**South Carolina General Assembly**

125th Session, 2023-2024

**A17, R53, H3908**

**STATUS INFORMATION**

General Bill

Sponsors: Reps. Collins, G.M. Smith, Bannister, Erickson, Whitmire, Felder, Bernstein, Ott, Haddon, W. Newton, Carter, Elliott, Crawford, Ballentine, Caskey, Wetmore, Stavrinakis, Mitchell, Yow, M.M. Smith, Willis, Vaughan, Cobb-Hunter, Oremus, McGinnis, Trantham, Calhoon, Gatch, Weeks, Rose, Alexander, Tedder, Garvin, Murphy, Sandifer, Hartnett, Robbins, Brewer, Pope, Pace, Henegan, Williams, Wheeler, Wooten, T. Moore, Hyde and Lawson

Document Path: LC-0171PH23.docx

Introduced in the House on February 8, 2023

Introduced in the Senate on April 6, 2023

Last Amended on May 4, 2023

Currently residing in the House

Governor's Action: May 12, 2023, Signed

Summary: Paid family leave

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

2/8/2023 House Introduced and read first time ([House Journal‑page 8](h:\hj\20230208.docx))

2/8/2023 House Referred to Committee on **Ways and Means** ([House Journal‑page 8](h:\hj\20230208.docx))

2/9/2023 House Member(s) request name added as sponsor: Wetmore,
Stavrinakis

2/28/2023 House Member(s) request name added as sponsor: Mitchell, Yow

3/7/2023 House Member(s) request name added as sponsor: M.M. Smith

3/13/2023 House Member(s) request name added as sponsor: Willis

3/15/2023 House Member(s) request name added as sponsor: Vaughan

3/29/2023 House Member(s) request name added as sponsor:
Cobb-Hunter, Oremus, McGinnis, Trantham

3/30/2023 House Member(s) request name added as sponsor: Calhoon,
Gatch, Weeks, Rose, Alexander, Tedder, Garvin

3/30/2023 House Committee report: Favorable with amendment **Ways and Means** ([House Journal‑page 12](h:\hj\20230330.docx))

4/4/2023 Scrivener's error corrected

4/4/2023 House Member(s) request name added as sponsor: Murphy,
Sandifer, Hartnett, Robbins, Brewer, Pope,
Pace, Henegan, Williams, Wheeler

4/5/2023 House Member(s) request name added as sponsor: Wooten,
T. Moore, Hyde, Lawson

4/5/2023 House Amended ([House Journal‑page 147](h:\hj\20230405.docx))

4/5/2023 House Read second time ([House Journal‑page 147](h:\hj\20230405.docx))

4/5/2023 House Roll call Yeas-113 Nays-0 ([House Journal‑page 147](h:\hj\20230405.docx))

4/6/2023 House Read third time and sent to Senate ([House Journal‑page 28](h:\hj\20230406.docx))

4/6/2023 Senate Introduced and read first time ([Senate Journal‑page 39](h:\sj\20230406.docx))

4/6/2023 Senate Referred to Committee on **Finance** ([Senate Journal‑page 39](h:\sj\20230406.docx))

4/26/2023 Senate Committee report: Favorable **Finance** ([Senate Journal‑page 8](h:\sj\20230426.docx))

5/2/2023 Senate Special order, set for May 2, 2023 ([Senate Journal‑page 33](h:\sj\20230502.docx))

5/2/2023 Senate Roll call Ayes-xxx Nays-xxx ([Senate Journal‑page 33](h:\sj\20230502.docx))

5/4/2023 Senate Committee Amendment Adopted ([Senate Journal‑page 44](h:\sj\20230504.docx))

5/4/2023 Senate Amended ([Senate Journal‑page 44](h:\sj\20230504.docx))

5/4/2023 Senate Read second time ([Senate Journal‑page 44](h:\sj\20230504.docx))

5/4/2023 Senate Roll call Ayes-38 Nays-0 ([Senate Journal‑page 44](h:\sj\20230504.docx))

5/9/2023 Senate Read third time and returned to House with amendments ([Senate Journal‑page 102](h:\sj\20230509.docx))

5/10/2023 House Concurred in Senate amendment and enrolled ([House Journal‑page 39](h:\hj\20230510.docx))

