



SOUTH CAROLINA REVENUE AND FISCAL AFFAIRS OFFICE
STATEMENT OF ESTIMATED FISCAL IMPACT
 (803)734-0640 • RFA.SC.GOV/IMPACTS

Bill Number: H. 3865 Introduced on April 5, 2017
Author: Bernstein
Subject: SC Pregnancy Accommodations Act
Requestor: Senate Judiciary
RFA Analyst(s): Heineman and Mitchell
Impact Date: February 2, 2018

Estimate of Fiscal Impact

	FY 2018-19	FY 2019-20
State Expenditure		
General Fund	\$140,808	\$0
Other and Federal	\$0	\$0
Full-Time Equivalent Position(s)	1.00	0.00
State Revenue		
General Fund	\$0	\$0
Other and Federal	\$0	\$0
Local Expenditure	See Below	\$0
Local Revenue	\$0	\$0

Fiscal Impact Summary

This bill will have a recurring expenditure impact to the General Fund of \$70,708 and a non-recurring expenditure impact to the General Fund for FY 2018-19 of \$70,100 for the Commission on Human Affairs (the Commission). There will be no impact to Other Funds or Federal Funds for the Commission.

This bill will have no expenditure impact to the General Fund, Other Funds, or Federal Funds for Department of Administration (DOA) and this bill will have a minimal local expenditure impact to counties and municipalities.

Explanation of Fiscal Impact

Introduced on April 5, 2017

State Expenditure

This bill amends current law for medical needs arising from pregnancy, childbirth, or related medical conditions. This bill adds lactation to related medical conditions for women who have recently had a child and specifies that women must be treated the same for all employment-related purposes. In addition, nothing in this bill will prevent an employer from providing abortion benefits or otherwise affect bargaining agreements in regard to abortion. This bill amends current law by adding that it is illegal for employers to fail or refuse to provide reasonable accommodations for medical needs related to pregnancy, childbirth, or related medical conditions for job applicants and current employees, unless the employer can demonstrate that the accommodation would impose an undue hardship on the employer.

In addition, employers cannot deny employment opportunities to a job applicant based on the need of the employer to make reasonable accommodations for medical needs related to pregnancy or childbirth. It is unlawful for employers to require job applicants or employees to accept accommodations related to pregnancy or childbirth that the applicant or employee does not accept. In addition, it is unlawful for employers to require employees to take leave under any leave of absence policy if reasonable accommodations can be provided regarding pregnancy, childbirth, or related medical conditions. Employers cannot take adverse action against an employee in the terms, conditions, or privileges of employment because the employee requested or used reasonable accommodations for medical needs related to pregnancy or childbirth.

This bill amends current law by requiring employers to provide written notice of the right to be free from discrimination for medical needs arising from pregnancy, childbirth, or related medical conditions to new employees at the start of their employment and to existing employees within one hundred and twenty days after the effective date of this bill. This notice also must be conspicuously posted at an employer's place of business in an area accessible to employees. The Commission must develop courses of instruction and conduct ongoing public education to inform employers, employees, applicants for employment, and employment agencies their rights and responsibilities under this bill. The Commission must promulgate regulations to carry out this bill no later than two years after it is enacted. These regulations will identify reasonable accommodations addressing medical needs related to pregnancy and childbirth and they will be provided to job applicants or employees.

Commission on Human Affairs. The Commission indicates they will need to hire one Program Coordinator I position as a full time employee to facilitate non-discriminatory practices by creating courses of instruction and conducting ongoing public education efforts. This position would have a salary of \$40,000 and fringe benefits of \$14,240 totaling \$54,240 in General Fund costs. In addition, there would be recurring other operating costs for two cell phones, printing of brochures and training materials, and in-state travel that total \$16,468 in General Fund costs. The total recurring cost to the General Fund would be \$70,708. The Commission would also have a one time non-recurring cost in FY 2018-19 to the General Fund to hire an outside consultant and IT equipment totaling \$70,100. The promulgation of regulations by the Commission as required by this bill can be absorbed within existing resources.

Department of Administration. The department indicates that the bill will not materially or fiscally impact the department, as DOA is in compliance with federal laws such as in the Americans with Disabilities Act, the Family and Medical Leave Act, and the Pregnancy Discrimination Act. As such, this bill will have no expenditure impact to the General Fund, Other Funds, or Federal Funds.

State Revenue

N/A

Local Expenditure

The Revenue and Fiscal Affairs (RFA) Office contacted forty-six county governments and the Municipal Association of South Carolina (MASC) regarding the expenditure impact of this bill. Barnwell, Charleston, Clarendon, Florence, Horry, and Saluda counties indicate there would be a

minimal impact since they all already comply with the Pregnancy Discrimination Act which is governed by the Equal Employment Opportunity Commission and the Americans with Disabilities Act.

Lancaster County indicates there would be potential operational impacts to finding a private space for mother's to pump breast milk and they would likely need to purchase small refrigerators for each lactation space. Lancaster County indicates they have 15 separate office locations. It is anticipated that the county would likely need six separate refrigerators to meet the needs of persons affected by this bill. The county has estimated that the cost per refrigerator is approximately \$200 per unit. Therefore, the total cost to Lancaster County would be \$1,200.

The MASC indicated there would be minimal impact to municipalities since they already comply with the same federal laws cited by the counties.

Local Revenue

N/A



Frank A. Rainwater, Executive Director