**South Carolina General Assembly**

125th Session, 2023-2024

**S. 546**

**STATUS INFORMATION**

General Bill

Sponsors: Senators Massey, Alexander, Campsen and Kimbrell

Companion/Similar bill(s): 554

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Introduced in the Senate on February 16, 2023

Introduced in the House on March 28, 2023

Last Amended on March 21, 2023

Currently residing in the House Committee on **Labor, Commerce and Industry**

Summary: DEW Restructuring

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

2/16/2023 Senate Introduced and read first time ([Senate Journal‑page 5](h:\sj\20230216.docx))

2/16/2023 Senate Referred to Committee on **Labor, Commerce and Industry** ([Senate Journal‑page 5](h:\sj\20230216.docx))

3/15/2023 Senate Committee report: Favorable with amendment **Labor, Commerce and Industry** ([Senate Journal‑page 19](h:\sj\20230315.docx))

3/16/2023 Scrivener's error corrected

3/21/2023 Senate Committee Amendment Adopted ([Senate Journal‑page 69](h:\sj\20230321.docx))

3/21/2023 Senate Read second time ([Senate Journal‑page 69](h:\sj\20230321.docx))

3/21/2023 Senate Roll call Ayes-42 Nays-0 ([Senate Journal‑page 69](h:\sj\20230321.docx))

3/22/2023 Senate Read third time and sent to House ([Senate Journal‑page 11](h:\sj\20230322.docx))

3/28/2023 House Introduced and read first time ([House Journal‑page 37](h:\hj\20230328.docx))

3/28/2023 House Referred to Committee on **Labor, Commerce and Industry** ([House Journal‑page 37](h:\hj\20230328.docx))

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**VERSIONS OF THIS BILL**

[02/16/2023](https://www.scstatehouse.gov/sess125_2023-2024/prever/546_20230216.docx)

[03/15/2023](https://www.scstatehouse.gov/sess125_2023-2024/prever/546_20230315.docx)

[03/16/2023](https://www.scstatehouse.gov/sess125_2023-2024/prever/546_20230316.docx)

[03/21/2023](https://www.scstatehouse.gov/sess125_2023-2024/prever/546_20230321.docx)

Indicates Matter Stricken

Indicates New Matter

Committee Amendment Adopted

March 21, 2023

S. 546

Introduced by Senators Massey, Alexander, Campsen and Kimbrell

S. Printed 03/21/23--S.

Read the first time February 16, 2023

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A bill

TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 41‑29‑20, RELATING TO THE APPOINTMENT OF THE DEPARTMENT OF EMPLOYMENT AND WORKFORCE’S EXECUTIVE DIRECTOR, HIS APPOINTMENT, REMOVAL FROM OFFICE, AND COMPENSATION, SO AS TO PROVIDE THAT THE EXECUTIVE DIRECTOR IS APPOINTED BY THE GOVERNOR WITH THE ADVICE AND CONSENT OF THE SENATE; BY AMENDING SECTION 41‑29‑35, RELATING TO APPOINTMENT OF THE EXECUTIVE DIRECTOR, SO AS TO PROVIDE QUALIFICATIONS FOR OFFICE; AND BY REPEALING ARTICLE 7, CHAPTER 27, TITLE 41, RELATING TO THE DEPARTMENT OF EMPLOYMENT AND WORKFORCE REVIEW COMMITTEE.

Amend Title To Conform

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

SECTION 1. Section 41‑29‑20 of the S.C. Code is amended to read:

Section 41‑29‑20. There is hereby created the South Carolina Department of Employment and Workforce which must be managed and operated by an executive director nominated by the State Department of Employment and Workforce Review Committee and appointed by the Governor, with the advice and consent of the Senate. The term of the executive director is conterminous with that of the Governor and until a successor is appointed pursuant to this act. The executive director is subject to removal by the Governor as provided in Section 1‑3‑240(B). The executive director shall receive compensation as established under the provisions of Section 8‑11‑160 and for which funds have been authorized in the general appropriations act. For the purposes of this chapter, “department” means the South Carolina Department of Employment and Workforce.

SECTION 2. Section 41‑29‑35 of the S.C. Code is amended to read:

Section 41‑29‑35. (A) The Executive Director of the Department of Employment and Workforce must be appointed pursuant to the procedure set forth in Section 41‑27‑720.

(B)(A) The committee must nominate three applicants found qualified to serve as executive director for the Governor's consideration. In making nominations to the Governorhis executive director appointment, the committee Governor should consider race, gender, national origin, and other demographic factors to ensure nondiscrimination to the greatest extent possible as to all segments of the population of the State. The committee Governor must also give due consideration to a person'sthe appointee’s ability, area of expertise, dedication, compassion, common sense, and integrity. If fewer than three applicants are found qualified to serve as executive director, the committee must resolicit for applicants and continue the screening process until three applicants are found qualified and nominated.

