

REPORT OF THE GENERAL GOVERNMENT LEGISLATIVE SUBCOMMITTEE

(Cobb-Hunter, Hayes, Ballentine, Willis, Murphy- Staff Contact: Terikah Staggers)

HOUSE BILL 3645

H. 3645 – Reps. Bernstein, Herbkersman, Pope, Stavrinakis, Ballentine, Caskey, Collins, Wetmore, Bauer, Rutherford, Cobb-Hunter, Spann-Wilder, W. Newton and Schuessler: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTIONS 8-11-150 AND 8-11-155, BOTH RELATING TO PAID PARENTAL LEAVE, SO AS TO INCREASE THE NUMBER OF WEEKS OF PAID PARENTAL LEAVE IN THE EVENT OF THE BIRTH OR ADOPTION OF A CHILD FOR ELIGIBLE STATE EMPLOYEES.

Received by Ways and Means: ***12/5/2024***

Summary of Bill:

This bill extends paid parental leave from six weeks to twelve weeks, and from two weeks to four weeks for eligible employees, as appropriate, depending on the employee's parental role. The expansion of paid leave would apply in the event of the birth or adoption of a child. The definition of an eligible employee is amended to include all full-time employees of the State, including those employed by public institutions of higher education.

Estimated Revenue Impact:

Undetermined

Subcommittee Action/Explanation

The proposed amendment provides language clarifying that parental leave is being extended to full-time employees, to include temporary/research grant employees in FTE positions. Additionally, the amendment directs paid parental leave to be based on an employee's average workday. The amended bill would take effect October 1, 2025; to allow time for process implementation. The bill is reported favorable from the General Government Subcommittee, as amended.

Full Committee Action/Explanation

Other Notes/Comments:

"THE BELOW CONSTITUTED SUMMARY IS PREPARED BY THE STAFF OF THE SOUTH CAROLINA HOUSE OF REPRESENTATIVES AND IS NOT THE EXPRESSION OF THE LEGISLATION'S SPONSOR(S) OR THE HOUSE OF REPRESENTATIVES. IT IS STRICTLY FOR THE INTERNAL USE AND BENEFIT OF MEMBERS OF THE HOUSE OF REPRESENTATIVES AND IS NOT TO BE CONSTRUED BY A COURT OF LAW AS AN EXPRESSION OF LEGISLATIVE INTENT".

Fiscal impact on state expenditure is undetermined. Agencies and institutions may incur some increased expenses as it relates to managing workload during an employee's paid parental leave. Additionally, employees may preserve more leave, leading to increased annual leave payouts. These costs will vary depending on the number of employees who take parental leave, among other factors.

SOUTH CAROLINA
HOUSE AMENDMENT

AMENDMENT NO. _____

David Good
March 24, 2025

ADOPTED	REJECTED	TABLED	ADJOURN DEBATE	RECONSIDERED	ROO

Clerk of the House

ADOPTION NO. _____

BILL NO: H. 3645

(Reference is to the original version)

The General Government Subcommittee proposes the following amendment (LC-3645.DG0001H):

Amend the bill, as and if amended, SECTION 1, by striking Section 8-11-150(A)(2) and inserting:

(2) “Eligible state employee” ~~means an employee occupying any percentage of a full-time equivalent position any person employed~~ full-time by this State, its departments, agencies, or institutions. This includes any person employed full-time by a four-year or postgraduate institution of higher education under the control of the State or a technical college supported and under the control of the State by any department, institution, commission, board, or any other unit of government of this State who occupies a position eligible to earn annual leave. This includes any person employed by a four-year or postgraduate institution of higher education under the

control of the State or a technical college supported and under the control of the State who occupies a fulltime equivalent, temporary grant or time limited position.

Amend the bill further, SECTION 1, by striking Section 8-11-150(B) and inserting:

(B) Eligible state employees who are employed by this State, its departments, agencies, or institutions and who give birth are entitled to receive ~~six~~twelve weeks of paid parental leave. Other eligible state employees who do not give birth are entitled to receive ~~two~~four weeks of paid parental leave. An employee's paid parental leave is based on an employee's average workday.

Amend the bill further, SECTION 1, by striking Section 8-11-150(C)(6) and inserting:

(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. However, an employer may require that an employee use paid parental leave before using annual leave if the employee's leave is taken pursuant to the Family Medical and Leave Act. Eligible state employees shall accrue annual and sick leave at the normal rate while on this leave, if applicable.

Amend the bill further, SECTION 2, by striking Section 8-11-155(A)(2) and (3) and inserting:

(2) "Eligible state employee" means ~~an employee occupying any percentage of a full-time equivalent position~~any person employed by any department, institution, commission, board, or any other unit of government of this State who occupies a position eligible to earn annual leave. This includes any person employed by a four-year or postgraduate institution of higher education

under the control of the State or a technical college supported and under the control of the State who occupies a position eligible to earn annual leave.

