COMMITTEE REPORT

May 13, 2021

**H. 3466**

Introduced by Reps. Long, McGarry, Pope and Forrest

S. Printed 5/13/21--S. [SEC 5/18/21 2:16 PM]

Read the first time April 8, 2021.

**THE COMMITTEE ON LABOR, COMMERCE AND INDUSTRY**

To whom was referred a Bill (H. 3466) to amend the Code of Laws of South Carolina, 1976, by adding Section 40‑80‑65 so as to provide procedures through which a fire department that assumes the, 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, by striking all after the enacting words and inserting:

/ SECTION 1. Article 1, Chapter 1, Title 6 of the 1976 Code is amended by adding:

“Section 6-1-190. (A) If a firefighter or emergency medical technician satisfactorily completes training within the first two years of employment while working for one employer is hired by a subsequent employer within two years after the date on which he satisfactorily completed such training, the subsequent employer shall reimburse the employer for whom the employee worked at the time of attending the training:

(1) one hundred percent of the cost of training the employee, which must include the employee’s salary paid during the training period and other training expenses incurred while the employee was attending the training, if the employee is hired within one year of the date of satisfactory completion of the training; or

(2) fifty percent of the cost of training the employee, which must include the employee’s salary paid during the training period and other training expenses incurred while the employee was attending the training, if the employee is hired after one year but before the end of the second year after the date of satisfactory completion of the training.

(B) If the employee works for more than one subsequent employer within the two‑year period after the date of satisfactory completion of the training, an employer that reimbursed the employer for whom the employee worked during the training period may obtain reimbursement from the successive subsequent employer for:

(1) one hundred percent of the cost of training the employee, which must include the employee’s salary paid during the training period and other training expenses incurred while the employee was attending the training, if the employee is hired within one year of the date of satisfactory completion of the training; or

(2) fifty percent of the cost of training the employee, which must include the employee’s salary paid during the training period and other training expenses incurred while the employee was attending the training, if the employee is hired after one year but before the end of the second year after the date of satisfactory completion of the training.

(C) The employer for whom the employee works during the training period or an employer seeking reimbursement from a subsequent employer may not be reimbursed for more than one hundred percent of the combined cost of the employee’s salary paid during the training period and other training expenses incurred while the employee was attending the training.

(D) An employer, prior to seeking any other reimbursement, shall first seek reimbursement from the subsequent hiring employer under the provisions of this section. In no case may an employer receive more than one hundred percent of the cost of the employee’s salary paid during the training period and other training expenses incurred while the employee was attending the training.

(E) An employee may not be required to assume the responsibility of the repayment of these or any other related costs by an employer seeking reimbursement pursuant to this section.

(F) An agreement in existence before the effective date of this section between an employee and an employer concerning the repayment of costs for training remains in effect to the extent that it does not violate the provisions of subsection (C), (D), or (E). An employer may not, as a condition of employment, enter into a promissory note for the repayment of costs for training after the effective date of this section.

(G) Notwithstanding any other provision of this section, a volunteer fire department is not required to reimburse a previous employer more than one thousand dollars for the training and associated costs for each firefighter or emergency medical technican, including the employee’s salary paid during the training period and other training expenses incurred while the employee was attending the training.

(H) For purposes of this section:

(1) ‘Employee’ means a firefighter or emergency medical technician.

(2) ‘Employee training’ or ‘ training’ includes basic training equivalent to the South Carolina Fire Academy Firefighter Recruit School, prehospital medical provider training to include emergency medical responder, emergency medical technician basic, emergency medical technician advanced, and emergency medical technician paramedic training.

(3) ‘Employer’ means an agency that provides fire suppression or prehospital emergency medical care to the public on behalf of, under the control of, or as part of the State or any political subdivision thereof.”

SECTION 2. This act takes effect upon approval of the Governor. /

Renumber sections to conform.

Amend title to conform.

THOMAS C. ALEXANDER for Committee.

**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 40‑80‑65 SO AS TO PROVIDE PROCEDURES THROUGH WHICH A FIRE DEPARTMENT THAT ASSUMES THE COST OF TRAINING A FIREFIGHTER MAY BE REIMBURSED FOR THESE COSTS BY OTHER FIRE DEPARTMENTS THAT SUBSEQUENTLY HIRE THE FIREFIGHTER WITHIN A CERTAIN PERIOD OF TIME.

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

SECTION 1. Chapter 80, Title 40 of the 1976 Code is amended by adding:

“Section 40‑80‑65. (A) If a firefighter who satisfactorily completes mandatory firefighter training while working for one employer is hired by a subsequent employer within two years after the date on which he satisfactorily completed such training, the subsequent employer shall reimburse the employer for whom the firefighter worked at the time of attending the mandatory training:

(1) one hundred percent of the cost of training the firefighter, which must include the firefighter’s salary paid during the training period and other training expenses incurred while the firefighter was attending the mandatory training, if the firefighter is hired within one year of the date of satisfactory completion of the mandatory training; or

(2) fifty percent of the cost of training the firefighter, which must include the firefighter’s salary paid during the training period and other training expenses incurred while the firefighter was attending the mandatory training, if the firefighter is hired after one year but before the end of the second year after the date of satisfactory completion of the mandatory training.

(B) If the firefighter works for more than one subsequent employer within the two‑year period after the date of satisfactory completion of the mandatory training, an employer that reimbursed the employer for whom the firefighter worked during the training period may obtain reimbursement from the successive subsequent employer for:

(1) one hundred percent of the cost of training the firefighter, which must include the firefighter’s salary paid during the training period and other training expenses incurred while the firefighter was attending the mandatory training, if the firefighter is hired within one year of the date of satisfactory completion of the mandatory training; or

(2) fifty percent of the cost of training the firefighter, which must include the firefighter’s salary paid during the training period and other training expenses incurred while the firefighter was attending the mandatory training, if the firefighter is hired after one year but before the end of the second year after the date of satisfactory completion of the mandatory training.

(C) The employer for whom the firefighter works during the training period or an employer seeking reimbursement from a subsequent employer may not be reimbursed for more than one hundred percent of the combined cost of the firefighter’s salary paid during the training period and other training expenses incurred while the firefighter was attending the mandatory training.

(D) An employer, prior to seeking any other reimbursement, shall first seek reimbursement from the subsequent hiring employer under the provisions of this section. In no case may an employer receive more than one hundred percent of the cost of the firefighter’s salary paid during the training period and other training expenses incurred while the firefighter was attending the mandatory training.

(E) A firefighter may not be required to assume the responsibility of the repayment of these or any other related costs by an employer seeking reimbursement pursuant to this section.

(F) An agreement in existence before the effective date of this section between a firefighter and an employer concerning the repayment of costs for mandatory training remains in effect to the extent that it does not violate the provisions of subsection (C), (D), or (E). An employer may not, as a condition of employment, enter into a promissory note for the repayment of costs for mandatory training after the effective date of this section.”

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

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