**South Carolina General Assembly**

125th Session, 2023-2024

**H. 3617**

**STATUS INFORMATION**

General Bill

Sponsors: Reps. Bernstein, Pope, Cobb-Hunter, Ballentine, Caskey, Jordan, W. Newton, B. Newton, Haddon, Elliott, Collins, J.E. Johnson, Henegan, Garvin, Alexander, Wheeler, Henderson-Myers, Hosey, Kirby, Weeks, Hart, Wetmore, W. Jones, Bauer, King, Crawford, Carter, Ott, Yow and Mitchell

Companion/Similar bill(s): 27

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Introduced in the House on January 11, 2023

Currently residing in the House

Summary: Paid family leave

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

1/11/2023 House Introduced and read first time ([House Journal‑page 39](h:\hj\20230111.docx))

1/11/2023 House Referred to Committee on **Labor, Commerce and Industry** ([House Journal‑page 39](h:\hj\20230111.docx))

1/18/2023 House Member(s) request name added as sponsor: Carter

2/8/2024 House Member(s) request name added as sponsor: Ott

3/20/2024 House Member(s) request name added as sponsor: Yow, Mitchell

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**VERSIONS OF THIS BILL**

[01/11/2023](https://www.scstatehouse.gov/sess125_2023-2024/prever/3617_20230111.docx)

A bill

to amend the South Carolina Code of Laws by amending Sections 8‑11‑150 and 8‑11‑155, both relating to paid parental leave, so as to increase the number of weeks of paid parental leave in the event of the birth or adoption of a child for eligible state employees.

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

SECTION 1. Section 8‑11‑150 of the S.C. Code is amended to read:

Section 8‑11‑150. (A) For the purposes of this section:

(1) “Child” means a newborn biological child or foster of a child in state custody and under the age of eighteen. No child can have more than two parents eligible for paid parental leave.

(2) “Eligible state employee” means an employee occupying any percentage of a full‑time equivalent position any person employed full‑time by this State, its departments, agencies, or institutions. This includes any person employed full‑time by a four‑year or postgraduate institution of higher education under the control of the State or a technical college supported and under the control of the State.

(3) “Paid parental leave” means six twelve weeks of paid leave at one hundred percent of the eligible state employee's base pay or two four weeks of paid leave at one hundred percent of the eligible state employee's base pay. Leave for part‑time eligible state employees must be on a prorated basis corresponding to the percentage of hours they are normally scheduled to work.

(4) “Qualifying event” means the birth of a newborn biological child to an eligible state employee or after a co‑parent's birth of a newborn child or fostering a child in state custody.

(B) Eligible state employees who are employed by this State, its departments, agencies, or institutions and who give birth are entitled to receive six twelve weeks of paid parental leave. Other eligible state employees who do not give birth are entitled to receive two four weeks of paid parental leave.

(C) Paid parental leave usage includes the following:

(1) The entitlement to leave pursuant to subsection (B) expires at the end of the twelve‑month period beginning on the date of such birth or initial legal placement. An eligible state employee shall receive no more than one occurrence of six twelve or two four weeks of paid parental leave for any twelve‑month period, even if more than one qualifying event occurs. However, nothing in this item prohibits a foster parent from requesting and receiving approval for parental leave in nonconsecutive one‑week time periods.

(2) If the leave is not used by the eligible state employee before the end of the twelve‑month period after the qualifying event, such leave does not accumulate for subsequent use. Paid parental leave may not be donated. Any leave remaining at the end of the twelve‑month period or at separation of employment is forfeited.

(3) Days of paid parental leave taken under this section must be taken consecutively, except that foster parents may request and receive approval for parental leave in nonconsecutive one‑week time periods.

(4) If both parents are eligible state employees, paid parental leave may be taken concurrently, consecutively, or a different time as the other eligible state employee.

(5) Legal holidays listed in Section 53‑5‑10 must not be counted against paid parental leave.

(6) Paid parental leave must run concurrently with leave taken pursuant to the Family Medical and Leave Act and any other unpaid leave to which the eligible state employee may be entitled as a result of the qualifying event. However, leave granted under this section is with pay and is not annual leave or sick leave and therefore does not deduct from the eligible state employee's accrued leave balance. An eligible state employee does not have to exhaust all other forms of leave before being eligible to take leave granted under this section. Eligible state employees shall accrue annual and sick leave at the normal rate while on this leave, if applicable.

(D) The Division of Human Resources of the Department of Administration shall promulgate regulations, guidance, and procedures to implement this section.

SECTION 2. Section 8‑11‑155 of the S.C. Code is amended to read:

Section 8‑11‑155. (A) For the purposes of this section:

(1) “Child” means a child initially legally placed for adoption and under the age of eighteen. No child can have more than two parents eligible for paid parental leave.

(2) “Eligible state employee” means an employee occupying any percentage of a full‑time equivalent position.

(3) “Paid parental leave” means six twelve weeks of paid leave at one hundred percent of the eligible state employee's base pay or two four weeks of paid leave at one hundred percent of the eligible state employee's base pay. Leave for part‑time eligible state employees must be on a prorated basis corresponding to the percentage of hours they are normally scheduled to work.

(4) “Qualifying event” means the initial legal placement of a child by adoption.

(B) Eligible state employees who are employed by this State, its departments, agencies, or institutions and are primarily responsible for furnishing the care and nurture of the child, are entitled to six twelve weeks of paid parental leave upon the occurrence of a qualifying event. Eligible state employees who are employed by this State, its departments, agencies, or institutions who are not primarily responsible for furnishing the care and nurture of the child, are entitled to two four weeks of paid parental leave upon the occurrence of a qualifying event.

(C) Paid parental leave usage includes the following:

(1) The entitlement to leave pursuant to subsection (B) expires at the end of the twelve‑month period beginning on the date of initial legal placement. An eligible state employee shall receive no more than one occurrence of six twelve or two four weeks of paid parental leave for any twelve‑month period, even if more than one qualifying event occurs.

(2) If the leave is not used by the eligible state employee before the end of the twelve‑month period after the qualifying event, such leave does not accumulate for subsequent use. Paid parental leave may not be donated. Any leave remaining at the end of the twelve‑month period or at separation of employment is forfeited.

(3) Days of paid parental leave taken under this section must be taken consecutively.

(4) If both parents are eligible state employees, paid parental leave may be taken concurrently, consecutively, or a different time as the other eligible state employee.

(5) Legal holidays listed in Section 53‑5‑10 must not be counted against paid parental leave.

(6) Paid parental leave must run concurrently with leave taken pursuant to the Family Medical and Leave Act and any other unpaid leave to which the eligible state employee may be entitled as a result of the qualifying event. However, leave granted under this section is with pay and is not annual leave or sick leave and therefore does not deduct from the eligible state employee's accrued leave balance. An eligible state employee does not have to exhaust all other forms of leave before being eligible to take leave granted under this section. Eligible state employees shall accrue annual and sick leave at the normal rate while on this leave, if applicable.

(D) The Division of Human Resources of the Department of Administration shall promulgate regulations, guidance, and procedures to implement this section.

SECTION 3. This act takes effect upon approval by the Governor.

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