

South Carolina General Assembly
125th Session, 2023-2024

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A17, R53, H3908

STATUS INFORMATION

General Bill

Sponsors: Reps. Collins, G.M. Smith, Bannister, Erickson, Whitmire, Felder, Bernstein, Ott, Haddon, W. Newton, Carter, Elliott, Crawford, Ballentine, Caskey, Wetmore, Stavrinakis, Mitchell, Yow, M.M. Smith, Willis, Vaughan, Cobb-Hunter, Oremus, McGinnis, Trantham, Calhoon, Gatch, Weeks, Rose, Alexander, Tedder, Garvin, Murphy, Sandifer, Hartnett, Robbins, Brewer, Pope, Pace, Henegan, Williams, Wheeler, Wooten, T. Moore, Hyde and Lawson

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Introduced in the House on February 8, 2023

Introduced in the Senate on April 6, 2023

Last Amended on May 4, 2023

Currently residing in the House

Summary: Paid family leave

HISTORY OF LEGISLATIVE ACTIONS

Date	Body	Action Description with journal page number
2/8/2023	House	Introduced and read first time (House Journal-page 8)
2/8/2023	House	Referred to Committee on Ways and Means (House Journal-page 8)
2/9/2023	House	Member(s) request name added as sponsor: Wetmore, Stavrinakis
2/28/2023	House	Member(s) request name added as sponsor: Mitchell, Yow
3/7/2023	House	Member(s) request name added as sponsor: M.M. Smith
3/13/2023	House	Member(s) request name added as sponsor: Willis
3/15/2023	House	Member(s) request name added as sponsor: Vaughan
3/29/2023	House	Member(s) request name added as sponsor: Cobb-Hunter, Oremus, McGinnis, Trantham
3/30/2023	House	Member(s) request name added as sponsor: Calhoon, Gatch, Weeks, Rose, Alexander, Tedder, Garvin
3/30/2023	House	Committee report: Favorable with amendment Ways and Means (House Journal-page 12)
4/4/2023		Scrivener's error corrected
4/4/2023	House	Member(s) request name added as sponsor: Murphy, Sandifer, Hartnett, Robbins, Brewer, Pope, Pace, Henegan, Williams, Wheeler
4/5/2023	House	Member(s) request name added as sponsor: Wooten, T. Moore, Hyde, Lawson
4/5/2023	House	Amended (House Journal-page 147)
4/5/2023	House	Read second time (House Journal-page 147)
4/5/2023	House	Roll call Yeas-113 Nays-0 (House Journal-page 147)

Date	Body	Action Description with journal page number
4/6/2023	House	Read third time and sent to Senate (House Journal-page 28)
4/6/2023	Senate	Introduced and read first time (Senate Journal-page 39)
4/6/2023	Senate	Referred to Committee on Finance (Senate Journal-page 39)
4/26/2023	Senate	Committee report: Favorable Finance (Senate Journal-page 8)
5/2/2023	Senate	Special order, set for May 2, 2023 (Senate Journal-page 33)
5/2/2023	Senate	Roll call Ayes-xxx Nays-xxx (Senate Journal-page 33)
5/4/2023	Senate	Committee Amendment Adopted (Senate Journal-page 44)
5/4/2023	Senate	Amended (Senate Journal-page 44)
5/4/2023	Senate	Read second time (Senate Journal-page 44)
5/4/2023	Senate	Roll call Ayes-38 Nays-0 (Senate Journal-page 44)
5/9/2023	Senate	Read third time and returned to House with amendments (Senate Journal-page 102)
5/10/2023	House	Concurred in Senate amendment and enrolled (House Journal-page 39)
5/10/2023	House	Roll call Yeas-114 Nays-0 (House Journal-page 39)
5/11/2023		Ratified R 53 (Senate Journal-page 141)
5/12/2023		Signed By Governor
5/12/2023		Effective date 06/26/23
5/12/2023		Act No. 17

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VERSIONS OF THIS BILL

[2/8/2023](#)

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(Text matches printed bills. Document has been reformatted to meet World Wide Web specifications.)

NOTE: THIS IS A TEMPORARY VERSION. THIS DOCUMENT WILL REMAIN IN THIS VERSION UNTIL FINAL APPROVAL BY THE LEGISLATIVE COUNCIL.

