~~Indicates Matter Stricken~~

Indicates New Matter

COMMITTEE REPORT

February 23, 2012

**S. 1125**

Introduced by Senators Bright, Bryant, S. Martin, Thomas, Gregory, Knotts, Campbell, Rose, Cromer, Fair, Campsen, Grooms and Peeler

S. Printed 2/23/12--S.

Read the first time January 24, 2012.

**THE COMMITTEE ON**

**LABOR, COMMERCE AND INDUSTRY**

To whom was referred a Bill (S. 1125) to amend Section 41‑35‑120 of the 1976 Code, relating to disqualification for unemployment benefits, to provide that a person discharged from employment for cause is ineligible, etc., respectfully

**REPORT:**

That they have duly and carefully considered the same and recommend that the same do pass with amendment:

Amend the bill, as and if amended, page 1, by striking lines 25-40 and inserting:

/ “(2) Discharge for ~~cause~~ misconduct connected with the employment. If the department finds that he has been discharged for ~~cause~~ misconduct connected with his most recent work prior to filing a request for determination of insured status or a request for initiation of a claim series within an established benefit year, with ineligibility beginning with the effective date of the request, and continuing ~~not less than five nor more than~~ for the next twenty‑~~six~~ weeks, in addition to the waiting period, with a corresponding and mandatory reduction of the insured worker’s benefits to be calculated by multiplying his weekly benefit amount by the number of weeks of his disqualification. ~~The ineligibility period must be determined by the department in each case according to the seriousness of the cause for discharge.~~ A ~~charge~~ finding of discharge for ~~cause connected with the employment~~ misconduct may not be made for ~~failure to meet production requirements unless the failure is occasioned by wilful failure or neglect of duty~~ discharge resulting from circumstances related to an extreme hardship, emergency, or other extraordinary circumstance. ‘~~Cause~~ Misconduct connected /

Renumber sections to conform.

Amend title to conform.

W. GREG RYBERG for Committee.

**A** **BILL**

TO AMEND SECTION 41‑35‑120 OF THE 1976 CODE, RELATING TO DISQUALIFICATION FOR UNEMPLOYMENT BENEFITS, TO PROVIDE THAT A PERSON DISCHARGED FROM EMPLOYMENT FOR CAUSE IS INELIGIBLE FOR BENEFITS FOR TWENTY WEEKS BEGINNING WITH THE DATE THE PERSON FILED A BENEFITS REQUEST.

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

SECTION 1. Section 41‑35‑120(2) of the 1976 Code is amended to read:

“(2) Discharge for cause connected with the employment. If the department finds that he has been discharged for cause connected with his most recent work prior to filing a request for determination of insured status or a request for initiation of a claim series within an established benefit year, with ineligibility beginning with the effective date of the request, and continuing ~~not less than five nor more than~~ for the next twenty~~‑six~~ weeks, in addition to the waiting period, with a corresponding and mandatory reduction of the insured worker’s benefits to be calculated by multiplying his weekly benefit amount by the number of weeks of his disqualification. The ineligibility period must be determined by the department in each case according to the seriousness of the cause for discharge. A charge of discharge for cause connected with the employment may not be made for failure to meet production requirements unless the failure is occasioned by wilful failure or neglect of duty. ‘Cause connected with the employment’ as used in this item requires more than a failure in good performance of the employee as the result of inability or incapacity.”

SECTION 2. This act takes effect upon approval by the Governor.

‑‑‑‑XX‑‑‑‑