**South Carolina General Assembly**

125th Session, 2023-2024

**H. 4934**

**STATUS INFORMATION**

General Bill

Sponsors: Reps. Mitchell, Gilliam, Pace, Yow, Murphy, Guffey, Pope, Sandifer, Hart and Rivers

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Introduced in the House on January 24, 2024

Introduced in the Senate on April 2, 2024

Last Amended on March 28, 2024

Currently residing in the Senate Committee on **Finance**

Summary: Paid military leave

**HISTORY OF LEGISLATIVE ACTIONS**

 Date Body Action Description with journal page number

 1/24/2024 House Introduced and read first time (House Journal‑page 18)

 1/24/2024 House Referred to Committee on **Medical, Military, Public and Municipal Affairs** (House Journal‑page 18)

 3/27/2024 House Committee report: Favorable with amendment **Medical, Military, Public and Municipal Affairs** (House Journal‑page 26)

 3/28/2024 House Member(s) request name added as sponsor: Hart, Rivers

 3/28/2024 House Amended (House Journal‑page 68)

 3/28/2024 House Read second time (House Journal‑page 68)

 3/28/2024 House Roll call Yeas-103 Nays-0 (House Journal‑page 69)

 3/28/2024 House Unanimous consent for third reading on next legislative day (House Journal‑page 70)

 3/29/2024 House Read third time and sent to Senate (House Journal‑page 6)

 4/2/2024 Senate Introduced and read first time (Senate Journal‑page 17)

 4/2/2024 Senate Referred to Committee on **Finance** (Senate Journal‑page 17)

View the latest  [legislative information](https://www.scstatehouse.gov/billsearch.php?billnumbers=4934&session=125&summary=B)  at the website

**VERSIONS OF THIS BILL**

[01/24/2024](https://www.scstatehouse.gov/sess125_2023-2024/prever/4934_20240124.docx)

[03/27/2024](https://www.scstatehouse.gov/sess125_2023-2024/prever/4934_20240327.docx)

[03/28/2024](https://www.scstatehouse.gov/sess125_2023-2024/prever/4934_20240328.docx)

Indicates Matter Stricken

Indicates New Matter

Amended

March 28, 2024

H. 4934

Introduced by Reps. Mitchell, Gilliam, Pace, Yow, Murphy, Guffey, Pope, Sandifer, Hart and Rivers

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Read the first time January 24, 2024

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statement of estimated fiscal impact

Explanation of Fiscal Impact

State Expenditure

This bill as amended increases the paid leave allotted to employees of the state or its political subdivisions who are either enlisted or commissioned members of the South Carolina National Guard, the United States Army Reserve, the United States Air Force Reserve, the United States Naval Reserve, the United States Marine Corps Reserve, or the United States Coast Guard Reserve from 15 to 30 days per year for training purposes or other duties as required. The bill expressly includes school district employees as eligible for the paid military leave.

Admin reports that there were 361 state employees who used military leave in 2023. Based on an average annual salary and fringe for state employees of $63,910, the additional 15 days of leave equates to $1,331,048 in prorated employee salary and fringe across all state agencies if each qualified employee uses all of the allotted leave. However, this may not directly result in an increase in expenditures for most agencies, unless an agency is required to hire additional personnel or use other resources to manage workflows for employees using their additional military leave. Therefore, the impact of this bill as amended on state agencies is undetermined.

According to the Adjutant General’s Office, there are currently 731 non-fulltime members of the Air National Guard and 8,481 non-fulltime members of the Army National Guard residing in the state. Under the bill, the office indicates that members who are state employees would be able to utilize the additional days to fully cover training requirements during regularly scheduled workdays and ensure that annual training requirements are satisfied. However, it is unknown whether each member authorized 30 days of military leave would utilize the entirety of this leave allotment during the year as that would depend on their individual work schedules. The Adjutant General’s Office does not maintain records of the civilian employer of their non-fulltime SC National Guard members.

The impact of this bill as amended on state institutions of higher learning will be dependent upon the number of faculty members or other employees who will use the additional military leave as well as the institution’s ability to manage course schedules and other workloads while employees are using leave. Based on feedback from USC, Clemson, Lander, CCU, CofC, and FMU, the additional leave allowed by the bill would impact between $3,000 and $50,000 in prorated annual employee salary and fringe costs per institution if each qualified employee uses the entirety of their allotted leave. Any actual increase in expenditures for the institutions will depend upon the institution’s ability to manage courses and other workflows while a faculty member or employee is using the additional leave. Lander indicated that temporary salary adjustments may be appropriate for current employees that will be required to manage the workload of employees using leave provided by the bill. Since the actual amount of leave that will be taken in a given year and the number of adjunct professors or other temporary employees that will be needed are currently unknown, this bill as amended will have an undetermined impact on state institutions of higher learning.

