~~Indicates Matter Stricken~~

Indicates New Matter

COMMITTEE REPORT

March 11, 2009

**S. 345**

Introduced by Senator Leatherman

S. Printed 3/11/09--S.

Read the first time January 29, 2009.

**THE COMMITTEE ON FINANCE**

To whom was referred a Bill (S. 345) to amend Section 8‑11‑65 of the 1976 Code, relating to leaves of absence to be an organ donor, to provide that the number of days a person, 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, page 3, by striking lines 13 through 21 and inserting:

/ ~~Commission.~~ In addition to any other requirement provided by law, when a job vacancy occurs in any state office, agency, department, or other division or branch of state government, the appointing authority must post a notice with the Office of Human Resources of the State Budget and Control Board and the South Carolina Employment Security Commission at least ten working days before employing a person to fill the vacancy. The posting must give notice of the job vacancy, describe the duties to be performed by a person employed in that position, and include any other information required by law. /

Renumber sections to conform.

Amend title to conform.

HUGH K. LEATHERMAN, SR. for Committee.

**STATEMENT OF ESTIMATED FISCAL IMPACT**

ESTIMATED FISCAL IMPACT ON GENERAL FUND EXPENDITURES:

$0 (No additional expenditures or savings are expected)

ESTIMATED FISCAL IMPACT ON FEDERAL & OTHER FUND EXPENDITURES:

$0 (No additional expenditures or savings are expected)

**EXPLANATION OF IMPACT:**

Budget and Control Board

The board indicates that this bill will have no fiscal impact on the General Fund of the State.

Employment Security Commission

The commission reports that this bill will have no fiscal impact on the General Fund of the State or on federal or other funds.

*Approved By:*

Harry Bell

Office of State Budget

**A** **BILL**

TO AMEND SECTION 8‑11‑65 OF THE 1976 CODE, RELATING TO LEAVES OF ABSENCE TO BE AN ORGAN DONOR, TO PROVIDE THAT THE NUMBER OF DAYS A PERSON MAY MISS EACH YEAR TO DONATE THEIR ORGANS SHALL BE COUNTED IN A CALENDAR YEAR INSTEAD OF A FISCAL YEAR; AND TO AMEND SECTION 8‑11‑120, RELATING TO THE POSTING OF JOB VACANCIES BEFORE THE VACANCY IS FILLED, TO REVISE AND SIMPLIFY THE REQUIREMENTS FOR THE NOTICE.

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

SECTION 1. Section 8‑11‑65(A) of the 1976 Code is amended to read:

“(A) All officers and employees of this State or a political subdivision of this State who wish to be an organ donor and who accrue annual or sick leave as part of their employment are entitled to leaves of absence from their respective duties without loss of pay, time, leave, or efficiency rating for one or more periods not exceeding an aggregate of thirty regularly scheduled workdays in any one ~~fiscal~~ calendar year during which they may engage in the donation of their organs. Saturdays, Sundays, and state holidays may not be included in the thirty‑day aggregate unless the particular Saturday, Sunday, or holiday to be included is a regularly scheduled workday for the officer or employee involved.”

SECTION 2. Section 8‑11‑120 of the 1976 Code is amended to read:

“Section 8‑11‑120. ~~(A)~~ ~~All state offices, agencies, departments, and other divisions and branches of the state government shall notify, at least five working days prior to the close of the application period, the Columbia Metro Job Service Office of the South Carolina Employment Security Commission and the Recruitment Section, Division of Human Resource Management of the Budget and Control Board of a vacancy in any employment position for which recruitment will be undertaken, except those employment positions exempt from the classification and compensation plan under the provisions of Section 8‑11‑270. Notification of such vacant position must include the following:~~

~~(a)~~ ~~the title of the position and a summary description of the job responsibilities for the vacant position if needed for clarification;~~

~~(b)~~ ~~the entry salary and/or salary range for the vacant position;~~

~~(c)~~ ~~the name of the agency where the vacant position exists;~~

~~(d)~~ ~~a description of the application process for the vacant position;~~

~~(e)~~ ~~residency requirements, if any, for the vacant position;~~

~~(f)~~ ~~the classification code, the slot, and the position number, if any, of the vacant position;~~

~~(g)~~ ~~the minimum requirements for the vacant position, as well as preferred qualifications, if any;~~

~~(h)~~ ~~the opening and closing dates for applying for the vacant position;~~

~~(i)~~ ~~a statement certifying that the employer is an equal employment opportunity/affirmative action employer;~~

~~(j)~~ ~~the Merit System status of the vacancy; and~~

~~(k)~~ ~~the normal work schedule and whether the position is full‑time or part‑time.~~

~~The notification must be posted conspicuously within the agency where the vacancy exists and must include the information described in items (a) through (k).~~

~~If the vacancy is a promotional opportunity that requires work experience within the agency to qualify for the promotion, notice of the vacancy must be posted in a conspicuous place within the agency for five working days, and the notice of vacancy does not have to be sent to the Employment Security Commission or to the Recruitment Section, Division of Human Resource Management of the Budget and Control Board.~~

~~If an emergency situation exists requiring the vacancy to be filled immediately, certification of the emergency must be made to and approved by the agency director or the director’s designee waiving the posting requirement at the agency and state level.~~

~~(B)~~ ~~If a position classification continually is vacant an agency has an open recruitment policy for a position classification, one announcement at the beginning of each fiscal year is sufficient notification to the Recruitment Section, Division of Human Resource Management of the Budget and Control Board and the Columbia Metro Job Service Office of the South Carolina Employment Security Commission.~~

~~(C)~~ ~~The Recruitment Section, Division of Human Resource Management of the Budget and Control Board must report all filled positions to the South Carolina Employment Security Commission.~~ In addition to any other requirement provided by law, when a job vacancy occurs within the executive branch of government, the appointing authority must post a notice with the Office of Human Resources of the State Budget and Control Board and the South Carolina Employment Security Commission at least five working days before employing a person to fill the vacancy. The posting must give notice of the job vacancy, describe the duties to be performed by a person employed in that position, and include any other information required by law.

For purposes of this section, ‘appointing authority’ shall have the same meaning as in Section 8‑11‑220.”

SECTION 3. This act takes effect upon approval by the Governor.

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