**South Carolina General Assembly**

118th Session, 2009-2010

**A29, R63, S345**

**STATUS INFORMATION**

General Bill

Sponsors: Senator Leatherman

Document Path: l:\s-financ\drafting\hkl\003post.dag.hkl.docx

Companion/Similar bill(s): 3357, 3406

Introduced in the Senate on January 29, 2009

Introduced in the House on March 26, 2009

Last Amended on May 13, 2009

Passed by the General Assembly on May 19, 2009

Governor's Action: June 2, 2009, Signed

Summary: Organ donors

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

1/29/2009 Senate Introduced and read first time [SJ](file:///h:\SJ%20Archive\2009\01-29-09.docx)‑5

1/29/2009 Senate Referred to Committee on **Finance** [SJ](file:///h:\SJ%20Archive\2009\01-29-09.docx)‑5

2/3/2009 Senate Referred to Subcommittee: Alexander (ch), Setzler, Ryberg, Verdin, Leventis, Jackson

3/11/2009 Senate Committee report: Favorable with amendment **Finance** [SJ](file:///h:\SJ%20Archive\2009\03-11-09.docx)‑15

3/17/2009 Senate Committee Amendment Adopted [SJ](file:///h:\SJ%20Archive\2009\03-17-09.docx)‑33

3/17/2009 Senate Amended [SJ](file:///h:\SJ%20Archive\2009\03-17-09.docx)‑33

3/18/2009 Scrivener's error corrected

3/24/2009 Senate Read second time [SJ](file:///h:\SJ%20Archive\2009\03-24-09.docx)‑26

3/25/2009 Senate Read third time and sent to House [SJ](file:///h:\SJ%20Archive\2009\03-25-09.docx)‑11

3/26/2009 House Introduced and read first time [HJ](file:///h:\HJ%20Archive\2009\03-26-09.docx)‑9

3/26/2009 House Referred to Committee on **Medical, Military, Public and Municipal Affairs** [HJ](file:///h:\HJ%20Archive\2009\03-26-09.docx)‑9

3/31/2009 House Recalled from Committee on **Medical, Military, Public and Municipal Affairs** [HJ](file:///h:\HJ%20Archive\2009\03-31-09.docx)‑72

3/31/2009 House Referred to Committee on **Ways and Means** [HJ](file:///h:\HJ%20Archive\2009\03-31-09.docx)‑72

5/12/2009 House Recalled from Committee on **Ways and Means** [HJ](file:///h:\HJ%20Archive\2009\05-12-09.docx)‑41

5/13/2009 House Amended [HJ](file:///h:\HJ%20Archive\2009\05-13-09.docx)‑24

5/13/2009 House Read second time [HJ](file:///h:\HJ%20Archive\2009\05-13-09.docx)‑24

5/14/2009 House Read third time and returned to Senate with amendments [HJ](file:///h:\HJ%20Archive\2009\05-14-09.docx)‑31

5/19/2009 Senate Concurred in House amendment and enrolled [SJ](file:///h:\SJ%20Archive\2009\05-19-09.docx)‑32

5/27/2009 Ratified R 63

6/2/2009 Signed By Governor

6/11/2009 Effective date 06/02/09

6/12/2009 Act No. 29

**VERSIONS OF THIS BILL**

[1/29/2009](file:///p:\pprever\2009-10\345_20090129.docx)

[3/11/2009](file:///p:\pprever\2009-10\345_20090311.docx)

[3/17/2009](file:///p:\pprever\2009-10\345_20090317.docx)

[3/18/2009](file:///p:\pprever\2009-10\345_20090318.docx)

[5/12/2009](file:///p:\pprever\2009-10\345_20090512.docx)

[5/13/2009](file:///p:\pprever\2009-10\345_20090513.docx)

(A29, R63, S345)

