COMMITTEE REPORT

April 25, 2018

**H. 4947**

Introduced by Reps. Howard and Cobb‑Hunter

S. Printed 4/25/18--H.

Read the first time February 15, 2018.

**THE COMMITTEE ON MEDICAL,**

**MILITARY, PUBLIC AND MUNICIPAL AFFAIRS**

To whom was referred a Bill (H. 4947) to amend the Code of Laws of South Carolina, 1976, by adding Section 8‑11‑735 so as to provide that in the event of a medical emergency, etc., respectfully

**REPORT:**

That they have duly and carefully considered the same and recommend that the same do pass:

LEON HOWARD for Committee.

**STATEMENT OF ESTIMATED FISCAL IMPACT**

**Explanation of Fiscal Impact**

**Introduced on February 15, 2018**

**State Expenditure**

This bill codifies that in the event of a medical emergency a state employee may make a written request to their employing agency that a specified number of accrued annual or sick leave hours be transferred from their accounts to a specific leave recipient, rather than to a leave pool account. This request is subject to the approval of the agency director. This bill defines a medical emergency as a medical condition of the employee or a family member that will require the prolonged absence of the employee from duty and will result in a substantial loss of income to the employee because the employee will have exhausted all paid leave available apart from the leave-sharing plan.

In addition, if the agency director does not approve of the leave donation authorized by this bill, the employee may appeal this decision in the same manner other state agency grievances are appealed. An employee with less than fifteen days in their sick leave account may not transfer any sick leave to the recipient, and an employee with more than fifteen days in their sick leave account may transfer sick leave to the recipient if they retain a minimum of fifteen days in their own sick leave account. Once leave of an employee has been transferred to the recipient, it may not be restored or returned to the leave donor.

**Department of Administration.** This bill codifies the requirements for state employee leave donations in the event of a medical emergency contained in Proviso 117.124 of the FY 2017-18 Appropriations Act. Since the department is already complying with the requirements of this legislation, this bill does not have an expenditure impact on the general fund, federal funds, or other funds and can be accomplished using existing resources within the department.

Frank A. Rainwater, Executive Director

Revenue and Fiscal Affairs Office

**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 8‑11‑735 SO AS TO PROVIDE THAT IN THE EVENT OF A MEDICAL EMERGENCY, A STATE EMPLOYEE MAY MAKE A WRITTEN REQUEST TO HIS EMPLOYING AGENCY THAT A SPECIFIED NUMBER OF HOURS OF HIS ACCRUED ANNUAL OR SICK LEAVE ACCOUNT, OR BOTH, BE TRANSFERRED FROM HIS ANNUAL OR SICK LEAVE ACCOUNT, OR BOTH, TO A SPECIFIC LEAVE RECIPIENT RATHER THAN TO A LEAVE POOL ACCOUNT, SUBJECT TO THE APPROVAL OF THE AGENCY DIRECTOR, AND TO PROVIDE DEFINITIONS, REQUIREMENTS, AND PROCEDURES IN REGARD TO THIS PROVISION.

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

SECTION 1. Article 9, Chapter 11, Title 8 of the 1976 Code is amended by adding:

“Section 8‑11‑735. In the event of a medical emergency, a state employee may make a written request to his employing agency that a specified number of hours of his accrued annual or sick leave account, or both, be transferred from his annual or sick leave account, or both, to a specific leave recipient rather than to a leave pool account, subject to the approval of the agency director. If the applicable agency director does not approve of the leave donation authorized by this section, the employee may appeal this decision in the same manner other state agency grievances are appealed. An employee with less than fifteen days in his sick leave account may not transfer any sick leave to the recipient, and an employee with more than fifteen days in his sick leave account may transfer sick leave to the recipient if he retains a minimum of fifteen days in his own sick leave account. Once leave of an employee has been transferred to the recipient, it may not be restored or returned to the leave donor. For purposes of this provision, a medical emergency is defined as a medical condition of the employee or a family member that will require the prolonged absence of the employee from duty and will result in a substantial loss of income to the employee because the employee will have exhausted all paid leave available apart from the leave‑sharing plan.”

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

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