**South Carolina General Assembly**

124th Session, 2021-2022

**A149, R164, S11**

**STATUS INFORMATION**

General Bill

Sponsors: Senators Jackson, Shealy, Hutto, Cash and Malloy

Document Path: l:\council\bills\sm\20122ph21.docx

Companion/Similar bill(s): 3560

Introduced in the Senate on January 12, 2021

Introduced in the House on April 5, 2022

Last Amended on March 31, 2022

Passed by the General Assembly on April 22, 2022

Governor's Action: May 13, 2022, Signed

Summary: Family leave

**HISTORY OF LEGISLATIVE ACTIONS**

 Date Body Action Description with journal page number

 12/9/2020 Senate Prefiled

 12/9/2020 Senate Referred to Committee on **Finance**

 1/12/2021 Senate Introduced and read first time ([Senate Journal‑page 93](file:///h%3A%5Csj%5C20210112.docx))

 1/12/2021 Senate Referred to Committee on **Finance** ([Senate Journal‑page 93](file:///h%3A%5Csj%5C20210112.docx))

 3/29/2022 Senate Committee report: Favorable with amendment **Finance** ([Senate Journal‑page 14](file:///h%3A%5Csj%5C20220329.docx))

 3/30/2022 Scrivener's error corrected

 3/31/2022 Senate Committee Amendment Adopted ([Senate Journal‑page 35](file:///h%3A%5Csj%5C20220331.docx))

 3/31/2022 Senate Amended ([Senate Journal‑page 35](file:///h%3A%5Csj%5C20220331.docx))

 3/31/2022 Senate Read second time ([Senate Journal‑page 35](file:///h%3A%5Csj%5C20220331.docx))

 3/31/2022 Senate Roll call Ayes‑42 Nays‑0 ([Senate Journal‑page 35](file:///h%3A%5Csj%5C20220331.docx))

 3/31/2022 Senate Unanimous consent for third reading on next legislative day ([Senate Journal‑page 35](file:///h%3A%5Csj%5C20220331.docx))

 4/1/2022 Senate Read third time and sent to House ([Senate Journal‑page 1](file:///h%3A%5Csj%5C20220401.docx))

 4/1/2022 Scrivener's error corrected

 4/5/2022 House Introduced and read first time ([House Journal‑page 40](file:///h%3A%5Chj%5C20220405.docx))

 4/5/2022 House Referred to Committee on **Ways and Means** ([House Journal‑page 40](file:///h%3A%5Chj%5C20220405.docx))

 4/20/2022 House Recalled from Committee on **Ways and Means** ([House Journal‑page 15](file:///h%3A%5Chj%5C20220420.docx))

 4/21/2022 House Read second time ([House Journal‑page 20](file:///h%3A%5Chj%5C20220421.docx))

 4/21/2022 House Roll call Yeas‑107 Nays‑1 ([House Journal‑page 21](file:///h%3A%5Chj%5C20220421.docx))

 4/21/2022 House Unanimous consent for third reading on next legislative day ([House Journal‑page 22](file:///h%3A%5Chj%5C20220421.docx))

 4/22/2022 House Read third time and enrolled ([House Journal‑page 2](file:///h%3A%5Chj%5C20220422.docx))

 5/12/2022 Ratified R 164 ([Senate Journal‑page 195](file:///h%3A%5Csj%5C20220512.docx))

 5/13/2022 Signed By Governor

 5/31/2022 Effective date 10/01/22

 5/31/2022 Act No.  149

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**VERSIONS OF THIS BILL**

[12/9/2020](file:///p%3A%5Cpprever%5C2021-22%5C11_20201209.docx)

[3/29/2022](file:///p%3A%5Cpprever%5C2021-22%5C11_20220329.docx)

[3/30/2022](file:///p%3A%5Cpprever%5C2021-22%5C11_20220330.docx)

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[4/1/2022](file:///p%3A%5Cpprever%5C2021-22%5C11_20220401.docx)

[4/20/2022](file:///p%3A%5Cpprever%5C2021-22%5C11_20220420.docx)

(A149, R164, S11)

**AN ACT** **TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 8‑11‑150 SO AS TO DEFINE TERMS AND TO PROVIDE THE CIRCUMSTANCES WHEN AN ELIGIBLE STATE EMPLOYEE MAY BE ENTITLED TO PAID PARENTAL LEAVE UPON THE BIRTH OF A CHILD OR INITIAL LEGAL PLACEMENT OF A FOSTER CHILD; AND TO AMEND SECTION 8‑11‑155, RELATING TO THE USE OF SICK LEAVE TO CARE FOR AN ADOPTED CHILD, SO AS TO DEFINE TERMS AND TO PROVIDE THE CIRCUMSTANCES WHEN AN ELIGIBLE STATE EMPLOYEE MAY BE ENTITLED TO PAID PARENTAL LEAVE UPON THE INITIAL LEGAL PLACEMENT OF A CHILD BY ADOPTION.**

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

**Paid parental leave, birth and foster care**

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 nonconsecutive 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.”

**Paid parental leave, adoption**

SECTION 2. Section 8‑11‑155 of the 1976 Code is amended to read:

 “Section 8‑11‑155. (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 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) 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.”

**Time effective**

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

Ratified the 12th day of May, 2022.

Approved the 13th day of May, 2022.

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