(1) A person may not be appointed to serve as permanent executive director unless the committee finds the person qualified.

(2) The Governor must transmit the name of his appointee to the Senate for advice and consent.

(3) If the Governor rejects all of the nominees, the committee must reopen the nominating process.

(C)(B) For the committee to find a person qualified, heThe Governor’s appointee must have:

(1) a baccalaureate or more advanced degree from:

(a) a recognized institution of higher learning requiring face-to-face contact between its students and instructors prior to completion of the academic program;

(b) an institution of higher learning that has been accredited by a regional or national accrediting body; or

(c) an institution of higher learning chartered before 1962; and

(2) a background of substantial duration and expertise in business, labor and employment, employment benefits, human resource management, or five years' experience as a practicing attorney.

(D) The committee may find a person qualified although he does not have a background of substantial duration and expertise in one of the five enumerated areas contained in subsection (C)(2) of this section if two‑thirds of the committee vote to qualify this candidate and provide written justification of their decision in the report as to the qualifications of the candidates.

SECTION 3. Section 41-27-710 of the S.C. Code is amended to read:

Section 41-27-710. (A) The committee must be composed of nine members, three of whom must be members of the House of Representatives appointed by the Speaker, at least one of whom must be a member of the minority party; three of whom must be members of the Senate appointed by the President of the Senate, at least one of whom must be a member of the minority party; and three of whom shall be appointed by the Governor from the general public at large, of which one must represent businesses with fewer than fifty employees and one of whom must represent businesses with fewer than five hundred employees. A member of the general public appointed by the Governor may not be a member of the General Assembly.

(B) The committee must meet as soon as practicable after appointment and organize itself by electing one of its members as chairman and other officers as the committee considers necessary. Afterward, the committee at least annually shall meet and at the call of the chairman or a majority of the members. A quorum consists of five members.

(C) Unless the committee finds a person qualified to serve as the Executive Director of the Department of Employment and Workforce, the person may not be appointed.

(D) A member of the committee that misses three consecutive scheduled meetings at which a quorum is present must be removed from and replaced on the committee by the person that appointed that member.

(E)(D) The committee must discharge its duties related to screening and nominating qualified individuals for appointment by the Governor in the manner provided in Chapter 20, Title 2.

SECTION 4. Section 41-27-720 of the S.C. Code is amended to read:

Section 41-27-720. The committee shall:

(1) nominate three qualified applicants for the Governor to consider in appointing the executive director. In order to be found qualified, the person must meet the minimum requirements as provided in Section 41-29-35. The committee must consider a person's experience and expertise in matters related to unemployment, workforce development, and economic development. A person may not be appointed to serve as the permanent executive director unless he is found qualified by the committee. If the Governor rejects all of the nominees, the committee must reopen the nominating process;

(2) screen Department of Employment and Workforce Appellate Panel candidates for qualifications. In order to be found qualified, the person must meet the minimum requirements as provided in Section 41-29-300(E). The committee must consider a person's experience and expertise in matters related to unemployment, workforce development, and economic development. A person may not be elected to serve on the Department of Employment and Workforce Appellate Panel unless he is found qualified by the committee;

(3)(2) conduct an annual performance review of the executive director, which must be submitted to the General Assembly and the Governor. A draft of the executive director's performance review must be submitted to him, and the executive director must be allowed an opportunity to be heard before the committee before the final draft of the performance review is submitted to the General Assembly and the Governor;

(4)(3) submit to the General Assembly and the Governor, on an annual basis, the committee's evaluation of the performance of the Department of Employment and Workforce. A proposed draft of the evaluation must be submitted to the Executive Director of the Department of Employment and Workforce before submission to the General Assembly and the Governor, and the Executive Director of the Department of Employment and Workforce must be given an opportunity to be heard before the committee before the completion of the evaluation and its submission to the General Assembly and the Governor;

(5)(4) assist in developing an annual workshop of at least six contact hours concerning ethics and the Administrative Procedures Act for the executive director and employees of the Department of Employment and Workforce as the committee considers appropriate;

(6)(5) make reports and recommendations to the General Assembly and the Governor on matters relating to the powers and duties set forth in this section;

(7)(6) submit a letter to the General Assembly with the annual budget proposals of the Department of Employment and Workforce, indicating the committee has reviewed the proposals; and

(8)(7) undertake additional studies or evaluations as the committee considers necessary.

SECTION 5. This act takes effect upon approval by the Governor.

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