) at *3 ("Although the court must liberally construe a *pro se* pleading, . . . [it is] clear that a plaintiff must do more than make conclusory statements to state a claim"; ". . . the pleading must contain sufficient factual matter, accepted as true, to state a claim that is plausible on its face . . . .") (citations omitted).

DECISION

The Complaint may be read as attempting to state a cause of action for age discrimination and retaliation. Such claims are statutorily based, under the S.C. Human Affairs

ELECTRONICALLY FILED - 2023 Jan 18 11:53 AM - RICHLAND - COMMON PLEAS - CASE#2022CP4000027

Law and Title VII of the Federal Civil Rights Act of 1964. At the hearing, Plaintiff made reference to wanting to pursue a cause of action for age-based employment discrimination following receipt of a right-to-sue notice from the Equal Employment Opportunity Commission (EEOC), the enforcement agency under Title VII. The Complaint makes no reference to Title VII, nor to Plaintiff having timely filed a charge of discrimination with the EEOC, or to Plaintiff receiving from the EEOC a right-to-sue letter, or to her timely filing a judicial complaint upon her receipt of such a letter – all prerequisites to a court entertaining a Title VII claim. Title VII normally does not allow such claims against individual employees of the respondent employer. *See Birkbeck v. Marvel Lighting Corp.*, 30 F.3d 507, 511 (4th Cir. 1994) (the ADEA limits civil liability to the employer and individual employees are not proper defendants); *Lissau v. S. Food Serv., Inc.*, 159 F.3d 177, 181 (4th Cir. 1998) ("supervisors are not liable in their individual capacities for Title VII violations"). Accordingly, Defendants Kennedy and Lee-Jackson are not proper Defendants under any Title VII claim Plaintiff seeks to bring and are hereby dismissed.

While the Court is tempted to dismiss the Complaint outright, given that Plaintiff is proceeding *pro se*, Plaintiff is hereby granted thirty (30) days from the date of this Order to amend her Complaint to provide, if she is able, sufficient factual allegations to state a claim for age discrimination/retaliation and the statutory basis for such claim, including averments that she has complied with the jurisdictional requirements for timely filing an administrative charge, receipt of a right-to-sue letter, and timely commencement of the judicial action. Similarly, regarding any other cause of action Plaintiff seeks to bring in an amended pleading, it must include more than conclusory allegations to state a cause of action; it must contain sufficient factual matters, accepted as true, to constitute a claim plausible on its face.

Having considered the parties' arguments, other filings submitted, and the applicable statutory and case law, this Court finds that the **Motion to Dismiss Georgette Lee-Jackson and Emma Kennedy** should be and **IS** therefore **GRANTED**. The Court **DENIES the Motion to Dismiss as it relates to Defendant DHEC**, in order to first provide Plaintiff the opportunity to amend her Complaint. Plaintiff has thirty (30) days from the date of this Order to file an amended complaint, limited to a claim against Defendant DHEC.

AND IT IS SO ORDERED.

[JUDGE'S E-SIGNATURE FOLLOWS]

ELECTRONICALLY FILED - 2023 Jan 18 11:53 AM - RICHLAND - COMMON PLEAS - CASE#2022CP4000027

Amended Complaint Filed December 30, 2022

COMPLAINT 2022-CP-40-00027 AMENDMENT
(PER ORDER OF JUDGE TOAL IN HEARING DATED NOV. 30, 2022)

COMPLAINANT
Teresa McWilliams
105 Arborgate Circle
Columbia, SC 29212
Telephone: (803) 530-4738
teresamcwilliams@hotmail.com
Plaintiff, In Proper Person

RICHLAND COUNTY
FILED
2022 DEC 30 AM 11:04
JEANETTE W. McBRIDE
C.C.P., G.S., & F.C.

RICHLAND COUNTY CIRCUIT COURT

COLUMBIA, SOUTH CAROLINA

Teresa McWilliams

Plaintiff,

CIVIL ACTION NO. 2022-CP-40-00027

vs.

South Carolina Department of Health and Environmental Control

Defendant.

AMENDED
COMPLAINT Teresa McWilliams

JURY TRIAL DEMANDED

Plaintiff, TERESA MCWILLIAMS, in proper person, complains against Defendant SOUTH CAROLINA DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL as follows:

I. PARTIES

1. Plaintiff, Teresa McWilliams, (hereinafter "Plaintiff") is an individual who is currently, and was at all relevant times herein, a resident of the State of South Carolina, County of Richland, City of Columbia.

2. Defendant SOUTH CAROLINA DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL, (hereinafter "Defendant DHEC") is a state organization located at 2600 Bull Street, Columbia, South Carolina 29201.

3. All of the acts and/or failures to act alleged herein were duly performed by and/or are attributable to defendant, acting by and through their agents and employees. Said acts and/or failures to act were within the scope of any agency or employment, or were ratified by defendant.

II. FACTS

4. Plaintiff was employed and terminated by Supervisor Emma Kenned (hereinafter "Supervisor Kennedy"), employee of Defendant DHEC, and Plaintiff was terminated with the help of DHEC Human Resources (hereinafter "HR").

5. Plaintiff was terminated as an act of retaliation and the method used to argue cause was veiled age discrimination.

6. Shortly after Plaintiff's hire, Supervisor Kennedy gave Plaintiff a grant to oversee that had an amount of $5,394.45 hidden in the grant that was not being distributed. See Exhibit 1 page 2 of 2 item 10g which states an amount of $125,394.45 to be distributed to grantee Eat Smart Move More. However, Plaintiff was told to distribute $120,000 in periodic payments. The remaining $5,394.45 was not distributed. Plaintiff checked with Supervisor Kennedy, who had conversations with Grant Writer Administrative Manager Roxanne Ancheta, and Plaintiff was told that only $120,000 was to be paid to grantee. When Plaintiff asked Supervisor Kennedy about the $5,394.45, Plaintiff was told "don't worry about it." After Plaintiff discussed the grant with others in DHEC that also oversaw grants and who did not know what the amount was for, Plaintiff again asked Supervisor Kennedy about the amount, and Plaintiff was told "it's [the] Diabetes grant." A reading of Exhibit 1 clearly delineates that the amount is in the Eat Smart Move More portion of Contract CY-7-714, and Plaintiff felt she had been lied to. Plaintiff reported the discrepancy to DHEC Compliance. Plaintiff was called to a meeting that she thought was a workshop where DHEC employees overseeing grants were allowed to ask questions. When Plaintiff arrived, she was surprised to discover the meeting only included Plaintiff, two DHEC employees from Compliance, and Grant Writer Administrative Manager Roxanne Ancheta. After that meeting, Supervisor Kennedy called Plaintiff to her office. Supervisor Kennedy was embarrassed and yelled at the Plaintiff that Supervisor Kennedy herself should have been in that meeting. Plaintiff herself did not even know she herself was going to that meeting until she walked in the door. This was the incentive for Plaintiff's termination. Plaintiff can demonstration these accusations via subpoenaed documents and testimonies. Supervisor Kennedy was unable to persuade HR to terminate Plaintiff until Supervisor Kennedy's allegations became veiled accusations that Plaintiff was too old to do her job.

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7. Shortly prior to February 27, 2020, Supervisor Kennedy tried to terminate Plaintiff for wearing a tank top underneath other clothes. (Dress code prohibits spaghetti straps: however, the tank top was underneath other clothes, similar to the way a slip or bra would be.) DHEC employee Neal Martin was at this meeting. Supervisor Kennedy was told that she could not terminate Plaintiff for this reason and that Supervisor Kennedy would have to handle the problem using the dress code. Supervisor Kennedy never spoke to Plaintiff about wearing a tank top underneath her clothing. Supervisor Kennedy was fabricating reasons to terminate Plaintiff. When Plaintiff filed a complaint with HR, HR Representative Patrice Witt ignored Plaintiff's complaint and began to defend Supervisor Kennedy without asking Supervisor Kennedy about the situation.

8. On February 27, 2020, Supervisor Kennedy tried to terminate Plaintiff for insubordination via direct refusal of an order. According to the DHEC Procedure Manual, direct refusal of an order results in immediate termination without going through the DHEC Warning of Substandard Performance (hereinafter "WOSP"). Plaintiff never refused an order. Rather Supervisor Kennedy asked Plaintiff if she could meet, and Plaintiff responded that she would miss a 5:00 PM PCAS deadline if she met at that moment. Supervisor Kennedy acquiesced and told Plaintiff not to miss the deadline. Plaintiff asked Supervisor Kennedy the next morning if she would like to meet on the matter, and Supervisor Kennedy declined. Supervisor Kennedy was not allowed by HR to terminate Plaintiff over this matter.

9. Plaintiff's responses to the 6 WOSP meetings are included at the end of this document. The WOSP meetings were veiled accusations that Plaintiff was old and confused (when in reality Supervisor Kennedy willfully withheld required information from Plaintiff), that Plaintiff was old and slow (when in reality Supervisor Kennedy willfully withheld required information from Plaintiff), that Plaintiff was old and confused (when in reality Plaintiff merely asked a question about a first-time task as is customary in the learning curve), that Plaintiff was old and prone to make mistakes (when in reality someone else had made the mistake and Plaintiff had corrected the mistake).

   Of Supervisor Kennedy's 29 accusations in the 6 WOSP meetings:

   Supervisor Kennedy accused Plaintiff of issues when in fact Supervisor Kennedy withheld required information 8 times, as proven in accompanying exhibits.

   Supervisor Kennedy accused Plaintiff of issues that were untrue and pure harassment 13 times, as proven in accompanying exhibits.

   Supervisor Kennedy reprimanded Plaintiff 4 times for asking a question about a first-time task.

   Supervisor Kennedy's accusations included 7 tasks Plaintiff was performing for the first time and were merely procedural.

Supervisor Kennedy's accusations included 9 instances where there was absolutely no negative consequence at all—the mis-steps were merely part of the learning curve and the end result was still accurate and submitted by deadline.

In the WOSPs, Supervisor Kennedy accuses Plaintiff of mistakes that someone else made and Plaintiff resolved the problem, as proven at the end of this document.

Regardless of the injustice of the accusations, Plaintiff offered improvement plans for 5 of the issues and also developed the Document and Task Tracker, the Budget Drilldown Document, and the Status Report System. At no time did Supervisor Kennedy or HR respond to Plaintiff regarding these self-initiated performance improvements, and at no time did they offer to critique the improvement or offer any suggestions of their own for Plaintiff's improvement. The WOSP truly lived up to its name – sting, sting, sting, sting, with no performance improvement plan.

10. On June 15, 2020, DHEC Human Resources Representative Arlene Posey assured Plaintiff in the second WOSP meeting that Plaintiff would be offered a Performance Improvement Plan with well-defined steps. No Performance Improvement Plan was ever offered. All offers of performance improvement were initiated by the Plaintiff and ignored by Supervisor Kennedy.

11. In most of the 6 WOSP meetings, Patrice Witt was the HR Representative that was supposed to be Plaintiff's unbiased third party participant. Patrice Witt had submitted a job application to Supervisor Kennedy and was being considered for a position under Supervisor Kennedy. Plaintiff can prove this if given her right to Discovery.

12. In the year of 2021, half of Defendant Kennedy's full-time staff were older than she. By the end of year 2021, all those staff members older than she no longer worked in her department: Anne Stone, Neal Martin, Sara Salley, Plaintiff. They were separated via resignation, transfer to another department, retirement, and termination. Plaintiff can prove this accusation with her right to Discovery.

13. Plaintiff, along with others in the department, heard Defendant Kennedy make desultory remarks regarding other employees of age: Carolane in an adjacent division who sat in our DISAP division, and Anne Stone was ridiculed as being "103." Plaintiff can prove this if given her right to subpoena.

14. Plaintiff was the victim of Disparate Treatment. Supervisor withheld information necessary for Plaintiff to do her job and then reprimanded Plaintiff in the WOSP meetings for being too slow, when she quickly gave the same information to younger staff members, as detailed in the proof documents below. On July 1, 2020, Supervisor Kennedy received information from DHEC Administrative Manager Roxanne Ancheta on how to pay for a course for a non-DHEC employee (evidence from DHEC Employee Elizabeth DeMeo and Suzanne Sanders. As of July 20, 2020, Supervisor Kennedy never informed Plaintiff that she was in possession of the information (which Plaintiff requested through proper channels up the ladder, and which in coming back

down the ladder skipped the Plaintiff and was given directly to Supervisor Kenned), and continued to reprimand Plaintiff for not having the information, when it is obvious that people up the ladder were not responding to Plaintiff because they had already spoken to Supervisor Kennedy. (Exhibits 8 and 10-12) Whereas Supervisor Kennedy gave information quickly to younger staff members.

III. CLAIMS FOR RELIEF

15. Plaintiff has sustained and will continue to sustain damages in an amount of $571,835 (See Exhibit 9)

IV. PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays for the following relief:

1. For modification of any electronic entries preventing Plaintiff from employment, including entries in the South Carolina Enterprise Information System.

2. For compensatory damages for loss of income for past, present, and future in the amount of $571,835.

3. For general damages for past, present, and future pain and suffering, and other damages in the amount of $50,000. (This is the amount Plaintiff's mother lent Plaintiff so that Plaintiff and her family would not lose their home. Plaintiff's 86-year-old mother had to suffer end of life with fear of financial distress, after a life of hard work and savings.)

4. For interest at the statutory rate; and

5. For other and further relief as this court deems just and equitable.

I declare under penalty of perjury under the law of the state of South Carolina that the foregoing is true and correct.

DATED this 30th day of December, 2022.

Teresa McWilliams

Teresa McWilliams
105 Arborgate Circle
Columbia, SC 29212
Telephone: (803) 530-4738

SUMMARY OF THE FOLLOWING RESPONSES BY PLAINTIFF TO THE WOSP MEETINGS

WOSP 1

1a. Plaintiff accused of asking for budget.

- Plaintiff was given Division of Injury and Substance Prevention (hereinafter "DISAP") department budget for 2019, but Supervisor Kennedy was still spending monies from the 2018 budget. When Supervisor Kennedy expressed frustration that Plaintiff was not watching budget, Plaintiff asked for 2018 budget and also access to the 2019 budget used by DHEC Budget Analyst, which was different than the budget in the grant that Plaintiff had been given on hire.
- Nowhere in the WOSP will you see that Supervisor Kennedy ever complains that something was mis-spent from the budget or that there is an error in the budget spending. Plaintiff was working closely with DHEC Budget Analyst and updating Supervisor Kennedy. **THERE WAS NO NEGATIVE CONSEQUENCE IN PLAINTIFF'S ASKING FOR BUDGET.**
- This information was **WITHHELD** from Plaintiff.
- Plaintiff's response was to create the Budget Drilldown Document, so that Supervisor Kennedy could see every expenditure and where it was being taking from the grant budget.

1b. Plaintiff accused of a mistake in the minutes.

- Nowhere in the WOSP will you see a specific mistake identified.
- Department Manager Sara Salley read, approved, and distributed Plaintiff's minutes and never mentioned any mistakes.
- Supervisor Kennedy never pointed out an actual mistake. Supervisor Kennedy's accusation is general and not specific.
- Plaintiff reviewed every draft of her minutes with the minutes approved and sent out by Manager, and there were no edits or changes.
- Plaintiff can demonstrate this truth if allowed her right of Discovery.

1c. Plaintiff accused of telling Manager Tramaine McMullen not to review minutes. This is untrue as proven by the email dated June 3, 2020, to Manager Tramaine McMullen and copied to Supervisor Kennedy (Exhibit 3). As you will see from the email, Plaintiff was merely telling new Manager what old Manager did and asking new Manager what she wanted to do.

1d. Plaintiff accused of asking a question about the procedure to change a new transfer's supervisor in PCAS, which was a first-time task. Yes, Plaintiff did ask a question. Plaintiff was asked by Supervisor Kennedy to read the DHEC procedure manual 15 minutes daily, which Plaintiff agreed to do and did do. However, not every step of every task is in the DHEC Procedure Manual—sometimes a new employee must ask a question.

- Plaintiff's response: Plaintiff read the DHEC procedure manual 15 minutes daily as requested by Supervisor Kennedy.

1e. Plaintiff is accused of asking a question about a first-time task. Yes, Plaintiff did ask a question while completing a task for the first time. Supervisor Kennedy seemed to think all instructions were in the DHEC Procedure Manual. However, daily tasks were not delineated in the DHEC Procedure Manual. And sometimes the written procedures for tasks that Plaintiff was given were outdated and wrong, thereby requiring a question from Plaintiff's mouth. Plaintiff can

demonstrate she was given wrong procedures from HR Representative regarding the procedure to rehire a temporary employee when Plaintiff is allowed her right to Discovery.

WOSP 2

2a. Plaintiff is accused of submitting a Strengthening Families invoice too slowly. (Invoice was submitted accurately and by deadline.)

- Plaintiff was not given the contract and amendment, which Plaintiff is required to check to make sure the invoice is within the contract guidelines.
- Plaintiff requested Supervisor Kennedy approve the invoice in an email saying "okay to pay", if Plaintiff was not going to be given the contract and amendment.
- **THERE WAS NO NEGATIVE CONSEQUENCE.**
- **THIS WAS A FIRST-TIME TASK.**

2b. Plaintiff is accused because DHEC Budget Analyst was not in a budget meeting.

- Plaintiff informed Supervisor Kennedy that DHEC Budget Analyst was not going to be in the office on the day of the meeting, but was going to be in Charleston, and asked Supervisor Kennedy if she wanted to reschedule the meeting. Supervisor Kennedy instructed Plaintiff to go ahead with the meeting without the DHEC Budget Analyst.
- Plaintiff has no authority over DHEC Budget Analyst to pull him back into the office from Charleston.

2c. Plaintiff accused of not changing transferred employee's supervisor in PCAS. Plaintiff had done the appropriate paperwork and followed up with the PCAS department. Plaintiff did not make this mistake. It was an issue in PCAS that the PCAS department had to work through. Supervisor Kennedy never informed Plaintiff that the problem even existed. The accusation just showed up in the WOSP. This demonstrates that Supervisor Kennedy was not really interested in performance improvement, but rather was fabricating issues and using veiled age discrimination to persuade HR to terminate Plaintiff.

2d. Plaintiff is accused of taking 19 minutes to submit PCAS. Plaintiff explained that the time was primarily proofreading.

- **THERE WAS NO NEGATIVE CONSEQUENCE. THE PCAS WAS SUBMITTED ACCURATELY AND BY DEADLINE.**

2e. Plaintiff is accused because new employee Tramaine McMullen did not sign up for classes. Plaintiff investigated and was told by Training Department that new employee Tramaine McMullen must sign herself up online. Plaintiff asked new employee Tramaine McMullen if she needed help, and new employee Tramaine McMullen said she had already signed herself up.

2f. Plaintiff is accused of not asking every staff member if they needed office supplies before she placed an order. Plaintiff did ask every staff member if they needed supplies (Exhibit 4), some in person and some via email. Supervisor Kennedy instructed Plaintiff to always put every staff member's name on the email, so that Supervisor Kennedy can see that Plaintiff asked every staff member.

