Agency Name: Department of Employment and Workforce

Statutory Authority: 41-29-110

Document Number: 5093

Proposed in State Register Volume and Issue: 45/11

House Committee: Regulations and Administrative Procedures Committee

Senate Committee: Labor, Commerce and Industry Committee

120 Day Review Expiration Date for Automatic Approval: 05/11/2022

Final in State Register Volume and Issue: 46/5

Status: Final

Subject: Separation Notices

History: 5093

By Date Action Description Jt. Res. No. Expiration Date

- 11/26/2021 Proposed Reg Published in SR

- 01/11/2022 Received by Lt. Gov & Speaker 05/11/2022

H 01/11/2022 Referred to Committee

S 01/11/2022 Referred to Committee

S 04/07/2022 Resolution Introduced to Approve 1249

- 05/11/2022 Approved by: Expiration Date

- 05/27/2022 Effective Date unless otherwise

 provided for in the Regulation

Document No. 5093

**Department of Employment and Workforce**

CHAPTER 47

Statutory Authority: 1976 Code Section 41‑29‑110

47‑19. Separation Notices.

**Synopsis:**

 The South Carolina Department of Employment and Workforce is amending Regulation 47‑19, regarding separation notices.

 The Notice of Drafting was published in the *State Register* on August 27, 2021.

**Instructions:**

 Replace R.47-19 in its entirety with this amendment as shown below.

**Text:**

47‑19. Separation Notices.

 A. Notice of Filing:

 1. A copy of each initial or additional claim filed by a worker will be mailed and transmitted electronically to his last employer regardless as to whether the latter is liable or non‑liable under the Act.

 2. The employer must complete and return the requested information in accordance with South Carolina Code Section 41‑31‑160

 3. A liable employer other than the last separating employer may be sent a Request to Employer for Separation Information. This employer must complete and return the requested information in accordance with South Carolina Code Section 41‑31‑160. 4. A failure to respond in a timely fashion as set forth in A2 and A3 may result in the separation information not being considered in rendering an initial determination on the claim.

 B. Mass Separations:

 1. The term “mass separation” means a separation (permanently, or for an indefinite period), of ten or more workers employed in a single establishment at or about the same time and for the same reason; provided however, that the term “mass separation” shall not apply to separations for regular vacation periods as defined in the Act and approved by the Department.

 2. In cases of mass separations the employer, shall, for each individual affected, file with the office nearest the worker’s place of employment, or with such office nearest employee’s residence. Form UCB‑113, setting forth such information as is required thereby; such form shall be filed not later than ten (10) calendar days, exclusive of Sundays and holidays, after such separation.

 C. Notice of Unemployment Due to a Labor Dispute:

 1. In all cases of unemployment due to a labor dispute the employer shall follow the procedure set forth in 47‑21(D).

 D. In all cases of initial claims, additional claims or requests for reinstatement of benefits, where a claimant has been separated from the employ of a non‑liable employer, the last covered (liable) employer by whom the claimant was employed will be requested to furnish information relative to the separation of the claimant from employment with such covered (liable) employer or as to any offer of work made to the claimant by such covered (liable) employer in accordance with 47‑23 of these regulations subsequent to the separation of the claimant from the employ of such covered (liable) employer. Separation information must be maintained by employers in accordance with 47‑14 (A)(2)(e) of these regulations.

**Fiscal Impact Statement:**

 There will be no cost incurred by the State or any of its political subdivisions.

**Statement of Rationale:**

 These amendments clarify that employers will be sent claims filed by workers electronically, which will allow employers to respond electronically. Doing so will improve efficiency and reduce errors by eliminating the need for Department staff to manually sort responses and attach them to the correct claim since the electronic response will be automatically attached to the electronic claim.