**South Carolina General Assembly**

118th Session, 2009-2010

**H. 3406**

**STATUS INFORMATION**

General Bill

Sponsors: Reps. Cooper and White

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Companion/Similar bill(s): 345, 3357

Introduced in the House on February 3, 2009

Currently residing in the House Committee on **Ways and Means**

Summary: Job vacancies

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

2/3/2009 House Introduced and read first time [HJ](file:///h:\HJ%20Archive\2009\02-03-09.docx)‑6

2/3/2009 House Referred to Committee on **Ways and Means** [HJ](file:///h:\HJ%20Archive\2009\02-03-09.docx)‑6

**VERSIONS OF THIS BILL**

[2/3/2009](file:///p:\pprever\2009-10\3406_20090203.docx)

**A** **BILL**

TO AMEND SECTION 8‑11‑120, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE REPORTING OF STATE EXECUTIVE BRANCH JOB VACANCIES FOR THE PURPOSE OF POSTING VACANT POSITIONS BEFORE THE VACANCY IS FILLED, SO AS TO REVISE AND SIMPLIFY THE REQUIREMENTS FOR THESE NOTICES.

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

SECTION 1. Section 8‑11‑120 of the 1976 Code, as last amended by Act 484 of 1990, is further amended to read:

“Section 8‑11‑120. ~~(A)~~ ~~All state offices, agencies, departments, and other divisions and branches of the state government shall notify, at least five working days prior to the close of the application period, the Columbia Metro Job Service Office of the South Carolina Employment Security Commission and the Recruitment Section, Division of Human Resource Management of the Budget and Control Board of a vacancy in any employment position for which recruitment will be undertaken, except those employment positions exempt from the classification and compensation plan under the provisions of Section 8‑11‑270. Notification of such vacant position must include the following:~~

~~(a)~~ ~~the title of the position and a summary description of the job responsibilities for the vacant position if needed for clarification;~~

~~(b)~~ ~~the entry salary and/or salary range for the vacant position;~~

~~(c)~~ ~~the name of the agency where the vacant position exists;~~

~~(d)~~ ~~a description of the application process for the vacant position;~~

~~(e)~~ ~~residency requirements, if any, for the vacant position;~~

~~(f)~~ ~~the classification code, the slot, and the position number, if any, of the vacant position;~~

~~(g)~~ ~~the minimum requirements for the vacant position, as well as preferred qualifications, if any;~~

~~(h)~~ ~~the opening and closing dates for applying for the vacant position;~~

~~(i)~~ ~~a statement certifying that the employer is an equal employment opportunity/affirmative action employer;~~

~~(j)~~ ~~the Merit System status of the vacancy; and~~

~~(k)~~ ~~the normal work schedule and whether the position is full‑time or part‑time.~~

~~The notification must be posted conspicuously within the agency where the vacancy exists and must include the information described in items (a) through (k).~~

~~If the vacancy is a promotional opportunity that requires work experience within the agency to qualify for the promotion, notice of the vacancy must be posted in a conspicuous place within the agency for five working days, and the notice of vacancy does not have to be sent to the Employment Security Commission or to the Recruitment Section, Division of Human Resource Management of the Budget and Control Board.~~

~~If an emergency situation exists requiring the vacancy to be filled immediately, certification of the emergency must be made to and approved by the agency director or the director’s designee waiving the posting requirement at the agency and state level.~~

~~(B)~~ ~~If a position classification continually is vacant an agency has an open recruitment policy for a position classification, one announcement at the beginning of each fiscal year is sufficient notification to the Recruitment Section, Division of Human Resource Management of the Budget and Control Board and the Columbia Metro Job Service Office of the South Carolina Employment Security Commission.~~

~~(C)~~ ~~The Recruitment Section, Division of Human Resource Management of the Budget and Control Board must report all filled positions to the South Carolina Employment Security Commission.~~When a job vacancy occurs within the executive branch of state government, the appointing authority, in addition to any other requirement of law or regulation for the posting of job vacancy notices, and at least five working days before employing a person to fill the job vacancy, shall post a notice with the Office of Human Resources of the State Budget and Control Board and the South Carolina Employment Security Commission. This notice must state that a job vacancy has occurred and describe the duties to be performed by a person employed in that position. In addition, the notice must include any other information required by regulations promulgated by the Office of Human Resources.”

SECTION 2. This act takes effect upon approval by the Governor.

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