- Response: Plaintiff agreed to put every staff member's name on future emails regarding an upcoming supply order.
- **THERE WAS NO NEGATIVE CONSEQUENCE. NO STAFF MEMBER REQUESTED ANYTHING.**

WOSP 3

3a. Plaintiff was accused of contacting Sue Williams at Children's Trust. The Children's Trust contract says that Sue Williams is the contact. (Exhibit 6) Plaintiff can demonstrate this through her right to Discovery.

3b. Plaintiff was accused of not forwarding the writing samples of an interviewee. The writing samples were forwarded to the interview panel 2 minutes after Plaintiff received them. See email receiving samples dated 6/2/2020 and sent email sending samples to interview panel dated 6/2/2020 at 3:29 pm., proven when Plaintiff has permission to request Discovery. (Plaintiff mentions in the WOSP that Plaintiff was having IT issues, but Plaintiff was also aware of the issues and double-checking, following-up, etc. It turns out, though, that when Plaintiff investigated, the samples were sent in a timely manner.)

3c. Supervisor Kennedy stated that there were 2 items in a joint meeting from Dani's report that were missing from the minutes. The meeting was held online via SKYPE or TEAMS after everyone was working from home during the COVID Pandemic, and Dani did not have a webcam for the meeting. Also Dani has a foreign accent.
- Response: Plaintiff called Dani and explained what had happened. Plaintiff asked Dani if Dani would allow Plaintiff to send Dani her own portion of the typed report for verification before the minutes are sent out after future meetings. Dani kindly agreed.

3d. Plaintiff was accused of asking for information that Plaintiff had already been given in an email. This occurred during the Pandemic. Plaintiff explained that she did not have a printer at home, which was how she kept up with items she could not handle immediately, due to other priorities.
- Response: Plaintiff stated that she would develop a new system for work that must be de-prioritized in the short term. This problem did not happen a second time.

WOSP 4

4a. Plaintiff was accused, because DHEC Budget Analyst did not answer a question Supervisor Kennedy asked. Plaintiff had explained that DHEC Budget Analyst had said he was in year-end calculations and would not be able to answer questions until year-end was complete. Plaintiff asked Supervisor Kennedy if she was willing to wait, and Supervisor Kennedy stated it was okay.

4b. Plaintiff was accused of being too slow to open a zip file. The zip file was locked and Plaintiff had to consult HR and IT. (Exhibit 5 and Exhibits 13-14)

4c. Supervisor Kennedy repeated 4a.

4d. Plaintiff was accused again of asking a question again regarding who to contact at Children's Trust, since Plaintiff had been told not to contact Sue Williams, even though the contract listed Sue Williams as contact person. Supervisor Kennedy withheld this information for 15 days, and

yet Supervisor Kennedy gave the information to a younger Manager Tramaine McMullen immediately when the younger Manager asked.

4e. Plaintiff was accused of forwarding an email to Supervisor Kennedy, as Supervisor Kennedy had requested to see "them" before Plaintiff sent "them" to grantee Eat Smart Move More. Apparently, Supervisor Kennedy meant she wanted to see the amendments before they were sent and not all emails to Eat Smart Move More. (This is the grantee whose grant had $5,394.45 hidden in it that was not being distributed. Supervisor Kennedy had called Plaintiff into her office and yelled at Plaintiff, because Plaintiff had been called into a meeting with DHEC Compliance, along with the DHEC Administrative Manger who wrote the grant. Supervisor Kennedy felt she herself should have been in that meeting, although Plaintiff herself did not know she herself was going to be in that meeting until she walked into it. Thus, that grant and its emails had become a matter of close observation, which explains the Plaintiff's mistake.)

- Response: Plaintiff agreed to send the amendments for Supervisor Kennedy's preview and not all emails going to grantee Eat Smart Move More.
- **THERE WERE NO NEGATIVE CONSEQUENCES**

WOSP 5

5a. Plaintiff was again reprimanded for not contacting correct person at Children's Trust. (Exhibit 7) Supervisor Kennedy withheld this information from Plaintiff for 15 days and over the course of 39 emails, while giving the information immediately to a young Manager Tramaine McMullen when she asked.

5b. Plaintiff is accused of sending an invoice to a wrong person. Plaintiff sent the invoice to the same person she always sent invoices to. Supervisor Kennedy was withholding information from Plaintiff to fabricate issues for the WOSP.

5c. Plaintiff was accused of sending paperwork to the wrong person for signature. Plaintiff sent the paperwork to the correct person, the DHEC Budget Analyst for Supervisor Kennedy's department, which was the department whose budget was paying for the expenditure. Plaintiff could have explained Supervisor Kennedy's error, if Supervisor Kennedy has spoken to the Plaintiff, but Supervisor Kennedy was not interested in Plaintiff's performance. Supervisor Kennedy was only interested in fabricating reasons to terminate Plaintiff. Plaintiff can prove that the DHEC Budget Analyst is the accepted signature on the paperwork if Plaintiff is allowed her right of Discovery.

5d. On July 1, 2020, Plaintiff was reprimanded by Supervisor Kennedy for offering to do the paperwork for a new hire's laptop and phone. Supervisor Kennedy then asked Plaintiff to do the paperwork for the new hire's laptop and phone on the same afternoon at 3:49 pm. (Exhibit 7)

5e. Supervisor Kennedy accused Plaintiff of not knowing how email works (a veiled attack of age discrimination), because the Plaintiff replied to an email saying the sender left off the attachment and would the sender please send the attachment. Plaintiff can produce the email if given her right to Discovery.

- **THERE WERE NO NEGATIVE CONSEQUENCES** to Plaintiff's saying "Hey, can you send me that attachment that wasn't on the email?"

5f. Plaintiff is accused of ordering an extra monitor. Plaintiff ordered a monitor for each of the staff, as Supervisor Kennedy requested. A DISAP department employee named Kevin Poore said he didn't want the monitor. Plaintiff can prove this if she is allowed her right to Discovery, by showing the number of people in the department at the time and the number of monitors ordered on the purchase order.

WOSP 6

6a. Plaintiff accused of not sending an interviewee a calendar invite. Plaintiff did send the interviewee a calendar invite. And Plaintiff did call the interviewee the morning before the interview to be sure she had the information. (The interviewee had searched her email for the invite, rather than looking on her calendar. The invite disappears from the email queue once you accept the invitation, and goes to the calendar.) Interviewee did have the invite. And Interviewee was on the interview call on time. DHEC Employee Neal Martin can confirm she was on the interview call, as he was on the call as well.

- **THERE WAS NO NEGATIVE CONSEQUENCE**

6b. Plaintiff is accused of taking too long to purchase a tape recorder. Plaintiff prepared the purchase order in a timely manner, which Plaintiff can demonstrate if Plaintiff is given her right to Discovery. Plaintiff can also demonstrate that Supervisor Kennedy never signed the purchase order. Supervisor Kennedy never planned to purchase a tape recorder, because at that point, Supervisor Kennedy's panel meeting was being held over SKYPE/TEAMS and being recorded online. In addition, Supervisor Kennedy cites this as a reason for Plaintiff's termination, when the purchase order was held by a younger Manager Tramaine McMullen for over a week and who refused to sign it. Younger Manager Tramaine McMullen was not reprimanded for holding up the purchase of the tape recorder. (Exhibit 8)

6c. Plaintiff is accused of taking too long to get an answer regarding the Good Behavior Game. Plaintiff submitted the question up the ladder, and the answer returned to Supervisor Kennedy, skipping Plaintiff on the way back down the ladder. Supervisor Kennedy had the information and withheld it from Plaintiff, even while accusing Plaintiff of not getting the information. (See Exhibit 11)

6d. Plaintiff is accused of taking too long to switch the department from SKYPE to TEAMS. Both Plaintiff and Administrative Assistant Kim Carnell asked Supervisor Kennedy's approval to make the switch. Supervisor Kennedy herself would never approve the switch. Plaintiff can prove if given her right to Discovery.

- **THERE WAS NO NEGATIVE CONSEQUENCE.** The switch was made before the online panel meeting.

Plaintiff's Actual Memorandums of Response to WOSP Memorandums

(Plaintiff has added 1a through 6d designations to the actual memos in order to connect them to the previous summary.)

(Memorandums were all emailed, so there is documentation.)

MEMORANDUM

TO: Patrice Witt
Emma Kennedy

FROM: Teresa McWilliams

DATE: June 10, 2020

SUBJECT: My Response to Warning of Substandard Performance - 1st Supervisory Counseling Session Memo

I feel concern that I am responding with carefully chosen wording that is not being reflected in the paraphrasing Emma chooses to use in her written documents. I do not agree with the statements Emma is projecting as my own.

(1a) I did read the grant upon hire in September 2019 but had been unable to obtain the budget and breakdown. On researching this issue, I believe I was not given the budget after I asked Sara Salley for it because it appears to be old and dated. (Even now, the budget I was just given by Tramaine McMullen does not show Danielle Henderson's salary in Strategy 1). Nonetheless, I was monitoring the grant beginning with my hire in September 2019 using the reports provided by the budget analyst. In order to aid communication, I am building the Budget Drilldown Document.

(1b) Emma stated that I asked the new grants manager to forgo her review of the meeting minutes. This is inaccurate. Emma stated that I asked the new grants manager to send out the minutes to the group directly. This is inaccurate. I merely explained that the former grants manager had sent them out directly. I was asking the new grants manager how she wished to proceed.

(1c) I hold the position that my minutes are accurate. No one has ever pointed out an inaccuracy. I will compare all my original drafts to the notes given to me by Emma to check for inaccuracies as Emma requires. I have already done so with the most current minutes. The notes Emma gave me were the same as my own draft. There were no differences. This is very easy to document.

I completed all my duties in an excellent and timely manner. No fault has been found with the budget or expenditures. I am building the Budget Drilldown Document in hope that it will aid communication with my supervisor on this matter.

(1d) Emma states that I took an old form instead of completing a new form. This is inaccurate. I sent a sample of the salary action form as a visual to ask Gwen Johnson to ask if she had remembered to change the transfer's supervisor, because the transfer could not access PCAS. I hope to communicate better with Gwen by providing fewer words in the email and no visuals. It is my understanding that Gwen is our DISAP HR liaison and it is appropriate for me to ask her questions.

(1e) Emma stated, "When the bureau admin attempted to provide necessary information, you forwarded the email to the administrative manager, questioning the need." I believe that is inaccurate. It will require researching the emails. I believe what is correct is that I asked the administrative manager if it is necessary to do a separate form to change a transfer's supervisor. It seems to me this would be a normal part of the transfer—transferring the supervisor. I was troubleshooting the PCAS problem. It seemed to me the PCAS might not be working properly for the transfer because the supervisor had not been changed. I had been troubleshooting the whole time after being informed of the PCAS problem. Due to the PCAS deadline of month 3rd day, I could no longer troubleshoot one step at a time and performed something of a scattergun attempt. May I point out that the transfer's PCAS was up and working by her deadline.

Emma stated, "The HR SharePoint page was forwarded for your review." I am studying it daily for 15 minutes each day. As of this date I have not found the answer to the question of whether supervisory training for a supervisor is assigned by HR or self-selected by the new employee.

I am concerned that none of the solutions I am offering to improve performance are being given a voice in these proceedings. I also am concerned about the number of inaccuracies being attributed to my performance. May I point out that I have achieved all end goals with excellence and in a timely manner. When Emma says that she prompts me, I am often working that very moment on that very task. Emma's management style is to remind me that a deadline is coming up. There is nothing wrong with that, but the fact that she reminds me does not mean I require the reminder. My tasks come in by deadline. None of Emma's complaints are about my end-product work.

MEMORANDUM

TO: Emma Kennedy
Patrice Witt

FROM: Teresa McWilliams

DATE: June 15, 2020

SUBJECT: Teresa McWilliams' Response to Warning of Substandard Performance – 2nd Supervisory Counseling Session_ FINAL

Thank you for this opportunity to respond. I value the information coming out of the performance improvement process and appreciate these opportunities to improve communication.

(2a) In regard to the Strengthening Families invoice emailed to me on June 3, 2020, may I first point out that the invoice was in for payment by the Thursday deadline and no time was lost in payment due to my efforts to fulfill my fiduciary obligation. I did not receive and had not received at any prior time the Strengthening Families "contract and amendment" mentioned by Emma in an email, which I need in order to ensure the invoiced items fall within the grant/contract parameters. I offered Emma the option that I could forward the invoice with a note that my "okay to pay" was based on Emma's declaration of "okay to pay." Emma did not approve that option. I was sent the contract, but not the amendment. I requested the amendment. I was told in a subsequent email that no amendment actually exists. I immediately forwarded the invoice for payment. No time was lost between confirming grant compliance and sending the invoice. The invoice was received within deadline in order to be paid as quickly as possible. As always, I fulfilled my task within deadline and on par with excellence.

(2b) Under Job Duty #1 Progress, Emma states, "However, the Budget Analyst was not in the meeting." I have no control over the budget analyst and his vacation approval. I made Emma aware before the meeting that the budget analyst was in Charleston and would not be in the meeting.

(2c) Under Job Duty #2 Concerns: Regarding the problems associated with supervisor-related issues both in PCAS and SCEIS supervisor e-learning, I was informed by Holly Thompson, PCAS Coordinator, that the system does not show that Tramaine is a supervisor. I confirm that I submitted EHSAs for signature according to procedure and protocol and made every effort to follow up and ask HR and IT to look at this issue. This apparent error is not mine.

(2d) Under Job Duty #2 Concerns: Emma mentions that my PCAS submission took 19 minutes. That is due to end-of-the-month proofing. Many people forget to consider the time it takes to proof a document, because that job duty is often passed on by them to someone else. It is my job duty, and I complete that duty with excellence and near perfection. I also completed it before deadline of the 3rd day of the month. Emma asked for it before the deadline.

(2e) Under Job Duty #2 Concerns: Emma states that I am "still looking for the new grant manager's training requirements." My instructions from HR were that the new grant manager assigns those supervisory classes to herself in SCEIS, which I communicated to new grant manager and new grant manager told me she had been able to assign them to herself. However, I understand Emma wishes me to find a list of the classes, and I have contacted Staff Training and Development and asked them to provide us with a list of supervisory e-learning classes that new supervisors should assign themselves in SCEIS. Also, I take umbrage at the manner in which Emma mis-quotes me in this section.

(2f) Under Job Duty #2 Concerns: Emma states, "You had also requested a supplies order on June 10, 2020. I had previously asked you to infer with all Division staff prior to submitting a supply order and you did not do that. When asked about this you stated you sent me an email dated June 1, 2020, where you asked division staff if they need any office supplies. However, there were only three out of seven employees on that list. You stated that some staff members were missing from that general email, because you had just asked them individually. You also stated that you have shown staff the supply cabinet and welcomed them to take any supplies they need. However, you should have sent the clear email that I advised you to so that we could be certain of what was needed in writing. It is important to make one order so that we do not have to place orders at different times." I am forwarding to you the email dated 5/29/20, in which I asked the staff members Martin, Poore, Hamilton, and Galardi if they needed office supplies. I am forwarding to you the email dated 5/28/20, in which I asked staff member Wilks if she needed office supplies. I asked staff member McMullen face-to-face on 5/15/20 in the office. I did not ask staff member Stone because I had been made aware of her resignation. I practice just-in-time inventory, which necessitates smaller, more frequent orders. I am more than willing to adjust this practice.

In addition, I am invited in this process to state the things I need in order to do my job. I requested as follows:

> Access to OD2A invoice copies. I have a fiduciary obligation to ensure the invoiced item is within grant parameters. I cannot fulfill that obligation unless I can see what the invoiced items are. Alternately (and the process under which I have been working to date) we allow the person responsible for signing "okay to pay" to hold the fiduciary obligation to ensure the invoiced item is within grant parameters. There is some conflict of interest in this alternate process, which I verbally voiced in these sessions. I am instructed by Emma to continue the alternate process.

And in addition, I would like to point out that requiring this response document be sent the same day as receiving the document to which I am responding does not allow me time to schedule an appointment with a personal attorney in order to have the attorney review the document and help me protect my personal interests in this matter.

Once again, thank you for this opportunity to respond. I value the information coming out of the performance improvement process and appreciate these opportunities to improve communication.

cc: Official Personnel file

MEMORANDUM

TO: Emma Kennedy
Patrice Witt

FROM: Teresa McWilliams

DATE: June 17, 2020

SUBJECT: My Response to Warning of Substandard Performance – 3rd Supervisory Counseling Session_FINAL

(3a) Regarding Job Duty #1 Concerns: I contacted the right person at Children's Trust. Sue Williams is listed as the contact person on page 6 of the Children's Trust contract. Also, it was appropriate for me to believe Children's Trust is a sub-recipient, since they are designated "grantee" in the contract.

(3b) Regarding Job Duty #2 Concerns: I sent the writing samples as soon as I received them. I did a quality check on the interviews the morning they were scheduled in order to confirm everything was in order. As soon as I was made aware that the writing samples were not in the panel's hands, I resent them immediately. The writing samples were in hand before the interviews that day. I sometimes have IT issues that I believe are memory-related. I need more memory. I have mentioned to IT when having conversations that I think my computer issues are memory-related. I am doing due diligence in light of my computer problem. I am pulling up other people's calendar when I schedule a meeting and watching their calendar until my calendar invite "sticks." I am opening my email sent folder and sitting there waiting until I see an email I have sent shows up in the sent folder. However, even with these extra precautions, I cannot control occasional issues caused my computer problem. I do have quality control check points. When I catch that an error has occurred in one of my quality control check points, it means I have caught and resolved an error—not caused it.

(3c) Regarding Job Duty #4 Concerns and the draft of the minutes of June 10, 2020, Emma's statement means that there were two pieces of information missing from my first draft that she would have like to have seen included. Both those instances were in Dani's portion of the conference call. A tape recorder will allow me to transcribe the meeting and question participants whose words are unintelligible in the meeting. I would like to restate in writing what I said verbally the first time discussion of a tape recorder occurred. Capturing this kind of detailed data (for example, 8 kits were tested) in the minutes is not the best way to capture it. The purpose of minutes are as follows: "**Minutes** that capture the **purpose** of the **meeting** and its agreed outcomes are a record that can be referred back to and can be used for follow-up **purposes**. ... **Meeting minutes** keep a record of what was done or talked about at a **meeting**, including any decision made or action taken." I have suggested in the past to Emma that she wants a level of detail that, in my opinion, is usually not gathered from formal minutes, and that another form of data gathering might be more appropriate. By that I mean that it is not uncommon for people to mis-speak in a meeting—they are thinking one thing and accidentally say something different and don't realize they mis-spoke. For that reason, there is some danger in using the minutes for detailed reporting.