**AN ACT TO AMEND SECTION 8‑11‑65, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO LEAVES OF ABSENCE TO BE AN ORGAN DONOR, SO AS TO PROVIDE THAT THE NUMBER OF DAYS A PERSON MAY MISS EACH YEAR TO DONATE THEIR ORGANS MUST BE COUNTED IN A CALENDAR YEAR INSTEAD OF A FISCAL YEAR; TO AMEND SECTION 8‑11‑120, AS AMENDED, RELATING TO THE POSTING OF STATE AGENCY JOB VACANCIES WITH THE EMPLOYMENT SECURITY COMMISSION AND THE STATE BUDGET AND CONTROL BOARD BEFORE THE VACANCY IS FILLED, SO AS TO REVISE AND SIMPLIFY THE REQUIREMENTS FOR PROVIDING NOTICE OF THE VACANCY, INCLUDING, BUT NOT LIMITED TO, REQUIRING POSTING AT LEAST FIVE DAYS BEFORE THE JOB IS FILLED; BY ADDING SECTION 8‑11‑33 SO AS TO PROVIDE CERTAIN CIRCUMSTANCES UNDER WHICH A STATE EMPLOYEE’S PAY MAY BE WITHHELD; TO AMEND SECTION 8‑11‑196, AS AMENDED, RELATING TO HIRING EMPLOYEES TO FILL TEMPORARY GRANT POSITIONS, SO AS TO APPLY CERTAIN PROVISIONS OF THIS SECTION TO ALL STATE AGENCIES RATHER THAN ONLY TO PUBLIC INSTITUTIONS OF HIGHER EDUCATION; AND TO AUTHORIZE THE STATE OFFICE OF HUMAN RESOURCES TO AMEND POLICIES, REGULATIONS, AND PROCESSES AS NEEDED TO IMPLEMENT AND TRANSITION TO THE SOUTH CAROLINA ENTERPRISE INFORMATIONAL SYSTEM.**

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

**Calculating leave of absence for organ donation**

SECTION 1. Section 8‑11‑65(A) of the 1976 Code, as added by Act 347 of 2002, is amended to read:

“(A) All officers and employees of this State or a political subdivision of this State who wish to be an organ donor and who accrue annual or sick leave as part of their employment are entitled to leaves of absence from their respective duties without loss of pay, time, leave, or efficiency rating for one or more periods not exceeding an aggregate of thirty regularly scheduled workdays in any one calendar year during which they may engage in the donation of their organs. Saturdays, Sundays, and state holidays may not be included in the thirty‑day aggregate unless the particular Saturday, Sunday, or holiday to be included is a regularly scheduled workday for the officer or employee involved.”

**State agency job vacancy postings**

SECTION 2. 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. In addition to any other requirement provided by law, when a job vacancy occurs in any state office, agency, department, or other division of the executive branch of state government, the appointing authority must post a notice with the Office of Human Resources of the State Budget and Control Board and the South Carolina Employment Security Commission at least five working days before employing a person to fill the vacancy. The posting must give notice of the job vacancy, describe the duties to be performed by a person employed in that position, and include any other information required by law.

For purposes of this section, ‘appointing authority’ shall have the same meaning as in Section 8‑11‑220.”

**Withholding or deducting pay from a state employee**’**s wages**

SECTION 3. Article 1, Chapter 11, Title 8 of the 1976 Code is amended by adding:

“Section 8‑11‑33. Notwithstanding any other provision of law, a state agency that has its payroll processed by the Office of the Comptroller General is authorized to withhold or deduct any portion of a state employee’s wages when:

(1) the State of South Carolina or a state agency that has its payroll processed by the Office of the Comptroller General in its role as an employer is required or empowered to do so by state or federal law; or

(2) an overpayment of wages to an employee as a result of a miscalculation or other bona fide error has occurred.

Prior to any deduction being made pursuant to this section, the employee must receive advance written notice of the deduction, the reason for the deduction, and the actual dollar amount or percentage of wages which will be deducted during one or more pay periods.”

**Hiring employees to fill temporary grant positions**

SECTION 4. Section 8‑11‑196(3) of the 1976 Code, as added by Act 356 of 2002, is amended to read:

“(3) positions established under this provision must be limited to and must not exist beyond the duration of the time‑limited project, grant, or a subsequent renewal of it. However, at the discretion of any agency, other funds may be used to fund continued employment between the expiration of one grant or time‑limited project and the subsequent renewal of the same or similar grant or time‑limited project. When the grant, time‑limited project, or a subsequent renewal ends, temporary grant or time‑limited project employees must be terminated and their positions will cease to exist. Temporary grant or time‑limited project employees will be exempt from the provisions of Sections 8‑17‑310 through 8‑17‑380. State agencies and institutions must terminate all temporary grant or time‑limited project positions when funding is terminated, or is insufficient to continue payments under the conditions of the grant or time‑limited project;”

**Implementation and transition to the South Carolina Enterprise Informational System**

SECTION 5. In order to implement and transition to the South Carolina Enterprise Informational System, the State Office of Human Resources is authorized to amend or modify human resource policies, regulations, and processes as it determines efficient to implement and transition to the South Carolina Enterprise Informational System. Any changes or modifications adopted by the State Office of Human Resources shall be published in the State Register and published on the official State Office of Human Resources website prior to the changes or modifications taking effect.

**Time effective**

SECTION 6. This act takes effect upon approval by the Governor.

Ratified the 27th day of May, 2009.

Approved the 2nd day of June, 2009.

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