**South Carolina General Assembly**

119th Session, 2011-2012

**A262, R307, H4786**

**STATUS INFORMATION**

General Bill

Sponsors: Reps. Sandifer and D.C. Moss

Document Path: l:\council\bills\agm\19448ab12.docx

Companion/Similar bill(s): 1240

Introduced in the House on February 21, 2012

Introduced in the Senate on March 28, 2012

Last Amended on May 30, 2012

Passed by the General Assembly on June 6, 2012

Governor's Action: June 18, 2012, Signed

Summary: Unemployment benefits

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

2/21/2012 House Introduced and read first time ([House Journal‑page 21](file:///h:\hj%20archive\2012\02-21-12.docx))

2/21/2012 House Referred to Committee on **Labor, Commerce and Industry** ([House Journal‑page 21](file:///h:\hj%20archive\2012\02-21-12.docx))

2/23/2012 House Member(s) request name added as sponsor: D.C.Moss

3/8/2012 House Committee report: Favorable with amendment **Labor, Commerce and Industry** ([House Journal‑page 5](file:///h:\hj%20archive\2012\03-08-12.docx))

3/20/2012 House Debate adjourned until Wed., 03‑21‑12 ([House Journal‑page 70](file:///h:\hj%20archive\2012\03-20-12.docx))

3/21/2012 House Debate adjourned until Thur., 03‑22‑12 ([House Journal‑page 64](file:///h:\hj%20archive\2012\03-21-12.docx))

3/22/2012 House Debate adjourned until Tues., 03‑27‑12 ([House Journal‑page 26](file:///h:\hj%20archive\2012\03-22-12.docx))

3/27/2012 House Read second time ([House Journal‑page 18](file:///h:\hj%20archive\2012\03-27-12.docx))

3/27/2012 House Roll call Yeas‑104 Nays‑1 ([House Journal‑page 19](file:///h:\hj%20archive\2012\03-27-12.docx))

3/28/2012 House Read third time and sent to Senate ([House Journal‑page 18](file:///h:\hj%20archive\2012\03-28-12.docx))

3/28/2012 Senate Introduced and read first time ([Senate Journal‑page 10](file:///h:\sj%20archive\2012\03-28-12.docx))

3/28/2012 Senate Referred to Committee on **Labor, Commerce and Industry** ([Senate Journal‑page 10](file:///h:\sj%20archive\2012\03-28-12.docx))

5/29/2012 Senate Committee report: Favorable with amendment **Labor, Commerce and Industry** ([Senate Journal‑page 6](file:///h:\sj%20archive\2012\05-29-12.docx))

5/30/2012 Senate Committee Amendment Adopted ([Senate Journal‑page 137](file:///h:\sj%20archive\2012\05-30-12.docx))

5/30/2012 Senate Read second time ([Senate Journal‑page 137](file:///h:\sj%20archive\2012\05-30-12.docx))

5/30/2012 Senate Roll call Ayes‑36 Nays‑0 ([Senate Journal‑page 137](file:///h:\sj%20archive\2012\05-30-12.docx))

5/31/2012 Senate Read third time and returned to House with amendments ([Senate Journal‑page 28](file:///h:\sj%20archive\2012\05-31-12.docx))

6/6/2012 House Concurred in Senate amendment and enrolled ([House Journal‑page 51](file:///h:\hj%20archive\2012\06-06-12.docx))

6/6/2012 House Roll call Yeas‑87 Nays‑7 ([House Journal‑page 52](file:///h:\hj%20archive\2012\06-06-12.docx))

6/12/2012 Ratified R 307

6/18/2012 Signed By Governor

6/25/2012 Effective date 06/18/12

6/27/2012 Act No. 262

**VERSIONS OF THIS BILL**

[2/21/2012](file:///p:\pprever\2011-12\4786_20120221.docx)

[3/8/2012](file:///p:\pprever\2011-12\4786_20120308.docx)

[5/29/2012](file:///p:\pprever\2011-12\4786_20120529.docx)

[5/30/2012](file:///p:\pprever\2011-12\4786_20120530.docx)

(A262, R307, H4786)

**AN ACT TO AMEND SECTION 41‑35‑20, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE PAYMENT OF UNEMPLOYMENT BENEFITS BASED ON CERTAIN SERVICES IN SCHOOLS OR INSTITUTIONS OF HIGHER EDUCATION, SO AS TO INCLUDE SERVICES PROVIDED BY SUBSTITUTE TEACHERS UNDER CERTAIN CIRCUMSTANCES.**

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

**Unemployment benefits for certain substitute teachers**

SECTION 1. Section 41‑35‑20 of the 1976 Code is amended to read:

“Section 41‑35‑20. (1) Benefits based on service in an instructional, research, or principal administrative capacity in an institution of higher education as defined in Section 41‑27‑290 or educational institution as defined in Section 41‑27‑340 must not be paid to an individual for any week of unemployment which begins during the period between two successive academic years, or during a similar period between two regular terms, whether or not successive, or during a period of paid sabbatical leave provided for in the individual’s contract, if the individual has a contract or a reasonable assurance that the individual will perform services in this capacity for both these academic years or both these terms.

(2) With respect to services performed after December 31, 1977, in any other capacity for an educational institution or institution of higher education, irrespective of whether the institution is a public, private, or nonprofit organization, benefits are not payable on the basis of these services to any individual for any week which commences during a period between two successive academic years or terms if the individual performs these services in the first of those academic years or terms and there is a reasonable assurance that the individual will perform these services in the second of those academic years or terms. However, if compensation is denied to any individual under this subsection and the individual was not offered an opportunity to perform these services for the educational institution or institution of higher education for the second of these academic years or terms, the individual is entitled to a retroactive payment of compensation for each week for which the individual filed a timely claim for compensation and for which compensation was denied solely by reason of this subsection.

(3) With respect to any services described in subsections (1) and (2), benefits are not payable on the basis of services in any such capacities to any individual for any week which commences during an established and customary vacation period or holiday recess if the individual performs these services in the period immediately before the vacation period or holiday recess, and there is a reasonable assurance that the individual will perform these services in the period immediately following the vacation period or holiday recess.

(4) With respect to any services described in subsections (1), (2), and (3) of this section, benefits are not payable on the basis of services in any such capacities to any individual who performed these services in an educational institution or institution of higher education while in the employ of an educational service agency. For purposes of this section, ‘educational service agency’ means a governmental agency or governmental entity which is established and operated exclusively for the purpose of providing these services to one or more educational institutions.

(5) With respect to any services described in subsections (1), (2), and (3), benefits are not payable on the basis of services in any such capacities to any individual who performed these services for a private employer holding a contractual relationship with the educational institution and is providing the services to or on behalf of an educational institution or an institution of higher education, provided that the private employer notifies the Department of Employment and Workforce of the separation of an individual subject to this subsection.

(6) In this section ‘reasonable assurance’ means a written, verbal, or implied agreement that the employee will perform services in the same capacity during the ensuing academic year or term.”

**Time effective**

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

Ratified the 12th day of June, 2012.

Approved the 18th day of June, 2012.

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