

SOUTH CAROLINA
HOUSE AMENDMENT

AMENDMENT NO. _____

Samantha Allen
February 03, 2026

ADOPTED	REJECTED	TABLED	ADJOURN DEBATE	RECONSIDERED	ROO

Clerk of the House

ADOPTION NO. _____

BILL NO: H. 3477

(Reference is to the original version)

Rep. B. NEWTON proposes the following amendment (LC-3477.SA0001H):

Amend the bill, as and if amended, SECTION 1, by striking Section 41-35-50(2) and inserting:

~~—(2) one third of his wages for insured work paid during his base period.~~
~~—If the resulting amount is not a multiple of one dollar, the amount must be reduced to the next lower multiple of one dollar, except that no insured worker may receive benefits in a benefit year unless, subsequent to the beginning of the next preceding benefit year during which he received benefits, he performed “insured work” as defined in Section 41-27-300 and earned wages in the employ of a single employer in an amount equal to not less than eight times the weekly benefit amount established for the individual in the preceding benefit year(A) The number of weeks an individual is allowed to receive unemployment benefits depends on the seasonally adjusted~~

statewide unemployment rate that applies to the three-month reference period in which the effective date of the claim falls. One three-month reference period begins on January first, the second three-month reference period begins on April first, the third three-month reference period begins on July first, and the fourth three-month reference period begins on October first. For the reference period that begins January first, the average of the seasonally adjusted unemployment rates for the State for the preceding months of August, September, and October apply. For the reference period that begins April first, the average of the seasonally adjusted unemployment rates for the State for the preceding months of November, December, and January apply. For the reference period that begins July first, the average of the seasonally adjusted unemployment rates for the State for the preceding months of February, March, and April apply. For the reference period that begins October first, the average of the seasonally adjusted unemployment rates for the State for the preceding months of May, June, and July apply. The Department of Employment and Workforce must use the most recent seasonally adjusted unemployment rates determined by the U.S. Department of Labor, Bureau of Labor Statistics, ~~and not the rate as revised in the annual benchmark.~~

<u>Seasonally Adjusted Unemployment Rate</u>	<u>Number of Weeks</u>
<u>Less than or equal to 5.5%</u>	<u>12 weeks</u>
<u>Greater than 5.5% up to 6%</u>	<u>13 weeks</u>
<u>Greater than 6% up to 6.5%</u>	<u>14 weeks</u>
<u>Greater than 6.5% up to 7%</u>	<u>15 weeks</u>
<u>Greater than 7% up to 7.5%</u>	<u>16 weeks</u>
<u>Greater than 7.5% up to 8%</u>	<u>17 weeks</u>
<u>Greater than 8% up to 8.5%</u>	<u>18 weeks</u>
<u>Greater than 8.5% up to 9%</u>	<u>19 weeks</u>
<u>Greater than 9%</u>	<u>20 weeks</u>

Amend the bill further, by striking SECTION 2 and inserting:

SECTION X. Section 41-35-120 (2), (3), and (4) of the S.C. Code is amended to read:

(2)(a) Discharge for misconduct connected with the employment. If the department finds that he has been discharged for misconduct connected with his most recent work prior to filing a request for determination of insured status or a request for initiation of a claim series within an established benefit year, with ineligibility beginning with the effective date of the request, and continuing for the ~~next twenty weeks~~ maximum duration of benefits applicable to the claim, in addition to the waiting period, with a corresponding and mandatory reduction of the insured worker's benefits to be calculated by multiplying his weekly benefit amount by ~~twenty~~ the maximum duration of benefits applicable to the claim. For the purposes of this item, "misconduct" is limited to conduct evincing such wilful and wanton disregard of an employer's interests as is found in deliberate violations or disregard of standards of behavior which the employer has the right to expect of his employee, or in the carelessness or negligence of such degree or recurrence as to manifest equal culpability, wrongful intent, or evil design, or to show an intentional and substantial disregard of the employer's interest or of the employee's duties and obligations to his employer. No finding of misconduct may be made for discharge resulting from an extreme hardship, emergency, sickness, or other extraordinary circumstance.

