



# SOUTH CAROLINA HUMAN AFFAIRS COMMISSION

## TECHNICAL SERVICES & TRAINING DIVISION

MAY 2024

## PREVENTION CORNER



## May is Mental Health Awareness Month!

It is important to highlight the importance of mental health and its impact on well-being. According to the Centers for Disease Control and Prevention, mental health includes our emotional, psychological, and social well-being. It affects how we think, feel, and act. It affects how we handle stress, relate to others, and make healthy choices.

**A workplace mental health poll was conducted by the National Alliance on Mental Illness (NAMI) in January 2024.** [The 2024 NAMI Workplace Mental Health Poll | NAMI](#)

- This poll focused on full-time workers.
- Workers were employed at companies with at least 100 employees.
- The poll found that most Americans believe it is appropriate to talk about mental health at work but may not be prepared or feel comfortable to do so.

Find all the data on this slide deck [PowerPoint Presentation \(nami.org\)](#)



Source: [About Mental Health \(cdc.gov\)](#); [NAMI-Workplace-Mental-Health-Topline-2024.pdf](#);

# Mental Health Conditions in the Workplace

## *Your Legal Rights*

According to the U.S. Equal Employment Opportunity Commission (EEOC), if you have depression, post-traumatic stress disorder (PTSD), or another mental health condition, you are protected against **discrimination** and **harassment** at work because of your condition, you have workplace **privacy** rights, and you may have a legal right to get **reasonable accommodations** that can help you perform and keep your job.



### 1. Is my employer allowed to fire me because I have a mental health condition?

**No.** It is illegal for an employer to **discriminate** against you because you have a mental health condition. This includes firing you, rejecting you for a job or promotion, or forcing you to take leave.

### 2. Am I allowed to keep my condition private?

In most situations, you can keep your condition private. An employer is only allowed to ask medical questions (including questions about mental health) in four situations:

- When you ask for a reasonable accommodation (see Question 3).
- After the employer has made a job offer, but before employment begins, as long as everyone entering the same job category is asked the same questions.
- When it is engaging in affirmative action for people with disabilities (such as an employer tracking the disability status of its applicant pool, in order to assess its recruitment and hiring efforts, or a public sector employer considering whether special hiring rules may apply), in which case you may choose whether to respond.
- On the job, when there is objective evidence that you may be unable to do your job or that you may pose a safety risk because of your condition.

### 3. What if my mental health condition could affect my job performance?

You may have a legal right to a reasonable accommodation that would help you do your job. A reasonable accommodation is some type of change in the way things are normally done at work.

#### **Examples of possible accommodations:**

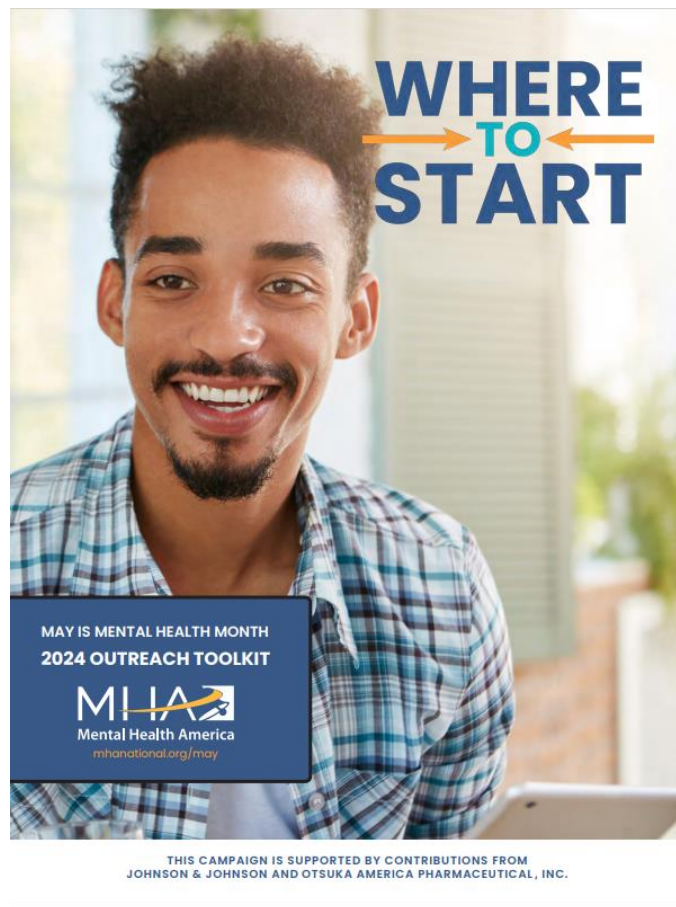
- Altered break and work schedules (e.g., scheduling work around therapy appointments).
- Quiet office space or devices that create a quiet work environment.
- Changes in supervisory methods (e.g., written instructions from a supervisor who usually does not provide them).
- Specific shift assignments.
- Permission to work from home.