However, I am more than happy to transcribe the meeting where discussions of data are concerned. **(3d)** Regarding my asking for information that already had been provided via an email, that was a single error that is a result of the coronavirus environment. It is my habit to print information and put it in my Opioid All Team meeting folder. Due to the unavailability of a printer, my usual process was corrupted. I will study the problem and embrace a new solution to make sure this error does not occur again.

cc: Official Personnel file

MEMORANDUM

TO: Emma Kennedy
Patrice Witt

FROM: Teresa McWilliams

DATE: June 24, 2020

SUBJECT: Teresa McWilliams' Response to Warning of Substandard Performance – 4th Supervisory Counseling Session_FINAL

(4a) Regarding Job Duty #1 Concerns, Bruce's response to our budget questions is the same issue addressed below in Job Duty #4. I object to this issue being duplicated in this document. To do so makes this document longer and makes it visually appear that there are more concerns than there really are. In addition, I did communicate the delay of Bruce's response to our budget questions that Emma mentions in this concern to Emma Kennedy Division Director, via email June 22 and via a Status Report dated June 22 in which I detailed that I had contacted Bruce with these questions via email on June 8, (Bruce was Out of Office June 2 – June 14), via emails sent June 16 and June 17, and that Bruce had responded on June 18 that he needed to wait until year-end closeout was over. I also communicated this to Emma via the Document and Task Tracker, where it appears on line 38 and is dated June 8. I did ask if Emma needed me to push him for a response before year-end closeout. The fact that Emma states that she "had to prompt" me (which means she asked me about it on June 24) is misleading and inflammatory.

(4b) Regarding Job Duty # 2 Concerns, the fact that I was having computer memory issues with the documents sent by Outreach Director in no way significantly extended the time it took to complete the task. It added 39 minutes to the task. Emma's statement that I stated that I was having problems with Adobe Acrobat is inaccurate. I said I believe the computer issues are memory-related. After experimentation, research, and conversations with IT, I now think the issue is not Adobe-Acrobat-related, but rather a memory issue, which is what I stated—that I think my computer problem is a memory issue. I submitted an IT ticket on June 17 regarding what I believe to be memory issues. I received emails from IT saying that they are monitoring the situation on the following dates: June 19, June 22, June 23, June 24. Prior to this ticket, IT has cleaned out my cookies, but that has not helped. (The problem is sporadic, which it wouldn't be if the problem were cookies. I think problems caused by a cookies issue would build and remain constant.) Emma's suggestion that there is no IT ticket mentioned before this week (6/22-6/24) on my tracker is inaccurate. There is an entry on line 68, dated 6/17/20. (Also, my tracker is a new document that begins with May 27, so there are no entries at all before that date.) The entry dated 6/22 has to do with showing IT the photo I took of my screen. In an email dated 6/24/2020 from Emma she states, "I think you should put in a ticket as you continue to have issues, but I'm not sure you need to spend a lot of time on that." That is a statement with which I agree, and I work on the IT issue as I can. (FYI, the computer issue was that my computer was not allowing me to extract the Childers' zip file and was not allowing me to fill in/save the Childers' Background Check permission form.)

(4c) Regarding Job Duty #4 Concerns, Bruce's response to our budget questions is the same issue addressed above in Job Duty #1. I object to this issue being duplicated in this document. To do so makes this document longer and makes it visually appear that there are more concerns than there really are. Repeating what I say above in Job Duty #1 Concerns, I did communicate the delay of Bruce's response to our budget questions to Emma Kennedy Division Director, via email June 22 and via a Status Report dated June 22 in which I detailed that I had contacted Bruce with these questions via email on June 8, (Bruce was Out of Office June 2 – June 14), via email June 16 and June 17, and that he had responded on June 18 that he needed to wait until year-end closeout was over. I also communicated this to Emma via the Document and Task Tracker where it appears on line 38 and is dated June 8. I did ask if Emma needed me to push him for a response before year-end closeout, and she verbally responded that we need to wait. The fact that Emma states that she "had to prompt" me (which means she asked me about it on June 24) is misleading and inflammatory.

(4d) Regarding Promoting Teamwork Performance Characteristic Concerns, Emma states that I contacted the Bureau Admin Manager, the Grants Manager and the Employee Relations HR Manager. I believe that Employee Relations HR Manager is Patrice Witt, my HR representative in this Performance Improvement 10-week program—is it the official position that I should not speak to my assigned HR representative? Regarding Emma's statement that I mentioned that I had been reprimanded for contacting the Children's Trust CEO Sue Williams, I regret I revealed information Emma considered inappropriate (i.e., that Emma had reprimanded me for contacting Sue Williams) and it will not happen again, although my intent was only to explain why I needed the information, because people are roadblocking information to me at this juncture. I presume it is due to Emma's letting everyone know she is dissatisfied with my performance, and as a consequence, they are afraid to tell me anything. May I point out that in this situation, all Emma had to do was say, please work through Sherri Caldwell, the Strengthening Families' person. Rather, here is what happened: Emma reprimanded me for contacting Sue Williams, the Children's Trust contact. Emma said I should have looked at the contact on the contract. The contact on the contract that I was given by Emma herself was the person I had contacted, Sue Williams. It turns out there are two (2) different contracts dated the exact same date showing different contacts. Emma asked me to find out what contract was on file for Children's Trust, without telling me who the keeper of that contract would be. Thinking that the keeper of the contract is Roxane, I asked Roxanne, for which I was reprimanded. When I found out that Celia is the person to ask about what contract we have on file, I asked Celia. Celia dragged her feet and answered as little as possible—I believe out of fear. After numerous attempts, I finally got Celia to tell me that Sue Williams, the person I contacted, is shown on her contract as the contact. At this point, Emma said that I should be working through Tramaine. (May I point out that Tramaine is the Grants Manager, for which I am being reprimanded in this very "concern" for contacting.) At no point was I ever told to work with Sherri Caldwell, until Emma stated it in her WOSP #4 memo. It is my opinion that Emma is setting up situations like this one for the purpose of firing me, rather than helping me improve my performance, and that Emma's reason for doing this is that she doesn't like how old I am.

(4e) Regarding Embracing Service Performance Characteristic Concerns where Emma states that I misunderstand her emails, my response is that Emma's emails are not clear. I think they could

be clearer if Emma used fewer pronouns. Emma's email states, "Hi Teresa, Thank you. Please send my way to review prior to heading to ESMM. Thanks, Emma.") I interpreted that response to mean that she wanted to see my emails before I responded to ESMM, as I had just copied her on an email approving their shifting budget item from Healthy Snacks to Personal Protective Gear and shifting budget item Travel to something else, since we are traveling less during the COVID-19 lockdowns. (Emma previously has requested to be copied on all my emails to ESMM. I thought she was extending her control.) When I explained to Emma my understanding of her email, Emma asked me to forward to her that email. Upon that request from Emma, I realized Emma may not have meant what I thought she did, and so, I re-analyzed that email and drew the conclusion that Emma might have meant that she would like to see the amendment before I sent it to ESMM. (May I point out that Emma's use of the word "heading" is confusing, as no one or no thing is "heading" anywhere, except for email.) In my humble, respectful, and subordinate opinion, Emma's management style is one of high-level micromanagement, and I am trying to respond to those requests without complaint or question. May I also point out that this small and short-timed miscommunication caused no problem at all. I still answered ESMM within an appropriate time frame of less than one day (i.e., 24 hours). Furthermore, it is my habit to re-state the instructions Emma gives me to confirm understanding. This miscommunication was a singular instance and at the same time had no negative result, because it was caught in subsequent communications, which I initiated.

I believe the primary issue Emma and I are having is miscommunication, and I have worked to resolve that by creating the Document and Task Tracker, the Budget Drilldown Document, and the Status Report System. I also am open to any other suggestions you may have.

cc: Official Personnel file

MEMORANDUM

TO: Emma Kennedy
Patrice Witt

FROM: Teresa McWilliams

DATE: July 1, 2020

SUBJECT: Teresa McWilliam's Response to Warning of Substandard Performance – 5th Supervisory Counseling Session Final - DRAFT

(5a) Regarding Job Duty #1 Concerns, Emma's statement is inaccurate. In an email from Emma to Tramaine on June 24, 2020, at 3:47 pm, Emma says "Tramaine, ask Sherri for the information." Sherri Caldwell is the person that Emma wants Tramaine to work with regarding Children's Trust. I was never given that information until after that email to Tramaine. In an email to me from Emma dated June 24, 2020, at 3:57 pm, Emma finally shared with me that we should work through Sherri instead of Sue Williams. Prior to that email, Emma had stated that Tramaine should be contacting Children's Trust rather than me, because I am only facilitating Tramaine. I shared that information with Tramaine. Up until that point, every communication with my supervisor Emma about contacting Children's Trust was about who the contract showed as the contact for Children's Trust. (The contract on file says that the Children's Trust Contact is Sue Williams). Never at any time in the 39 emails that took place over the course of 15 days (about who does the Children's Trust contract show as the contact for Children's Trust) did Emma ever say to anyone to contact Sherri Caldwell instead of Sue Williams. She did finally say it to Tramiane (and not me) in the June 24, 2020, 3:47 pm, email to Tramaine that I mention above.

(5b) Regarding the Children's Trust invoice, Emma's statement is inaccurate. My experience at DHEC to date has been with the grant Eat Smart Move More (ESMM). With ESMM, Rosalind pays the invoices and the person who keeps the contract is Teresa McWilliams (myself) or Emma Kennedy (my supervisor). I would not go to Rosalind for a question about the contract. Therefore, it seems reasonable to me that I would not know that the payer of the invoice for Children's Trust and the keeper of the contract for Children's Trust is the same person Celia. (At this point and time, I actually believe Emma's statement that Celia is both the payer of the invoice and the keeper of the contract for Children's Trust to be false.) Emma told me that Celia was the contract contact for Children's Trust. That was not enough information to communicate to me that meant that Celia receives the invoices for payment. I do not know the job functions of the job title Contract Contact. The person I have sent grantee invoices to for payment in the past is Rosalind. It seems reasonable for me to have thought that Rosalind handles the payment of invoices for more than one contract. Is Rosalind, who pays the invoices for ESMM, the ESMM contract contact? I've never heard her called that. I think I am the ESMM contract contact, but I don't pay the invoices. That Celia receives the Children's Trust invoices for payment was communicated to me on 6/25/20 after I sent the invoice to Rosalind (due to miscommunication that was no fault of my own). Regardless,

Children's Trust invoice was received by Celia for payment on the same day that I sent it to Rosalind—only moments later. No delay was suffered in payment time. Emma's complaint has nothing to do with the success and excellence of the deliverable. Emma is complaining about a roadblock I overcame in delivery of the deliverable. The deliverable was met with accuracy and speed, in spite of, what seems to me, deliberate avoidance of imparting any helpful information whatsoever on the behalf of my supervisor. Emma states, "You then were reminded of the contract contact in an email from the admin manager dated 6/22/20 on June 22, 2020 at 10:07 am [sic] (the email I have is timed 9:56 am. I have no email timed 10:07 am)." That email from Roxane reads: "Please contact Celia Land (Contracts) regarding this contract, as she is the Contracts staff person responsible for this contract." This email from Roxanne is in reference to who keeps the official copy of the contract in order to check the specifics of the contract and is not in reference to paying the invoice. May I point out that the deliverable was delivered on time. I responded within 2 minutes to confirm "okay to pay" in order to move the invoice along. All invoices were in by the invoice deadline and were paid as soon as it was possible for them to be paid. May I point out that this is the 5th WOSP and this identical complaint has appeared over and over again beginning with WOSP 2. I object to making this one issue (i.e., I send the invoice to Rosalind, who immediately helped me get it to the right person) has been given this much verbiage and space in this WOSP process, making my concerns seem more numerous and serious than they are.

(5c) Regarding Job Duty #2 Concerns, Emma's statements are inaccurate. Emma states, "then [you} asked at what point in the process our budget analyst would need to review." I did not ask at what point in the process our budget analyst would need to review, because I knew at what process our budget analyst would need to review from experience with former EHSAs, and I proceeded appropriately. The budget analyst's signature is required on the salary action form (EHSA). It does not matter that the position has been approved in the SharePoint system before it is posted. If that were the case, no EHSA would require the budget analyst's signature (and therefore, no line would be on the EHSA for the budget analyst's signature.) The budget analyst's signature tells the Bureau signor that the budget analyst has analyzed that there is money to pay for the position in the budget. The budget analyst affirms this on the form with his signature, so that the Bureau signor does not have to spend time looking on the SharePoint for that information/does not have to spend time assigning an admin to go research that information. The Communications' position is being paid for by our (DISAP) division, and therefore, it was appropriate for me to send the EHSA to our (DISAP) Bureau Admin. I chose the completion path that is most in accordance with Six Sigma Lean Procedures. If I had not sent the EHSA to our Bureau Admin for our (DISAP) budget analyst's signature, then the EHSA would have been required to go from DISAP over to Communications then back to DISAP for budget analyst signature then back to Communications—which would have significantly increased the amount of time required to complete the signature chain, by increasing the hoops for the EHSA to jump through to 10 instead of 5, as illustrated:

What I did: Kim to DISAP budget analyst signature to Kim to Childers to Completion

vs

What Emma is suggesting I should have done: Childers to Childers' signature chain to HR then back to Childers because no DISAP budget analyst signature to Teresa to Kim to DISAP budget analyst for signature to Kim to Childers to Completion

(5d) Regarding my offer to Childers to put in the request for new hire Swart's laptop and desk phone, I was offering to do this service in order to improve my performance based on a complaint from Emma, in which Emma said that I do not reach outside of our division to help others enough.

(5e) Regarding the job posting for the new hire, Emma's statement is inaccurate. I understand the way email works. I have worked with email for 38 years for executives at the highest level, for board directors appointed by the State of South Carolina Congress, for performing arts groups who used email to communicate with donors and patrons and used it for mass marketing, for executives at a national health care system with a chain of hospitals across the country. I have used email to communicate with state-level government representatives, as well as county and city-level government representatives. I was copied on an email from Childers dated 6/24/2020, 11:33 am, referring to the Job Posting Final. There was no attachment, because when a person replies to an email that has an attachment (in our DHEC Outlook) the attachment does not travel with the reply (it has to be forwarded for the attachment to travel with the email.) I was copied on that reply, but there was no attachment in that email thread. Because there was no attachment, I searched my email and discovered that the attachment I had received was for the Job Posting Draft that was sent by Kristen to Childers instead of the Job Posting Final. When I discovered that the Job Posting I had received was the Draft and not the Final, I emailed Childers and requested the correct one. May I point out that it is not unusual to have to email someone and say Hey, could you send me that attachment because it was not attached on the email.

(5f) Regarding the IT approval, Emma's statement is inaccurate. I did not order an extra monitor. I ordered the number of monitors Emma instructed me to order. After I placed the order, Kevin said he did not want one. Regarding IT approval, it seems to me that IT should "close the loop" and let me know that I have received IT approval; however, this is not the first time that IT has neglected to "close the loop." For this reason, I took it upon myself to follow-up with IT, and that is demonstrated on my Document and Task Tracker, line 36, dated 6/4/2020, as a side task of the monitor tagging. (It seems to me that if Bureau Admin is tagging the monitors for IT, then we have approval—if IT is going to give it to us. Nonetheless, I never made any assumptions, and made it a side task to confirm the monitor tagging along with the IT approval in order to "complete the loop.") Sometimes I have open tasks on my Document and Task Tracker, which is indicated by the fact that I have not put a date in the "completed" column. I am following those through to completion.

cc: Official Personnel file

P.S. I did not have enough time to proofread this document and also complete my other division tasks. Therefore, this document is a draft. I will proofread and resend as soon as possible.

MEMORANDUM

TO: Emma Kennedy
Patrice Witt

FROM: Teresa McWilliams

DATE: July 15, 2020

SUBJECT: DRAFT: Teresa McWilliam's response to Warning of Substandard Performance – 6th Supervisory Counseling Session

(6a) Regarding Job Duty #2 concern, I did forward the first interviewee the Outlook calendar invite. (If you will recall, I have said that I believe I have computer memory issues and I have said that I am having trouble with calendar entries "sticking." And if you will remember, I said that I would cope with this problem by pulling up the internal invitee's calendar and watch the invite show up on their calendar. And if you will remember, I said that I would call external invitee's and confirm that they received the invite. In addition, I am doing a quality check on the morning of the meeting to double check if anything is wrong.) I not only sent the calendar invite to the first interviewee, I also called the first interviewee after I sent the invite and confirmed he/ she received the invite, or if he/she was not at a place where he/she could confirm, I gave him/ her my phone number to call me back if there was a problem. In addition, I completed a quality check and checked the calendar at 8:30 am (which is my work start time) on the morning of the interview. I also had received an email from Neal Martin the morning of the interview, who saw the problem with the calendar and had emailed me. (Neal starts work earlier than I do, so he would have seen the issue before I did.) I then re-sent the calendar invite and called the first interviewee to confirm he/she could access the one I just sent, and he/she confirmed that he/she could. The only thing I know to do is to take a photo of my screen before I send out the invite so that you can see that I sent the invite.

(6b) Emma stated "We discussed the purchase of a tape recorder . . . on June 17th 2020." I spent some time researching the best recording equipment for the task, and also consulted others who use recording equipment to record meetings. Emma took vacation June 3rd and returned June 13th. On June 13th or 14th, Emma communicated to me that she did not want to purchase the recording equipment at this time; I presume due to the meeting not being held face-to-face due to the coronavirus. I believe I assigned appropriate priority to this task, because it was my expectation that Emma would decide to delay the purchase, and I knew that an alternative was to record through Skype/TEAMs and I also had a backup plan to use my personal recorder, if necessary. Some of our higher priorities that I was working on at the same time included calls I was assigned to contact COVD testers of their negative results.

