COMMITTEE REPORT

March 29, 2022

**S. 11**

Introduced by Senators Jackson, Shealy, Hutto and Cash

S. Printed 3/29/22--S.

Read the first time January 12, 2021.

**THE COMMITTEE ON FINANCE**

To whom was referred a Bill (S. 11) to amend the Code of Laws of South Carolina, 1976, by adding Section 8‑11‑150 so as to provide twelve weeks of paid family leave for state employees 3, etc., respectfully

**REPORT:**

That they have duly and carefully considered the same and recommend that the same do pass with amendment:

Amend the bill, as and if amended, by striking all after the enacting words and inserting:

/ SECTION 1. Article 1, Chapter 11, Title 8 of the 1976 Code is amended by adding:

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

(1) ‘Child’ means a newborn biological child or child initially legally placed for adoption 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.

(3) ‘Paid parental leave’ means six weeks of paid leave at one hundred percent of the eligible state employee’s base pay or two 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 coparent’s birth of a newborn child or the initial legal placement of a child by adoption or fostering a child in state custody.

(B) Eligible state employees employed by this State, its departments, agencies, or institutions are entitled to paid parental leave as follows: Eligible state employees who give birth shall receive six weeks of paid parental leave to recover from the birth and to bond with and care for their biological newborn child. Other eligible state employees who do not give birth shall receive two weeks of paid parental leave to bond with and care for a child after a coparent’s birth of a newborn child or the initial legal placement of a child by adoption or fostering a child in state custody.

(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 or two 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 non-consecutive 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 1976 Code is repealed.

SECTION 3. This act takes effect October 1, 2022. /

Renumber sections to conform.

Amend title to conform.

HARVEY S. PEELER, JR. for Committee.

**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 8‑11‑150 SO AS TO PROVIDE TWELVE WEEKS OF PAID FAMILY LEAVE FOR STATE EMPLOYEES DUE TO THE BIRTH, ADOPTION, OR FOSTER CARE OF A SON OR DAUGHTER.

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

SECTION 1. Article 1, Chapter 11, Title 8 of the 1976 Code is amended by adding:

“Section 8‑11‑150. (A) Any person employed full time by this State, its departments, agencies, or institutions is entitled to a total of twelve weeks of leave during any twelve month period for one or more of the following:

(1) the birth of a son or daughter of the employee and in order to care for such son or daughter; or

(2) the placement of a son or daughter with the employee for adoption or foster care.

(B) The entitlement to leave under subsection (A) expires at the end of the twelve month period beginning on the date of such birth or placement. If the leave is not used by the employee before the end of the twelve month period to which it relates, it does not accumulate for subsequent use.

(C) Leave granted under this section is with pay and is not annual leave or sick leave.”

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

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