

South Carolina Human Affairs Commission

Technical Services and Training Division



Prevention Corner



An ounce of Prevention is Worth a Pound of Cure.

~Benjamin Franklin

October 2022

South Carolina
Human Affairs Commission
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www.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), the SC Fair Housing Law, the SC Equal Employment and Privileges to Public Accommodations Law and the SC Lactation Support Act.

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Blindness and Vision Impairment Discrimination in the Workplace and ADA

The Americans with Disabilities Act (ADA), which was amended by the Americans with Disabilities Act Amendments Act ("Amendments Act" or "ADAAA") of 2008 is a federal law that prohibits discrimination against qualified individuals with disabilities.

Individuals with disabilities include those who have impairments that substantially limit a major life activity, have a record (or history) of a substantially limiting impairment, or are regarded as having a disability

The ADAAA makes it unlawful to discriminate in employment against a qualified individual with a disability, such as blindness or low vision (B/LV).

Does the ADA require an applicant to disclose that he/she has or had a vision impairment or some other disability before accepting a job offer?

No. The ADA does not require applicants to disclose that they have or had a vision impairment or another disability unless they will need a reasonable accommodation for the application process.

Example: Written application materials to be printed in a larger font.

****Sometimes, the decision to disclose depends on whether an individual will need a reasonable accommodation to perform the job.**

Example: Specialized equipment or another type of job restructuring.

Source: <https://www.eeoc.gov/laws/guidance/blindness-and-vision-impairments-workplace-and-ada>

How can I schedule training?

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

email: training@schac.sc.gov

Impairment



WORD WALL

Being in an imperfect or weakened state or condition:

- diminished in function or ability
- lacking full functional or structural integrity

Source: <https://www.merriam-webster.com/dictionary/impaired>

Vision Impairment

Vision impairment means that a person's eyesight cannot be corrected to a "normal" level.

Vision impairment may be caused by a loss of visual acuity, where the eye does not see objects as clearly as usual.

Source: <https://www.cdc.gov/ncbddd/kids/vision.html>



Accommodating Employees with Visual Disabilities

Title I of the ADA covers employment by private employers with 15 or more employees as well as state and local government employers. Section 501 of the Rehabilitation Act provides similar protections related to federal employment.



The ADA requires employers to provide adjustments or modifications - *called **reasonable accommodations*** - to enable applicants and employees with disabilities to enjoy equal employment opportunities unless doing so would be an undue hardship (that is, a significant difficulty or expense).

- Accommodations vary depending on the needs of the individual with a disability.
- Not all employees with a visual disability will need an accommodation or require the same accommodations.

Source: S.C. Human Affairs Commission; <https://www.eeoc.gov/laws/guidance/blindness-and-vision-impairments-workplace-and-ada>

How does an employee with a visual disability request a reasonable accommodation?

- There are no "magic words" that a person must use when requesting a reasonable accommodation.
- A person simply must tell the employer that he/she needs an adjustment or change at work because of her visual impairment.
- A request for reasonable accommodation also can come from a family member, friend, health professional, or other representative on behalf of a person with a visual disability.
- If an employer requires more information about the disability and why an accommodation is needed, it should engage in an **"interactive process"** -- a dialogue with the employee -- to obtain information that will help the employer in handling the request.



Example: While an employee has been out on extended medical leave for her diabetes, her visual disability has gradually gotten worse. When she returns to work, she presents a note from her doctor stating that she will need "some assistance" to perform the essential functions of the job. This is a request for a reasonable accommodation.

What types of reasonable accommodations may employees with visual disabilities need?

Some employees may need one or more of the following accommodations:
Assistive technology, including:



- An external computer screen magnifier.
- A refreshable Braille display.
- Software that will read information on the computer screen.
- Written materials in an accessible format, such as in large print or Braille, in a recorded format.
- Modification of employer policies.
- Making the workplace accessible to and usable by people with disabilities.
- Part-time or a modified work schedule.

Example: A blind employee does not have easy access to public transportation and must rely on paratransit service to get to work most mornings. He asks that, on days when his ride to work arrives after the employer's usual 8:30 a.m. start time, he be allowed to work later in the evening to make up the time rather than being required to take annual leave or face discipline for tardiness. The employer must grant this accommodation as long as it would not result in undue hardship.

• Reassignment to a vacant position

Example: A city police officer is shot and blinded during an attempt to stop a robbery. He no longer is able to perform his job as a police officer, but he is qualified for a vacant 9-1-1 emergency operator position. The job pays less than a police officer, but it is the closest vacant position in terms of pay, status, and benefits for which the officer is qualified. The city must reassign the officer to the 9-1-1 emergency operator position as a reasonable accommodation as long as it would not result in undue hardship.

Diversity & Inclusion Workplaces

News & Notes

News Article

August 17, 2021

Blind people make airplane parts, and they're good at it

The Lighthouse for the Blind, Inc. (lhblind) manufactures airplane parts working with the Boeing Company since 1952.