5/10/2023 House Roll call Yeas-114 Nays-0 ([House Journal‑page 39](h:\hj\20230510.docx))

5/11/2023 Ratified R 53

5/12/2023 Signed By Governor

5/12/2023 Effective date 06/26/23

5/12/2023 Act No. 17

View the latest  [legislative information](https://www.scstatehouse.gov/billsearch.php?billnumbers=3908&session=125&summary=B)  at the website

**VERSIONS OF THIS BILL**

[02/08/2023](https://www.scstatehouse.gov/sess125_2023-2024/prever/3908_20230208.docx)

[03/30/2023](https://www.scstatehouse.gov/sess125_2023-2024/prever/3908_20230330.docx)

[04/04/2023](https://www.scstatehouse.gov/sess125_2023-2024/prever/3908_20230404.docx)

[04/05/2023](https://www.scstatehouse.gov/sess125_2023-2024/prever/3908_20230405.docx)

[04/27/2023](https://www.scstatehouse.gov/sess125_2023-2024/prever/3908_20230427.docx)

[05/04/2023](https://www.scstatehouse.gov/sess125_2023-2024/prever/3908_20230504.docx)

4/6/2023 Senate Referred to Committee on **Finance** ([Senate Journal‑page 39](file:///h:\sj\20230406.docx))

4/26/2023 Senate Committee report: Favorable **Finance** ([Senate Journal‑page 8](file:///h:\sj\20230426.docx))

5/2/2023 Senate Special order, set for May 2, 2023 ([Senate Journal‑page 33](file:///h:\sj\20230502.docx))

5/2/2023 Senate Roll call Ayes-xxx Nays-xxx ([Senate Journal‑page 33](file:///h:\sj\20230502.docx))

5/4/2023 Senate Committee Amendment Adopted ([Senate Journal‑page 44](file:///h:\sj\20230504.docx))

5/4/2023 Senate Amended ([Senate Journal‑page 44](file:///h:\sj\20230504.docx))

5/4/2023 Senate Read second time ([Senate Journal‑page 44](file:///h:\sj\20230504.docx))

5/4/2023 Senate Roll call Ayes-38 Nays-0 ([Senate Journal‑page 44](file:///h:\sj\20230504.docx))

5/9/2023 Senate Read third time and returned to House with amendments ([Senate Journal‑page 102](file:///h:\sj\20230509.docx))

5/10/2023 House Concurred in Senate amendment and enrolled ([House Journal‑page 39](file:///h:\hj\20230510.docx))

5/10/2023 House Roll call Yeas-114 Nays-0 ([House Journal‑page 39](file:///h:\hj\20230510.docx))

5/11/2023 Ratified R 53 ([Senate Journal‑page 141](file:///h:\sj\20230511.docx))

5/12/2023 Signed By Governor

5/12/2023 Effective date 06/26/23

5/12/2023 Act No. 17

View the latest [legislative information](https://www.scstatehouse.gov/billsearch.php?billnumbers=3908&session=125&summary=B) at the website

**VERSIONS OF THIS BILL**

[02/08/2023](https://www.scstatehouse.gov//sess125_2023-2024/prever/3908_20230208.htm)

[03/30/2023](https://www.scstatehouse.gov//sess125_2023-2024/prever/3908_20230330.htm)

[04/04/2023](https://www.scstatehouse.gov//sess125_2023-2024/prever/3908_20230404.htm)

[04/05/2023](https://www.scstatehouse.gov//sess125_2023-2024/prever/3908_20230405.htm)

[04/27/2023](https://www.scstatehouse.gov//sess125_2023-2024/prever/3908_20230427.htm)

[05/04/2023](https://www.scstatehouse.gov//sess125_2023-2024/prever/3908_20230504.htm)

(A17, R53, H3908)

AN ACT To amend the south Carolina code of laws by adding section 8-11-151 so as to define terms and to provide paid parental leave upon a qualifying event for eligible school district employees; and by adding section 8‑11‑156 so as to define terms and to provide paid parental leave upon the initial placement of a child by adoption for eligible school district employees.

