## ACE: include if user has 1 or more Employees in South Carolina and 15 or more Total Number of Employees

## South Carolina: Pregnancy Accommodations

**Explain this to me**

The South Carolina Pregnancy Accommodations Act (S.C. Code Ann. §1-13-80) requires covered employers to provide reasonable accommodations for medical needs arising from pregnancy, childbirth or related medical conditions to job applicants and employees and prohibits discrimination based on pregnancy, childbirth or related medical conditions. The Act took effect on May 17, 2018 and applies to employers with at least one employee in South Carolina and 15 or more employees nationally.

This handbook policy is optional. However, employers must provide written notice to current and new employees of the right to be free from discrimination for medical needs arising from pregnancy, childbirth or related medical conditions. The notice requirements take effect September 14, 2018 based on guidance from the South Carolina Human Affairs Commission. This policy may satisfy that requirement as long as it is distributed to all new and current employees. Notice also must be posted conspicuously at the employer’s place of business in a place accessible to employees. The Commission has published a new anti-discrimination poster that includes provisions required under the Act and satisfies the posting requirement; it is available online at <http://www.schac.sc.gov/Documents/UPDATED%20Employment%20Poster%20(pregnancy%20accommodation).pdf>

The Act requires employers to provide reasonable accommodations unless the employer can demonstrate that the accommodation would impose an undue hardship on the operation of the business of the employer. Accommodations may include providing more frequent or longer break periods, providing more frequent bathroom breaks, providing a private place, other than a bathroom stall for the purpose of expressing milk, temporarily transferring the employee to a less strenuous or hazardous vacant position (if qualified), providing job restructuring or light duty (if available), and modifying work schedules.

Employers are not required to take the following actions, unless the employer does or would do so for other employees or classes of employees that need a reasonable accommodation:

* hire new employees that the employer would not have otherwise hired;
* discharge an employee, transfer another employee with more seniority or promote another employee who is not qualified to perform the new job;
* create a new position, including a light-duty position for the employee, unless a light-duty position would be provided for another equivalent employee; or
* compensate an employee for more frequent or longer break periods, unless the employee uses a break period which would otherwise be compensated.

The Act also prohibits retaliation against an employee for requesting or using an accommodation.

# South Carolina: Pregnancy Accommodations

In compliance with South Carolina law (S.C. Code Ann. §1-13-80), ##company\_name## will not discriminate against an individual because of pregnancy, childbirth or related medical conditions, including, but not limited to, lactation. The ##Company## will endeavor to make reasonable accommodations for an employee’s medical needs arising from pregnancy, childbirth or related medical conditions, unless doing so would impose an undue hardship on the operation of the business.

**Reasonable Accommodations**

Reasonable accommodations may include, but are not limited to:

1. making existing facilities readily accessible to, and usable by, such employees, including acquiring or modifying equipment or devices necessary for performing essential job functions;
2. providing more frequent or longer break periods;
3. providing more frequent bathroom breaks;
4. providing a private place, other than a bathroom stall for the purpose of expressing milk;
5. modifying the ##Company##’s food or drink policy;
6. modifying work schedules;
7. providing seating or allowing the employee to sit more frequently;
8. providing assistance with manual labor and limits on lifting;
9. temporarily transferring an employee to a less strenuous or hazardous vacant position, if qualified; or
10. providing job restructuring or light duty, if available.

The ##Company## will not:

* deny employment opportunities to an employee based on the need to make such reasonable accommodations;
* require an employee to accept an accommodation that the employee chooses not to accept, if the employee does not have a known limitation related to pregnancy, or if the accommodation is unnecessary for the employee to perform the essential duties of their job;
* require an employee to take leave under any leave law or ##Company## policy if another reasonable accommodation can be provided to the employee; or
* take any adverse action against an employee in the terms, conditions or privileges of employment for requesting or using a reasonable accommodation.

**Contact for Questions and Requests**

If employees have any questions concerning this policy or if they wish to request an accommodation, they should contact \_\_\_\_\_\_\_\_\_\_\_\_\_.