**A** **BILL**

TO AMEND SECTION 1‑13‑80, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO UNLAWFUL EMPLOYMENT PRACTICES, SO AS TO PROVIDE THAT IT IS AN UNLAWFUL EMPLOYMENT PRACTICE FOR AN EMPLOYER TO FAIL OR REFUSE TO HIRE AN INDIVIDUAL BECAUSE OF THE CREDIT HISTORY OR CREDIT REPORT OF THE INDIVIDUAL, AND TO PROVIDE EXCEPTIONS.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Section 1‑13‑80(A) of the 1976 Code, as last amended by Act 244 of 2018, is further amended to read:

“(A) It is an unlawful employment practice for an employer:

(1) to fail or refuse to hire, bar, discharge from employment, or otherwise discriminate against an individual with respect to the individual’s compensation or terms, conditions, or privileges of employment because of the individual’s race, religion, color, sex, age, national origin, or disability;

(2) to fail or refuse to hire an individual because of his credit history or credit report, unless the information in the credit history or credit report directly relates to a bona fide occupational qualification reasonably necessary to the normal operation of that business or enterprise;

(3) to limit, segregate, or classify employees or applicants for employment in a way which would deprive or tend to deprive an individual of employment opportunities, or otherwise adversely affect the individual’s status as an employee, because of the individual’s race, color, religion, sex, age, national origin, or disability;

(~~3~~4) to reduce the wage rate of an employee in order to comply with the provisions of this chapter relating to age;

(~~4~~5)(a) to fail or refuse to make reasonable accommodations for medical needs arising from pregnancy, childbirth, or related medical conditions of an applicant for employment or an employee, unless the employer can demonstrate that the accommodation would impose an undue hardship on the operation of the business of the employer;

(b) to deny employment opportunities to a job applicant or employee, if the denial is based on the need of the employer to make reasonable accommodations to the known limitations for medical needs arising from pregnancy, childbirth, or related medical conditions of an applicant for employment or an employee;

(c) to require an applicant for employment or an employee affected by pregnancy, childbirth, or related medical conditions to accept an accommodation that the applicant or employee chooses not to accept, if the applicant or employee does not have a known limitation related to pregnancy, or if the accommodation is unnecessary for the applicant or employee to perform the essential duties of her job;

(d) to require an employee to take leave under any leave law or policy of the employer if another reasonable accommodation can be provided to the known limitations for medical needs arising from pregnancy, childbirth, or related medical conditions; or

(e) to take adverse action against an employee in the terms, conditions, or privileges of employment for requesting or using a reasonable accommodation to the known limitations for medical needs arising from pregnancy, childbirth, or related medical conditions.

For the purposes of this item:

(i) An employer shall provide written notice of the right to be free from discrimination for medical needs arising from pregnancy, childbirth, or related medical conditions, pursuant to this item to new employees at the commencement of employment, and existing employees within one hundred twenty days after the effective date of this item.

(ii) The notice required by subsubitem (i) also must be conspicuously posted at an employer’s place of business in an area accessible to employees.

The commission shall develop courses of instruction and conduct ongoing public education efforts as necessary to inform employers, employees, employment agencies, and applicants for employment about their rights and responsibilities under this item.”

SECTION 2. Section 1‑13‑80(I) of the 1976 Code is amended by adding an appropriately numbered item to read:

“( ) It is not an unlawful employment practice for an employer to:

(a) consider an individual’s credit history or credit report after a conditional offer of employment, which may be withdrawn if information in the credit history or credit report is directly related to a bona fide occupational qualification reasonably necessary to the normal operation of that business or enterprise; or

(b) fail or refuse to hire, bar, discharge from employment or otherwise discriminate against an individual because of the individual’s credit history or credit report if the employer is a financial institution or is required by state or federal law to inquire into an individual’s credit history for employment purposes.”

SECTION 3. This act takes effect upon approval by the Governor.

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