(6c) Emma interrupted the WOSP to ask me about the "Good Behavior Game." That task is in process. I have two safety nets to catch tasks from which I am interrupted. One is to put the task on an electronic sticky note. I will send a photo of my sticky notes via my cell phone to Emma's and Patrice's DHEC emails. I also copy and paste interrupted tasks to a Word document that I can go back to scroll through later to make sure I come back to the task. The task that I have

been working is entitled in my mind "pay for the courses of non-DHEC employees." I also have attached my running Word document. Emma's email inferred that the game was for school, and since we are in July, I believe I have mistaken the priority level. Since I received this email from Emma on June 30, there has not been opportunity to discuss and double check the priority level with her. The day following June 30 was July 1, when we had a 1:1 meeting. I was not ready to discuss priority level, due to the other priorities I had been assigned on the same day June 30, as listed below, I had not yet researched "paying for the courses of non-DHEC employees." Our next scheduled 1:1 was July 8, but Emma did not call in to that meeting. (She was on vacation.) Today 7/15, is the first time we have met since the assignment, and we are discussing it now. At worst, I believe I have misdiagnosed the priority level of this task. Following are the high priority tasks that I was assigned on June 30:

- Script and general instructions conference call and emails for first set of COVD negative phone calls. There were several discussions as we ironed out the procedure.
- A phone call with Patrice Witt and Arlene Posey
- A push to get and contract new hire Swart's 4th job reference, since Swart's 3rd reference had not yet responded.
- A push to get Gwen in HR to tell us she had completed the HR background check
- A conference call with IT about a computer memory-related issue, since that is a hot topic right now
- Pushing Tramaine to give me the All Teams agenda since it was the deadline to get to the All Team
- End of year PCARD issues required several emails and conversations. I believe June 30 was the deadline.
- Cancel the SEGRA conference call agreement (Roxanne had said she was cancelling, but she did not, so there was a priority about getting that done ASAP because of the charge deadline

(6d) Regarding Pursuing Excellence Performance Characteristic Concern, Kim asked at approximately 10 am Do you want to change the meeting from Skype to TEAMs? Emma did not answer that question until approximately 4 pm. I am happy to move forward on decisions based on my best judgment and agree that this will aid our situation.

cc: Official Personnel file

Breakdown of Age Discrimination

Supervisor Kennedy withheld information in an attempt to make Plaintiff appear old and confused in the following sections: 1a, 2a, 4c, 5a, 5b, 6b, 6c, 6d

Supervisor Kennedy used untrue statements in an attempt to make Plaintiff appear old, slow, and incapable in the following sections:1b, 1c, 2b, 2e, 2f, 3a, 3b, 4a, 4c, 4e, 5c, 5d, 5f, 6a

Supervisor Kennedy cited the fact that the Plaintiff asked a question to make Plaintiff appear old and confused: 1d, 1e, 4b, 5e

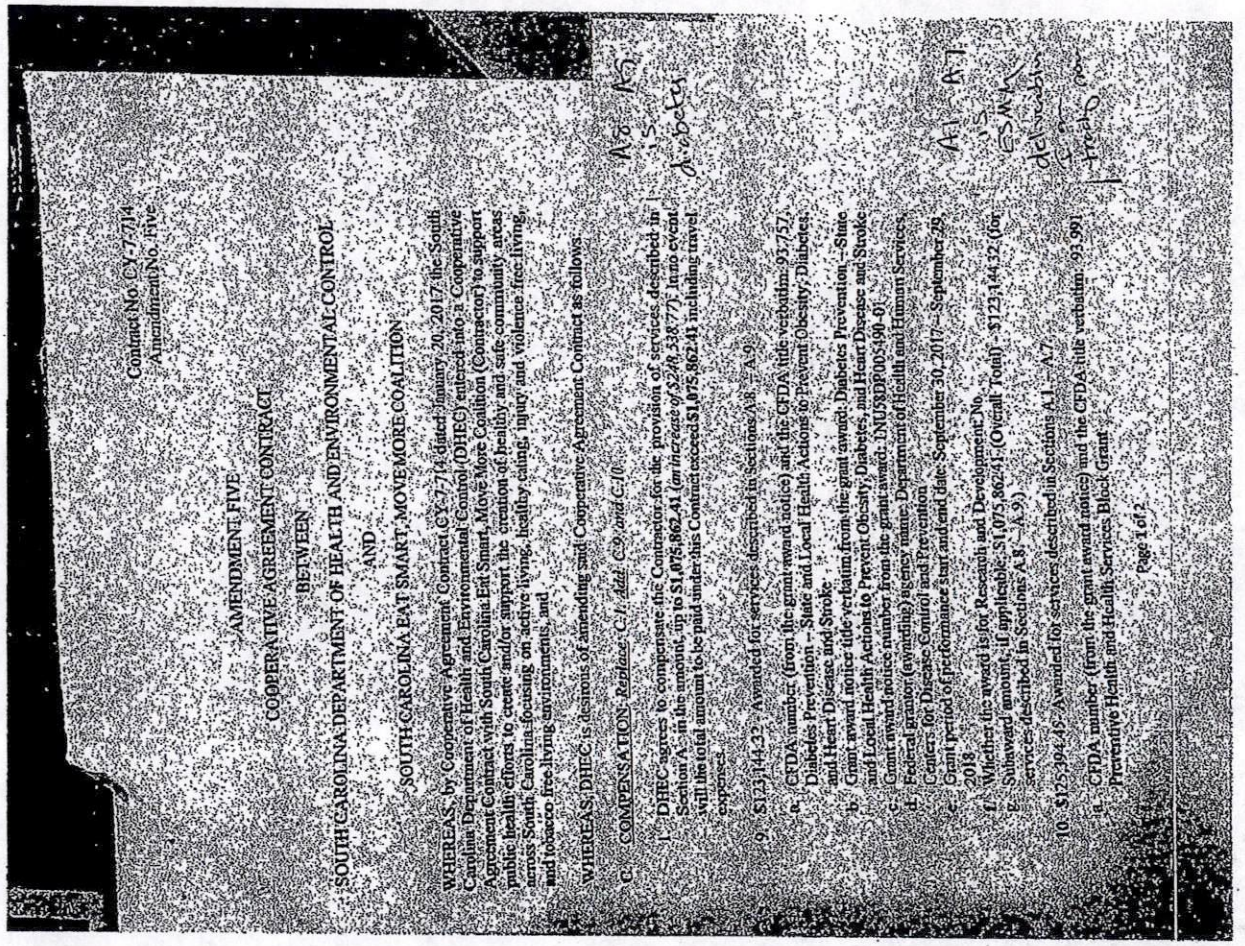
Supervisor Kennedy complained about procedures in first-time tasks that were nothing more than the normal learning curve, because Supervisor Kennedy had no valid reason to terminate Plaintiff: 1d, 1e, 2a, 5a, 5b, 5d, 5f

Supervisor Kennedy claimed she must terminate Plaintiff over instances that had absolutely no negative consequence: 2a, 2f, 4b, 4e, 5a, 5b, 5d, 5f, 6a

Supervisor Kennedy blamed Plaintiff for mistakes that other people made and that Plaintiff resolved, as is Plaintiff's job, because Supervisor Kennedy had no valid reason to terminate Plaintiff: 2c, 2d, 2e

Plaintiff offered improvements that were ignored in the following categories: 1a, 1d, 1e, 3c, 3d, as well as the development of the Document and Task Tracker, the Budget Drilldown Document, and the Status Report System.

Exhibit 1:
Eat Smart Move More Grant with $5,394.45 hidden and not being distributed. The amount being distributed to Eat Smart Move More is identified on page 2 of 2, item 10g: $125,394.45. However, payments to Eat Smart Move More from that grant only totaled $120,000. Plaintiff confirm with both Supervisor Kennedy and Grant Writer Administrative Manager Roxane Ancheta that it was correct to only dispense $120,000 (divided into multiple payments) to Eat Smart Move More. Plaintiff can demonstrate only $120,000 was distributed to Eat Smart Move More when she is allowed her right of Discovery.



Contract No. CY-7-714
Amendment No. Five

AMENDMENT FIVE
TO
COOPERATIVE AGREEMENT CONTRACT
BETWEEN
SOUTH CAROLINA DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL
AND
SOUTH CAROLINA EAT SMART, MOVE MORE COALITION

WHEREAS, by Cooperative Agreement Contract CY-7-714 dated January 20, 2017 the South Carolina Department of Health and Environmental Control (DHEC) entered into a Cooperative Agreement Contract with South Carolina Eat Smart, Move More Coalition (Contractor) to support public health efforts to create and/or support the creation of healthy and safe community areas across South Carolina focusing on active living, healthy eating, injury and violence free living and tobacco free living environments; and

WHEREAS, DHEC is desirous of amending said Cooperative Agreement Contract as follows:

C. COMPENSATION: *Replace C.1. and C.9. and C.10.*

1. DHEC agrees to compensate the Contractor for the provision of services described in Section A, in the amount, up to $1,075,862.41 *(or increase of $249,338.77)*, for one event. It will be the total amount to be paid under this Contract except $1,075,862.41 including travel expenses.

9. $123,144.32 Awarded for services described in Sections A.8. – A.9.
   a. CFDA number (from the grant award notice) and the CFDA title verbatim: 93.757, Diabetes Prevention – State and Local Health Actions to Prevent Obesity, Diabetes, and Heart Disease and Stroke
   b. Grant award notice title verbatim from the grant award: Diabetes Prevention – State and Local Health Actions to Prevent Obesity, Diabetes, and Heart Disease and Stroke
   c. Grant award notice number from the grant award: 1NU58DP005390-01
   d. Federal grantor (awarding) agency name: Department of Health and Human Services, Centers for Disease Control and Prevention
   e. Grant period of performance start and end date: September 30, 2017 – September 29, 2018
   f. Whether the award is for Research and Development: No
   g. Subaward amount, if applicable: $1,075,862.41 (Overall Total) - $123,144.32 (for services described in Sections A.8. – A.9.)

10. $125,394.45 Awarded for services described in Sections A.1. – A.7.
   a. CFDA number (from the grant award notice) and the CFDA title verbatim: 93.991 Preventive Health and Health Services Block Grant

b. Grant award notice title verbatim from the grant award: Preventive Health and Health Services Block Grant
c. Grant award notice number from the grant award: 1 NB01OT009273-01-00
d. Federal grantor (awarding) agency name: Department of Health and Human Services, Centers for Disease Control and Prevention
e. Grant period of performance start and end date: 10/01/2018 to 09/30/2020
f. Whether the award is for Research and Development: No
g. Subaward amount, if applicable: $1,075,862.41 (Overall Total) – $125,394.45 (for services described in Sections A.1. – A.7.)

NOW, THEREFORE, the referenced Cooperative Agreement Contract is amended as specified above provided that all other terms and conditions of the Cooperative Agreement Contract remain the same.

The parties to the Cooperative Agreement Contract hereby agree to any and all provisions of the Cooperative Agreement Contract as stipulated herein.

SOUTH CAROLINA DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

BY: Virginia Daguise, PhD
Director
Bureau of Chronic Disease and Injury Prevention

DATE: November 20, 2019

Mailing Address:
SC DHEC - Public Health Contracts
Bureau of Business Management
2600 Bull Street
Columbia, SC 29201

SOUTH CAROLINA EAT SMART, MOVE MORE COALITION

BY: Meg Stanley
Executive Director

DATE: 12/2/19

Mailing Address:
SC Eat Smart Move More Coalition
2711 Middleburg Drive, Suite 301
Columbia, SC 29204

TAX/EMPLOYER ID#: 57-1096619

Exhibit 2
Referring to 1a of Complaint

Print* Issue Budget analysis invoices to grant parameters OD2a

[redacted]

McWilliams, Teresa D. <mcwilltd@dhec.sc.gov>

To:

- McWilliams, Teresa D.
  Mon 6/8/2020 10:08 AM

11/19/19 email I asked Sara Salley for the OD2A budget to track spending in sub-categories. (Bruce tracks it percentage of grant total spending.) Focus until 6/1/2020 was on the former CoAG grant (which I was never given a copy of, if I remember correctly it was because that grant was "over", but they kept requesting extenstion.) All OD2A spending was put on the old CoAg to spend all the money--therefore tracking OD2A was less of an issue until CoAg was closed out 5/29 (or 30)/2020. I have now received the OD2A budget from Tramaine and am setting up a process to track % spent in sub-categories.

I also need a method to confirm what is spent aligns with what grant allows. More difficult because of the Strategies and Strategy Leads. I never see an actual invoice to see what was purchased--just amount and vendor paid. We hold a monthly budget meeting to look over reports: salary, encumbrance, expenditure, detailed summary and question anything we don't recognize, but Emma still seems to feel that is not enough. I am developing a monthly Status Report and also a Budget Drilldown Document (that will at least align invoice with Strategy). In a perfect world it would be great to click on an item in Bruce's report and access an image of the invoice. I don't know how naive it is to try to get to that point, but time will tell.

Teresa McWilliams
Office Manager
Division of Injury and Substance Abuse Prevention
S.C. Dept. of Health & Environmental Control

Office: (803) 898-7333

Exhibit 3
Referring to1b in Complaint – Plaintiff's email to Department Manager Tramaine McMullen. Plaintiff does not suggest that Manager forego reviewing the minutes, as accused by Supervisor Kennedy.

McWilliams, Teresa D. <mcwilltd@dhec.sc.gov>

To:

- McWilliams, Teresa D.
  Thu 6/4/2020 12:36 PM

See below. Somehow Emma drew the conclusion that I wanted to send the minutes without Tramaine reviewing them. She accuses me of that in the counseling document.

Teresa McWilliams
Office Manager
Division of Injury and Substance Abuse Prevention
S.C. Dept. of Health & Environmental Control

Office: (803) 898-7333

From: McMullen, Tramaine P. <mcmulltp@dhec.sc.gov>
Sent: Wednesday, June 3, 2020 9:55 AM
To: McWilliams, Teresa D. <mcwilltd@dhec.sc.gov>
Cc: Kennedy, Emma <kennedel@dhec.sc.gov>
Subject: Re: Opioid All Team Minutes

Thank you, Teresa. If everyone is fine with this, I do think that we should continue send the draft of the minutes directly to the All team with the agenda.
Sincerely,
Tramaine

From: McWilliams, Teresa D. <mcwilltd@dhec.sc.gov>
Sent: Wednesday, June 3, 2020 9:35 AM
To: McMullen, Tramaine P. <mcmulltp@dhec.sc.gov>
Cc: Kennedy, Emma <kennedel@dhec.sc.gov>
Subject: Opioid All Team Minutes

Hi, Tramaine! In the last Opioid All Team meeting, I was using my personal laptop to take minutes, since my work laptop was being used for the Skype call. My personal laptop is old and the battery does not hold a charge, so I was relying on electricity to power my personal laptop. There was an electricity loss during the meeting, my personal computer crashed and I lost the minutes. I would like to explain that to the All Team when I send them the draft of the minutes and request that they view their portion of the minutes to confirm accuracy.

Actually, it is always my best practice to ask minutes contributors to review that their verbal contribution has been captured accurately in the minutes, but in the flow that former grant manager Sara Salley laid out, the minutes were being sent by Sara. In her absence, I have been sending a draft of the minutes with the agenda. Please confirm if I should continue this process.

In addition, in my experience it is customary to ask the All Team to approve the minutes from the last meeting in the next meeting. In my opinion, not following this procedure of approval creates jeopardy.

It is possible that the document we wish to come out of the All Team should not be formal minutes. I mentioned that to Sara, but she preferred to maintain a document that is formal minutes. I will continue to do so unless instructed otherwise.

One more reminder. I believe that to be compliant with the state's normal handling of minutes, we should be destroying and purging them at some point in the future (seems like it is a year). Before I destroy and purge minutes, I will seek your advice.

Teresa McWilliams
Office Manager
Division of Injury and Substance Abuse Prevention
S.C. Dept. of Health & Environmental Control

Office: (803) 898-7333

Exhibit 4

Relating to 2f in Complaint

2Fw: Office Supplies

[redacted]

McWilliams, Teresa D. <mcwilltd@dhec.sc.gov>

To:

- Kennedy, Emma;
- Witt, Patrice

Wed 6/17/2020 11:32 AM

Please see below. Email regarding office supplies to Martin, Poore, Hamilton, Galardi dated 5/29. Emails to other staff will follow separately.

Teresa McWilliams
Office Manager
Division of Injury and Substance Abuse Prevention
S.C. Dept. of Health & Environmental Control

Office: (803) 898-7333

From: McWilliams, Teresa D.
Sent: Friday, May 29, 2020 4:03 PM
To: Martin, Neal <MARTINCO@dhec.sc.gov>
Cc: Poore, Kevin H. <poorekh@dhec.sc.gov>; Hamilton, Ian C. <hamiltic@dhec.sc.gov>; Galardi, Christina M. <galardcm@dhec.sc.gov>
Subject: Office Supplies

Hi, Neal! I just found out most of you are returning to the office Monday. I had put in an office supply order the day before lock down that was frozen, so you are walking back into the office with low supplies. I plan to have a revised request ready for signature when Emma walks in the door on Monday--all that means let me know if you want me to add something to the order.

Teresa McWilliams
Office Manager
Division of Injury and Substance Abuse Prevention
S.C. Dept. of Health & Environmental Control

Office: (803) 898-7333

2f

From: McWilliams, Teresa D. <mcwilltd@dhec.sc.gov>
Sent: Thursday, May 28, 2020 8:51 AM
To: Wilks, Jillian <wilksjp@dhec.sc.gov>
Subject: Re: Did you get your Atlanta refund?

I'll work on that today. Do you need any office supplies? Our last order got frozen by the lockdown, so I know we are low.

Exhibit 5
Referring to 4b in Complaint – Zip File Locked

D2599 Form Issue

[redacted]

McWilliams, Teresa D. <mcwilltd@dhec.sc.gov>

To:

- Childers, Elizabeth K.;
- Kennedy, Emma

Wed 6/24/2020 10:50 AM

"Windows cannot complete the extraction" of the zip file. Working on it.

Teresa McWilliams
Office Manager
Division of Injury and Substance Abuse Prevention
S.C. Dept. of Health & Environmental Control

Office: (803) 898-7333

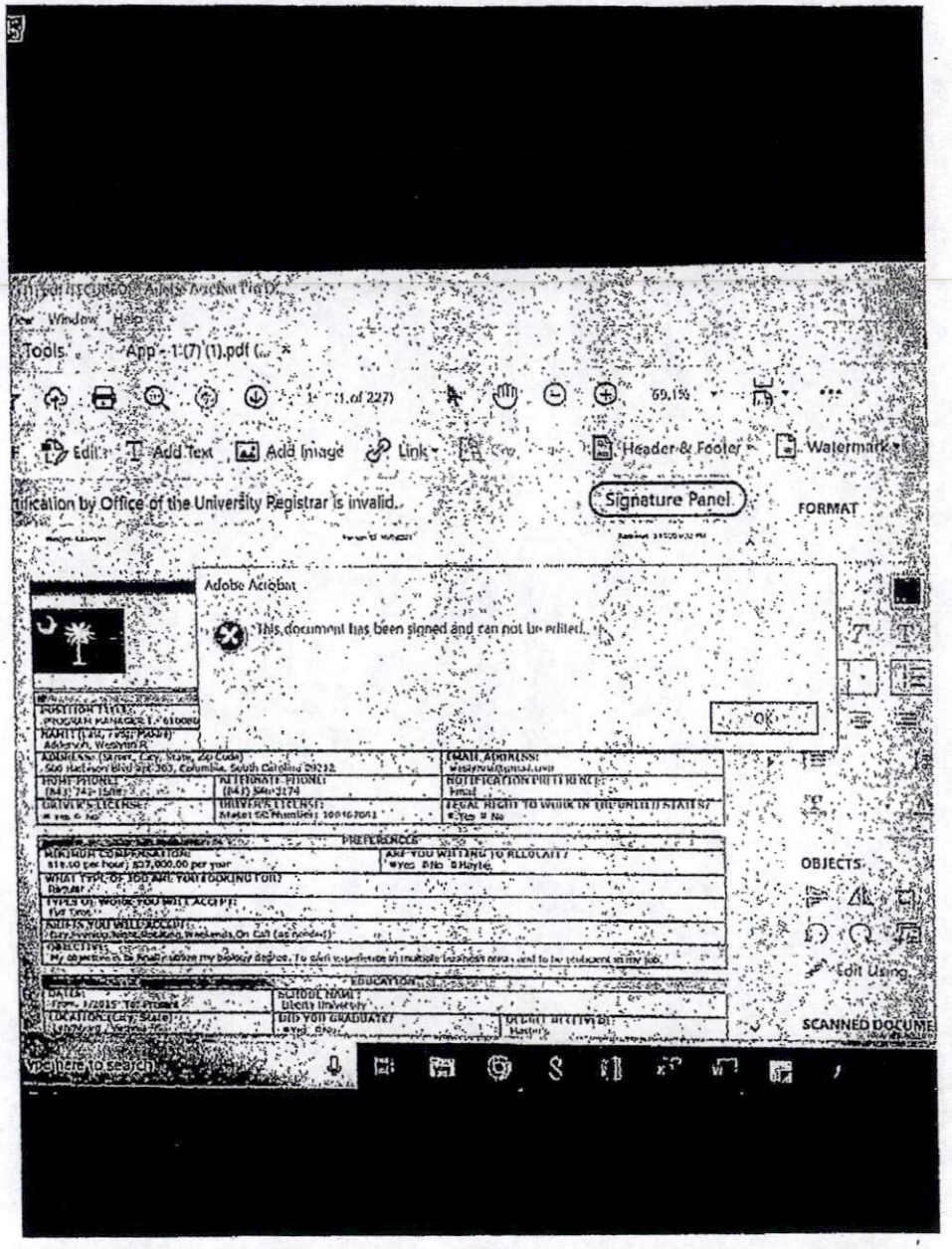

Window Help
Tools
App - 1 (7) (1).pdf
Edit
Add Text
Add Image
Link
Header & Footer
Watermark
tification by Office of the University Registrar is invalid.
Signature Panel
FORMAT
Adobe Acrobat
This document has been signed and can not be edited.
OK
OBJECTS
Edit Using
SCANNED DOCUME

Exhibit 6

Referring to 4d in Complaint

Children's Trust contracts 2 dated same date

[redacted]

McWilliams, Teresa D. <mcwilltd@dhec.sc.gov>

To:

- Ancheta, Roxanne M.

