**South Carolina General Assembly**

118th Session, 2009-2010

**H. 3860**

**STATUS INFORMATION**

General Bill

Sponsors: Reps. J.H. Neal and Howard

Document Path: l:\council\bills\dka\3688dw09.docx

Introduced in the House on April 1, 2009

Currently residing in the House Committee on **Labor, Commerce and Industry**

Summary: Employment Security Law

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

4/1/2009 House Introduced and read first time [HJ](file:///h:\HJ%20Archive\2009\04-01-09.docx)‑103

4/1/2009 House Referred to Committee on **Labor, Commerce and Industry** [HJ](file:///h:\HJ%20Archive\2009\04-01-09.docx)‑103

**VERSIONS OF THIS BILL**

[4/1/2009](file:///p:\pprever\2009-10\3860_20090401.docx)

**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 7 TO CHAPTER 35, TITLE 41 SO AS TO PROVIDE FOR AN ALTERNATIVE BASE PERIOD FOR CERTAIN CLAIMANTS OF BENEFITS UNDER THE SOUTH CAROLINA EMPLOYMENT SECURITY LAW, TO DEFINE “ALTERNATIVE BASE PERIOD”, AND TO FURTHER PROVIDE THAT, WHEN CERTAIN INFORMATION IS NOT AVAILABLE, THE COMMISSION MAY BASE THE DETERMINATION FOR ELIGIBILITY FOR UNEMPLOYMENT INSURANCE BENEFITS ON THE AFFIDAVIT OF A CLAIMANT WITH RESPECT TO WEEKS AND WAGES FOR CERTAIN CALENDAR QUARTERS.

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

SECTION 1. Chapter 35, Title 41 of the 1976 Code is amended by adding:

“Article 7

Alternative Base Period

Section 41‑35‑810. For purposes of Chapters 27 through 41 of this title, the South Carolina Employment Law, ‘alternative base period’ means:

(1) the last four completed calendar quarters immediately preceding the claimants benefit period; or

(2) the last three completed calendar quarters immediately preceding the benefit period; and

(3) of the calendar quarter in which the benefit period commences, the portion of the quarter which occurs before the commencing of the benefit period.

Section 41‑35‑820. (A) If a claimant does not have sufficient qualifying weeks or wages in the base period to qualify for unemployment insurance benefits, the claimant has the option of designating that his base period must be the alternative base period.

(B) The commission shall inform the claimant of the option under this section.

Section 41‑35‑830. If information regarding weeks and wages for the calendar quarter or quarters immediately preceding the benefit period is not available from the regular quarterly reports of wage information, and the commission is not able to obtain the information using other means pursuant to state or federal law, the commission may base the determination for eligibility for unemployment insurance benefits on the affidavit of a claimant with respect to weeks and wages for that calendar quarter. The claimant shall furnish payroll documentation, if available, in support of the affidavit. A determination of unemployment insurance benefits based on an alternative base period shall be adjusted when the quarterly report of wage information from the employer is received, if that information causes a change in the determination.”

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

‑‑‑‑XX‑‑‑‑