(3) “Paid parental leave” means ~~six~~twelve weeks of paid leave at one hundred percent of the eligible state employee’s ~~base~~ pay or ~~two~~four 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.

Amend the bill further, SECTION 2, by striking Section 8-11-155(B) and inserting:

(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~~twelve 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~~four weeks of paid parental leave upon the occurrence of a qualifying event. An employee’s paid parental leave is based on an employee’s average workday.

Amend the bill further, SECTION 2, by striking Section 8-11-155(C)(6) and inserting:

(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. However, an employer may require that an employee use paid parental leave before using annual leave if the employee’s leave is taken pursuant to the Family and Medical Leave Act. Eligible state employees shall accrue annual and sick leave at the normal rate while on this leave, if applicable.

Amend the bill further, by striking SECTION 3 and inserting:

SECTION 3. ~~This act takes effect upon approval by the Governor.~~ This act takes effect October 1, 2025, and applies to qualifying events thereon or thereafter.

Renumber sections to conform.

Amend title to conform.



SOUTH CAROLINA REVENUE AND FISCAL AFFAIRS OFFICE

STATEMENT OF ESTIMATED FISCAL IMPACT

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This fiscal impact statement is produced in compliance with the South Carolina Code of Laws and House and Senate rules. The focus of the analysis is on governmental expenditure and revenue impacts and may not provide a comprehensive summary of the legislation.

Bill Number:	H. 3645	Amended by House Ways and Means General Government Legislative Subcommittee on March 25, 2025
Subject:	Paid Family Leave	
Requestor:	House Ways and Means	
RFA Analyst(s):	Tipton	
Impact Date:	April 2, 2025	

Fiscal Impact Summary

This bill expands paid parental leave for eligible state employees from six weeks to twelve weeks for the birth of a child and from two weeks to four weeks for a co-parent after the birth of a child or for fostering a child from state custody pursuant to §8-11-150. An employee's paid paternal leave is based on an employee's average workday. The bill specifies that any state employee who occupies a position eligible to earn annual leave, including those employed by a four-year or postgraduate state institution of higher learning or state technical college, is eligible for paid parental leave. Currently, eligible employee is defined as an employee occupying any percentage of a full-time equivalent position. This bill also increases the paid leave for the adoption of a child from six weeks to twelve weeks for the primary caregiver and from two weeks to four weeks for a parent who is not the primary caregiver pursuant to §8-11-155. An employer may require an employee to use paid paternal leave before using annual leave if the employee's leave is taken pursuant to the Family and Medical Leave Act (FMLA). This bill takes effect on October 1, 2025.

State agencies and institutions may face additional personnel needs associated with managing the workload from employees taking twelve or four weeks of leave and as such, may experience an increase in expenditures if it is necessary to hire temporary employees or offer current employees a temporary salary increase to manage the workload. Further, under the bill, employees would not be required to use accrued sick and annual leave for these additional weeks and instead may use the additional paid parental leave for qualifying events. As such, agencies may experience an increase in expenses resulting from employees accruing additional leave if an employee separates from covered employment. However, as this will vary by agency and institution, the impact of this bill is undetermined.

This bill is not expected to have an expenditure impact on DSHR, as the management of the change is expected to take place under normal agency operations.

Explanation of Fiscal Impact

Amended by House Ways and Means General Government Legislative Subcommittee on March 25, 2025

State Expenditure

This bill expands paid parental leave for eligible state employees from six weeks to twelve weeks for the birth of a child and from two weeks to four weeks for a co-parent after the birth of a child or for fostering a child from state custody pursuant to §8-11-150. An employee's paid paternal leave is based on an employee's average workday. The bill specifies that any state employee who occupies a position eligible to earn annual leave, including those employed by a four-year or postgraduate state institution of higher learning or state technical college, is eligible for paid parental leave. Currently, eligible employee is defined as an employee occupying any percentage of a full-time equivalent position. This bill also increases the paid leave for the adoption of a child from six weeks to twelve weeks for the primary caregiver and from two weeks to four weeks for a parent who is not the primary caregiver pursuant to §8-11-155. An employer may require an employee to use paid paternal leave before using annual leave if the employee's leave is taken pursuant to FMLA. This bill takes effect on October 1, 2025.