Mon 6/22/2020 9:47 AM

Hi, Roxanne! Sorry to bother you in the middle of year-end. Emma has asked me to contact contracts to find out which Children's Trust contract we have on file as valid. Both contracts I was given by Emma are dated the same date. The first I was given has Sue Williams as contact on page 6, and the one I was just given has Sherri Caldwell as contact on page 6. Is it proper procedure and protocol to ask you or should I be asking someone else? (FYI: before interrupting Roxanne, I asked Kim but also said only if she knew off the cuff please don't spend her time researching; I searched the Contracts section on the Intranet; I looked at Revenue Contract Policy; I searched "contract" on the staff directory; I looked at the Public Health org chart; I searched Records Management; I searched my email and came up with the name Francine Miller but thought it was probably more appropriate to ask Roxanne).

Teresa McWilliams
Office Manager
Division of Injury and Substance Abuse Prevention
S.C. Dept. of Health & Environmental Control

Office: (803) 898-7333

From: Kennedy, Emma <kennedel@dhec.sc.gov>
Sent: Monday, June 22, 2020 9:07 AM
To: McWilliams, Teresa D. <mcwilltd@dhec.sc.gov>; McMullen, Tramaine P. <mcmulltp@dhec.sc.gov>
Cc: Ancheta, Roxanne M. <anchetrm@dhec.sc.gov>; Witt, Patrice <WITTPL@dhec.sc.gov>
Subject: Re: Strengthening Families Invoices

Contact our contracts department and get the contract they have on a file for this arrangement.

Emma Kennedy, MPH
Director, Division of Injury and Substance Abuse Prevention
S.C. Dept. of Health & Environmental Control
Cell-803-622-1388
Office-803-898-3751
Email: kennedel@dhec.sc.gov
Location: Mills/Jarrett Building, Room N-208
2100 Bull Street, Columbia, SC 29201

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From: McWilliams, Teresa D. <mcwilltd@dhec.sc.gov>
Sent: Monday, June 22, 2020 9:04 AM
To: Kennedy, Emma <kennedel@dhec.sc.gov>; McMullen, Tramaine P. <mcmulltp@dhec.sc.gov>
Cc: Ancheta, Roxanne M. <anchetrm@dhec.sc.gov>; Witt, Patrice <WITTPL@dhec.sc.gov>
Subject: Re: Strengthening Families Invoices

Here is the contract I was given for Children's Trust (see below) that shows Sue Williams as the contact on page 6, and it is dated the same date. Please confirm which is the valid contract.

Exhibit 7
Referring to 5d in Complaint

Re: Computer for Mark

[redacted]

McWilliams, Teresa D. <mcwilltd@dhec.sc.gov>

To:

• Kennedy, Emma
Thu 7/2/2020 12:22 AM

Emma, I will be very happy to order a new laptop for new hire Mark Swart. (Even though you reprimanded me just earlier today saying to me, "You also asked the Outreach Director and Injury Director to let you know when the offer had been made, you stated you would go ahead and get his computer . . . . . You were only asked to assist with completing paperwork and this position is not in our area. I have concerns with your ability to follow instruction and complete simple tasks".) However, I don't mean to in any way to seem insubordinate or wish to seem like I am second guessing you, and I will work on that immediately with great joy. (Also I am reminding you that I am working after 5pm because you asked me to be ready for an 8:30 am meeting and I was unable to prepare yesterday afternoon due to the assignment of contacting the negative testees for COVD about their results, which I understand is in conflict with an earlier instruction not to work after 5pm, but I deduce that tomorrow's 8:30 am supersedes that first instruction.)

Teresa McWilliams
Office Manager
Division of Injury and Substance Abuse Prevention
S.C. Dept. of Health & Environmental Control

Office: (803) 898-7333

From: Kennedy, Emma <kennedel@dhec.sc.gov>
Sent: Wednesday, July 1, 2020 3:49 PM
To: McWilliams, Teresa D. <mcwilltd@dhec.sc.gov>
Subject: Computer for Mark

Hi Teresa,

We don't have a computer for Mark. Elizabeth found a laptop he can borrow until his laptop arrives. Can you order Mark a new laptop? We have two brand new monitors he can use.

Thanks,

Emma

Emma Kennedy, MPH
Director, Division of Injury and Substance Abuse Prevention
S.C. Dept. of Health & Environmental Control
Cell-803-622-1388
Office-803-898-3751
Email: kennedel@dhec.sc.gov
Location: Mills/Jarrett Building, Room N-208
2100 Bull Street, Columbia, SC 29201

Exhibit 8

Referring to 6b in Complaint.

Reminder to Tell All Team we are recording

[redacted]

McWilliams, Teresa D. <mcwilltd@dhec.sc.gov>

To:

- McMullen, Tramaine P.
  Mon 7/6/2020 4:37 PM

Hi, Tramiane. Just a reminder that we are required to tell the All Team on Wednesday that we are recording the meeting.

Teresa McWilliams
Office Manager
Division of Injury and Substance Abuse Prevention
S.C. Dept. of Health & Environmental Control

Office: (803) 898-7333

Younger people who made a mistake and were not put in a WOSP:

From: Witt, Patrice <WITTPL@dhec.sc.gov>
Sent: Tuesday, August 4, 2020 11:15 AM
To: McWilliams, Teresa D. <mcwilltd@dhec.sc.gov>
Subject: Confidential

Teresa,

I realized that the previous letter sent did not have the correct date. Please find the updated letter attached.

Thank you,

Patrice L. Witt
Employee Relations Assistant Manager
S.C. Dept. of Health & Environmental Control

Office: (803) 898-1169

Connect: www.scdhec.gov Facebook Twitter

Exhibit 9

Income Loss

			Formulas (Key Below)	
DHEC 2020 (Aug - Dec)	117,000	117,000	48000/12*5*1.5*1.3*3	
DHEC 2021 (Jan - Dec)	187,200	187,200	48000*1.5*1.3*2	
DHEC 2022 (Jan - May)	39,000	39,000	48000/12*5*1.5*1.3	
DHEC 2022 (Jun - Dec)	11,375	11,375	((48000*1.5)-(38000*1.5))/12*7*1.3	72000 48000*1.5 57000 38000*1.5 15000 H6 16 11375 K6/12*7*1.3
DHEC 2023-2029	90,000	90,000	((48000*1.5)-(38000*1.5))*6	70 in 2029
Effect on Soc Sec	127,260	127,260	707*12*15	
	571,835			

Key		
	48000	annual salary at DHEC when terminated
	48000/12	monthly salary at DHEC when terminated
	.5	5 months
	1.5	salary plus value of benefits
	1.3	interest on past losses
	3	number of years of interest
	38000	current annual salary
	7	7 months
	6	6 years

Exhibit 11

FW: Can we pay for non-DHEC person's training courses?

McWilliams, Teresa D. <mcwilltd@dhec.sc.gov>
Mon 7/20/2020 11:36 AM

To: DeMeo, Elizabeth A. <demeoea@dhec.sc.gov>

Hi, Elizabeth! Looks like Suzanne is out of the office this week, and I need access to the July 1 email she references below. Do you have a copy you can forward to me?

Teresa McWilliams
Office Manager
Division of Injury and Substance Abuse Prevention
Bureau of Chronic Disease and Injury
S.C. Department of Health & Environmental Control
(803) 898-7333

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From: Sanders, Suzanne <SANDERSH@dhec.sc.gov>
Sent: Friday, July 17, 2020 2:47 PM
To: McWilliams, Teresa D. <mcwilltd@dhec.sc.gov>; DeMeo, Elizabeth A. <demeoea@dhec.sc.gov>
Cc: Carnell, Kimberly <carnelkr@dhec.sc.gov>; Kennedy, Emma <kennedel@dhec.sc.gov>
Subject: Re: Can we pay for non-DHEC person's training courses?

Hey Teresa,

We can work on gathering the training cost information for Tripp.

Based on a previous email exchange with Emma on July 1st, I thought we already had the appropriate guidance regarding how to cover the cost of training for non-DHEC employees. Emma shared some information that she received from Roxanne.

Thanks,
Suzanne

Suzanne H. Sanders, MPH, MCHES®
External Systems Manager- Community Health Services
S.C. Dept. of Health & Environmental Control
Office: (803) 898-7648
Mobile: (803) 429-7484
Connect: www.scdhec.gov Facebook Twitter

- Conferences repayment CT double payment
- Review 4 attachments SOPs
- Conferences Galardi conference call line
- Status Report July Budget Meeting
- ESMM Year 5 Amendment
- WOSP 6

This is not a singular instance. I have experienced continuous harassment. Emma treats my time with a disrespect that she does not show to younger employees.

May I also point out, that in my email to request proper procedure instructions, I delineated the proper procedure myself, which was exactly what Tripp told Roxanne to do: get an invoice from the school listing the names of the participants and the course title.

Teresa McWilliams
Office Manager
Division of Injury and Substance Abuse Prevention
S.C. Dept. of Health & Environmental Control
Office: (803) 898-7333

1467992119682_PastedImage

From: Witt, Patrice <WITTPL@dhec.sc.gov>
Sent: Monday, July 20, 2020 4:24 PM
To: McWilliams, Teresa D. <mcwilltd@dhec.sc.gov>
Cc: Posey, Arlene W. <poseyaw@dhec.sc.gov>
Subject: Re: Complaint Age Discrimination

Teresa,

When did Emma give you this task to work on? When did you provide an answer?

Patrice L. Witt
Employee Relations Assistant Manager
S.C. Dept. of Health & Environmental Control
Office: (803) 898-1169
Connect: www.scdhec.gov Facebook Twitter

From: McWilliams, Teresa D. <mcwilltd@dhec.sc.gov>
Sent: Monday, July 20, 2020 12:28 PM

Complaint Age Discrimination

Exhibit 10

McWilliams, Teresa D. <mcwilltd@dhec.sc.gov>
Mon 7/20/2020 12:28 PM

To: Lee, Georgette <LEEGD@dhec.sc.gov>
Cc: Posey, Arlene W. <poseyaw@dhec.sc.gov>; Witt, Patrice <WITTPL@dhec.sc.gov>

1 attachments (13 KB)
Pay for teacher courses to Georgette Lee 2020_07_20.docx;

MEMORANDUM:

Date: July 20, 2020

To: Georgette Lee

CC: Arlene Posey, Patrice Witt

From: Teresa McWilliams

Subject: Age Discrimination – Withholding Information Disparate Treatment

On 7/1/2020, my supervisor Emma Kennedy received information from Roxanne Ancheta on how to pay for a course for a non-DHEC employee (evidence from Elizabeth DeMeo and Suzanne Sanders). As of 7/20/2020, Emma never shared this information with me and reprimanded me for the time it took me to research. This supports my complaint that Emma is merely setting traps for me rather than working with me to improve my performance; she is using the 10-week WOSP as a method to terminate me because she doesn't like how old I am. (FYI - the reason for the time I spent in research is that I have been reprimanded in the past for asking Roxanne a question— therefore, I endeavored to find the answer another way. As instructed by my supervisor, I researched written procedures and protocol, I researched the SharePoint; then, I asked Kim Carnell and had conversations with Tripp Clark. All the time I was working on this research, Emma had the answer and was withholding it from me. Emma does not withhold information from younger employees.)

Teresa McWilliams
Office Manager
Division of Injury and Substance Abuse Prevention
S.C. Dept. of Health & Environmental Control
Office: (803) 898-7333

 *1467992119682_PastedImage*

To: Lee, Georgette <LEEGD@dhec.sc.gov>
Cc: Posey, Arlene W. <poseyaw@dhec.sc.gov>; Witt, Patrice <WITTPL@dhec.sc.gov>
Subject: Complaint Age Discrimination

MEMORANDUM:

Date: July 20, 2020

To: Georgette Lee

CC: Arlene Posey, Patrice Witt

From: Teresa McWilliams

Subject: Age Discrimination – Withholding Information Disparate Treatment

On 7/1/2020, my supervisor Emma Kennedy received information from Roxanne Ancheta on how to pay for a course for a non-DHEC employee (evidence from Elizabeth DeMeo and Suzanne Sanders). As of 7/20/2020, Emma never shared this information with me and reprimanded me for the time it took me to research. This supports my complaint that Emma is merely setting traps for me rather than working with me to improve my performance; she is using the 10-week WOSP as a method to terminate me because she doesn't like how old I am. (FYI - the reason for the time I spent in research is that I have been reprimanded in the past for asking Roxanne a question— therefore, I endeavored to find the answer another way. As instructed by my supervisor, I researched written procedures and protocol, I researched the SharePoint; then, I asked Kim Carnell and had conversations with Tripp Clark. All the time I was working on this research, Emma had the answer and was withholding it from me. Emma does not withhold information from younger employees.)

Teresa McWilliams
Office Manager
Division of Injury and Substance Abuse Prevention
S.C. Dept. of Health & Environmental Control
Office: (803) 898-7333


1467992119682_PastedImage

Exhibit 12

Re: Complaint Age Discrimination

McWilliams, Teresa D. <mcwilltd@dhec.sc.gov>
Tue 7/21/2020 11:20 AM

To: Witt, Patrice <WITTPL@dhec.sc.gov>
Cc: Posey, Arlene W. <poseyaw@dhec.sc.gov>

1 attachments (31 KB)
MEMORANDUM to Witt in response to July 20 when and when pay for non DHEC employees.docx;

May I with utmost humility and greatest of subordinate respect, please point out that Patrice Witt's 7/20/20 emailed question is a line of questioning separate from my complaint dated July 20, which I deduce is generating your question. (My July 20 complaint was that Emma **withheld information** from me, a 61-year-old woman, and does not withhold information from her younger employees). However, I am very happy to answer this question. This memorandum also serves as a separate statement of complaint of age discrimination in the area of disparate treatment in which Emma **disrespects my time,** which she does not do to younger employees. Emma is reprimanding me, a 61-year-old woman for taking 10 days to research and complete a purchase request for new equipment; Tramaine McMullen, a much younger employee, took 30 days to get her DHEC cell phone set up by Marie Okoli and was not reprimanded.

Emma asked me a question, to which she received an answer from Roxanne the next day, and left me to run a wild goose chase in which I followed her instructions to search the procedure manual and search the SharePoint before asking a question; and then I avoided asking Roxanne a question, for which I have been reprimanded more than once (I can go back and document the number of times that has happened.) At the point where in my own best judgement I should have asked Roxanne, instead I asked Kim Carnell, who communicated with Tripp Clark. I deduce that Tripp was not eager to repeat instructions he had already given to Roxanne, and as of the writing of this memo, I have not received instruction. I worked on the question for 10 business days. (I received the question June 30; Emma received the answer July 1 from Roxanne.) During those 10 days, while I ran my wild goose chase, I also completed the following high priority tasks:

- Script and general instructions conferences for first set of COVD negative phone calls. There were several discussions as we ironed out the procedure.
- A conference call with Patrice Witt and Arlene Posey
- Prepared purchase request tape recording equipment
- Conferences ref purchase request of tape recording equipment
- A push to get and contract new hire Swart's 4th job reference, since Swart's 3rd reference had not yet responded.
- A push to get Gwen in HR to tell us she had completed the HR background check
- A conference call with IT about a computer memory-related issue, since that is a hot topic right now
- Pushing Tramaine to give me the All Teams agenda since it was the deadline to get to the All Team
- End of year PCARD issues required several emails and conversations. June 30 was the deadline.
- Cancel the SEGRA conference call agreement (Roxanne had said she was cancelling, but she did not, so there was a priority about getting that done ASAP because of the charge deadline)
- July 1 conferences with IT ref : The issue is not resolved. I took a photo with my cell phone of my laptop screen some days ago where you can see the email queue is missing a chunk of email between 5/26 and 6/3. I could not search and find an email I needed during that time period. Today those emails are showing in the email queue again. I can send you a copy of the photo I took if you give me an email address. This happened after the cookies were cleared.
- Follow up with Bruce Baker on unanswered June budget questions and issue he did not send OD2A remaining budgets to strategy leads

- July Budget Drilldown
- July Budget meeting with 4 report analyses and development of July budget questions to be answered by Bruce Baker
- COVD negative calls 1st set
- COVD negative calls 2nd set (with the potential of 104 calls—I did not track actual, although I can go back and document if I need to)
- WOSP 5
- Opioid All Team Agenda proof and distribution
- Follow up non-responders to Opioid All Team calendar invite and ask for written updates
- Opioid All Team monthly TEAMS meeting
- Opioid All Team minutes with transcript-check and proof
- Learning curve: recording on TEAMS and downloading
- Conferences ref will DHEC legal let us record TEAMS meetings
- Conferences ref change DAODAS monthly meetings Skype to TEAMS
- DAODAS TEAMS meetings series calendar invites
- DAODAS TEAMS meeting
- DAODAS TEAMS notes with transcription-check and proofing
- Resolve PCAS issue with Holly PCASE would not let me e-sign and send
- Year end issue with funding for June FSI purchase – conference with Julia Scott
- Bank of America paper reconciliation submission
- Health educator interviews set up, including follow up phone calls to confirm receipt
- Resolve issue with Tramaine's voicemail: "Your phone number seems to be malfunctioning or at least the message needs to be updated. The message says, 'Vacant Bobo is not available.'"