Lhblind has around 100 employees working directly on manufacturing aerospace parts.

77% of the staff are [blind, DeafBlind or blind with other disabilities](#).

They work in positions ranging from entry-level, non-technical work all the way up to supervisory roles and everything in between.

Michael Johnson, Aerospace Division Manager at The Lighthouse for the Blind, Inc. explains, “the equipment has changed over the years. As the CNC (Computer Numerical Control) machine evolved, so did we. As we brought on those skills and capabilities, the complexity of what we were able to do, and our statement of work grew with it.”

Manufacturing airplane parts has been a huge part of what we do at The Lighthouse for the Blind, Inc. ever since we started our relationship with The Boeing Company in 1952. We started with simple machining of basic parts and equipment.

Since then, it has now grown into a world class precision machining operation of more than 7,000 unique parts per year.

Read the entire article at <https://lhblind.org/people-who-are-blind-make-airplane-parts-and-theyre-good-at-it/>

Source: <https://lhblind.org/people-who-are-blind-make-airplane-parts-and-theyre-good-at-it/>

The Lighthouse for the Blind, Inc. is a private, not-for-profit social enterprise providing employment, support, and training opportunities for people who are blind, DeafBlind, and blind with other disabilities. The Lighthouse has provided employment and support to people who are blind in our community since 1918.



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

Does the Americans with Disabilities Act protect pregnant employees from discrimination?

The **Americans with Disabilities Act**, which is called the “ADA” prohibits discrimination against an applicant or employee based on a disability, including a disability related to a pregnancy such as diabetes that develops during pregnancy.

While pregnancy itself is not a disability under the ADA, some pregnant workers may have one or more impairments related to their pregnancy that qualify as a “disability” under the ADA.

An employer may have to provide that worker with a reasonable accommodation for the pregnancy-related disability.

Pregnancy & Work Situations

Title VII and the ADA cover employment discrimination in all aspects of employment, including:

- **Hiring, or the job application and selection process**
- **Pay, job assignments, or promotions**
- **Training**
- **Employee benefits, or any other term or condition of employment**
- **Firing from a job**
- **Reduction of work hours**
- **Layoff, or termination of employment**



Example of a Reasonable Accommodation

❖ Modification of workplace policies.

Example: A clerk responsible for receiving and filing construction plans for development proposals was diagnosed with a pregnancy-related kidney condition that required that she maintain a regular intake of water throughout the work day.

- She was prohibited from having any liquids at her work station due to the risk of spillage and damage to the documents.
- Her manager arranged for her to have a table placed just outside the file room where she could easily access water.

Source: <https://www.eeoc.gov/laws/guidance/enforcement-guidance-pregnancy-discrimination-and-related-issues#IIB>;

<https://www.eeoc.gov/pregnancy-discrimination#:~:text=The%20second%20law%20is%20the,diabetes%20that%20develops%20during%20pregnancy>

discrimination#:~:text=The%20second%20law%20is%20the,diabetes%20that%20develops%20during%20pregnancy

PREVENTION CORNER

Ways to Prevent Disability Discrimination In the Workplace

Disability discrimination in the workplace occurs when a person is treated less favorably on the basis of his/her disability.

Employees:

1. If you suspect that you've been treated unfairly because of your disability, read up on employee rights under the ADA to gain insight into your situation and determine how to take action.

Employers:

2. Comply with all laws addressing individuals with disabilities. You should aim for a culture of zero tolerance for workplace discrimination.
3. **Have a separate ADA policy.** Make sure your policy is consistent with the state and federal laws about disability discrimination.
4. **Training:** Train supervisors and managers on how to properly respond to discrimination in the workplace.
5. **Posters:** The ADA requires that employers post a notice in an accessible format to applicants and employees summarizing the provisions of the Americans with Disabilities Act Amendments of 2008.

In 2019, there were 24,238 disability discrimination charges filed and resolved with the U.S. Equal Employment Opportunity Commission (EEOC). This does not include data from state or local Fair Employment Practices Agencies (FEPA).

Source: U.S. EEOC; www.projectwhen.org/resources; SC 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 Accommodations.



Full Time Positions Available

Program Coordinator I (Employment Investigator) Three (3) positions

Program Coordinator I (Fair Housing Investigator) One (1) position



For more details about these positions:

Please visit www.careers.sc.com and search “State Human Affairs Commission” in the search bar.

Visit www.linktr.ee/schacomm and click “Full Time Positions.”

or

Click on the link below.

[https://www.governmentjobs.com/careers/sc?department\[0\]=State%20Human%20Affairs%20Commission&sort=PositionTitle%7CAscending](https://www.governmentjobs.com/careers/sc?department[0]=State%20Human%20Affairs%20Commission&sort=PositionTitle%7CAscending)