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

Paid parental leave for eligible school district employees, birth of child or placement of foster child

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

Section 8‑11‑151. (A) For the purposes of this section:

(1) “Child” means a newborn biological child 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 school district employee” means an employee defined by the Department of Education using the Professional Certified Staff system or any full-time equivalent position categorized as classified staff.

(3) “Paid parental leave”, for the purpose of duration and percentage of base pay covered, has the same meaning as Section 8‑11‑150(3) for eligible school district employees.

(4) “Qualifying event” means the birth of a newborn biological child to an eligible school district employee or after a coparent’s birth of a newborn child or fostering a child in state custody.

(B) Eligible school district employees who experience a qualifying event are entitled to paid parental leave to the same extent available to employees of the State pursuant to Section 8-11-150.

(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 school district employee shall receive no more than one occurrence 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 nonconsecutive one‑week time periods.

(2) If the leave is not used by the eligible school district 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 school district employees, paid parental leave may be taken concurrently, consecutively, or a different time as the other eligible school district employee.

(5) School district holidays and vacation on the district calendar must not be counted against paid parental leave. Where an employee’s entitlement to leave under this section extends beyond their designated term of employment for their contractual term, a school district may enact policies to allow the affected employee to continue their period of leave in the subsequent contractual term, provided that the employee remains an eligible school district employee.

(6) Paid parental leave must run concurrently with leave taken pursuant to the Family Medical Leave Act and any other unpaid leave to which the eligible school district 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 school district employee’s accrued leave balance. An eligible school district employee does not have to exhaust all other forms of leave before being eligible to take leave granted under this section. Eligible school district employees shall accrue annual and sick leave at the normal rate while on this leave, if applicable.

(7) The use of paid parental leave by an eligible school district employee shall not prevent the eligible school district employee from earning a STEP increase the following year.

(8) Paid parental leave is considered paid leave and the time must count toward the eligible school district employee’s years of service.

(D) All paid parental leave benefits shall be funded by the eligible school district employee’s school district.

(E) The State Board of Education shall promulgate regulations, guidance, and procedures to implement this section.

Paid parental leave for eligible school district employees, adoption

SECTION 2. Article 1, Chapter 11, Title 8 of the S.C. Code is amended by adding:

Section 8‑11‑156. (A) For the purposes of this section:

(1) “Child” means a child initially legally placed for adoption and under the age of eighteen. No child can have more than two parents eligible for paid parental leave.

(2) “Eligible school district employee” means an employee defined by the Department of Education using the Professional Certified Staff system or any full-time equivalent position categorized as classified staff.

(3) “Paid parental leave”, for the purpose of duration and percentage of base pay covered, has the same meaning as Section 8‑11‑155(3) for eligible school district employees.

(B) Eligible school district employees are entitled to paid parental leave to the same extent as employees of the State pursuant to Section 8‑11‑155.

(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 school district employee shall receive no more than one occurrence 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 nonconsecutive one‑week time periods.

(2) If the leave is not used by the eligible school district 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 school district employees, paid parental leave may be taken concurrently, consecutively, or a different time as the other eligible school district employee.

(5) School district holidays and vacation on the district calendar must not be counted against paid parental leave. Where an employee’s entitlement to leave under this section extends beyond their designated term of employment for their contractual term, a school district may enact policies to allow the affected employee to continue their period of leave in the subsequent contractual term, provided that the employee remains an eligible school district employee.

(6) Paid parental leave must run concurrently with leave taken pursuant to the Family Medical Leave Act and any other unpaid leave to which the eligible school district 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 school district employee’s accrued leave balance. An eligible school district employee does not have to exhaust all other forms of leave before being eligible to take leave granted under this section. Eligible school district employees shall accrue annual and sick leave at the normal rate while on this leave, if applicable.

(7) The use of paid parental leave by an eligible school district employee shall not prevent the eligible school district employee from earning a STEP increase the following year.

(8) Paid parental leave is considered paid leave and the time must count toward the eligible school district employee’s years of service.

(D) All paid parental leave benefits shall be funded by the eligible school district employee’s school district.

(E) The State Board of Education shall promulgate regulations, guidance, and procedures to implement this section.

Time effective

SECTION 3. This act takes effect forty-five days after approval by the Governor.

Ratified the 11th day of May, 2023.

Approved the 12th day of May, 2023.

\_\_\_\_\_\_\_\_\_\_