- Conferences with IT to try to confirm: Does TEAMS have a recording function, and are we allowed to use it to record our division panel meetings?
- Research phone procedure manual and provide Tramaine with instructions on how to set up her voicemail
- Offboarding Anne
- Conference IT – external email in queue for yesterday was not there until today Ticket: TKT-10036753, Subject: Email issue, Message from Service Desk:
  Unfortunatly we do not have control over slowness or when things get delivered. Our e-mail is housed with Microsoft. we re at the mercy of there issues and network slowness. We can only check when e-mails don't actually arrive. MS sets the time for when the sent is hit not when it actually leaves the outbox. We have no control over that
- Conferences ESMM and their request for more money
- Conferences ESMM ref reschedule July meeting
- Conference with Ian Hamilton ref travel reimbursement
- Conferences year end closeout any unpaid travel advances
- Portable monitor tagging
- Status Report IT and HR Issues
- Safe State Alliance Memberships calls to get revised invoice
- Safe State Alliance Memberships Payment Request
- Conferences ref procedure memberships on PCard
- Purchase request Swart laptop
- Conferences Samira's WebEx meeting
- Conferences Swart cell
- Required Public Health Lunch and Learn
- Conferences Poore $40 recertification
- Conferences Celia did not send confirmation she sent SF/CT invoice to AP

MEMORANDUM

DATE: July 21, 2020

TO: Patrice Witt

CC: Georgette Lee

Arelene Posey

FROM: Teresa McWilliams

SUBJECT: Response to Patrice Witt 7/20/20 email question and Additional Complaint of Age Discrimination – Disparate Treatment

May I with utmost humility and greatest of subordinate respect, please point out that this question is a line of questioning separate from my complaint dated July 20, which I deduce is generating your question. (My July 20 complaint was that Emma **withheld information** from me, a 61-year-old woman, and does not withhold information from her younger employees). However, I am very happy to answer this question. This memorandum also serves as a separate statement of complaint of age discrimination in the area of disparate treatment in which Emma **disrespects my time,** which she does not do to younger employees. Emma is reprimanding me, a 61-year-old woman for taking 10 days to research and complete a task; Tramaine McMullen, a much younger employee, took 30 days to have her cell phone set up by Marie Okoli and was not reprimanded.

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- A push to get Gwen in HR to tell us she had completed the HR background check

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- Pushing Tramaine to give me the All Teams agenda since it was the deadline to get to the All Team
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- Research phone procedure manual and provide Tramaine with instructions on how to set up her voicemail

- Offboarding Anne
- Conference IT – external email in queue for yesterday was not there until today Ticket: TKT-10036753, Subject: Email issue, Message from Service Desk: Unfortunatly we do not have control over slowness or when things get delivered. Our e-mail is housed with Microsoft. we re at the mercy of there issues and network slowness. We can only check when e-mails don't actually arrive. MS sets the time for when the sent is hit not when it actually leaves the outbox. We have no control over that
- Conferences ESMM and their request for more money
- Conferences ESMM ref reschedule July meeting
- Conference with Ian Hamilton ref travel reimbursement
- Conferences year end closeout any unpaid travel advances
- Portable monitor tagging
- Status Report IT and HR Issues
- Safe State Alliance Memberships calls to get revised invoice
- Safe State Alliance Memberships Payment Request
- Conferences ref procedure memberships on PCard
- Purchase request Swart laptop
- Conferences Samira's WebEx meeting
- Conferences Swart cell
- Required Public Health Lunch and Learn
- Conferences Poore $40 recertification
- Conferences Celia did not send confirmation she sent SF/CT invoice to AP
- Conferences repayment CT double payment
- Review 4 attachments SOPs
- Conferences Galardi conference call line
- Status Report July Budget Meeting
- ESMM Year 5 Amendment

This is not a singular instance. I have experienced continuous harassment. Emma treats my time with a disrespect that she does not show to younger employees.

May I also point out, that in my email to request proper procedure instructions, I delineated the proper procedure myself, which was exactly what Tripp told Roxanne to do: get an invoice from the school listing the names of the participants and the course title.

Exhibit 13

Kim also cannot work with applications they are password protected

McWilliams, Teresa D. <mcwilltd@dhec.sc.gov>
Thu 7/23/2020 9:36 AM

See below. Kim also cannot work with the password protected applications that come from HR.

Teresa McWilliams
Office Manager
Division of Injury and Substance Abuse Prevention
S.C. Dept. of Health & Environmental Control
Office: (803) 898-7333

 *1467992119682_PastedImage*

From: McWilliams, Teresa D. <mcwilltd@dhec.sc.gov>
Sent: Thursday, July 23, 2020 9:34 AM
To: Carnell, Kimberly <carnelkr@dhec.sc.gov>
Subject: RE: Attachment

Oh, no, it is password protected when I try to work with it as well. I believe HR is doing that.

Teresa McWilliams
Office Manager
Division of Injury and Substance Abuse Prevention
Bureau of Chronic Disease and Injury
S.C. Department of Health & Environmental Control
(803) 898-7333

Confidentiality Notice: This email is intended only for the use of the individual or entity to which it is addressed and may contain information which is privileged and confidential. If the reader of this email is not the intended recipient, you are hereby notified that any disclosure, distribution, or copying of this information is strictly prohibited. If you received this email in error, please notify the sender immediately by reply.

From: Carnell, Kimberly <carnelkr@dhec.sc.gov>
Sent: Thursday, July 23, 2020 9:33 AM
To: McWilliams, Teresa D. <mcwilltd@dhec.sc.gov>
Subject: Re: Attachment

Hey there,

Its not the EHSA I need. Its the copy of her actual application I need.

Kimberly R. Carnell
Administrative Coordinator
Bureau of Chronic Disease and Injury Prevention
S.C. Dept. of Health & Environmental Control

Office: (803) 898-1508
Mobile: (843) 910-1921
Connect: www.scdhec.gov Facebook LinkedIn



From: McWilliams, Teresa D. <mcwilltd@dhec.sc.gov>
Sent: Thursday, July 23, 2020 9:32 AM
To: Carnell, Kimberly <carnelkr@dhec.sc.gov>
Subject: Fw: Attachment

Kim, I am forwarding directly the EHSA I got from Neal without opening it, just in case my opening it caused something to happen.

Teresa McWilliams
Office Manager
Division of Injury and Substance Abuse Prevention
S.C. Dept. of Health & Environmental Control

Office: (803) 898-7333

1467992119682_PastedImage

From: Martin, Neal <MARTINCO@dhec.sc.gov>
Sent: Monday, July 20, 2020 3:24 PM
To: McWilliams, Teresa D. <mcwilltd@dhec.sc.gov>
Cc: Kennedy, Emma <kennedel@dhec.sc.gov>; Poore, Kevin H. <poorekh@dhec.sc.gov>
Subject: Attachment

Sorry, left it off.

Neal

Neal Martin, Program Coordinator II
SC DHEC, Injury & Violence Prevention
2100 Bull Street

Exhibit 14

4 individual applications

McWilliams, Teresa D. <mcwilltd@dhec.sc.gov>
Thu 7/9/2020 10:11 AM
To: Martin, Neal <MARTINCO@dhec.sc.gov>
Cc: Kennedy, Emma <kennedel@dhec.sc.gov>

Hi, Neal! I want to pull out the individual applications for your 4 interviews, but when I pull the pdf Gwen gave of us the batch into Adobe, I get the message "The document has been signed and cannot be edited." I see two choices:

1. Ask Gwen to pull out the individual application from the batch. Based on previous experience, I doubt she can turn this task around by tomorrow's interviews.
2. Send the whole batch to the panel and let them find the individual application. Emma doesn't like this choice, because having all the applications distracts the panel.

Please advise.

Teresa McWilliams
Office Manager
Division of Injury and Substance Abuse Prevention
S.C. Dept. of Health & Environmental Control
Office: (803) 898-7333


1467992119682_PastedImage

Summons and Complaint filed January 4, 2022

STATE OF SOUTH CAROLINA,)
) IN THE COURT OF COMMON PLEAS
COUNTY OF RICHLAND)

Teresa McWilliams)
Plaintiff,) SUMMONS
vs.) FILE NO. 2022CP4000007 -CP-
Georgette Lee-Jackson,)
South Carolina Department of Health and)
Environmental Control; Emma Kennedy, South Carolina)
in her official and individual capacities Dept. of)
Health and Environmental Control;)
DOES 1 through X, inclusive; and Defendant.)
RoE Business Entities 1 through X, inclusive

RICHLAND COUNTY FILED
2022 JAN -4 PM 3:09
JEANETTE W. McBRIDE C.C.P., G.S., & F.C.

TO THE DEFENDANT ABOVE-NAMED:

YOU ARE HEREBY SUMMONED and required to answer the complaint herein, a copy of which is herewith served upon you, and to serve a copy of your answer to this complaint upon the subscriber, at the address shown below, within thirty (30) days after service hereof, exclusive of the day of such service, and if you fail to answer the complaint, judgment by default will be rendered against you for the relief demanded in the complaint.

Columbia, South Carolina

Teresa McWilliams

Teresa McWilliams
Plaintiff

Dated: the 4th day of January, 2022

Address:

Teresa McWilliams
105 Arborgate Circle
Columbia, SC 29212

SCCA 401 (5/02)

COMPLAINANT
Teresa McWilliams
105 Arborgate Circle
Columbia, SC 29212
Telephone: (803) 530-4738
teresamcwilliams@hotmail.com
Plaintiff, in Proper Person

2022CP4000027

RICHLAND COUNTY CIRCUIT COURT

COLUMBIA, SOUTH CAROLINA

RICHLAND COUNTY
FILED
2022 JAN -4 PM 3:09
JEANETTE W. McBRIDE
C.C.P., G.S., & F.C.

Teresa McWilliams

Plaintiff,

CASE NO.:

DEPARTMENT NO.:

vs.

Georgette Lee-Jackson, South Carolina Department of Health and Environmental Control; Emma Kennedy, South Carolina Department of Health and Environmental Control; DOES I through X, inclusive; and ROE Business Entities I through X, inclusive

Defendants.

COMPLAINT

JURY TRIAL DEMANDED

Plaintiff, TERESA MCWILLIAMS, in proper person, complains against Defendants, GEORGETTE LEE-JACKSON, SOUTH CAROLINA DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL; EMMA KENNEDY; SOUTH CAROLINA DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL; DOES I through X, inclusive; and ROE Business Entities 1 through X, inclusive, as follows:

I. PARTIES

1. Plaintiff, Teresa McWilliams, (hereinafter "Plaintiff") is an individual who is currently, and was at all relevant times herein, a resident of the State of South Carolina, County of Richland, City of Columbia.

2. Defendant GEORGETTE LEE-JACKSON, (hereinafter "Defendant Lee-Jackson"), is an individual who is currently, and was at all relevant times herein, a resident of the State of South Carolina, County of Hopkins, City of Hopkins.

3. Defendant EMMA KENNEDY, (hereinafter "Defendant Kennedy"), is an individual who is currently, and was at all relevant times herein, a resident of the State of South Carolina, County of Lexington and then County of Richland, City of Columbia.

4. Defendant SOUTH CAROLINA DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL, (hereinafter "Defendant DHEC") is a state organization located at 2600 Bull Street, Columbia, South Carolina 29201.

5. All of the acts and/or failures to act alleged herein were duly performed by and/or are attributable to defendants, individual or acting by and through their agents and employees. Said acts and/or failures to act were within the scope of any agency or employment, or were ratified by defendants.

6. The names and capacities, whether individual, corporate, associate or otherwise, of defendants and/or their alter egos and herein as DOES I through X, and ROE Business Entities I through X, inclusive, are presently unknow, and Plaintiff will amend this complaint to insert the name(s) when ascertained.

II. FACTS

7. Plaintiff was employed and terminated by Defendant Kennedy.

8. Plaintiff's termination by Defendant Kennedy was declared "not for cause" by Harold W. Gold, Administrative Hearing Officer, Hearing Date January 19, 2021, Appeal Number 20-LA-050659, South Carolina Department of Employment and Workforce.

9. Plaintiff's was terminated as an act of retaliation and age discrimination.

10. Defendant Kennedy gave Plaintiff a grant to oversee that had an amount of $5,394.45 hidden in the grant that was not being distributed. In overseeing the grant, Plaintiff asked questions about the amount that led to a meeting with DHEC Compliance. Defendant Kennedy was embarrassed.

This was the incentive for Plaintiff's termination. Plaintiff can demonstration these accusations via subpoenaed documents and tesitmonies.

11. Defendant Kennedy tried to terminate Plaintiff for ridiculous reasons for which Defendant Kennedy's supervisor did not allow Defendant Kennedy to pursue. Plaintiff can subpoena witnesses to these conversations.

12. Defendant Kennedy was successful in her attempts to terminate Plaintiff when she made general accusations that were euphonisms for "Plaintiff is old." Plaintiff can demonstrate these accusations with subpoenaed evidence.

13. Defendant Lee-Jackson accepted these alleged generalities in a prejudiced manner.

14. Human Resources' representative assured Plaintiff that Plaintiff would be offered a Performance Improvement Plan with well-defined steps. No Performance Improvement Plan was offered.

15. Plaintiff proved with hard data that any specific accusations other than age-related attacks were untrue. Plaintiff can present this data, that was ignored by Defendant Lee-Jackson, with subpoenaed evidence.

16. In the year of 2021, half of Defendant Kennedy's full-time staff were older than she. By the end of year 2021, all those staff members older than she no longer worked in her department. They were separated via resignation, transfer to another department, retirement, and termination. Plaintiff can prove this accusation with subpoenaed evidence.

17. Plaintiff heard Defendant Kennedy make desultory remarks regarding other employees of age.

18. Defendant Lee-Jackson has continued to retaliate against Plaintiff by barring Plaintiff from other employment.

III. CLAIMS FOR RELIEF

19. Defendant Lee-Jackson has electronic entries that are preventing Plaintiff from employment, including entries in the South Carolina Enterprise Information System.

20. Plaintiff has sustained damages in an amount in excess of $350,000.00, which will be proven at trial.

IV. PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays for the following relief:

1. For modification of any electronic entries preventing Plaintiff from employment, including entries in the South Carolina Enterprise Information System.

2. For compensatory damages for loss of income for past, present, and future in excess of $350,000.00.

3. For general damages for past, present, and future pain and suffering, and other damages in excess of $15,000.00.

4. For interest at the statutory rate; and

5. For other and further relief as this court deems just and equitable.

I declare under penalty of perjury under the law of the state of South Carolina that the foregoing is true and correct.

DATED this 4th day of January, 2022.

Teresa McWilliams

Teresa McWilliams
105 Arborgate Circle
Columbia, SC 29212
Telephone: (803) 530-4738

2

STATE OF SOUTH CAROLINA) IN THE SOUTH CAROLINA CIRCUIT COURT 5
COUNTY OF RICHLAND) COURT C.A NO. 2022-CP-40-00027

Teresa McWilliams)
Plaintiff,)
Versus)
Georgette Lee Jackson)
and SC DHEC, et al)
Defendant.)

H E A R I N G

DATE: August 8, 2023

LOCATION: South Carolina Circuit Court 5

JUDGE: Clifton Newman

TRANSCRIBED BY: ERIN REILLY

LEGAL EAGLE
Post Office Box 5682
Greenville, South Carolina 29606
864-467-1373
depos@legaleagleinc.com

APPEARANCES:

Attorney for Plaintiff.

Teresa McWilliams(Pro Se)

Attorney for Defendant.

Meredith Seibert, Esquire

Duff Freeman Lyon, LLC

3700 Forest Drive, Suite 201

Columbia, SC 29204

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EXHIBITS

(THIS TRANSCRIPT MAY CONTAIN QUOTED MATERIAL. SUCH IS REPRODUCED AS READ OR QUOTED BY THE SPEAKER.)

PROCEEDINGS

THE COURT: Okay. Now we are to the case that was number one, schedule number 1, McWilliams versus Jackson et al. This is a motion to dismiss filed by -- appears to have been filed by DHEC and Ms. Seibert is here and how about the -- Ms. Teresa McWilliams can y'all hear me?

MS. MCWILLIAMS: Can you hear me?

THE COURT: Ms. McWilliams?

MS. MCWILLIAMS: Yes, Judge.

THE COURT: Are you ready to proceed Ms. McWilliams? Keep popping on and off of mute. Are you ready to proceed, Ms. McWilliams?

MS. MCWILLIAMS: Yes. Can you hear me?

THE COURT: Yes. All right. You may proceed. Ms. Siebert, you may proceed.

MS. SIEBERT: Thank you. Good morning, Your Honor.

THE COURT: Morning.

MS. SIEBERT: I'm not sure if you've had a chance to review Defendant's memorandum of law in support of our motion to dismiss.

THE COURT: I have not.

MS. SIEBERT: Okay.

THE COURT: I have not.

MS. SIEBERT: Okay. So, I just wanted to make sure to see how much background information I should provide. The

DHEC has filed this motion to dismiss Ms. McWilliams amended complaint. Just to give you a little background of how we got here. Ms. McWilliams is proceeding pro se. She filed her original complaint on January 4th, 2022. That was against DHEC and then two of the district -- sorry, two of DHEC's employees.

We filed motions to dismiss on all three defendants and that was heard on November 30th, 2022 by retired Chief Justice Toll. At that hearing Chief Justice Toll dismissed our individual Defendants. Was on the fence. If you have seen the order on dismissing the allegations against DHEC, but did provide Ms. McWilliams an opportunity to amend her complaint. Judge Toll did give her very specific directions as to what needed to go into that complaint and that was followed by an order that was filed on January 18th.

Prior to that order being filed, Ms. McWilliams did file her amended complaint on December 30th, 2022. Once Judge Toll's order was issued, there were no further amendments or changes to her amended complaint. We went ahead and filed the present Motion to Dismiss and that's what we have before you today. And we brought the motion to dismiss on two main grounds. One is a 12B6, the other is Rule 41B for failure to abide by Judge Toll's order. And then, you know, to the extent you would like to hear that, if you are considering allowing further amendment after our -- after we -- you hear our argument I would like to address the futility of such

amendments. So, first and foremost our 12B6. Again, there -- you'll see if you -- when you get to our memo, I don't have a ton of information there.

Because we do not know what statutory scheme, what theory of the case that Ms. McWilliams is proceeding under. There has been allegations -- it looks like age -- there's some retaliation, some age discrimination, but we're not sure if that's under some sort of tort theory, if that's under the South Carolina Human Affair law, if that's under Title 7, if that's under the ADEA.