#### 4. How can I get a reasonable accommodation?

**Ask for one.** Tell a supervisor, HR manager, or other appropriate person that you need a change at work because of a medical condition. You may ask for an accommodation at any time. Because an employer does not have to excuse poor job performance, even if it was caused by a medical condition or the side effects of medication, it is generally better to get a reasonable accommodation **before** any problems occur or become worse.

Source: [Depression, PTSD, & Other Mental Health Conditions in the Workplace: Your Legal Rights | U.S. Equal Employment Opportunity Commission \(eoc.gov\)](https://www.eeoc.gov/press-releases/2014/04/041404)

Mental Health America's 2024 Mental Health Month toolkit provides free resources to help plan your efforts and raise awareness during the month of May and beyond.



**Download the toolkit at this website:** [Where to Start 2024 MHA May Toolkit \(mhanational.org\)](https://mhanational.org)

Source: [Mental Health Month | Mental Health America \(mhanational.org\)](https://mhanational.org)

# U.S. Equal Employment Opportunity Commission

## News & Notes

### Cases involving mental health conditions under the Americans with Disabilities Act (ADA)

#### [EEOC v. Ranew's Management Company](#) (2022)

(Civil Action No. 5:21-CV-00443-MTT, U.S. District Court for the Middle District of Georgia)

**Ranew's Management Company, Inc.**, a provider of fabrication, coating, and assembly products agreed to pay \$250,000 to settle this ADA lawsuit in which an employee, diagnosed with severe depression, was terminated.

- The employee requested and was granted time off to recuperate, per his doctor's recommendation.
- When the employee tried to return to work and presented a doctor's release, he was fired by the company's CEO and told he couldn't be trusted to perform his job.
- In addition to monetary relief, Ranew's agreed to take steps to implement and distribute an ADA policy, train its executives, managers, and employees on the ADA's obligations, and post a notice.

**Read the entire article at:** [EEOC v. Ranew's Management Company](#)

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#### [EEOC v. Kaiser Foundation Health Plan of Georgia, Inc.](#) (2021)

(Civil Action No. 1:19-CV-5484-AT, U.S. District Court for the Northern District of Georgia)

**Kaiser Foundation Health Plan of Georgia, Inc.**, a managed health care provider (part of Kaiser Permanente organization) agreed to pay \$130,000 to settle this ADA lawsuit.

- An employee, whose disabilities made it traumatic for her to access her workplace through revolving doors, requested to use the available non-revolving doors as a reasonable accommodation.
- Kaiser refused and forced the employee to use the revolving doors.
- Notably, the court held that a reasonable accommodation need not relate to the performance of an essential function of the job; employees with disabilities are also entitled to accommodations to access the workplace and to enjoy the same benefits and privileges of employment as other employees.

**Read the entire article at:** [EEOC v. Kaiser Foundation Health Plan of Georgia, Inc.](#)

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

## PREVENTION CORNER

**\*Resources & Tools\***

### Mental Health Information Brochures & Fact Sheets

The National Institute of Mental Health (NIMH) offers brochures and fact sheets on mental health disorders and related topics to the public.

[Brochures and Fact Sheets - National Institute of Mental Health \(NIMH\) \(nih.gov\)](#)

Source: <https://www.nimh.gov/health/publications>

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



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

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

**South Carolina Human Affairs Commission  
1026 Sumter St., Suite 101  
Columbia, SC 20201**

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

**Discrimination in Employment, Housing, and Public Accommodations.**