**South Carolina General Assembly**

118th Session, 2009-2010

**A8, R33, H3378**

**STATUS INFORMATION**

General Bill

Sponsors: Rep. Cooper

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Introduced in the House on January 29, 2009

Introduced in the Senate on February 17, 2009

Last Amended on April 1, 2009

Passed by the General Assembly on April 22, 2009

Governor's Action: May 6, 2009, Signed

Summary: State agency mandatory furlough terms

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

1/29/2009 House Introduced and read first time [HJ](file:///h:\HJ%20Archive\2009\01-29-09.docx)‑5

1/29/2009 House Referred to Committee on **Ways and Means** [HJ](file:///h:\HJ%20Archive\2009\01-29-09.docx)‑5

2/11/2009 House Committee report: Favorable **Ways and Means** [HJ](file:///h:\HJ%20Archive\2009\02-11-09.docx)‑3

2/12/2009 House Read second time [HJ](file:///h:\HJ%20Archive\2009\02-12-09.docx)‑29

2/12/2009 House Unanimous consent for third reading on next legislative day [HJ](file:///h:\HJ%20Archive\2009\02-12-09.docx)‑29

2/12/2009 Scrivener's error corrected

2/13/2009 House Read third time and sent to Senate [HJ](file:///h:\HJ%20Archive\2009\02-13-09.docx)‑1

2/17/2009 Senate Introduced and read first time [SJ](file:///h:\SJ%20Archive\2009\02-17-09.docx)‑6

2/17/2009 Senate Referred to Committee on **Finance** [SJ](file:///h:\SJ%20Archive\2009\02-17-09.docx)‑6

3/19/2009 Senate Committee report: Favorable with amendment **Finance** [SJ](file:///h:\SJ%20Archive\2009\03-19-09.docx)‑4

4/1/2009 Senate Committee Amendment Adopted [SJ](file:///h:\SJ%20Archive\2009\04-01-09.docx)‑24

4/1/2009 Senate Amended [SJ](file:///h:\SJ%20Archive\2009\04-01-09.docx)‑24

4/1/2009 Senate Read second time [SJ](file:///h:\SJ%20Archive\2009\04-01-09.docx)‑24

4/2/2009 Senate Read third time and returned to House with amendments [SJ](file:///h:\SJ%20Archive\2009\04-02-09.docx)‑10

4/22/2009 House Concurred in Senate amendment and enrolled [HJ](file:///h:\HJ%20Archive\2009\04-22-09.docx)‑48

4/22/2009 House Roll call Yeas‑91 Nays‑0 [HJ](file:///h:\HJ%20Archive\2009\04-22-09.docx)‑48

4/30/2009 Ratified R 33

5/6/2009 Signed By Governor

5/15/2009 Effective date 05/06/09

5/19/2009 Act No. 8

**VERSIONS OF THIS BILL**

[1/29/2009](file:///p:\pprever\2009-10\3378_20090129.docx)

[2/11/2009](file:///p:\pprever\2009-10\3378_20090211.docx)

[2/12/2009](file:///p:\pprever\2009-10\3378_20090212.docx)

[3/19/2009](file:///p:\pprever\2009-10\3378_20090319.docx)

[4/1/2009](file:///p:\pprever\2009-10\3378_20090401.docx)

(A8, R33, H3378)

**AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 8‑11‑192 SO AS TO PROVIDE FOR THE TERMS AND CONDITIONS OF MANDATORY STATE AGENCY FURLOUGH PROGRAMS, TO REQUIRE CERTAIN CONSULTATION AND GUIDANCE SERVICES BY THE OFFICE OF HUMAN RESOURCES OF THE STATE BUDGET AND CONTROL BOARD, AND TO DELETE THE PROVISIONS OF PARAGRAPH 89.120, PART IB, OF ACT 310 OF 2008, RELATING TO STATE AGENCY FURLOUGHS.**

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

**State agency furloughs**

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

“Section 8‑11‑192. In a fiscal year in which the general funds appropriated for a state agency are less than the general funds appropriated for that agency in the prior fiscal year, or in a fiscal year in which an agency that is funded by other funds projects other funds collections to be less than in the prior fiscal year, or whenever the General Assembly or the State Budget and Control Board implements a midyear across‑the‑board budget reduction, agency heads may institute employee furlough programs of not more than ten working days in the fiscal year in which the deficit is projected to occur.

The furlough program must be:

(1) inclusive of all employees in an agency or within a designated department or program regardless of source of funds or place of work, including all classified and unclassified employees in the designated area; or

(2) based upon pay band for classified employees and based upon pay rate for unclassified employees within the agency or designated department respectively.

If the state agency will incur costs for overtime under the federal Fair Labor Standards Act, law enforcement employees and correctional employees may be exempted from a mandatory furlough. Employees who provide direct patient or client care and front‑line employees who deliver direct customer services may be exempted from a mandatory furlough. The mandatory furlough must include the agency head. Constitutional officers are exempt from mandatory furlough. Scheduling of furlough days, or portions of days, shall be at the discretion of the agency head, but under no circumstances should the agency close completely.

During this furlough, affected employees shall be entitled to participate in the same state benefits as otherwise available to them except for receiving their salaries. As to those benefits that require employer and employee contributions including, but not limited to, contributions to the South Carolina Retirement System or the optional retirement program, the state agencies, institutions, and departments are responsible for making both employer and employee contributions if coverage would otherwise be interrupted; and as to those benefits which require only employee contributions, the employee remains solely responsible for making those contributions.

Placement of an employee on furlough under this provision does not constitute a grievance or appeal under the State Employee Grievance Procedure Act.

In the event the reduction for the state agency, institution, or department is due solely to the General Assembly transferring or deleting a program, this section does not apply. The implementation of a furlough program authorized by this section shall be on an agency‑by‑agency basis. Agencies may allocate the employee’s reduction in pay over the balance of the fiscal year for payroll purposes regardless of the pay period within which the furlough occurs. In the event that an agency implements both a voluntary furlough program and a mandatory furlough program during the fiscal year, furlough days taken voluntarily shall count toward furlough days required by the mandatory furlough.

The State Budget and Control Board shall promulgate guidelines and policies, as necessary, to implement the provisions of this section. State agencies shall report information regarding furloughs to the Office of Human Resources of the State Budget and Control Board.

The Office of Human Resources of the State Budget and Control Board must provide consultation and guidance to each state agency implementing a furlough or reduction in force regarding the long term career development of its employees and the potential financial benefit of implementing a furlough program or reduction in force.

The provisions of this section do not apply to employees of those state agencies or institutions covered by Section 8‑11‑193, and Section 8‑11‑193, rather than this section continues to apply to those employees in the manner provided by law.”

**Deletion**

SECTION 2. Paragraph 89.120, Part IB, of Act 310 of 2008, as added by Act 414 of 2008, is deleted.

**Time effective**

SECTION 3. This act takes effect upon approval by the Governor.

Ratified the 30th day of April, 2009.

Approved the 6th day of May, 2009.

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