COMMITTEE REPORT

March 18, 2021

**H. 3560**

Introduced by Reps. Bernstein, Herbkersman, Henegan, Pope, Rutherford, Finlay, Stavrinakis, Collins, W. Newton, Wheeler, Jordan, Ballentine, Garvin, J.E. Johnson, Brawley, Elliott, Rose, B. Newton, Robinson, Kirby, Haddon, V.S. Moss, Caskey, J.L. Johnson, Cobb‑Hunter, Yow, Dillard, Willis and Weeks

S. Printed 3/18/21--H.

Read the first time January 12, 2021.

**THE COMMITTEE ON WAYS AND MEANS**

To whom was referred a Bill (H. 3560) 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, 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) Any person employed by this State, its departments, agencies, or institutions in a FTE position 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.

(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. An employee shall receive no more than twelve work weeks of paid family leave for any twelve‑month period, even if more than one qualifying event occurs during that period.

(C) Days of paid family leave to which an employee is entitled must be used consecutively.

(D) If both parents are eligible employees, then each parent receives twelve weeks of paid family leave, which may be taken concurrently, consecutively, or at different times as the other eligible employee. Legal holidays listed in Section 53‑5‑10 must not be counted against paid family leave.

(E) Paid family leave may not be donated and such leave remaining at the end of the twelve‑month period or at separation of employment is forfeited. If leave is not used by the employee before the end of the twelve‑month period after the qualifying event, it does not accumulate for subsequent use.

(F) Paid family leave must run concurrently with leave taken pursuant to the Family Medical & Leave Act and any other leave to which the 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 does not deduct from an employee’s accrued leave balance. An employee does not have to exhaust all other forms of leave before being eligible for leave granted under this section. Employees will accrue annual and sick leave at the normal rate while on paid family leave, if applicable.

(G) The Division of State Human Resources in 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 upon approval by the Governor. /

Renumber sections to conform.

Amend title to conform.

G. MURRELL SMITH, 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 OR ADOPTION 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.

(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. An employee shall receive no more than twelve work weeks of paid family leave for any twelve‑month period, even if more than one qualifying event occurs during that period.

(C) Days of paid family leave to which an employee is entitled must be used consecutively.

(D) If both parents are eligible employees, then each parent receives paid family leave, which may be taken concurrently, consecutively, or at different times. Legal holidays listed in Section 53‑5‑10 must not be counted against paid family leave.

(E) Paid family leave may not be donated and such leave remaining at the end of the twelve‑month period is forfeited. If 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.

(F) Paid family leave must run concurrently with leave taken pursuant to the Family Medical & Leave Act and any other leave to which the 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.”

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

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