(b) If the department finds that he has been discharged for cause, other than misconduct as defined in item (2)(a), connected with his most recent work prior to filing a request for determination of insured status or a request for initiation of a claim series within an established benefit year, then the department must find him partially ineligible. The ineligibility must begin with the effective date of the request, and continuing not less than five nor more than ~~the next nineteen weeks~~ one week less than the maximum duration of benefits applicable to the claim, in addition to the waiting period. A corresponding and mandatory reduction of the insured worker's benefits, to be calculated by multiplying his weekly benefit amount by the number of weeks of

his disqualification, must be made. The ineligibility period must be determined by the department in each case according to the seriousness of the cause for discharge. Discharge resulting from substandard performance due to inefficiency, inability, or incapacity shall not serve as a basis for disqualification under either subitem (a) or (b) of this item.

(3)(a) Discharge for illegal drug use, and is ineligible for benefits beginning with the effective date of the request and continuing ~~until he has secured employment and shows to the satisfaction of the department that he has performed services in employment as defined by Chapters 27 through 41 of this title and earned wages for those services equal to at least eight times the weekly benefit amount of his claim~~ for the maximum duration of benefits applicable to the claim, in addition to the waiting period, with a corresponding and mandatory reduction of the insured worker's benefits to be calculated by multiplying his weekly benefit amount by the maximum duration of benefits applicable to the claim if the:

(i) company has communicated a policy prohibiting the illegal use of drugs, the violation of which may result in termination; and

(ii) insured worker fails or refuses to provide a specimen pursuant to a request from the employer, or otherwise fails or refuses to cooperate by providing an adulterated specimen; or

(iii) insured worker provides a blood, hair, oral fluid, or urine specimen during a drug test administered on behalf of the employer, which tests positive for illegal drugs or legal drugs used unlawfully, provided:

(A) the sample was collected and labeled by a licensed health care professional or another individual authorized to collect and label test samples by federal or state law, including law enforcement personnel; and

(B) the test was performed by a laboratory certified to perform such tests by the United States Department of Health and Human Services (USDHHS)/Substance Abuse Mental Health Services Administration (SAMHSA), the College of American Pathologists or the State Law Enforcement Division; and

(C) an initial positive test was confirmed on the specimen using the gas

chromatography/mass spectrometry method, or an equivalent or a more accurate scientifically accepted method approved by USDHHS/SAMHSA;

(iv) for purposes of this item, “unlawfully” means without a prescription.

(b) If an insured worker makes an admission pursuant to the employer's policy, which provides that voluntary admissions made before the employer's request to the employee to submit to testing may protect an employee from immediate termination, then the admission is inadmissible for purposes of this section as long as the:

(i) employer has communicated a written policy, which provides protection from immediate termination for employees who voluntarily admit prohibited drug use before the employer's request to submit to a test; and

(ii) employee makes the admission specifically pursuant to the employer's policy.

(c) Information, interviews, reports, and drug-test results, written or otherwise, received by an employer through a drug-testing program may be used or received in evidence in proceedings conducted pursuant to the provisions of this title for the purposes of determining eligibility for unemployment compensation, including administrative or judicial appeal.

(4) ~~Discharge for gross misconduct, and is ineligible for benefits beginning with the effective date of the request and continuing until he has secured employment and shows to the satisfaction of the department that he has performed services in employment as defined by Chapters 27 through 41 of this title and earned wages for those services equal to at least eight times the weekly benefit amount of his claim if he is discharged due to:~~

~~— (i) wilful or reckless employee damage to employer property that results in damage of more than fifty dollars;~~

~~— (ii) employee consumption of alcohol or being under the influence of alcohol on employer property in violation of a written company policy restricting or prohibiting consumption of alcohol;~~

~~— (iii) employee theft of items valued at more than fifty dollars;~~

~~— (iv) failure to comply with applicable state or federal drug and alcohol testing and use~~

~~regulations including, but not limited to, 49 C.F.R. part 40 and part 382 of the federal motor carrier safety regulations, while on the job or on duty, and regulations applicable for employees performing transportation and other safety sensitive job functions as defined by the federal government;~~

- ~~— (v) employee committing criminal assault or battery of another employee or a customer;~~
- ~~— (vi) employee committing criminal abuse of patient or child in his professional care;~~
- ~~— (vii) employee insubordination, which is defined as wilful failure to comply with a lawful, reasonable order of a supervisor directly related to the employee's employment as described in an applicable written job description; or~~
- ~~— (viii) employee wilful neglect of duty directly related to the employee's employment as described in an applicable written job description~~ Reserved.

Renumber sections to conform.

Amend title to conform.