(A17, R53, H3908)

AN ACT TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION [8-11-151](#) SO AS TO DEFINE TERMS AND TO PROVIDE PAID PARENTAL LEAVE UPON A QUALIFYING EVENT FOR ELIGIBLE SCHOOL DISTRICT EMPLOYEES; AND BY ADDING SECTION [8-11-156](#) SO AS TO DEFINE TERMS AND TO PROVIDE PAID PARENTAL LEAVE UPON THE INITIAL PLACEMENT OF A CHILD BY ADOPTION FOR ELIGIBLE SCHOOL DISTRICT EMPLOYEES.

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

Paid parental leave for eligible school district employees, birth of child or placement of foster child

SECTION 1. Article 1, Chapter 11, Title 8 of the S.C. Code is amended by adding:

Section 8-11-151. (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 school district employee" means an employee defined by the Department of Education using the Professional Certified Staff system or any full-time equivalent position categorized as classified staff.

(3) "Paid parental leave", for the purpose of duration and percentage of base pay covered, has the same meaning as Section 8-11-150(3) for eligible school district employees.

(4) "Qualifying event" means the birth of a newborn biological child to an eligible school district employee or after a coparent's birth of a newborn child or fostering a child in state custody.

(B) Eligible school district employees who experience a qualifying event are entitled to paid parental leave to the same extent available to employees of the State pursuant to Section [8-11-150](#).

(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 school district employee shall receive no more than one occurrence 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 school district 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 school district employees, paid parental leave may be taken concurrently, consecutively, or a different time as the other eligible school district employee.

(5) School district holidays and vacation on the district calendar must not be counted against paid parental leave. Where an employee's entitlement to leave under this section extends beyond their designated term of employment for their contractual term, a school district may enact policies to allow the affected employee to continue their period of leave in the subsequent contractual term, provided that the employee remains an eligible school district employee.

(6) Paid parental leave must run concurrently with leave taken pursuant to the Family Medical Leave Act and any other unpaid leave to which the eligible school district 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 school district employee's accrued leave balance. An eligible school district employee does not have to exhaust all other forms of leave before being eligible to take leave granted under this section. Eligible school district employees shall accrue annual and sick leave at the normal rate while on this leave, if applicable.

(7) The use of paid parental leave by an eligible school district employee shall not prevent the eligible school district employee from earning a STEP increase the following year.

(8) Paid parental leave is considered paid leave and the time must count toward the eligible school district employee's years of service.

(D) All paid parental leave benefits shall be funded by the eligible school district employee's school district.

(E) The State Board of Education shall promulgate regulations, guidance, and procedures to implement this section.

Paid parental leave for eligible school district employees, adoption

SECTION 2. Article 1, Chapter 11, Title 8 of the S.C. Code is amended by adding:

Section 8-11-156. (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 school district employee" means an employee defined by the Department of Education using the Professional Certified Staff system or any full-time equivalent position categorized as classified staff.

(3) "Paid parental leave", for the purpose of duration and percentage of base pay covered, has the same meaning as Section 8-11-155(3) for eligible school district employees.

(B) Eligible school district employees are entitled to paid parental leave to the same extent as employees of the State pursuant to Section [8-11-155](#).

(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 school district employee shall receive no more than one occurrence 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 school district 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 school district employees, paid parental leave may be taken concurrently, consecutively, or a different time as the other eligible school district employee.

(5) School district holidays and vacation on the district calendar must not be counted against paid parental leave. Where an employee's entitlement to leave under this section extends beyond their designated term of employment for their contractual term, a school district may enact policies to allow the affected employee to continue their period of leave in the subsequent contractual term, provided that the employee remains an eligible school district employee.

(6) Paid parental leave must run concurrently with leave taken pursuant to the Family Medical Leave Act and any other unpaid leave to which the eligible school district 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 school district employee's accrued leave balance. An eligible school district employee does not have to exhaust all other forms of leave before being eligible to take leave granted under this

section. Eligible school district employees shall accrue annual and sick leave at the normal rate while on this leave, if applicable.

(7) The use of paid parental leave by an eligible school district employee shall not prevent the eligible school district employee from earning a STEP increase the following year.

(8) Paid parental leave is considered paid leave and the time must count toward the eligible school district employee's years of service.

(D) All paid parental leave benefits shall be funded by the eligible school district employee's school district.

(E) The State Board of Education shall promulgate regulations, guidance, and procedures to implement this section.

Time effective

SECTION 3. This act takes effect forty-five days after approval by the Governor.

Ratified the 11th day of May, 2023.

Approved the 12th day of May, 2023.

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