

South Carolina Human Affairs Commission

Technical Services and Training Division



Prevention Corner



An ounce of Prevention is Worth a Pound of Cure.

~Benjamin Franklin

June 2023

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

(803) 737-7800
1-800-521-0725
<https://schac.sc.gov/>
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
and the SC Lactation
Support Act.), the SC
Fair Housing Law, the
SC Equal Enjoyment and
Privileges to Public
Accommodations Law

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June is Effective Communication Month!

ADA Guide: Communication Disabilities Communicating with People who are Deaf or Hard of Hearing

The Americans with Disabilities Act (ADA) requires that Title II entities (*State and local governments*) and Title III entities (*Businesses and nonprofit organizations that serve the public*) communicate effectively with people who have communication disabilities. The goal is to ensure that communication with people with these disabilities is equally effective as communication with people without these disabilities.

Communicating with People who are Deaf or Hard of Hearing

There are a variety of communication aids and services useful in different situations. These are just a few examples.

- A sign language interpreter can be used when speaking with a person who knows sign language.
- A pad and pencil or a personal computer can be used to exchange written information.
- A teletypewriter (TTY) can be used to exchange written messages over the telephone.

How can I enhance communication in large-group situations?

- Use nametags for group interactions with unfamiliar people.



- In group meetings, establish rules, such as participants raise their hands before speaking and wait until they are called upon before engaging.

Visit the National Deaf Center for more information at:

<https://nationaldeafcenter.org/>

Source: [Communicating with People Who Are Deaf or Hard of Hearing - ADA Guide for Law Enforcement Officers | ADA.gov](#); [Communicating With Deaf Individuals - National Deaf Center](#)

How can I schedule training?

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

email: training@schac.sc.gov

2 THINGS

WE'RE
TALKING
ABOUT

HOT TOPICS

1

Myth: Specific communication aid or service is required at all times.

Fact: Not true. Sometimes a specific communication aid or service is not required. Businesses and state/local governments are not required to provide aids and services if providing them would place an “undue burden” on the business or government.

An undue burden is a significant difficulty or expense. Whether an undue burden exists varies according to the business or state/local government; and sometimes from one year to the next.

Example:

It might be an undue hardship for a small retail store to provide a sign language interpreter without notice for a routine transaction. But the store may be able to use paper and pen to write back and forth to complete the transaction.

Choosing Communication Aids and Services “ADA Requirement”

The ADA affords protection to people who have vision, hearing, or speech disabilities (communication disabilities) and use different ways to communicate. The effective communication requirement applies to all members of the public with disabilities, including job applicants, program participants, and people who contact state or local government agencies seeking information about programs, services, or activities.

The key to communicating effectively is to consider the nature, length, complexity, and context of the communication and the person’s normal method(s) of communication.

Source: [ADA Requirements: Effective Communication | ADA.gov](#)

The goal is to find a solution that fits the circumstances.





Family and Medical Leave Act (FMLA) Poster

All covered employers are required to display and keep displayed a poster prepared by the U.S. Department of Labor summarizing the major provisions of the Family and Medical Leave Act (FMLA) and telling employees how to file a complaint. The poster must be displayed in a conspicuous place where employees and applicants for employment can see it. A poster must be displayed at all locations even if there are no eligible employees.

A copy of the poster prepared by the Department (WH 1420) is available for your information or for posting in the workplace. Download the poster for printing at this link: <https://www.dol.gov/sites/dolgov/files/WHD/legacy/files/fmlaen.pdf>

For more information:

[Family and Medical Leave Act \(FMLA\) Poster | U.S. Department of Labor \(dol.gov\)](https://www.dol.gov/sites/dolgov/files/WHD/legacy/files/fmlaen.pdf)

Fair Labor Standard Act (FLSA) Minimum Wage Poster



Every employer of employees subject to the Fair Labor Standards Act's minimum wage provisions must post, and keep posted, a notice explaining the Act in a conspicuous place in all of their establishments so as to permit employees to readily read it.

The content of the notice is prescribed by the Wage and Hour Division of the Department of Labor. An approved copy of the minimum wage poster is made available for informational purposes or for employers to use as posters.

Poster last revised: April 2023 (previous versions, including the August 2016 version, no longer fulfill the posting requirement and should be replaced).

