**South Carolina General Assembly**

118th Session, 2009-2010

**H. 4880**

**STATUS INFORMATION**

General Bill

Sponsors: Reps. J.H. Neal, Mack and Govan

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Introduced in the House on April 22, 2010

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

Summary: Unemployment benefits

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

4/22/2010 House Introduced and read first time [HJ](file:///h:\HJ%20Archive\2010\04-22-10.docx)‑5

4/22/2010 House Referred to Committee on **Ways and Means** [HJ](file:///h:\HJ%20Archive\2010\04-22-10.docx)‑6

**VERSIONS OF THIS BILL**

[4/22/2010](file:///p:\pprever\2009-10\4880_20100422.docx)

**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 41‑27‑525 SO AS TO PROVIDE AN INDIVIDUAL MAY NOT BE DISQUALIFIED FROM RECEIVING BENEFITS FROM THE DEPARTMENT OF WORKFORCE ON THE SOLE BASIS OF BEING AVAILABLE FOR PART‑TIME EMPLOYMENT IN CERTAIN CIRCUMSTANCES; BY ADDING SECTION 41‑35‑122 SO AS TO PROVIDE CERTAIN BENEFITS FOR AN INDIVIDUAL WHO MUST CARE FOR AN IMMEDIATE FAMILY MEMBER WITH A VERIFIED ILLNESS OR DISABILITY THAT MANDATES CERTAIN CARE AND TO DEFINE THE TERM IMMEDIATE FAMILY MEMBER; BY ADDING SECTION 41‑35‑135 SO AS TO PROVIDE A DEPENDENTS’ ALLOWANCE FOR EACH DEPENDENT OF AN ELIGIBILITY FOR BENEFITS; BY ADDING SECTION 41‑35‑425 SO AS TO PROVIDE EXTENDED TRAINING BENEFITS IN CERTAIN CIRCUMSTANCES; TO AMEND SECTION 41‑27‑150, AS AMENDED, RELATING TO THE BASE PERIOD FOR UNEMPLOYMENT BENEFITS, SO AS TO PROVIDE AN ALTERNATE BASE PERIOD; TO AMEND SECTION 41‑35‑125, AS AMENDED, RELATING TO BENEFITS FOR AN INDIVIDUAL WHO IS UNEMPLOYED BECAUSE OF DOMESTIC ABUSE, SO AS TO DEFINE AN IMMEDIATE FAMILY MEMBER AND TO PROVIDE A BENEFIT FOR A PERSON WHO, AMONG OTHER THINGS, REASONABLY BELIEVES THAT LEAVING WORK IS NECESSARY FOR THE SAFETY OF AN IMMEDIATE FAMILY MEMBER; AND TO AMEND SECTION 41‑35‑126, AS AMENDED, RELATING TO MILITARY RELOCATION BENEFITS, SO AS TO PROVIDE CERTAIN CONDITIONS FOR RECEIPT OF THESE BENEFITS.

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

SECTION 1. Article 5, Chapter 27, Title 41 of the 1976 Code is amended by adding:

“Section 41‑27‑525. An individual who is otherwise eligible for benefits under this title may not be considered ineligible for those benefits solely on the basis that he seeks, applies for, or is willing to accept only part‑time employment if that part‑time employment is for at least the same number of hours he customarily worked in part‑time employment during his base period.”

SECTION 2. Article 1, Chapter 35, Title 41 of the 1976 Code is amended by adding:

“Section 41‑35‑122. (A) Notwithstanding the provisions of Section 41‑35‑120, an individual is eligible for waiting week credit and for unemployment compensation if the commission finds that the individual must care for an immediate family member with a verified illness or disability that mandates the care of the ill or disabled person for a period of time greater than the employer is willing to grant paid or unpaid leave.

(B) For the purposes of this section, ‘immediate family member’ means the individual’s spouse, parent, or child under the age of eighteen.”

