



## South Carolina Human Affairs Commission

# How Can the South Carolina Human Affairs Commission Help YOU During COVID-19?

### EMPLOYMENT TRAINING

**Q:** An employer requires returning workers to wear personal protective gear and engage in infection control practices. Some employees ask for accommodations due to a need for modified protective gear. Must an employer grant these requests? ([EEOC 4/17/20](#))

**A:** An employer may require employees to wear protective gear (for example, masks and gloves) and observe infection control practices (for example, regular hand washing and social distancing protocols).

However, where an employee with a disability needs a related reasonable accommodation under the ADA (e.g., non-latex gloves, modified face masks for interpreters or others who communicate with an employee who uses lip reading, or gowns designed for individuals who use wheelchairs), or a religious accommodation under Title VII (such as modified equipment due to religious garb), the employer should discuss the request and provide the modification or an alternative if feasible and not an undue hardship on the operation of the employer's business under the ADA or Title VII.

**Q:** How does an employee request reasonable accommodation from her employer because she has a medical condition that CDC says may put her at higher risk for severe illness from COVID-19?

**A:** An employee – or a third party, such as an employee's doctor – must let the employer know that she needs a change for a reason related to a medical condition (here, the underlying condition). Individuals may request accommodation in conversation or in writing, though employees are cautioned to maintain a record of their request when possible. While the employee (or third party) does not need to use the term "reasonable accommodation" or reference the ADA, she may do so. After receiving a request, the employer may ask questions or seek medical documentation to help decide if the individual has a disability and if there is a reasonable accommodation, barring undue hardship, that can be provided.

Visit our [website](#) for more FAQs.

### HOUSING

**Q:** Can housing providers ask individuals if they have a disability that makes them more likely to get COVID-19?

**A:** No, your housing provider cannot ask if you have a disability that makes you more likely to get COVID-19. Under the South Carolina Fair Housing Law, it is generally unlawful for a housing provider to make an inquiry that requires you to disclose your disability.

**Q:** Can housing providers ask individuals if they have COVID-19 or have been exposed to COVID-19?

**A:** Your housing provider may not ask this question. However, your housing provider can insist on other safety measures recommended or required by the state and public health officials by requiring residents and guests to follow social distancing guidelines and limit the number of people who can be in a common area at one time.

**Q:** Are individuals who have COVID-19 covered under the disability basis of the Fair Housing Law?

**A:** Disability under the Fair Housing Law is defined as an individual with a physical or mental impairment that substantially limits one or more of life's major activities. At this time, there is no guidance on if COVID-19 will be regarded as a disability. Based on information currently available, COVID-19 can have severe symptoms for some people and therefore, may ultimately be interpreted as a disability for purposes of fair housing law.



# South Carolina Human Affairs Commission

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**Q:** What does the Human Affairs Commission do?

**A:** The South Carolina Human Affairs Commission (SCHAC) investigates allegations of unlawful employment and housing discrimination based on race, color, national origin, religion, sex/pregnancy, disability, and age (employment) or family status (housing).

## EMPLOYMENT

**Q:** During the pandemic, can the SC Human Affairs Commission (SCHAC) assist employees that are harmed?

**A:** It depends. If an employee believes they have been treated differently because of one of the protected classes listed above, such as race, sex, or disability, the SCHAC can investigate whether those allegations have merit. To file a questionnaire with SCHAC, [click here](#) and you can complete an initial inquiry.

**Q:** What sort of employment investigations would SCHAC handle?

**A:** There are several reasons SCHAC may want to investigate an employer's practices during the pandemic. First, SCHAC would investigate if employers were treating one protected class differently than another. Second, SCHAC would want to know how employers are handling requests for medically related accommodations in light of the pandemic. Third, SCHAC would want to know if employers are asking overly invasive questions or requiring overly invasive tests when choosing who can work.

**Q:** What kind of things can employers do to protect their staff?

**A:** At this time, SCHAC is following the EEOC's recommendations about medical tests. More information about that can be found [here](#). Generally, employers may ask if employees have symptoms of COVID-19 (fever, dry cough, chills) or if employees have been around someone known to have the disease. The employer may take the temperature of employees as well. However, employers should take caution to treat everyone as similarly as possible, without regard to race, color, national origin, disability, age, sex or religion.

## Community Relations

**Q:** Does SC Human Affairs Commission have any program to assist local communities improve their quality of life for their citizens?

**A:** Yes, Community Relations Councils can assist local communities in this endeavor.

**Q:** What is the first step in establishing a Community Relations Council in a local community?

**A:** Call the SC Human Affairs Commission at 1-800-521-0725 or 803-737-7800 to speak with a staff person in the Community Relations Department.

**Q:** Does it cost anything to start a Community Relations Council in my county?

**A:** No, there is no cost.

**Q:** What are the benefits of having a Community Relations Council in my county?

**A:** The Community Relations Council promotes respect and civility in your community; promotes cultural awareness and understanding; and identifies issues within a community and executes programs of action.

Please call us Monday – Friday, 8:30a.m. – 5:00p.m., at 803-737-7800 or 1-800-521-0725  
or visit our website at [www.schac.sc.gov](http://www.schac.sc.gov).