

South Carolina Human Affairs Commission

Technical Services and Training Division



Prevention Corner



An ounce of Prevention is Worth a Pound of Cure.

~Benjamin Franklin

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South Carolina
Human Affairs Commission
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The South Carolina Human Affairs Commission strives to alleviate problems of discrimination through the enforcement of the SC Human Affairs Law (including the SC Pregnancy Accommodations Act), the SC Fair Housing Law, the SC Equal Enjoyment and Privileges to Public Accommodations Law and the SC Lactation Support Act.

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REASONABLE ACCOMMODATION: EMPLOYMENT

The South Carolina Human Affairs Law forbids discrimination in every aspect of employment. The law requires that an employer provide reasonable accommodation to an employee or job applicant with a disability, unless doing so would cause significant difficulty or undue hardship for the employer. Reasonable Accommodation can include, but is not limited to:

- Changing work schedules / Changing job duties
- Providing leave for medical care
- Relocating the work area
- Making existing facilities accessible

Reasonable Accommodation & Disability

The law requires that an employer provide reasonable accommodation to an employee or job applicant with a disability, unless doing so would cause significant difficulty or undue hardship for the employer.

Examples of Reasonable Accommodation

- Providing a ramp for a wheelchair user
- Providing a reader or interpreter for a blind or deaf employee or applicant

Reasonable Accommodation & Religion

The law requires an employer to reasonably accommodate an employee's religious beliefs or practices, unless doing so would cause difficulty or undue hardship for the employer. This means an employer may have to make reasonable adjustments at work that will allow the employee to practice his or her religion, such as allowing an employee to voluntarily swap shifts with a co-worker so that he or she can attend religious services.

Resources: U.S Equal Employment Opportunity Commission; S.C. Human Affairs Commission

How can I schedule training?

Contact us at:

(803) 737-7800 or (800) 521-0725, Relay 711

email: training@schac.sc.gov

REASONABLE ACCOMMODATION: UNDUE HARDSHIP

An employer does not have to provide a reasonable accommodation that would cause an “undue hardship” to the employer.

Undue hardship is an “action requiring significant difficulty or expense” on the operations of the employer’s business.

Employers should consider the following:

- The nature and cost of the accommodation
- Consider the size, type, and financial resources of the facility
- Accommodation should be determined on a case-by-case basis

REASONABLE ACCOMMODATION: FAIR HOUSING



THE FAIR HOUSING ACT

The Fair Housing Act makes it unlawful to refuse to make reasonable accommodations to rules, policies, practices, or services when such accommodations may be necessary to afford persons with disabilities an equal opportunity to use and enjoy a dwelling and public and common use areas.

According to the U. S. Department of Housing and Urban Development (HUD), under the Fair Housing Act a reasonable accommodation is a change, exception, or adjustment to a rule, policy, practice, or service that may be necessary for a person with disabilities to have an equal opportunity to use and enjoy a dwelling, including public and common use spaces, or to fulfill their program obligations. Please note that the ADA often refers to these types of accommodations as “modifications.”

Examples of Reasonable Accommodation

- Assigning an accessible parking space for a person with a mobility impairment
- Permitting a tenant to transfer to a ground-floor unit
- Adjusting a rent payment schedule to accommodate when an individual receives income assistance
- Adding a grab bar to a tenant’s bathroom

Resources: U.S Equal Employment Opportunity Commission; S.C. Human Affairs Commission; U.S. Department of Housing and Urban Development



Answers to your questions about Pregnancy Discrimination and Lactation Support in the workplace.

What are reasonable accommodations for pregnant and lactating employees?

SC Pregnancy Accommodations Act

The South Carolina Pregnancy Accommodation Act was signed by Governor McMaster on May 17, 2018. The General Assembly's intent in passing it was to combat pregnancy discrimination. In sum, it requires employers with 15 or more employees to provide reasonable accommodations to employees and applicants for medical needs arising from pregnancy, childbirth, or related medical conditions.

Examples of Reasonable Accommodation

- Modifying work schedules
- Lifting aids
- Sitting during work hours
- Frequent food, water, and bathroom breaks; periodic rest
- Providing a private place, other than a bathroom stall to express breast milk

SC Lactation Support Act

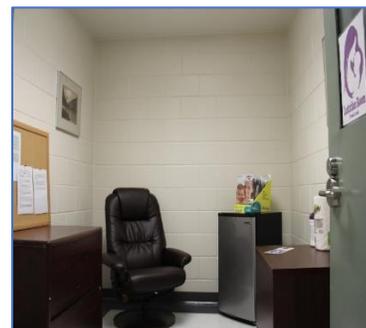
The Lactation Support Act was signed by Governor McMaster on June 25, 2020. This Act requires that any employer, regardless of size, permit employees' reasonable opportunities to express milk in a private place other than a toilet stall; an aggrieved employee may file a charge of discrimination with SCHAC in the event any adverse action is taken for requesting or using reasonable unpaid break time, or paid break time or mealtime, to express breast milk. However, an employer will not be held liable if it takes reasonable efforts to comply with the Lactation Support Act.

Examples of locations to express breastmilk in the workplace

- Empty office or meeting room
- Cubicle or workstation (shielded for privacy)
- Pop-up tents (outside work)



Pop-up tent



Office space

PREVENTION CORNER

What is the Interactive Process for Reasonable Accommodation?

When processing reasonable accommodation requests, the Equal Employment Opportunity Commission (EEOC) recommends employers use the interactive process, which means the employer and the individual requesting the reasonable accommodation work towards a mutually acceptable resolution.

- The interactive process involves both the employer and the individual making the accommodations request.
- After an employer receives a request from an employee, both parties participate in the interactive process to determine what type of accommodation, if any, the employer needs to provide.

Checklist:

1. Recognize an accommodation request.
2. Gather information.
3. Explore accommodation options.
4. Choose an accommodation.
5. Implement the accommodation.
6. Monitor the accommodation.

Resources: U.S Equal Employment Opportunity Commission; Job Accommodation Network; S.C. Human Affairs Commission

**If you feel like you have experienced discrimination,
contact us for help.**

South Carolina Human Affairs Commission

(800) 521-0725, Relay 711 or 803-737-7800

<https://www.schac.sc.gov/>

**The mission of the South Carolina Human Affairs Commission is to
Prevent and Eliminate Unlawful Discrimination in Employment,
Housing, and Public Accommodation.**