Local Expenditure

This bill as amended expressly includes school districts as entities of the state required to provide 30 days of paid military leave to employees who are either enlisted or commissioned members of the South Carolina National Guard, the United States Army Reserve, the United States Air Force Reserve, the United States Naval Reserve, the United States Marine Corps Reserve, or the United States Coast Guard Reserve.

SCDE surveyed all school districts in the state and received 18 responses regarding the potential fiscal impact of paid military leave. Most responding districts indicated that the primary impact would be increased substitute teacher costs to cover the classrooms of teachers using their military leave. Some districts reported having an existing 15-day military leave policy, while others indicated this would be a new requirement. At a district-reported substitute teacher rate between $115 and $170 per day, assuming the teacher using military leave would use the entire 30-day allotment, this bill would increase substitute teacher expenses for school districts by between $3,450 and $5,100 per year per teacher enlisted in the SC National Guard or branch of the US military reserves if that district currently has no military leave policy. If a district has an existing 15-day military leave policy, substitute teacher costs associated with a 15-day increase in leave allotment provided by the bill as amended would be between $1,725 and $2,550 per year per teacher enlisted in the SC National Guard or branch of the US military reserves.

Beaufort County School district reported the highest number of current teachers or employees who would qualify for the additional leave, indicating that aggregate salary and fringe benefits for 15 additional days of leave would be $103,117 per year. Lexington - Richland School District 5, Spartanburg School District 3, Saluda County School District, Anderson School District 1, Anderson School District 3, Florence School District 1, and the Greenville County School District all indicate that there were some employees or teachers who would qualify for the leave under this bill, with prorated salary and fringe costs for 15 to 30 days ranging from approximately $2,000 to $24,000 per year. The Governor’s School for Science and Mathematics indicates they would hire an adjunct faculty member to cover the additional leave at a cost of $3,000 per impacted course or an estimated $12,000 per year. Of the 18 respondents, 4 districts indicated that this bill would have no fiscal impact on the district’s expenditures as there are no employees who qualify to use the leave or because the added leave and any ancillary costs will be managed within the district’s current budget.

The local expenditure impact of this bill as amended on state local governments is dependent upon the number of employees who will be able to use the additional military leave as well as the local governing entity’s ability to manage workloads while the employees are using the additional leave. The number of local government employees that will be qualified to use the additional military leave and the actual amount of leave that would be used is currently unknown, and therefore, the local expenditure impact of this bill is undetermined.

State Expenditure

This bill increases the paid leave allotted to employees of the state or its political subdivisions who are either enlisted or commissioned members of the South Carolina National Guard, the United States Army Reserve, the United States Air Force Reserve, the United States Naval Reserve, the United States Marine Corps Reserve, or the United States Coast Guard Reserve from 15 to 45 days per year for training purposes or other duties as required. The bill expressly includes school district employees as eligible for the paid military leave.

Admin reports that there were 361 state employees who used military leave in 2023. Based on an average annual salary and fringe for state employees of $63,910, the additional 30 days of leave equates to $2,662,000 in prorated employee salary and fringe across all state agencies if each qualified employee uses all of the allotted leave. The actual amount will depend on the salaries of the qualifying employees using military leave and the amount of leave used. However, this may not directly result in an increase in expenditures for most agencies, unless an agency is required to hire additional personnel or use other resources to manage workflows for employees using their additional military leave. Therefore, the impact of this bill on state agencies is undetermined.

According to the Adjutant General’s Office, there are currently 731 non-fulltime members of the Air National Guard and 8,481 non-fulltime members of the Army National Guard residing in the state. Under the bill, the office indicated that members who are state employees would be able to utilize the additional days to fully cover training requirements during regularly scheduled workdays and ensure that annual training requirements are satisfied. However, it is unknown whether each member authorized 45 days of military leave would utilize the entirety of this leave allotment during the year as that would depend on their individual work schedules. The Adjutant General’s Office does not maintain records of the civilian employer of their non-fulltime SC National Guard members.

The impact of this bill on state institutions of higher learning will be dependent upon the number of faculty members or other employees who will use the additional military leave as well as the institution’s ability to manage course schedules and other workloads while employees are using leave. Based on feedback from USC, Clemson, Lander, CCU, CofC, and FMU, the additional leave allowed by the bill would impact between $6,000 and $100,000 in prorated annual employee salary and fringe costs per institution if each qualified employee uses the entirety of their allotted leave. Any actual increase in expenditures for the institutions will depend upon the institution’s ability to manage courses and other workflows while a faculty member or employee is using the additional leave. Lander indicated that temporary salary adjustments may be appropriate for current employees that will be required to manage the workload of employees using leave provided by the bill. Since the actual amount of leave that will be taken in a given year and the number of adjunct professors or other temporary employees that will be needed are currently unknown, this bill will have an undetermined impact on state institutions of higher learning.

