**South Carolina General Assembly**

126th Session, 2025-2026

**H. 3477**

**STATUS INFORMATION**

General Bill

Sponsors: Reps. Caskey, Bannister, G.M. Smith, B. Newton, Hewitt, Long, Wooten, Mitchell and Pope

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Prefiled in the House on December 5, 2024

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

Summary: Maximum potential employment benefits

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

12/5/2024 House Prefiled

12/5/2024 House Referred to Committee on **Ways and Means**

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**VERSIONS OF THIS BILL**

[12/05/2024](https://www.scstatehouse.gov/sess126_2025-2026/prever/3477_20241205.docx)

A bill

TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 41-35-50, RELATING TO THE MAXIMUM UNEMPLOYMENT INSURANCE BENEFITS ALLOWED IN A BENEFIT YEAR, SO AS TO BASE THE DURATION OF UNEMPLOYMENT BENEFITS ALLOWED ON SEASONALLY ADJUSTED STATEWIDE UNEMPLOYMENT RATES, TO PROVIDE REQUIREMENTS FOR CALCULATING THE RATES, AND TO PROVIDE THE DEPARTMENT OF EMPLOYMENT AND WORKFORCE SHALL PROMULGATE CERTAIN RELATED REGULATIONS; AND BY AMENDING SECTION 41-35-120, RELATING TO DISQUALIFICATION FOR BENEFITS.

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

SECTION 1. Section 41-35-50 of the S.C. Code is amended to read:

Section 41-35-50. The maximum potential benefits of any insured worker in a benefit year are the lesser of:

(1) twenty times his weekly benefit amount;

(2) one-third of his wages for insured work paid during his base period.

If the resulting amount is not a multiple of one dollar, the amount must be reduced to the next lower multiple of one dollar, except that no insured worker may receive benefits in a benefit year unless, subsequent to the beginning of the next preceding benefit year during which he received benefits, he performed “insured work” as defined in Section 41-27-300 and earned wages in the employ of a single employer in an amount equal to not less than eight times the weekly benefit amount established for the individual in the preceding benefit year.(A) The number of weeks an individual is allowed to receive unemployment benefits depends on the seasonally adjusted statewide unemployment rate that applies to the three‑month reference period in which the effective date of the claim falls. One three‑month reference period begins on January first, the second three-month reference period begins on April first, the third three-month reference period begins on July first, and the fourth three-month reference period begins on October first. For the reference period that begins January first, the average of the seasonally adjusted unemployment rates for the State for the preceding months of August, September, and October apply. For the reference period that begins April first, the average of the seasonally adjusted unemployment rates for the State for the preceding months of November, December, and January apply. For the reference period that begins July first, the average of the seasonally adjusted

unemployment rates for the State for the preceding months of February, March, and April apply. For the reference period that begins October first, the average of the seasonally adjusted unemployment rates for the State for the preceding months of May, June, and July apply. The Department of Employment and Workforce must use the most recent seasonally adjusted unemployment rates determined by the U.S. Department of Labor, Bureau of Labor Statistics, and not the rate as revised in the annual benchmark.

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| 7 | Seasonally Adjusted Unemployment Rate | Number of Weeks |
| 8 | Less than or equal to 5.5% | 12 weeks |
| 9 | Greater than 5.5% up to 6% | 13 weeks |
| 10 | Greater than 6% up to 6.5% | 14 weeks |
| 11 | Greater than 6.5% up to 7% | 15 weeks |
| 12 | Greater than 7% up to 7.5% | 16 weeks |
| 13 | Greater than 7.5% up to 8% | 17 weeks |
| 14 | Greater than 8% up to 8.5% | 18 weeks |
| 15 | Greater than 8.5% up to 9% | 19 weeks |
| 16 | Greater than 9% | 20 weeks |

(B) The total benefits paid to an individual equals the individual's weekly benefit amount allowed under Section 41‑35‑40 multiplied by the number of weeks allowed under subsection (A).

(C) The department shall promulgate regulations to ensure compliance with job search requirements and to prevent fraud. These regulations may include verification of attendance at job interviews.

SECTION 2. Section 41-35-120(2) of the S.C. Code is amended to read:

(2)(a) Discharge for misconduct connected with the employment. If the department finds that he has been discharged for 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 for the next twenty weeksmaximum duration of benefits applicable to the claim, 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 twentythe maximum duration of benefits applicable to the claim. For the purposes of this item, “misconduct” is limited to conduct evincing such wilful and wanton disregard of an employer's interests as is found in deliberate violations or disregard of standards of behavior which the employer has the right to expect of his employee, or in the carelessness or negligence of such degree or recurrence as to manifest equal culpability, wrongful intent, or evil design, or to show an intentional and substantial disregard of the employer's interest or of the employee's duties

and obligations to his employer. No finding of misconduct may be made for discharge resulting from

an extreme hardship, emergency, sickness, or other extraordinary circumstance.

(b) If the department finds that he has been discharged for cause, other than misconduct as defined in item (2)(a), 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, then the department must find him partially ineligible. The ineligibility must begin with the effective date of the request, and continuing not less than five nor more than the next nineteen weeksone week less than the maximum duration of benefits applicable to the claim, in addition to the waiting period. 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, must be made. The ineligibility period must be determined by the department in each case according to the seriousness of the cause for discharge. Discharge resulting from substandard performance due to inefficiency, inability, or incapacity shall not serve as a basis for disqualification under either subitem (a) or (b) of this item.

SECTION 3. This act takes effect upon approval by the Governor and is applicable to unemployment insurance claims with an effective date on or after October 1, 2025.

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