DSHR reports that 958 state employees utilized paid parental leave in 2024 for the birth or placement of a child. State agencies expend appropriated funds for employee salaries when an employee is at work or on paid leave. Under the bill's revised definition, newly eligible employees would not be required to use accrued sick and annual leave or unpaid leave available under FMLA and instead would use paid parental leave for qualifying events. This change would allow those employees to retain an additional six or two weeks of accrued leave they may have otherwise used. Agencies and institutions may face additional personnel needs associated with managing the workload of employees taking paid parental leave under the new definition. As such, agencies and institutions may experience an increase in expenditures if it is necessary to hire temporary employees or offer current employees a temporary salary increase to manage the workload resulting from newly eligible employees using paid parental leave under the bill.

When an employee separates from state employment, they forfeit accrued sick leave but are paid up to 45 days of unused annual leave. Newly eligible employees would be able to retain annual leave that may have otherwise been used. As such, agencies may experience an increase in expenses resulting from leave payouts to employees accruing additional leave if an employee separates from covered employment. DSHR reports that in FY 2023-24, of the 958 employees who used paid parental leave, 112 separated from employment immediately thereafter, 94 of which were owed annual leave payout in the total amount of \$139,457. Of the 94 employees, 2 had accrued the maximum annual leave carryforward amount of 45 days.

The total impact of this bill will vary depending on the number of newly eligible employees that use parental leave, the ability for the agency or institution to manage the workload while employees are using the parental leave, and any additional leave payout that is required due to the changes. As this will vary widely by agency and institution, the impact of this bill is undetermined.

This bill is not expected to have an expenditure impact on DSHR to implement the changes, as the management of the revised definition of eligible state employee is expected to take place under normal agency operations.

State Revenue

N/A

Local Expenditure

N/A

Local Revenue

N/A



Frank A. Rainwater, Executive Director

South Carolina General Assembly
126th Session, 2025-2026

H. 3645

STATUS INFORMATION

General Bill

Sponsors: Reps. Bernstein, Herbkersman, Pope, Stavrinakis, Ballentine, Caskey, Collins, Wetmore, Bauer, Rutherford, Cobb-Hunter, Spann-Wilder, W. Newton and Schuessler

Companion/Similar bill(s): 10, 3490

Document Path: LC-0091DG25.docx

Introduced in the House on January 14, 2025

Currently residing in the House

Summary: Paid family leave

HISTORY OF LEGISLATIVE ACTIONS

Date	Body	Action Description with journal page number
12/12/2024	House	Prefiled
12/12/2024	House	Referred to Committee on Ways and Means
1/14/2025	House	Introduced and read first time (House Journal-page 279)
1/14/2025	House	Referred to Committee on Ways and Means (House Journal-page 279)
3/5/2025	House	Member(s) request name added as sponsor: Schuessler

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VERSIONS OF THIS BILL

12/12/2024

1
2
3
4
5
6
7
8
9 **A BILL**
10

11 TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTIONS 8-11-150
12 AND 8-11-155, BOTH RELATING TO PAID PARENTAL LEAVE, SO AS TO INCREASE THE
13 NUMBER OF WEEKS OF PAID PARENTAL LEAVE IN THE EVENT OF THE BIRTH OR
14 ADOPTION OF A CHILD FOR ELIGIBLE STATE EMPLOYEES.
15

16 Be it enacted by the General Assembly of the State of South Carolina:
17

18 SECTION 1. Section 8-11-150 of the S.C. Code is amended to read:
19

20 Section 8-11-150. (A) For the purposes of this section:

21 (1) "Child" means a newborn biological child or foster of a child in state custody and under the
22 age of eighteen. No child can have more than two parents eligible for paid parental leave.

23 (2) "Eligible state employee" ~~means an employee occupying any percentage of a full-time~~
24 ~~equivalent position~~ any person employed full-time by this State, its departments, agencies, or
25 institutions. This includes any person employed full-time by a four-year or postgraduate institution of
26 higher education under the control of the State or a technical college supported and under the control
27 of the State.

28 (3) "Paid parental leave" means ~~six~~twelve weeks of paid leave at one hundred percent of the
29 eligible state employee's base pay or ~~two~~four weeks of paid leave at one hundred percent of the eligible
30 state employee's base pay. Leave for part-time eligible state employees must be on a prorated basis
31 corresponding to the percentage of hours they are normally scheduled to work.

32 (4) "Qualifying event" means the birth of a newborn biological child to an eligible state employee
33 or after a co-parent's birth of a newborn child or fostering a child in state custody.

34 (B) Eligible state employees who are employed by this State, its departments, agencies, or
35 institutions and who give birth are entitled to receive ~~six~~twelve weeks of paid parental leave. Other
36 eligible state employees who do not give birth are entitled to receive ~~two~~four weeks of paid parental
37 leave.