You may download a pdf of the revised poster from this page:

[Fair Labor Standards Act \(FLSA\) Minimum Wage Poster | U.S. Department of Labor \(dol.gov\)](https://www.dol.gov/sites/dolgov/files/WHD/legacy/files/flsaen.pdf)

Source: [Family and Medical Leave Act \(FMLA\) Poster | U.S. Department of Labor \(dol.gov\)](https://www.dol.gov/sites/dolgov/files/WHD/legacy/files/fmlaen.pdf); [Fair Labor Standards Act \(FLSA\) Minimum Wage Poster | U.S. Department of Labor \(dol.gov\)](https://www.dol.gov/sites/dolgov/files/WHD/legacy/files/flsaen.pdf)



Answers to your questions about Pregnancy Discrimination and Lactation Support Laws.

What should I know about the Pregnant Workers Fairness Act?

The Pregnant Workers Fairness Act (PWFA) is a new law that requires covered employers to provide “reasonable accommodations” to a worker’s known limitations related to pregnancy, childbirth, or related medical conditions, unless the accommodation will cause the employer an “undue hardship.”

The PWFA applies only to accommodations. Existing laws that the EEOC enforces make it illegal to fire or otherwise discriminate against workers on the basis of pregnancy, childbirth, or related medical conditions.

The PWFA does not replace federal, state, or local laws that are **more protective** of workers affected by pregnancy, childbirth, or related medical conditions. More than 30 states and cities have laws that provide accommodations for pregnant workers.

When does the PWFA go into effect, and will the public have input on any regulations?


The PWFA goes into effect on June 27, 2023. The EEOC is required to issue regulations to carry out the law. The EEOC will issue a proposed version of the PWFA regulations so the public can give their input and offer comments before the regulations become final.

THE PREGNANT WORKERS FAIRNESS ACT (PWFA)


Prepare for this new law before it goes into effect on June 27, 2023.

WHAT IS IT?

The PWFA requires covered employers to provide “reasonable accommodations” to a worker’s known limitations related to pregnancy, childbirth, or related medical conditions, unless the accommodation will cause the employer an “undue hardship.”




72%



of working women will become pregnant while employed at some time in their lives.

SOURCE: US Census Bureau, Maternity Leave and Employment Patterns: 1961–2008, 2011


8 IN 10




first-time pregnant women work until their final month of pregnancy.

SOURCE: U.S. Congress, Pregnant Workers Fairness Act, 2021. www.congress.gov/117/crpt/hrpt27/CRPT-117hrpt27.pdf

Examples of reasonable accommodations that may be available to workers:

- Offering additional, longer, or more flexible breaks to eat, drink, rest, or use the restroom 
- Changing a work schedule, such as having shorter hours, part-time work, or a later start time 
- Changing food or drink policies to allow a worker to have a water bottle or food 
- Providing leave for medical appointments or to recover from childbirth

23%





of moms have thought about leaving a job due to a lack of reasonable accommodation or fear of discrimination from an employer during pregnancy, according to one survey.

SOURCE: Bipartisan Policy Center, Morning Consult Poll, February 11, 2022

TIP FOR EMPLOYERS:

Train supervisors about the PWFA so they are ready when they get reasonable accommodation requests.





Learn more at [EEOC.gov](https://www.eeoc.gov)

Source: [What You Should Know About the Pregnant Workers Fairness Act | U.S. Equal Employment Opportunity Commission \(eeoc.gov\)](https://www.eeoc.gov)

****Please Note:** This newsletter is not intended to be used as legal advice

PREVENTION CORNER

Practical Suggestions for Communicating Effectively ADA Guide

- Before speaking, get the person's attention.
- Face the person and do not turn away while speaking.
- Do not cover your mouth or chew gum while speaking.
- If someone with a hearing disability cannot understand you, write a note to ask him or her what communication aid or service is needed.
- When communicating by writing notes, keep in mind that some individuals may lack good English reading and writing skills.
- If a sign language interpreter is requested, be sure to ask which language the person uses. American Sign Language (ASL) and Signed English are the most common.

Source: [Communicating with People Who Are Deaf or Hard of Hearing - ADA Guide for Law Enforcement Officers | ADA.gov](#); [ADA Requirements: Effective Communication | ADA.gov](#)

EEO laws are designed to protect the rights of ALL individuals.

**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://schac.sc.gov/>

How can I schedule training?

email: training@schac.sc.gov

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



Full Time Position Available

IT Consultant I	(Information Technology)	One (1) position
Program Coordinator I	(Investigator)	Two (2) positions
Program Coordinator I	(Technical Services & Training)	One (1) position



For more details about these positions:

Please visit <https://careers.sc.gov/>

Click on the Menu tab and search openings at “State Human Affairs Commission”

or

Click on the link below.

[Job Opportunities](#) | [Departments: State Human Affairs Commission](#) | [Sorted by Job Title ascending](#) | [Our state. Your future. Discover the possibilities. \(governmentjobs.com\)](#)

Visit www.linktr.ee/schacomm