**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, TO ENACT THE “SOUTH CAROLINA PAID SICK LEAVE ACT” BY ADDING CHAPTER 11 TO TITLE 41 SO AS TO PROVIDE FOR THE PURPOSE OF THE CHAPTER, TO PROVIDE NECESSARY DEFINITIONS, TO PROVIDE FOR THE MANNER IN WHICH EMPLOYEES MAY ACCRUE AND USE PAID SICK LEAVE, TO PROVIDE EMPLOYERS MAY PROVIDE MORE GENEROUS PAID SICK LEAVE BENEFITS THAN REQUIRED IN THIS CHAPTER, TO PROHIBIT EMPLOYER RETALIATION AGAINST EMPLOYEES WHO REQUEST OR USE PAID SICK LEAVE, TO PROVIDE FOR THE ENFORCEMENT OF THE CHAPTER, AND TO PROVIDE THE CHAPTER MAY NOT BE CONSTRUED TO DISCOURAGE OR PROHIBIT AN EMPLOYER FROM THE ADOPTION OR RETENTION OF AN EARNED PAID SICK LEAVE POLICY MORE GENEROUS THAN THE ONE REQUIRED IN THIS CHAPTER.

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

SECTION 1. This act must be known and may be cited as the “South Carolina Paid Sick Leave Act”.

SECTION 2. Title 41 of the 1976 Code is amended by adding:

“CHAPTER 11

Earned Paid Sick Leave

Section 41‑11‑110. The purpose of this chapter is to provide earned paid sick leave to employees statewide.

Section 41‑11‑120. For purposes of this chapter:

(1) ‘Employer’ means a person, partnership, for‑profit or nonprofit corporation, or limited liability corporation that employs one or more employees, excluding governmental entities.

(2) ‘Employee’ means a person employed by an employer.

(3) ‘Family member’ means:

(a) regardless of age, a biological, adopted, foster, or stepchild, or legal ward, a child of a domestic partner, a child to whom the employee stands in loco parentis, or an individual to whom the employee stood in loco parentis when the individual was a minor.

(b) a biological, foster, stepparent or adoptive parent or legal guardian of an employee or an employee’s spouse or domestic partner;

(c) a person to whom the employee is married or a domestic partner of the employee as registered under the laws of any state;

(d) a grandparent, grandchild, or sibling of the employee or the employee’s spouse or domestic partner, whether of a biological, foster, adoptive, or step relationship; and

(e) another individual related by blood or affinity whose close association with the employee is the equivalent of a family relationship.

Section 41‑11‑130. An employee accrues paid sick leave at a minimum rate of one hour of paid leave for every thirty hours worked.

Section 41‑11‑140. An employer shall pay an employee for using accrued sick leave for a qualified purpose at the same hourly rate and with the same benefits, including medical benefits, that the employee normally earns during hours worked, and in no case less than the minimum wage required by law.

Section 41‑11‑150. An employee shall begin to accrue paid sick leave upon starting employment for an employer. An employee may use accrued paid sick leave beginning ninety calendar days after starting employment for an employer or on the effective date of this chapter, whichever is later.

Section 41‑11‑160. Unused paid sick leave of twenty‑four hours or less must be carried over to the following year, but an employer is not required to allow the use of more than forty hours of earned paid sick leave in one year.

Section 41‑11‑170. An employer may provide an employee with more generous carry over and accrual policies than provided in this chapter.

Section 41‑11‑180. An employer shall allow an employee to use accrued paid sick leave for the following qualified purposes:

(1) to diagnose, care for, or treat the mental or physical illness, injury, or health condition of the employee or his family member;

(2) to obtain preventive medical care for the employee or his family member;

(3) closure of the place of business of the employee by order of a public official due to a public health emergency;

(4) to care for a family member whose school or place of care has been closed by order of a public official due to a public health emergency;

(5) for absences that qualify for domestic violence leave, if any; and

(6) additional purposes that the employer, in its sole discretion, considers appropriate.

Section 41‑11‑190. An employer may not retaliate against an employee for requesting or using sick leave as provided pursuant to this chapter.

Section 41‑11‑200. (A) An employee may request to use accrued earned paid sick leave orally, in writing, by electronic means, or by any other means acceptable to the employer. When possible, the request must include the expected duration of the absence.

(B) When the use of earned paid sick leave is foreseeable, the employee shall make a good faith effort to provide notice of the need for the earned paid sick leave to the employer in advance of the use of the earned paid sick leave and shall make a reasonable effort to schedule the use of earned paid sick leave in a manner that does not unduly disrupt the operations of the employer.

(C) An employer that requires notice of the need to use earned paid sick leave when the need is not foreseeable shall provide a written policy that contains procedures for the employee to provide notice. An employer that has not provided to an employee a copy of its written policy for providing notice pursuant to this subsection may not deny earned paid sick leave to the employee based on noncompliance with the policy.

(D) For the use of accrued earned paid sick leave for more than three consecutive days, an employer may require reasonable documentation from the employee to verify that the accrued earned paid sick leave was for a purpose permitted under this chapter. At the request of the employer, the employee shall provide the documentation to the employer in a timely manner. The employer may not delay use of accrued earned paid sick leave by the employee on the basis that the employer has not yet received documentation.

Section 41‑11‑210. The Department of Labor, Licensing and Regulation shall enforce the provisions of this chapter and shall promulgate regulations regarding notice and recordkeeping.

Section 41‑11‑220. The department, the Attorney General, an employee, or a former employee aggrieved by a violation of this chapter may bring a civil action in circuit court against an employer violating this chapter. Upon prevailing in an action brought pursuant to this section, an employee or former employee is entitled to legal or equitable relief as may be appropriate to remedy the violation, including reinstatement to employment, back pay, and injunctive relief.

Section 41‑11‑230. The provisions of this chapter may not be construed to discourage or prohibit an employer from the adoption or retention of an earned paid sick leave policy more generous than the one required in this chapter.”

SECTION 3. This act takes effect July 1, 2021.

‑‑‑‑XX‑‑‑‑