



SOUTH CAROLINA DEPARTMENT OF
Employment and Workforce

Implementation of S. 975 (Medical Freedom Act)

Unemployment insurance is a joint state-federal program that provides benefits to eligible workers. Each state administers a separate unemployment insurance program, but all states follow the same guidelines established by federal law. It is important that it be clear that certain fundamental federal eligibility requirements will be enforced in the event that unemployment benefits are triggered under Section 3 of S. 975. For example, a person must still be monetarily eligible, be able and available to work, and actively seek/search for work.

To clarify that these key federal requirements must still be met, Section 3 of S. 975 could be amended with the following addition to Subsection (D):

- (D)** If an employer violates the provisions of this section, an aggrieved employee shall have the right to apply for and receive unemployment benefits subject to the benefit amounts, duration, and requirements as provided in Article 1, Chapter 35, Title 41, as well as back pay, front pay, lost wages, consequential damages, emotional damages, court and litigation costs, and attorney fees.

Addition of this clause, previously implemented in Act No. 142 of 2022 (H. 3126), would minimize ambiguity as to how this section should be implemented by the Department of Employment and Workforce and, most importantly, provide assurance to the U.S. Department of Labor that, if enacted, implementation of this provision would be in conformity with federal law.