We -- I just don't know. And I just, you know, it is Plaintiff's obligation to provide some sort of theory of the case so that I can respond and provide, you know, what elements she has and established and I can't do that here. So, that's where our 12B6 motion comes into play. As it relates to our Rule 41, you know, again, Judge Toll did issue an order allowing Plaintiff to amend and gave her virtually a roadmap of what needed to be included in the amended complaint.

Some of the information that Ms. McWilliams was asked to include or was required to include was sufficient factual allegations to state a claim for age discrimination and the statutory basis for such claim. She was also directed to include information regarding the timely filing of an administrative charge, information about the receipt of a right to sue letter and timely commencement of the judicial action.

So, these are all things that Chief Justice Toll said, "Hey, you know, you've got to address this in your complaint if you want to survive dismissal. If, if you look at the current complaint, none of that is in there. Absolutely none.

Again, at this point from a 12B6 standpoint, I don't even know what statutory scheme we're looking at to even talk about the theory of the cause of action, to talk about what elements are missing. And then when I move over to the judge's order, none of that is in there either. So, again, what we're asking for is dismissal under 12B6 or 41B. Now, if you would like me to address the futility arguments now, I can do that. Would you like me to address those now or would you like to hear from?

THE COURT: I have no desire, I'm listening.

MS. SIEBERT: Okay. As it relates, you know -- if we're looking at is there an opportunity for Ms. McWilliams to amend again. Again, this information is not in her complaint, but our position is if Ms. McWilliams is allowed to amend and she asserts claims under either the State, South Carolina Humans Affair Law for age discrimination or under the ADEA for age discrimination. Under both of those, those amendments would be futile.

Under the state law claim, A you have a timeliness issue. Again, she's got to file that within 120 days of the dismissal or one year from the action, which is ever -- is

earliest, whichever becomes earlier. Again, you don't have the date of her termination because it hasn't been included anywhere in any of the filings, but were we to use that date she is far beyond the one year. Also, I would point the Court to *Crocker versus South Carolina Department of Health and Environmental Control*, which was a case that stood for the proposition that there is no independent right of action against the State Department agencies or subdivisions of the State. Which means Ms. McWilliams, if she was proceeding under a state cause of action that case prohibits her from bringing an independent cause of action against DHEC.

We were to flip over to our Age Discrimination and Employment Act; we're looking at age discrimination under the ADEA. The futility argument that arises there is that Ms. McWilliams failed to file her complaint. Again, we don't have the date of her receipt of the notice of the right to sue within the documents that you have, but once that information is included within the filing, she did not file that within 90 days of receipt as determined by case law that is 90 days of receipt of the email.

So, again, we believe that, you know, again, that she has not stated a cause of action under any theory, at least, that we're aware of, which would justify dismissal under 12B6. She has not complied with the court order issued by Judge Toll. And again, despite that roadmap that she was provided, we are

back in the exact same place that we were, you know, in March of 2022 when we first were served this notice or this lawsuit. And again, the third just thing I would bring to this court's attention that even if we were to consider a motion or further amendment, that once the appropriate documentation and appropriate facts are alleged that as we know them that amendment would be futile.

MS. MCWILLIAMS: Is it my turn?

THE COURT: Right, Ms. McWilliams, what would you like to tell me?

MS. MCWILLIAMS: Yes. And so, I apologize but I have an echo in my cellphone, so everything I say is being repeated in my ear. I have submitted hundreds of pages of documentation and among them is the EEOC's right to sue letter dated, I believe -- it's not in front of me, October the seventh. But I consulted EEOC and how much time I had to file they said I have 90 days.

I obviously did not receive the right to sue letter before the date of the letter. And I did file the complaint within the 90 day that meets two of the complaints that Meredith is claiming in this motion to dismiss. I did present the right to sue letter and I did file in a timely manner and that was proven and discussed in the hearing we had with Judge Toll. So, I'm little taken by surprise that that's coming up a second time.

Obviously, age discrimination is illegal and, in my documentation, I demonstrate that it was not until my supervisor made invalid accusations that were veiled statements of age discrimination that DHEC human resources allowed her to proceed with my termination. She had tried before the age discrimination statements to terminate me for wearing a tank top underneath my clothing. She said I broke the dress code, but I think only common sense makes it understandable that if the spaghetti straps are underneath other clothing, then that does not break the dress code.

She also tried to terminate me saying I was insubordinate, when she had asked me could I meet with her on a matter at the end of the day and I replied, I had a 5:00 o'clock deadline I would miss. So, in no way refused to meet. The reason she accused me of insubordination was because that's a defense she could terminate me without the WOSP process. W-O-S-P, WOSP stands for warning of substandard performance. The real reason I was being terminated was I had found an amount of over $5,000 in a grant I was given to oversee and it was not being disbursed, it was hidden in the grant. And when I began to ask questions was when my harassment began.

HR did not let her proceed with termination until she made the complaints that were age-related. And even if HR was subconscious in their discrimination, it was still de facto age discrimination. And in -- I gave in the documentation a

breakdown of each of the WOSP accusations and how they were age-related. I was never given an opportunity to improve performance, even though I was assured by Arlene Posey of HR that I would be, and I have subsequently discovered that of the people given WOSP performance termination, that -- I'm looking for my documentation that only two out of 68 terminations that went through the WOSP, which is supposed to be work improvement based only two of 68 were retained.

I also discovered that almost a 100 percent of the employees given WOSPs were over the age of 40. So, I admit that the original complaint that my supervisor was harassing me and terminating me over was not age-related. But once she began to make invalid, which I proved in the documentation in writing with emails and written documentation and deadlines, and none of the accusations my supervisor made were a year old, it had been a single incident during the learning curve. There was no deadline missed, there was no negative consequence, she was obviously looking for excuses to terminate me that were in balance. So, I would like for you to deny Meredith's motion to dismiss

THE COURT: Ms. Seibert?

MS. SEIBERT: Yes, Your Honor. Again, and I believe -- I may have to the extent you needed, I didn't go over, I guess, where this arises at. Ms. McWilliams case is not aware at this point but Ms. McWilliams was an employee of DHEC that

was terminated. And again, she's brought this as well as two other cases regarding that termination and subsequent employment actions by DHEC and others. So, you know, again, I hear Ms. McWilliams say that age discrimination is illegal. But again, what I go back to is age discrimination under what? Under a state law claim, under like -- under what theory are we looking at? Because that drives our answer. If she is alleging a federal claim, then I have the opportunity to remove that and seek dismissal on the grounds that it's untimely on jurisdictional grounds only. But I don't have that at this point nor have I heard Ms. McWilliams say what is the basis for her claim.

Now, I would point out Ms. McWilliams has said that she has filed an October 7th letter. I don't have that. I do know that at prior hearing, she did present to Judge Toll her notice of her right to sue, which is dated September 30th, 2021, as well as a subsequent letter, I think an October letter that indicated that she had not yet opened her notice of right to sue. Again, when we go to that futility argument, however case law supports that she received that document and her 90 days began to run as of that September date, which would make her timely -- her filing untimely.

But again, our answer at this point is I can't -- we can't even get into the elements at this point because we don't have them -- we don't have allegations that support, I don't

know the statutory basis. I don't know the theory of her case, none of that is included in this complaint. It's devoid of dates that are relevant to the adverse actions. So, I just -- again, at this point the amended complaint does not provide what it needs in order for it to survive a motion to dismiss. It does not comply with Judge Toll's order, which was very clear about what she needed to do, where she -- if she needed to survive. And then even if we are looking at some sort of amendment, those amendments are futile.

THE COURT: Okay. Anything further, Ms. McWilliams?

MS. MCWILLIAMS: Yes, please. So, in terms of the EEOC date, I did call and confirm with EEOC that the 90s days begins with my receipt of the letter. And to support my problems with the EEOC, I actually had an instance where I had to call them and say, you haven't given me, you know, the information with the right to sue letter.

And when they directed me to their website, the letter on there was the wrong document. So, I did what they said and filed within the 90 days dated on the letter, which was well within receipt of the letter. Meredith has said that I have not required dates but if I took this documentation and counted the number of dates I've provided you, it would be hundreds. And Judge -- well, I'd like to remind you that Meredith wrote the order for Judge Toll. And in that hearing, judge did accept the right of letter to sue that I presented from the

EEOC.

THE COURT: Anything further?

MS. SEIBERT: Not from DHEC. No, Your Honor.

MS. MCWILLIAMS: I do also believe that in the providing documentation for this hearing, I was able to get freedom of information, documentation from DHEC, which demonstrates also that for the other age-related termination, there was no work improvement process. Also, the number of terminations in 2020 after the pandemic doubled from the year before.

So, that would seem to indicate that terminations were being labeled for cause when really, they were being generated based on the pandemic environment where freezing or hiring was frozen, purchasing was frozen, travel was frozen. So, they were really using attrition and terminating people for cause. I've not been able to get the testimony of people who have heard the age discrimination comment and that's why I have not been allowed a right to subpoena. And for that reason, I would like you to deny Meredith's motion to dismiss so that I may subpoena that testimony.

THE COURT: I'll take the matter under advisement and issue an order. Thank you all.

MS. SEIBERT: Thank you.

[END OF HEARING]

CERTIFICATE OF TRANSCRIBER

I, ERIN REILY, a court-approved transcriber, do hereby certify that the foregoing is a true, accurate and complete Transcript of Record of the proceedings had and evidence introduced in the trial of the captioned case, relative to appeal, in the South Carolina Circuit Court 5, South Carolina, on the 8th day of, August 2023.

I do further certify that I am neither of kin, counsel, nor interest to any party hereto.

December 29th, 2024

ERIN REILLY

TRANSCRIBER



Transcript Hearing November 30, 2022

(Toal Hearing)

Missing because Appellant has not received from Legal Eagle – See Motion Requesting

Extension to File Amended Brief - P. 107

MOTION TO REQUEST EXTENTION TO FILE AN AMENDED BRIEF BECAUSE

TRANSCIRPT STILL HAS NOT BEEN PROVIDED TO APPELLANT

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM THE COMMON PLEAS COURT

RECEIVED
OCT 09 2025
SC Court of Appeals

Clifton B. Newman, Common Pleas Fifth Judicial Circuit Judge

Appellate Case No. 2024-001835

Common Pleas Case No. 2022-CP-40-00027

South Carolina Department of Health and Environmental Control,
DOES 1 through X, inclusive:
and ROE Business Entities 1 through X, inclusive — Respondent

Teresa McWilliams — Appellant, *pro se*

Motion to Request Extension to File an Amended Brief Because Transcript Still Has Not Been Provided to Appellant

---

Teresa McWilliams
105 Arborgate Circle
Columbia, SC 29212
(803) 530-4738
Appellant, *pro se*

Meredith Seibert, Esquire
P.O. Box 1486
Columbia, SC 29202
(803) 790-0603
Attorney for Respondent

In the Common Pleas Case No. 2022_CP_40_00027, two hearings were held: the first with Judge Jean Toal and a second with Judge Clifton Newman. Legal Eagle provided the transcript for the second, but Appellant still has not received a transcript for the first. Attached are emails to and from Legal Eagle. As you will see in the email dated January 23, 2025, Legal

Eagle provided the transcript from the second hearing with Judge Clifton Newman, but you will see that there is no transcript for the first hearing with Judge Jean Toal. When Appellant received the Newman transcript, she realized that the Newman hearing referred back to elements in the Judge Jean Toal hearing that were not detailed in the transcript of the Newman hearing. Also, in the Respndent's Brief, there are references that can only be refuted by the Appellant with the transcript from the first hearing with Judge Jean Toal.

Upon this realization, Appellant requested the Toal transcript on February 2, 2025. A copy of the Transcript Request Form is attached.

On March 21, 2025, Appellant received an email from Tammie Holmes (tholmes@sccourts.org) that the transcript request had been sent to Legal Eagle for production. That email is attached.

After many follow-ups with Legal Eagle by the Appellant, Legal Eagle responded in an email dated July 25, 2025, "I'm almost finished with your transcript. Due to the delay, you will not be charged for the remaining pages owed."

Appellant emailed Legal Eagle again on October 3, 2025, repeating that she has still not received the transcript.

As of the date of this motion, Appellant has not received the Toal transcript, which is necessary for Appellant to fully present her case before this court. Appellant requests an extension to file an appropriate Amended Brief after she has received the Toal transcript. Upon the filing of this motion, Appellant will have waited over 247 days for this necessary transcript.

Respectfully Submitted;

By: Teresa McWilliams

Teresa McWilliams

October 9, 2025
Columbia, South Carolina

Outlook

Re: Transcript

RECEIVED
OCT 09 2025
SC Court of Appeals

From teresa mcwilliams <teresamcwilliams@hotmail.com>
Date Fri 10/3/2025 12:46 PM
To Velvet Mills <vmills@LegalEagleInc.com>

Checking on this again.

From: Velvet Mills <vmills@LegalEagleInc.com>
Sent: Friday, July 25, 2025 3:36 PM
To: teresamcwilliams@hotmail.com <teresamcwilliams@hotmail.com>
Subject: Transcript

Ms. McWilliams,

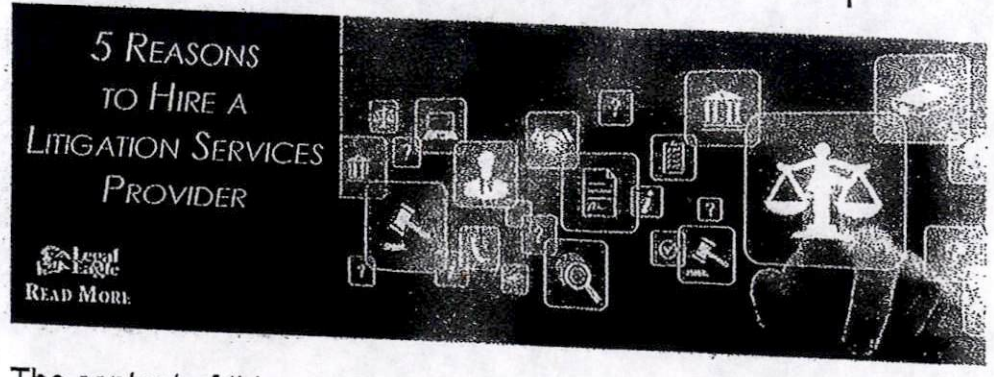
I'm almost finished with your transcript. Due to the delay, you will not be charged for the remaining pages owed.

Thank you for your patience and understanding.

Velvet Mills
Transcript Manager | Legal Eagle

M (864) 325-5486 | **P** (864) 467-1373
E vmills@legaleagleinc.com

107 LeGrand Blvd., Greenville, SC 29607
www.LegalEagleInc.com



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Outlook

FW: Over 5 days Fw: Transcript requests

RECEIVED
OCT 09 2025
SC Court of Appeals

From Holmes, Tammie <tholmes@sccourts.org>
Date Fri 3/21/2025 5:14 PM
To teresamcwilliams@hotmail.com <teresamcwilliams@hotmail.com>
Cc Transcripts <transcripts@sccourts.org>

1 attachment (6 MB)
IMG_0025.jpeg;

Good afternoon Ms. McWilliams.

Your transcript request was sent to Legal Eagle for production. You should hear from them soon with an estimated cost of the transcript.

Thank you,

Tammie M. Holmes
Court Reporter Manager
South Carolina Judicial Branch
1220 Senate Street, Ste. 200
Columbia, SC 29201
tholmes@sccourts.org
803-734-1825

The message is intended exclusively for the individual or entity to which it is addressed. This communication may contain information that is privileged, confidential or otherwise exempt from disclosure. If you are not the named addressee, you are not authorized to read, print, retain, copy or disseminate this message. If you have received this message in error, please contact me immediately and delete all copies of this message.

From: teresa mcwilliams <teresamcwilliams@hotmail.com>
Sent: Wednesday, February 12, 2025 3:12 PM
To: Transcripts <transcripts@sccourts.org>; Court Of Appeals Filings <ctappfilings@sccourts.org>; Meredith Seibert <mseibert@dfl-lawfirm.com>
Subject: Over 5 days Fw: Transcript requests

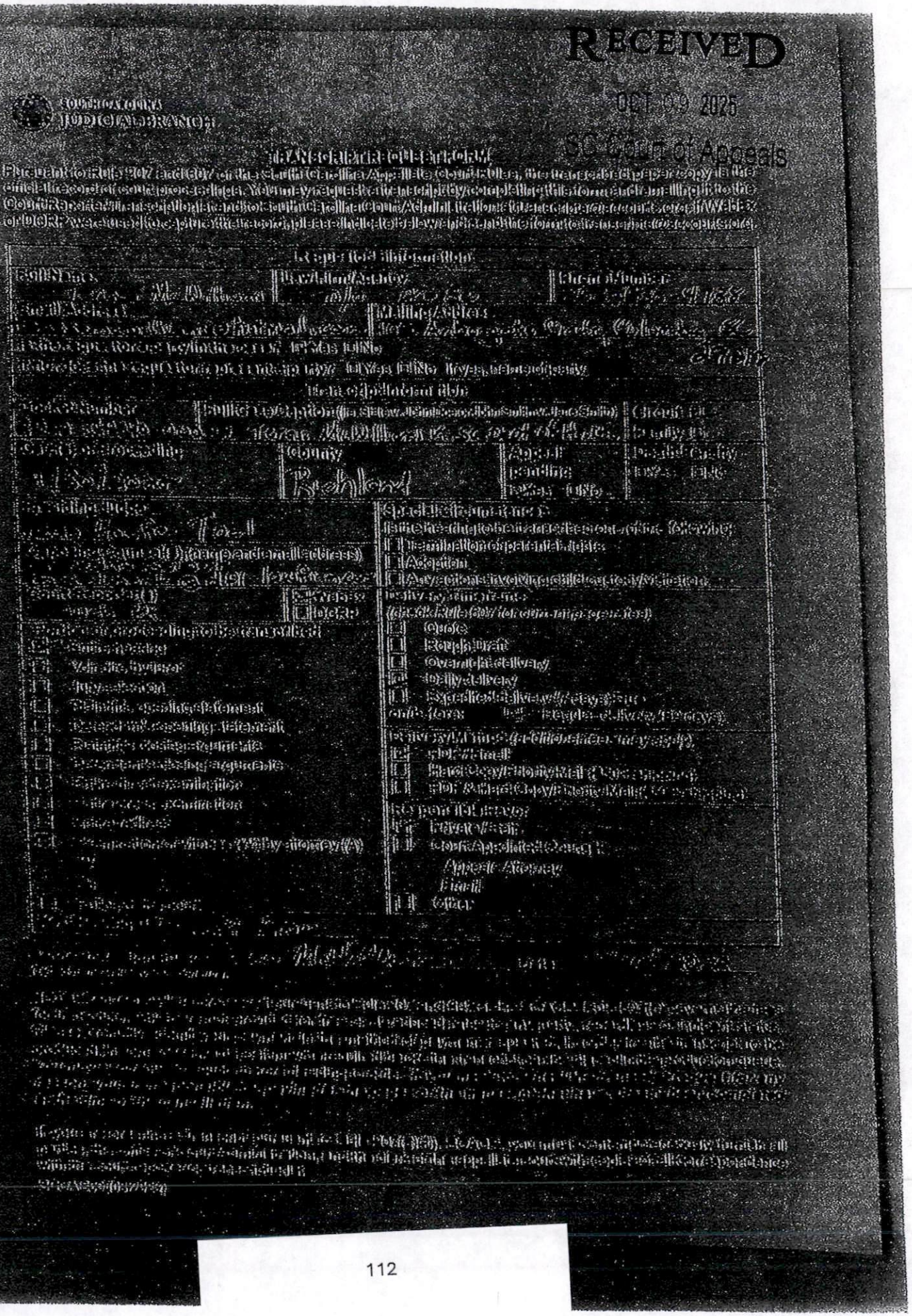
*** **EXTERNAL EMAIL:** This email originated from outside the organization. Please exercise caution before clicking any links or opening attachments. ***

It is my understanding that you were to confirm receipt of this transcript request within 5 days. It has been 10 days. I am following up on the status. Thank you.

