

Bill 11

~~Indicates Matter Stricken~~
Indicates New Matter

(Text matches printed bills. Document has been reformatted to meet World Wide Web specifications.)

~~Indicates Matter Stricken~~

Indicates New Matter

RECALLED

April 20, 2022

S. 11

Introduced by Senators Jackson, Shealy, Hutto, Cash and Malloy

S. Printed 4/20/22--H.

Read the first time April 5, 2022.

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.

Amend Title To Conform

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) 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 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 co-parent's birth of a newborn child or fostering a child in state custody.
- (B) Eligible state employees who are employed by this State, its departments, agencies, or institutions and who give birth are entitled to receive six weeks of paid parental leave. Other eligible state employees who do not give birth are entitled to receive two weeks of paid parental leave.
- (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 amended to read:

"Section 8-11-155. (A) ~~An adoptive parent who is employed by this State, its departments, agencies, or institutions may use up to six weeks of his accrued sick leave to take time off for purposes of caring for the child after placement. The employer shall not penalize an employee for requesting or obtaining time off according to this section.~~ 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 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 initial legal placement of a child by adoption.~~
- (B) ~~The leave authorized by this section may be requested by the employee only if the employee is the person who is primarily responsible for furnishing the care and nurture of the child. Eligible state employees who are employed by this State, its departments, agencies, or institutions and are primarily responsible for furnishing the care and nurture of the child, are entitled to six weeks of paid parental leave upon the occurrence of a qualifying event. Eligible state employees who are employed by this State, its departments, agencies, or institutions who are not primarily responsible for furnishing the care and nurture of the child, are entitled to two weeks of paid parental leave upon the occurrence of a qualifying event.~~
- (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 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.~~

(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.~~

(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 3. This act takes effect October 1, 2022.

----XX----