SECTION 3. Article 1, Chapter 35, Title 41 of the 1976 Code is amended by adding:

“Section 41‑35‑135. An individual who is eligible to receive a benefit for a week must be paid for that week an allowance of fifteen dollars for each dependent, provided the aggregate amount of dependents’ allowances for an individual may not exceed the lesser of:

(1) fifty dollars; or

(2) an amount equal to fifty percent of the individual’s weekly benefit amount.”

SECTION 4. Article 3, Chapter 35, Title 41 of the 1976 Code is amended by adding:

“Section 41‑35‑425. (A) A weekly benefit must be payable to an individual who is unemployed, has exhausted all other rights to regular benefits, and is enrolled in and is making satisfactory progress in a state‑approved training program or in a job training program under the Workforce Act of 1998.

(B) A training program under subsection (A) must prepare the individual for entry into a high‑demand occupation when the individual is:

(1) involuntary and indefinitely separated from employment because of a permanent reduction of operations at his place of employment; or

(2) separated from a declining occupation.

(C) The weekly amount of benefits payable under subsection (A) must be equal to the individual’s average weekly benefit amount, including any dependents’ allowance provided in Section 41‑35‑135, for his most recent benefit year, less any income deductible under the law of this State.

(D) The total amount of benefits payable under subsection (A) ~~may not exceed an amount equal~~ must be equal to twenty‑six times the individual’s average weekly benefit amount, including any dependents’ allowance provided in Section 41‑35‑135 for the individual’s most recent benefit year ~~multiplied times twenty‑six~~.”

SECTION 5. Section 41‑27‑150, as last amended by an act bearing ratification number 159 of 2010, is further amended to read:

“Section 41‑27‑150. (A) Except as provided in subsection (B), ‘base period’ means the first four of the last five completed calendar quarters immediately preceding the first day of an individual’s benefit year. However, in the case of a combined wage claim filed by an individual in accord with an arrangement entered into by the department pursuant to the provisions of Section 41‑29‑140(2), the base period is that applicable provided by the law of the paying state.

(B)(1) ‘Alternate base period’ means for benefits years effective after May 31, 2010, if an individual does not have sufficient wages in the base period defined in subsection (A) to qualify for benefits, his base period must be the four calendar quarters completed most recently before the individual’s benefit year if this period qualifies him for benefits, provided these quarters were not previously used to establish a prior valid benefit year.

(2) If the wage information for an individual’s most recently completed calendar quarter is not available to the department from regular quarterly reports of systematically accessible wage information, the department promptly must contact the individual’s employer to establish such wage information. The director shall establish rules necessary to implement this subsection.

(C) Wages that fall within the base period, if claims established under this section, must not be available for use in qualifying for a subsequent benefit year.”

SECTION 6. Section 41‑35‑125(A) of the 1976 Code, as last amended by an act bearing ratification number 159 of 2010, is further amended to read:

“(A)(1) Notwithstanding the provisions of Section 41‑35‑120, an individual is eligible for waiting week credit and for unemployment compensation if the department finds that the individual has left work voluntarily or has been discharged because of circumstances directly resulting from domestic abuse and:

(~~1~~a) reasonably fears future domestic abuse at or en route to the workplace;

(~~2~~b) needs to relocate to avoid future domestic abuse; or

(~~3~~c) reasonably believes that leaving work is necessary for his safety or the safety ~~of his family~~ of an immediate family member.

(2) for the purpose of this section, ‘immediate family member’ means the individual’s spouse, parent, or child under the age of eighteen.”

SECTION 7. Section 41‑35‑126 of the 1976 Code, as last amended by an act bearing ratification number 159 of 2010, is further amended to read:

“Section 41‑35‑126. Notwithstanding the provisions of Section 41‑35‑120, an individual is eligible for waiting week credit and for unemployment compensation if the department finds that ~~the individual has left work voluntarily to relocate because of the transfer of a spouse who has been reassigned from one military assignment to another, provided that the separation from employment occurs within fifteen days of the scheduled relocation date~~ the individual has left work voluntarily to relocate in order to accompany the individual’s spouse:

(1) to a place from which it is impractical for the individual to commute; and

(2) because of change in location of the spouse’s employment.”

SECTION 8. This act takes effect on September 21, 2012.

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