**South Carolina General Assembly**

123rd Session, 2019-2020

**H. 5578**

**STATUS INFORMATION**

Joint Resolution

Sponsors: Reps. Moore, Pendarvis and King

Document Path: l:\council\bills\rt\17783wab20.docx

Introduced in the House on September 15, 2020

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

Summary: COVID-19

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

9/15/2020 House Introduced and read first time ([House Journal‑page 120](file:///h:\hj\20200915.docx))

9/15/2020 House Referred to Committee on **Ways and Means** ([House Journal‑page 120](file:///h:\hj\20200915.docx))

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**VERSIONS OF THIS BILL**

[9/15/2020](file:///p:\pprever\2019-20\5578_20200915.docx)

**A** **JOINT RESOLUTION**

TO PROVIDE EMPLOYERS IN THIS STATE SHALL PAY QUARANTINE LEAVE TO ELIGIBLE EMPLOYEES FOR CERTAIN LEAVE TAKEN RELATED TO COVID‑19, TO DEFINE NECESSARY TERMS, TO PROVIDE REQUIREMENTS FOR ELIGIBILITY FOR QUARANTINE LEAVE, TO PROHIBIT RETALIATION AGAINST ELIGIBLE EMPLOYEES WHO SEEK OR RECEIVE QUARANTINE LEAVE, TO PROVIDE MEANS OF CIVIL REDRESS FOR VIOLATIONS, TO PROVIDE RELATED DOCUMENTATION REQUIREMENTS OF ELIGIBLE EMPLOYEES SEEKING OR RECEIVING QUARANTINE LEAVE, AMONG OTHER THINGS, AND TO PROVIDE FOR THE EXPIRATION OF THIS JOINT RESOLUTION ON JULY 1, 2021.

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

SECTION 1. (A) The purpose of this joint resolution is to provide earned paid quarantine leave to employees statewide.

(B) For the purposes of this joint resolution:

(1) ‘Eligible employee’ means a person who is employed by an employer for at least twenty hours each week.

(2) ‘Employer’ means a person, partnership, for‑profit or nonprofit corporation, or limited liability corporation that employs one or more employees, excluding government entities.

(3) ‘Family member’ means:

(a) regardless of age, a biological, adopted, foster, or stepchild, or legal ward, a child of a domestic partner, a child to whom the employee stands in loco parentis, or an individual to whom the employee stood in loco parentis when the individual was a minor;

(b) a biological, foster, adoptive, or stepparent, or legal guardian of an employee or an employee’s spouse or domestic partner;

(c) a person to whom the employee is married or a domestic partner of the employee as registered under the laws of any state;

(d) a grandparent, grandchild, sibling of the employee, or the employee’s spouse or domestic partner, whether of a biological, foster, adoptive, or step relationship; and

(e) another individual related by blood or affinity whose close association with the employee is the equivalent of a family relationship.

(4) ‘Paid quarantine leave’ means time that is compensated at the same hourly rate and with the same benefits, including health care benefits, as an employee normally earns during hours worked and is provided by an employer to an employee for the purposes provided in subsection (C).

(C)(1) An employer shall provide paid quarantine leave to all of its eligible employees in an amount equal to the average number of hours that the eligible employee works over a two‑week period. The paid quarantine leave must be available for immediate use by the eligible employee for the purposes described in subsection (B), regardless of how long the eligible employee has been employed by the employer.

(2) Paid quarantine leave must be provided to an eligible employee by an employer for:

(a) the eligible employee’s:

(i) illness or health condition related to COVID‑19;

(ii) need for medical diagnosis, care, or treatment of an illness or health condition related to COVID‑19; or

(iii) need for preventive medical care related to COVID‑19;

(b) the eligible employee’s care of a family member:

(i) with an illness or health condition related to COVID‑19;

(ii) who needs medical diagnosis, care, or treatment of a mental or physical illness or health condition related to COVID‑19; or

(iii) who needs preventive medical care related to COVID‑19; or

(c) the eligible employee’s care for himself or a family member when it has been determined by the health authorities having jurisdiction or by a health care provider that the presence of the eligible employee or his family member in the community may jeopardize the health of others because of his exposure to COVID‑19, whether or not the eligible employee or family member has actually contracted COVID‑19.

(3) Paid quarantine leave must be provided upon the request of an eligible employee. The request may be made orally, in writing, by electronic means, or by any other means acceptable to the employer.

(4) An employer may not require, as a condition of providing paid quarantine leave, that the eligible employee involved search for or find a replacement employee to cover the hours during which the eligible employee is using paid quarantine leave or require an eligible employee to work an alternate shift to make up for the use of paid quarantine leave.

(5) An employer may not be required to provide paid quarantine leave for an eligible employee who is authorized by the employer to, and is physically able to, work through remote access or other similar means. This ability must be determined by a health care provider after considering the severity of the illness or health condition related to COVID‑19 of the eligible employee and his specific job requirements.

(6) An employer that provides an eligible employee with paid quarantine leave as required by any other state or federal law, paid sick leave, or other paid leave must be considered to have satisfied its obligations under the provisions of this section with respect to such eligible employee, provided that such leave can be used for the purposes set forth in item (2) and the eligible employee is provided an amount of paid leave that meets or exceeds the requirements of item (1).

(7) If any federal law requires an employer to provide an eligible employee paid quarantine leave and such paid quarantine leave is less than is required by item (1), then the employer shall provide the eligible employee an amount of paid quarantine leave that meets or exceeds the difference between the requirements of item (1) and the federal requirement.

(D) An employer may not discharge, discipline, threaten, discriminate against, or penalize an employee, or take other retaliatory action regarding an employee’s compensation, terms, conditions, location, or privileges of employment, because the employee has:

(1) requested or exercised the benefits provided for in this joint resolution;

(2) exhausted his paid quarantine leave or is not eligible for quarantine leave and is absent from work without compensation for any purpose set forth in subsection (C)(2); or

(3) alleged a violation of this joint resolution.

(E)(1) A person who alleges a violation of this joint resolution may seek redress through the human resources department of the employer. If the alleged violation is unable to be resolved through the human resources department of the employer, the person may bring a civil action in a circuit court, which may order as a remedy to the employee:

(a) compensation for lost wages, benefits, and other remuneration, together with interest thereon, as well as reasonable attorney fees and costs;

(b) the reinstatement of the employee to the same position held before any retaliatory action or to an equivalent position; and

(c) an injunction to restrain continued violation of this joint resolution.

(2) The statute of limitations for a civil action brought pursuant to this section must be for a period of two years from the date the alleged violation occurred or the date the person aggrieved by a violation of this joint resolution knew or should have known of the violation.

(F)(1) An employer may require that an employee submit certification from a health care provider that the employee is entitled to paid quarantine leave under this joint resolution pursuant to the criteria set forth in subsection (C)(2).

(2) An employer may not require disclosure of the details of the health information of an employee or his family member, other than the certification authorized in item (1) as a condition of providing paid quarantine leave under this joint resolution. If an employer possesses health information about an employee, the information must be treated as confidential and may not be disclosed except to the affected employee or with the permission of the affected employee.

SECTION 2. This joint resolution takes effect upon approval by the Governor. The provisions of this joint resolution expire on July 1, 2021.

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