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Indicates New Matter

AMENDED

May 13, 2009

**S. 345**

Introduced by Senator Leatherman

S. Printed 5/13/09--H.

Read the first time March 26, 2009.

**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.

Amend Title To Conform

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 in any state office, agency, department, or other division of the executive 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 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. Chapter 11, Title 8 of the 1976 Code is amended by adding:

“Section 8‑11‑33. Notwithstanding any other provision of law, a state agency that has its payroll processed by the Office of the Comptroller General is authorized to withhold or deduct any portion of a state employee’s wages when:

(1) the State of South Carolina or a state agency that has its payroll processed by the Office of the Comptroller General in its role as an employer is required or empowered to do so by state or federal law; or

(2) an overpayment of wages to an employee as a result of a miscalculation or other bona fide error has occurred.

Prior to any deduction being made pursuant to this section, the employee must receive advance written notice of the deduction, the reason for the deduction, and the actual dollar amount or percentage of wages which will be deducted during one or more pay periods.”

SECTION 4. Section 8‑11‑196(3) of the 1976 Code is amended to read:

“(3) positions established under this provision must be limited to and must not exist beyond the duration of the time‑limited project, grant, or a subsequent renewal of it. However, at the discretion of any agency, other funds ~~the public institutions of higher education, including the technical colleges and schools, grant generated revenue~~ may be used to fund continued employment between the expiration of one grant or time‑limited project and the subsequent renewal of the same or similar grant or time‑limited project. When the grant, time‑limited project, or a subsequent renewal ends, temporary grant or time‑limited project employees must be terminated and their positions will cease to exist. Temporary grant or time‑limited project employees will be exempt from the provisions of Sections 8‑17‑310 through 8‑17‑380. State agencies and institutions must terminate all temporary grant or time‑limited project positions when funding is terminated, or is insufficient to continue payments under the conditions of the grant or time‑limited project;”

SECTION 5. In order to implement and transition to the South Carolina Enterprise Informational System, the State Office of Human Resources is authorized to amend or modify human resource policies, regulations, and processes as it determines efficient to implement and transition to the South Carolina Enterprise Informational System. Any changes or modifications adopted by the State Office of Human Resources shall be published in the State Register and published on the official State Office of Human Resources website prior to the changes or modifications taking effect.

SECTION 6. This act takes effect upon approval by the Governor.

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