Local Expenditure

This bill expressly includes school districts as entities of the state required to provide 45 days of paid military leave to employees who are either enlisted or commissioned members of the South Carolina National Guard, the United States Army Reserve, the United States Air Force Reserve, the United States Naval Reserve, the United States Marine Corps Reserve, or the United States Coast Guard Reserve.

SDE previously surveyed all school districts in the state and received 18 responses regarding the potential fiscal impact of paid military leave. Most responding districts indicated that the primary impact would be increased substitute teacher costs to cover the classrooms of teachers using their military leave. Some districts reported having an existing 15-day military leave policy, while others indicated this would be a new requirement. At a district-reported substitute teacher rate between $115 and $170 per day, assuming the teacher using military leave would use the entire 45-day allotment, this bill would increase substitute teacher expenses for school districts by between $6,900 and $10,200 per year per teacher enlisted in the SC National Guard or branch of the US military reserves if that district currently has no military leave policy. If a district has an existing 15-day military leave policy, substitute teacher costs associated with a 30-day increase in leave allotment provided by the bill would be between $3,450 and $5,100 per year per teacher enlisted in the SC National Guard or branch of the US military reserves.

Beaufort County School district reported the highest number of current teachers or employees who would qualify for the additional leave, indicating that aggregate salary and fringe benefits for 30 additional days of leave would be $206,234 per year. Lexington - Richland School District 5, Spartanburg School District 3, Saluda County School District, Anderson School District 1, Anderson School District 3, Florence School District 1, and the Greenville County School District all indicate that there were some employees or teachers who would qualify for the leave under this bill, with prorated salary and fringe costs for 45 days ranging from approximately $4,000 to $48,000 per year. The Governor’s School for Science and Mathematics indicates they would hire an adjunct faculty member to cover the additional leave at a cost of $3,000 per impacted course or an estimated $12,000 per year. Of the 18 respondents, 4 districts indicated that this bill would have no fiscal impact on the district’s expenditures as there are no employees who qualify to use the leave or because the added leave and any ancillary costs will be managed within the district’s current budget.

The local expenditure impact of this bill on state local governments is dependent upon the number of employees who will be able to use the additional military leave as well as the local governing entity’s ability to manage workloads while the employees are using the additional leave. Beaufort County reports that this bill could impact approximately $146,000 in prorated employee salary and fringe costs if each qualified employee uses the entirety of their allotted leave, while Kershaw County reports that five employees would qualify for the additional leave, and that the impact to the county would be minimal. Since the actual amount of leave that will be taken in a given year and the number of temporary employees needed are currently unknown, this bill’s impact on state local governments is undetermined. We will update this fiscal impact statement if any additional responses from county governments or MASC become available.

Frank A. Rainwater, Executive Director

Revenue and Fiscal Affairs Office

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A bill

TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 8-7-90, RELATING TO LEAVES OF ABSENCE FOR PUBLIC OFFICERS AND EMPLOYEES IN NATIONAL GUARD OR RESERVE MILITARY FORCES, SO AS TO PROVIDE THAT CERTAIN STATE EMPLOYEES RECEIVE FORTY-FIVE DAYS OF PAID MILITARY LEAVE EACH YEAR.

 Amend Title To Conform

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

SECTION 1. Section 8‑7‑90 of the S.C. Code is amended to read:

 Section 8‑7‑90. All officers and employees of this State or a political subdivision of this State, including school districts, who are either enlisted or commissioned members of the South Carolina National Guard, the United States Army Reserve, the United States Air Force Reserve, the United States Naval Reserve, the United States Marine Corps Reserve, or the United States Coast Guard Reserve are entitled to leaves of absence from their respective duties without loss of pay, time, or efficiency rating for one or more periods not exceeding an aggregate of fifteen thirty regularly scheduled work days in any one year during which they may engage in training or any other duties ordered by the Governor, the Department of Defense, the Department of the Army, the Department of the Air Force, the Department of the Navy, the Department of the Treasury, or any other department or agency of the government of the United States having authority to issue lawful orders requiring military service. Saturdays, Sundays, and state holidays may not be included in the fifteenthirty‑day aggregate unless the particular Saturday, Sunday, or holiday to be included is a regularly scheduled work day for the officer or employee involved. In the event any such person is called upon to serve during an emergency he is entitled to such leave of absence for not exceeding thirty additional days.

 A state employee in a full time position who serves on active duty in a combat zone and who has exhausted all available leave for military purposes is entitled to receive up to thirty additional days of military leave in any one year.

 As used in this section, “in any one year” means either a calendar year or, in the case of members required to perform active duty for training or other duties within or on a fiscal year basis, the fiscal year of the National Guard or reserve component issuing the orders. The provisions of this section must be construed liberally to encourage and allow full participation in all aspects of the National Guard and reserve programs of the Armed Forces of the United States and to allow state officers and employees who are enlisted or commissioned members of the National Guard or reserve components to excel in military and emergency preparedness and service by taking full advantage of all career‑enhancing assignments and training opportunities.

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

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