RECEIVED

OCT 09 2025

SC Court of Appeals



SCHAC Assignment to EEOC

EEOC Form 5 (11/09)

RECEIVED
FEB 19 2020 [SIC]
INTAKE & REFERRAL UNIT

CHARGE OF DISCRIMINATION

This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.

Charge Presented To: Agency(ies) Charge No(s):

[X] FEPA
[X] EEOC

14C-2020-01110

South Carolina Human Affairs Commission and EEOC

State or local Agency, if any

Name (indicate Mr., Ms., Mrs.)	Home Phone (Incl. Area Code)	Date of Birth
Ms. Teresa McWilliams	**(803) 530-4738**	**1959**

Street Address: **105 Arborgate Circle, Columbia, SC 29212** — City, State and ZIP Code

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. (Include Area Code)
South Carolina Depatment of Health & Environmental Control	**500 or More**	**(803) 898-0760**

Street Address: **2600 Bull Street, Columbia, SC 29201** — City, State and ZIP Code

Name	No. Employees, Members	Phone No. (Include Area Code)

Street Address — City, State and ZIP Code

DISCRIMINATION BASED ON (*Check appropriate box(es).*)

[ ] RACE [ ] COLOR [ ] SEX [ ] RELIGION [ ] NATIONAL ORIGIN
[X] RETALIATION [X] AGE [X] DISABILITY [ ] GENETIC INFORMATION
[ ] OTHER (*Specify*)

DATE(S) DISCRIMINATION TOOK PLACE

Earliest	Latest
09-19-2019	**08-05-2020**

[ ] CONTINUING ACTION

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

I. **PERSONAL HARM:**

- I was intimidated, and subjected to disparate terms and conditions from on or about September 19, 2019 through August 5, 2020.
- I was discharged on or about August 5, 2020.

II. **RESPONDENT'S REASON (S):**

- There was no reason given.
- The reason given was that my job performance was substandard.

III. **COMPLAINANT'S CONTENTION (S):**

- I contend I was treated in a prejudicial manner after I informed my supervisor (younger) of my medical condition. My supervisor (younger) attacked my performance even though I demonstrated that my performance was excellent and exemplary. Moreover, the younger employees were given information in a timely manner, when the same information was denied to me. Additionally, I was given Covid-19 duties when it took me 10 days to submit a purchase request. Another employee (younger) had done the same thing but was not given the same duties or reprimanded. I contend that younger employees were given preferential

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.

I declare under penalty of perjury that the above is true and correct.

10/6/2020 Teresa McWilliams
Date *tr* Charging Party Signature

NOTARY – *When necessary for State and Local Agency Requirements*

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.
SIGNATURE OF COMPLAINANT

SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE

EEOC Form 5 (11/09)

CHARGE OF DISCRIMINATION

This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.

Charge Presented To: Agency(ies) Charge No(s):

RECEIVED
FEB 19 2020
INTAKE & REFERRAL UNIT

[X] FEPA
[X] EEOC

14C-2020-01110

South Carolina Human Affairs Commission and EEOC

State or local Agency, if any

treatment creating inequities and limiting opportunity in the workplace. Because of my age and medical condition, I was subjected to such treatment.

- I was told I was terminated because my job performance was substandard which was a pretext. I believe I was discharged because of my age, medical condition and in retaliation for informing the wrong contact person about missing invoices although another employee (younger) did the exact thing, given the correct contact person but was not reprimanded or terminated.

IV. **DISCRIMINATION STATEMENT:**

- I therefore believe I have been discriminated against because of age (61), my qualified disability and in retaliation for engaging in an activity protected by the South Carolina Human Affairs Law, as amended, Age Discrimination in Employment Act of 1967, as amended and the Americans with Disabilities Act of 1990, as amended.

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.

I declare under penalty of perjury that the above is true and correct.

10/6/2020 Teresa McWilliams

Date *Charging Party Signature*

NOTARY – *When necessary for State and Local Agency Requirements*

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.

SIGNATURE OF COMPLAINANT

SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE
(month, day, year)

EEOC Notice of Right To Sue

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
Greenville Local Office

Landmark Building
301 North Main Street, Suite 1402
Greenville, SC 29601
Intake Information Group: (800) 669-4000
Intake Information Group TTY: (800) 669-6820
Direct Dial: (864) 565-0340
FAX (864) 241-4416
Website: www.eeoc.gov

DISMISSAL AND NOTICE OF RIGHTS ENCLOSED

RE: EEOC Charge No.: 14C-2020-01110
Charging Party: Ms. Teresa McWilliams
Respondent: SC DEPARTMENT OF HEALTH AND ENVIRONMENT CONTROL

Dear Ms. McWilliams:

The United States Equal Employment Opportunity Commission (EEOC) issued the enclosed Dismissal and Notice of Rights (Notice) in the above-referenced charge on the date reflected thereon. Specifically, on that date, EEOC sent you an email notification that EEOC had made a decision regarding the above-referenced charge and advised you to download a copy of the decision document from the Portal. Our records indicate you have not downloaded the Notice from the Portal. For your convenience, a copy of the Notice is enclosed with this letter.

Please note that if the Charging Party wants to pursue this matter further in court, Charging Party must file a lawsuit within 90 days of the date they receive the Notice. The 90-day period for filing a private lawsuit cannot be waived, extended, or restored by the EEOC.

I hope this information is helpful. If you have questions, please contact Oswaldo Vizcaino by telephone at 864-565-0354 or email at oswaldo.vizcaino@eeoc.gov.

Sincerely,

Patricia B. Fuller/Director

October 7, 2021
Date Mailed

EEOC Form 161 (11/2020)

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

DISMISSAL AND NOTICE OF RIGHTS

To: **Teresa McWilliams**
105 Arborgate Circle
Columbia, SC 29212

From: **Greenville Local Office**
301 North Main St
Suite 1402
Greenville, SC 29601

☐ *On behalf of person(s) aggrieved whose identity is CONFIDENTIAL (29 CFR §1601.7(a))*

EEOC Charge No.	EEOC Representative	Telephone No.
14C-2020-01110	**Kimberly L. Ambersley, Investigator**	**(864) 241-4408**

THE EEOC IS CLOSING ITS FILE ON THIS CHARGE FOR THE FOLLOWING REASON:

☐ The facts alleged in the charge fail to state a claim under any of the statutes enforced by the EEOC.

☐ Your allegations did not involve a disability as defined by the Americans With Disabilities Act.

☐ The Respondent employs less than the required number of employees or is not otherwise covered by the statutes.

☐ Your charge was not timely filed with EEOC; in other words, you waited too long after the date(s) of the alleged discrimination to file your 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 this charge.

☐ Other *(briefly state)*

- NOTICE OF SUIT RIGHTS -

(See the additional information attached to this form.)

Title VII, the Americans with Disabilities Act, the Genetic Information Nondiscrimination Act, or the Age Discrimination in Employment Act: This will be the only notice of dismissal and of your right to sue that we will send you. You may file a lawsuit against the respondent(s) under federal law based on this charge in federal or state court. Your lawsuit **must be filed WITHIN 90 DAYS of your receipt of this notice**; or your right to sue based on this charge will be lost. (The time limit for filing suit based on a claim under state law may be different.)

Equal Pay Act (EPA): EPA suits must be filed in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that **backpay due for any violations that occurred more than 2 years (3 years) before you file suit may not be collectible.**

On behalf of the Commission
Kimberly Ambersley
Digitally signed by Kimberly Ambersley
Date: 2021.09.30 07:52:35 -04'00'

Patricia B. Fuller,
Local Office Director

Enclosures(s)

(Date Issued)

Georgette Lee-Jackson
Employee Relations Manager
SC DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL
2600 BULL ST
COLUMBIA, SC 29201

NOTICE OF RIGHTS UNDER THE ADA AMENDMENTS ACT OF 2008 (ADAAA): The ADA was amended, effective January 1, 2009, to broaden the definitions of disability to make it easier for individuals to be covered under the ADA/ADAAA. A disability is still defined as (1) a physical or mental impairment that substantially limits one or more major life activities (actual disability); (2) a record of a substantially limiting impairment; or (3) being regarded as having a disability. *However, these terms are redefined, and it is easier to be covered under the new law.*

If you plan to retain an attorney to assist you with your ADA claim, we recommend that you share this information with your attorney and suggest that he or she consult the amended regulations and appendix, and other ADA related publications, available at http://www.eeoc.gov/laws/types/disability_regulations.cfm.

"Actual" disability or a "record of" a disability (note: if you are pursuing a failure to accommodate claim you must meet the standards for either "actual" or "record of" a disability):

- **The limitations from the impairment no longer have to be severe or significant** for the impairment to be considered substantially limiting.
- In addition to activities such as performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, thinking, concentrating, reading, bending, and communicating (more examples at 29 C.F.R. § 1630.2(i)), **"major life activities" now include the operation of major bodily functions**, such as: functions of the immune system, special sense organs and skin; normal cell growth; and digestive, genitourinary, bowel, bladder, neurological, brain, respiratory, circulatory, cardiovascular, endocrine, hemic, lymphatic, musculoskeletal, and reproductive functions; or the operation of an individual organ within a body system.
- **Only one** major life activity need be substantially limited.
- With the exception of ordinary eyeglasses or contact lenses, **the beneficial effects of "mitigating measures"** (e.g., hearing aid, prosthesis, medication, therapy, behavioral modifications) **are not considered** in determining if the impairment substantially limits a major life activity.
- An impairment that is **"episodic"** (e.g., epilepsy, depression, multiple sclerosis) or "**in remission**" (e.g., cancer) is a disability if it **would be substantially limiting when active**.
- An impairment **may be substantially limiting even though** it lasts or is expected to last **fewer than six months**.

"Regarded as" coverage:

- An individual can meet the definition of disability if an **employment action was taken because of an actual or perceived impairment** (e.g., refusal to hire, demotion, placement on involuntary leave, termination, exclusion for failure to meet a qualification standard, harassment, or denial of any other term, condition, or privilege of employment).
- "Regarded as" coverage under the ADAAA no longer requires that an impairment be substantially limiting, or that the employer perceives the impairment to be substantially limiting.
- The employer has a defense against a "regarded as" claim only when the impairment at issue is objectively *BOTH* transitory (lasting or expected to last six months or less) *AND* minor.
- A person is not able to bring a failure to accommodate claim *if* the individual is covered only under the "regarded as" definition of "disability."

Note: Although the amended ADA states that the definition of disability "shall be construed broadly" and "should not demand extensive analysis," some courts require specificity in the complaint explaining how an impairment substantially limits a major life activity or what facts indicate the challenged employment action was because of the impairment. Beyond the initial pleading stage, some courts will require specific evidence to establish disability. For more information, consult the amended regulations and appendix, as well as explanatory publications, available at http://www.eeoc.gov/laws/types/disability_regulations.cfm.

Appellant's Memorandum for August 8, 2023, Hearding dated August 3, 2023

STATE OF SOUTH CAROLINA **COUNTY OF RICHLAND**	)	**IN THE COURT OF COMMON PLEAS** **FOR THE FIFTH JUDICIAL CIRCUIT** **CIVIL ACTION NO. 2022-CP-40-00027**
Teresa McWilliams **Plaintiff**	)	**MEMORANDUM FOR** **AUGUST 8 2023 HEARING**
VS.	)	
South Carolina Department of Health and Environmental Control; DOES I through X, inclusive: and ROE Business Entities I through X, inclusive **Defendant**	)	

2023 AUG -3 AM 11:12
JANETTE W. McBRIDE

This memorandum and attachments include additional information as follows:

Attached is the SC Department of Administration Progressive Discipline Policy dated 03/2014. None of the offenses described are offenses of which Plaintiff is being accused by SC DHEC.

Attached is a more detailed scan of Plaintiff's Job Hunt. (Plaintiff did not have access to a copier with a feed tray before and provided a sample instead of the entirety.)

Attached is the response provided by Kristen Keller of SC DHEC in response to Plaintiff's Freedom of Information (FOIA) request. Please notice the following:

> Of the terminations documented in 2019 and 2020, every terminated party that received a Warning of Substandard Performance (WOSP) procedure was over the age of 40. This indicates that the WOSP procedure is a blatant attempt to disguise the fact that age discrimination is occurring at SC DHEC. The number of employees retained in 2019 and 2020 after a WOSP is only 2 out of 68 terminations, indicating that the WOSP is a sham. Kristen Keller states in the FOIA response that Work Improvement Plans are not tracked or placed in personnel files. That is because work improvement plans are not offered, further indicating that the WOSP procedure is a sham. Plaintiff was assured by DHEC HR Representative Arlene Posey in an initial WOSP meeting that an achievable work improvement plan would be structured and offered to Plaintiff. Plaintiff was terminated without being offered a work improvement plan. On the contrary, Plaintiff's own offerings of work improvement procedures were ignored and shrugged off. In addition, the fact that the number of terminations almost doubled in 2020 suggests that terminations were being influenced by the budget constraints created by the COVID-19

pandemic, which included hiring freezes, travel freezes, and purchasing freezes, and not by the performance of the terminated employees.

Again, Plaintiff has witnesses to events that can testify to Plaintiff's claims; however, Plaintiff has been denied her right to subpoena.

Respectfully Submitted,

By: Teresa McWilliams

Teresa McWilliams
105 Arborgate Circle
Columbia, SC 29212
Telephone: (803) 530-4738
teresamcwilliams@hotmail.com

August 2, 2023

Columbia, SC

Revision to Amended Complaint: Analysis of SCDHEC FOIA Response

5

Revision to Amended Complaint

STATE OF SOUTH CAROLINA	)	**IN THE COURT OF COMMON PLEAS**
COUNTY OF RICHLAND	)	**FOR THE FIFTH JUDICIAL CIRCUIT**
	)	**CIVIL ACTION NO. 2022-CP-40-00027**
Teresa McWilliams	)	
Plaintiff	)	**MEMORANDUM: ANALYSIS OF FREEDOM OF INFORMATION RESPONSE FROM DHEC**
	)	
Vs	)	
	)	
South Carolina Department of Health and Environmental Control; DOES I through X, inclusive: and ROE Business Entities I through X, inclusive	)	
Defendant	)	

RICHLAND COUNTY FILED
2024 JAN -2 PM 1:07
JEANETTE W. McBRIDE C.C.P., G.S., & F.C.

Analysis of FOIA Information provided by DHEC on February 17, 2023.

Based on the Freedom of Information Request #870955, SC DHEC Kristen Keller's response dated February 17, 2023, revealed the following age and racial discrimination in the current Warning of Substandard Performance (WOSP) procedure, revealing that the WOSP is worthless and only used to hide blatant discrimination:

1. In 3 years' time (2018-2020), a DHEC employee over the age of 40 was terminated 13 times more often than a younger employee via the WOSP.

2. During the years 2019-2020, the number of employees retained from the termination process was less than 3%. That is a sad statistic for a process that is supposed to be a warning to strengthen performance and avoid termination.

3. DHEC can provide 0 (zero) Work Improvement Plans (WIPs) offered to those employees, even though I myself was told in an initial meeting by DHEC HR representative Arlene Posey that I would be offered one and it would be clear and easy to achieve.

4. During those same 2 years, a female was almost 3 times as likely to be terminated as a male—for every one male terminated, 3 females were terminated.

5. During those same 2 years, a non-white employe was 25% more likely to be terminated than a white employee—adjusted for population difference, that percentage rises to 50%.

If the above were not monstrous enough, those employees were denied unemployment benefits and were blacklisted from employment DURING THE PANDEMIC YEAR.

During the pandemic year, DHEC terminations-for-cause increased more than 50%, suggesting that DHEC, during a year of budget restraints (when expenditures were frozen for travel, purchasing, and hiring), used termination-for-cause to separate employees that should have been separated in a kinder manner.

Respectfully Submitted,

By: Teresa McWilliams

Teresa McWilliams
105 Arborgate Circle
Columbia, SC 29212
Telephone: (803) 530-4738
teresamcwilliams@hotmail.com

January 2, 2024
Columbia, SC

Freedom of Information Response from SCDHEC

Teresa McWilliams

From: teresa mcwilliams <teresamcwilliams@hotmail.com>
Sent: Wednesday, August 2, 2023 2:20 AM
To: Teresa McWilliams
Subject: Fw: FOI Request # 870955
Attachments: 870955-Request.pdf

From: Keller, Kristen M. <KellerKM@dhec.sc.gov>
Sent: Friday, February 17, 2023 9:02 AM
To: teresamcwilliams@hotmail.com <teresamcwilliams@hotmail.com>
Subject: FOI Request # 870955

Teresa,
Please see the below information requested for your attached request.

1. **Number of Terminations**- DHEC began tracking disciplinary actions by calendar year in 2019. In 2019, there were 27 and in 2020, there were 41 terminations.
2. **Terminations by Race**- In 2019, there were 11 Black females, 7 White females, 3 Black males and 6 White males. In 2020, there were 14 Black females, 2 Hispanic or Latino females, 1 female Native Hawaiian or Pac. Isl. 14 White females, 7 Black males and 3 White males.
3. **The number of WOSP by race, gender and age-** In 2018, 2 Black females over 40. In 2019, 4 Black females over 40, 3 White females over 40, 1 Hispanic male over 40. 1 White male under 40. In 2020, 2 White females over 40 and 1 black male over 40.
4. The agency doesn't track the number of **Work Improvement Plans (WIP)** issued to staff.
5. The agency can't provide a copy of **WIP's** because this information is not tracked or placed in employee's official personnel files.
6. **Regarding WOSP's**, during 2019 and 2020, 2 individuals remained employed after being on a WOSP.

Let me know if you need anything else. This request is now considered closed.

Happy Friday!

Kindest regards,
Kristen Keller, Assistant Director
Freedom of Information Office
S.C. Dept. of Health & Environmental Control
Office: (803)898-3796

Connect: https://link.edgepilot.com/s/305e837b/emnwqK_fk_9a5suFLomg?u=http://www.scdhec.gov/ Facebook Twitte
r

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