**South Carolina General Assembly**

121st Session, 2015-2016

**H. 4390**

**STATUS INFORMATION**

General Bill

Sponsors: Reps. R.L. Brown and Clyburn

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Introduced in the House on January 12, 2016

Currently residing in the House Committee on **Ways and Means**

Summary: Leave for employees attending child's educational activity

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

12/3/2015 House Prefiled

12/3/2015 House Referred to Committee on **Ways and Means**

1/12/2016 House Introduced and read first time ([House Journal‑page 51](file:///h:\HJ%20Archive\2016\01-12-16.docx))

1/12/2016 House Referred to Committee on **Ways and Means** ([House Journal‑page 51](file:///h:\HJ%20Archive\2016\01-12-16.docx))

View the latest [legislative information](http://www.scstatehouse.gov/billsearch.php?billnumbers=4390&session=121&summary=B) at the website

**VERSIONS OF THIS BILL**

[12/3/2015](file:///p:\pprever\2015-16\4390_20151203.docx)

**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 8‑1‑200 SO AS TO PROVIDE THAT A STATE EMPLOYER SHALL ALLOW A STATE EMPLOYEE TO ATTEND AN EDUCATIONAL ACTIVITY AT THE SCHOOL OF THE EMPLOYEE’S CHILD; BY ADDING SECTION 12‑6‑3780 SO AS TO PROVIDE FOR AN INCOME TAX CREDIT FOR AN EMPLOYER WHO ALLOWS AN EMPLOYEE TO ATTEND AN EDUCATIONAL ACTIVITY FOR HIS CHILD; AND TO REPEAL SECTION 59‑28‑220 RELATING TO RECOMMENDATIONS FOR EMPLOYER TAX CREDIT INCENTIVES.

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

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

“Section 8‑1‑200. (A) As used in this section:

(1) ‘Child’ means a person enrolled in prekindergarten through twelfth grade who is of the following relation to a state employee:

(a) natural child;

(b) adopted child;

(c) stepchild;

(d) foster child;

(e) grandchild;

(f) ward of the state employee by virtue of the state employee having been appointed the person’s legal guardian or custodian; or

(g) any other legal capacity in which the state employee is acting as a parent of the child.

(2) ‘Educational activity’ means any school‑sponsored activity excluding athletic events.

(3) ‘School’ means an elementary school, middle school, high school, or a child care program that is authorized to operate under the laws of this State.

(B) A state employer shall allow a state employee up to eight hours each year, not to exceed more than four hours in any given day, to attend an educational activity at the school of the state employee’s child during the work day. An employee is not required to take annual leave to attend the educational activity.

(C) The allowance pursuant to this section may not be carried over, is not compensable at the time of retirement, and may not be considered leave for any purpose.

(D) A state employee shall provide the state employer with notice of the need for leave at least forty‑eight hours in advance of the educational activity unless the need to attend the educational activity cannot be reasonably foreseen. The state employer shall respond to the notice of leave within twenty‑four hours of receiving the notice. A state employer may deny the use of leave provided by this section only if the granting of leave would unduly disrupt the operation of the state employer. The leave must be at a time mutually agreed upon by the state employer and the state employee.

(E) The state employee, if requested by the state employer, shall provide documentation from the school as proof that the state employee participated in an educational activity on a specific date and at a particular time.

(F) If more than one employee is related to the same child and are employed by the same state employer at the same worksite, only the employee who gives first notice to the state employer is granted leave unless otherwise approved by the state employer.”

SECTION 2. A. Article 25, Chapter 6, Title 12 of the 1976 Code is amended by adding:

“Section 12‑6‑3780. (A) As used in this section:

(1) ‘Child’ means a person attending prekindergarten through twelfth grade who is of the following relation to an employee:

(a) natural child;

(b) adopted child;

(c) stepchild;

(d) foster child;

(e) grandchild;

(f) ward of the employee by virtue of the employee having been appointed the person’s legal guardian or custodian; or

(g) any other legal capacity in which the employee is acting as a parent of the child.

(2) ‘Educational activity’ means any school‑sponsored activity excluding athletic events.

(3) ‘School’ means an elementary school, middle school, high school, or a child care program that is authorized to operate under the laws of this State.

(B)(1) For taxable years beginning after 2016, an employer with fifty or more employees who allows an employee to attend an educational activity for his child attending prekindergarten through twelfth grade at the child’s school, when the employee is scheduled to be on duty, is allowed an income tax credit. The amount of the credit is equal to fifty percent of the base pay paid to the employee for each hour, or its equivalent for salaried employees, the employee is absent to attend the educational activity. The credit may be claimed for up to eight hours a year for each employee but not to exceed four hours in any given day.

(2) The credit applies against the employer’s tax liability for the year the employee attends the educational activity. If an employer deducts the amount paid to the employee during the employee’s absence on the employer’s federal return and claims the credit allowed by this section, then the employer must add back the amount of the deduction for purposes of South Carolina income taxes. If an employee is required to take annual leave to attend the educational activity, then the employer is not eligible to claim the income tax credit.

(C) The credit allowed by this section may be carried forward for five years.

(D) The department may adopt rules and promulgate regulations necessary to carry out the intent and purposes of this section.”

B. This section takes effect upon approval by the Governor and applies for income tax years beginning after 2016.

SECTION 3. Section 59‑28‑220 of the 1976 Code is repealed.

SECTION 4. Except as otherwise provided, this act takes effect upon approval by the Governor.

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