**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 41‑27‑660 SO AS TO PROVIDE THAT WHEN IMPLEMENTING THE WORKFORCE INVESTMENT ACT, SC WORKS SHALL REQUIRE A TEST FOR ILLEGAL DRUG USE AND A FINGERPRINT‑BASED CRIMINAL BACKGROUND CHECK CONDUCTED BY SLED OF ANY CUSTOMER DETERMINED TO NEED TRADE OR OCCUPATIONAL TRAINING BEFORE SC WORKS MAY PAY FOR THE TRAINING, TO PROVIDE THAT THE RESULTS MUST BE CONFIDENTIAL AND AVAILABLE ONLY TO THE CUSTOMER AND SC WORKS, TO PROVIDE THAT SC WORKS MAY PAY FOR NO TRADE OR OCCUPATIONAL TRAINING WHEN A DRUG TEST OR BACKGROUND CHECK PROVIDES INFORMATION THAT WOULD RESULT IN AN ADVERSE EMPLOYMENT ACTION FOR THE SORT OF EMPLOYMENT THAT THE CUSTOMER SEEKS TO ATTAIN WITH THE TRAINING; TO PROVIDE A CUSTOMER WHILE RECEIVING TRAINING SHALL IMMEDIATELY NOTIFY SC WORKS IF HE FAILS A DRUG TEST OR IS CONVICTED OF A CRIME OR WOULD OTHERWISE BE SUBJECT TO AN ADVERSE EMPLOYMENT ACTION FOR EMPLOYMENT SOUGHT BY THE CUSTOMER RELATED TO THE TRAINING, AND SC WORKS IMMEDIATELY SHALL CEASE PAYMENT FOR THIS TRAINING, TO PROVIDE THAT THE CUSTOMER MUST BE GIVEN NOTICE AND AN OPPORTUNITY TO RESPOND TO THE RESULTS OF A DRUG TEST OR ANY INFORMATION FROM THE BACKGROUND CHECK THAT WOULD RESULT IN AN ADVERSE EMPLOYMENT ACTION, TO PROVIDE THAT THE STATE WORKFORCE INVESTMENT BOARD SHALL CONSIDER THE RESPONSE OF THE EMPLOYEE AND PERMIT PAYMENT FOR TRAINING UPON FINDING THAT THE DRUG TEST RESULTS OR BACKGROUND CHECK INFORMATION WOULD NOT RESULT IN A RELEVANT ADVERSE EMPLOYMENT ACTION, AND TO PROVIDE SC WORKS MUST PAY FOR THE DRUG TEST AND CRIMINAL BACKGROUND CHECK, AND THAT THE CUSTOMER MUST REIMBURSE IT.

Whereas, the General Assembly finds that in an effort to strengthen South Carolina’s workforce, SC Works seeks to help individuals receive beneficial trade or occupational training at the expense of the State; and

Whereas, the General Assembly finds that as a steward of taxpayer dollars, it must ensure that SC Works only pay for this trade or occupational training where it would realistically result in the trainee obtaining a job in that trade or occupation; and

Whereas, the General Assembly finds that in many instances, resources are expended to train individuals for a specific trade or occupation only to find after the training is complete that the individual cannot be hired to work in that trade or occupation because he has a criminal background or uses illegal drugs; and

Whereas, the General Assembly finds that to avoid wasting taxpayer money and wasting the time of the individuals who futily engage in this trade or occupational training, SC Works should determine whether the individual engages in illegal drug use or has a criminal background that would prevent him from obtaining employment in the trade or occupation for which he would train at the expense of SC Works. Now, therefore,

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

SECTION 1. Article 5, Chapter 27, Title 41 of the 1976 Code is amended by adding:

“Section 41‑27‑660. (A) In implementing the Workforce Investment Act, SC Works shall require a test for illegal drug use and a fingerprint‑based criminal background check conducted by SLED of any customer determined by SC Works to be in need of trade or occupational training before SC Works may pay for the training. The results of the drug test and background check must be confidential and available only to the customer and SC Works. If the drug test or background check provides information that would result in an adverse employment action for the sort of employment that the customer seeks to attain with the training considered necessary by SC Works and for which SC Works would pay, then SC Works may not pay for the training, subject to the requirements of subsection (C).

(B) A customer who is receiving training paid for by SC Works immediately shall notify SC Works if he tests positively for illegal drug use or is convicted of a crime or would otherwise be subject to an adverse employment action for employment sought by the customer related to the training, and SC Works immediately shall cease payment for this training, subject to the requirements of subsection (C).

(C) A customer must be given notice and an opportunity to respond to any information from the results of a drug test or a criminal background check where that information would result in an adverse employment action if this information prohibits SC Works from paying for training pursuant to subsection (A). The State Workforce Investment Board shall consider the response and may permit payment for training if the board finds that information in the drug test or background check would not result in an adverse employment action for the employment sought by the customer for which payment by SC Works for training is sought.

(D) SC Works shall pay for the drug test and background check, but the customer must reimburse SC Works for this cost. A customer who passes the drug test and whose criminal background check reveals nothing that would result in an adverse employment action for the employment for which SC Works pays for training shall reimburse SC Works for the drug test and criminal background check by making equal payments for six months after obtaining employment.”

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

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