**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 41‑35‑105 SO AS TO ENACT THE “MILITARY FAMILY LEAVE ACT”, TO PROVIDE DEFINITIONS, AND TO PROVIDE FOR LEAVE ENTITLEMENT.

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

SECTION 1. Article 1, Chapter 35, Title 41 of the 1976 Code is amended by adding:

“Section 41‑35‑105. (A) This section may be cited as the ‘Military Family Leave Act’.

(B) As used in this section:

(1) ‘Employee’ means a person who performs service for hire for an employer, for an average of twenty or more hours each week, and includes all individuals employed at any site owned or operated by an employer, but does not include an independent contractor.

(2) ‘Employer’ means:

(a) a person, firm, corporation, partnership, business trust, legal representatives, or other business entity that engages in a business, an industry, a profession, or activity in this State;

(b) the State, state institutions, and state agencies; and

(c) a unit of local government including, but not limited to, a county, city, town, municipal corporation, quasimunicipal corporation, or political subdivision.

(3) ‘Period of military conflict’ means a period of war declared by the United States Congress, declared by Executive Order of the President, or in which a member of a reserve component of the armed forces is ordered to active duty pursuant to either Sections 12301 and 12302 of Title 10 or Title 32, United States Code.

(C) During a period of military conflict, an employee who is the spouse of a member of the armed forces of the United States, national guard, or reserves who has been notified of an impending call or order to active duty or has been deployed is entitled to a total of fifteen days of unpaid leave for each deployment after the military spouse has been notified of an impending call or order to active duty and before deployment or when the military spouse is on leave from deployment.

(D) An employee who takes leave under this section is entitled to:

(1) be restored to a position of employment in the same manner as an employee entitled to leave is restored to a position of employment; and

(2) continue benefits in the same manner as an employee entitled to leave.

(E) An employee who seeks to take leave under this section shall provided the employer with notice, within five business days of receiving official notice of an impending call or order to active duty or of a leave from deployment, of the employee’s intention to take leave under this section.

(F) An employee who takes leave under this section may elect to substitute any of the accrued leave to which the employee may be entitled for any part of the leave provided under this section.

(G) The commission shall administer the provisions of this section, and may promulgate regulations as necessary to implement the provisions of this section.”

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

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