38 (C) Paid parental leave usage includes the following:

39 (1) The entitlement to leave pursuant to subsection (B) expires at the end of the twelve-month
40 period beginning on the date of such birth or initial legal placement. An eligible state employee shall

1 receive no more than one occurrence of ~~six~~twelve or ~~two~~four weeks of paid parental leave for any
2 twelve-month period, even if more than one qualifying event occurs. However, nothing in this item
3 prohibits a foster parent from requesting and receiving approval for parental leave in nonconsecutive
4 one-week time periods.

5 (2) If the leave is not used by the eligible state employee before the end of the twelve-month period
6 after the qualifying event, such leave does not accumulate for subsequent use. Paid parental leave may
7 not be donated. Any leave remaining at the end of the twelve-month period or at separation of
8 employment is forfeited.

9 (3) Days of paid parental leave taken under this section must be taken consecutively, except that
10 foster parents may request and receive approval for parental leave in nonconsecutive one-week time
11 periods.

12 (4) If both parents are eligible state employees, paid parental leave may be taken concurrently,
13 consecutively, or a different time as the other eligible state employee.

14 (5) Legal holidays listed in Section 53-5-10 must not be counted against paid parental leave.

15 (6) Paid parental leave must run concurrently with leave taken pursuant to the Family Medical and
16 Leave Act and any other unpaid leave to which the eligible state employee may be entitled as a result
17 of the qualifying event. However, leave granted under this section is with pay and is not annual leave
18 or sick leave and therefore does not deduct from the eligible state employee's accrued leave balance.
19 An eligible state employee does not have to exhaust all other forms of leave before being eligible to
20 take leave granted under this section. Eligible state employees shall accrue annual and sick leave at the
21 normal rate while on this leave, if applicable.

22 (D) The Division of Human Resources of the Department of Administration shall promulgate
23 regulations, guidance, and procedures to implement this section.

24
25 SECTION 2. Section 8-11-155 of the S.C. Code is amended to read:

26
27 Section 8-11-155. (A) For the purposes of this section:

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

30 (2) "Eligible state employee" means an employee occupying any percentage of a full-time
31 equivalent position.

32 (3) "Paid parental leave" means ~~six~~twelve weeks of paid leave at one hundred percent of the
33 eligible state employee's base pay or ~~two~~four weeks of paid leave at one hundred percent of the eligible
34 state employee's base pay. Leave for part-time eligible state employees must be on a prorated basis
35 corresponding to the percentage of hours they are normally scheduled to work.

36 (4) "Qualifying event" means the initial legal placement of a child by adoption.

1 (B) Eligible state employees who are employed by this State, its departments, agencies, or
2 institutions and are primarily responsible for furnishing the care and nurture of the child, are entitled to
3 ~~six~~twelve weeks of paid parental leave upon the occurrence of a qualifying event. Eligible state
4 employees who are employed by this State, its departments, agencies, or institutions who are not
5 primarily responsible for furnishing the care and nurture of the child, are entitled to ~~two~~four weeks of
6 paid parental leave upon the occurrence of a qualifying event.

7 (C) Paid parental leave usage includes the following:

8 (1) The entitlement to leave pursuant to subsection (B) expires at the end of the twelve-month
9 period beginning on the date of initial legal placement. An eligible state employee shall receive no
10 more than one occurrence of ~~six~~twelve or ~~two~~four weeks of paid parental leave for any twelve-month
11 period, even if more than one qualifying event occurs.

12 (2) If the leave is not used by the eligible state employee before the end of the twelve-month period
13 after the qualifying event, such leave does not accumulate for subsequent use. Paid parental leave may
14 not be donated. Any leave remaining at the end of the twelve-month period or at separation of
15 employment is forfeited.

16 (3) Days of paid parental leave taken under this section must be taken consecutively.

17 (4) If both parents are eligible state employees, paid parental leave may be taken concurrently,
18 consecutively, or a different time as the other eligible state employee.

19 (5) Legal holidays listed in Section 53-5-10 must not be counted against paid parental leave.

20 (6) Paid parental leave must run concurrently with leave taken pursuant to the Family Medical and
21 Leave Act and any other unpaid leave to which the eligible state employee may be entitled as a result
22 of the qualifying event. However, leave granted under this section is with pay and is not annual leave
23 or sick leave and therefore does not deduct from the eligible state employee's accrued leave balance.
24 An eligible state employee does not have to exhaust all other forms of leave before being eligible to
25 take leave granted under this section. Eligible state employees shall accrue annual and sick leave at
26 the normal rate while on this leave, if applicable.

27 (D) The Division of Human Resources of the Department of Administration shall promulgate
28 regulations, guidance, and procedures to implement this section.

29
30 SECTION 3. This act takes effect upon approval by the Governor.

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