**South Carolina General Assembly**

125th Session, 2023-2024

**A67, R84, H3726**

**STATUS INFORMATION**

General Bill

Sponsors: Reps. G.M. Smith, West, Ballentine, Davis, Hager, Hewitt, Kirby, Long, B. Newton, Ott, M.M. Smith, Stavrinakis, Tedder, Robbins, Brewer, Murphy, Taylor, Leber, Sandifer, Ligon, Williams, Anderson, Blackwell, Nutt, McCravy, Mitchell, Yow, W. Newton, Weeks, Alexander, Pope, Hixon, Forrest and King

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Introduced in the House on January 18, 2023

Introduced in the Senate on March 14, 2023

Last Amended on May 10, 2023

Currently residing in the House

Summary: Statewide Education and Workforce Development Act

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

1/18/2023 House Introduced and read first time ([House Journal‑page 11](h:\hj\20230118.docx))

1/18/2023 House Referred to Committee on **Labor, Commerce and Industry** ([House Journal‑page 11](h:\hj\20230118.docx))

1/24/2023 House Member(s) request name added as sponsor: Robbins,
Brewer, Murphy, Taylor

1/25/2023 House Member(s) request name added as sponsor: Leber

1/31/2023 House Member(s) request name added as sponsor: Sandifer

2/22/2023 House Member(s) request name added as sponsor: Ligon

2/28/2023 House Member(s) request name added as sponsor: Williams

3/1/2023 House Member(s) request name added as sponsor:
Anderson, Blackwell

3/1/2023 House Committee report: Favorable with amendment **Labor, Commerce and Industry** ([House Journal‑page 2](h:\hj\20230301.docx))

3/2/2023 House Member(s) request name added as sponsor: Nutt,
McCravy, Mitchell, Yow

3/2/2023 House Requests for debate-Rep(s). Hiott, Felder, JE Johnson, Hardee, McGinnis, Bailey, BL Cox, Davis, B Newton, Carter, Hixon, Taylor, West, Beach, Hewitt, Anderson, Hosey, Kirby, McDaniel, Jefferson, Robbins, Brewer, Murphy, White, Mitchell, Long ([House Journal‑page 17](h:\hj\20230302.docx))

3/7/2023 House Member(s) request name added as sponsor: W.
Newton, Weeks

3/8/2023 House Member(s) request name added as sponsor:
Alexander, Pope, Hixon, Forrest, King

3/8/2023 House Amended ([House Journal‑page 28](h:\hj\20230308.docx))

3/8/2023 House Read second time ([House Journal‑page 54](h:\hj\20230308.docx))

3/8/2023 House Roll call Yeas-102 Nays-3 ([House Journal‑page 63](h:\hj\20230308.docx))

3/9/2023 House Amended ([House Journal‑page 33](h:\hj\20230309.docx))

3/9/2023 House Read third time and sent to Senate ([House Journal‑page 33](h:\hj\20230309.docx))

3/9/2023 House Roll call Yeas-108 Nays-5 ([House Journal‑page 34](h:\hj\20230309.docx))

3/9/2023 Scrivener's error corrected

3/14/2023 Senate Introduced and read first time ([Senate Journal‑page 11](h:\sj\20230314.docx))

3/14/2023 Senate Referred to Committee on **Labor, Commerce and Industry** ([Senate Journal‑page 11](h:\sj\20230314.docx))

5/4/2023 Senate Committee report: Favorable with amendment **Labor, Commerce and Industry** ([Senate Journal‑page 15](h:\sj\20230504.docx))

5/5/2023 Scrivener's error corrected

5/9/2023 Senate Read second time ([Senate Journal‑page 88](h:\sj\20230509.docx))

5/10/2023 Senate Committee Amendment Adopted ([Senate Journal‑page 25](h:\sj\20230510.docx))

5/10/2023 Senate Amended ([Senate Journal‑page 25](h:\sj\20230510.docx))

5/10/2023 Senate Roll call Ayes-41 Nays-2 ([Senate Journal‑page 25](h:\sj\20230510.docx))

5/11/2023 House Concurred in Senate amendment and enrolled ([House Journal‑page 53](h:\hj\20230511.docx))

5/11/2023 House Roll call Yeas-107 Nays-0 ([House Journal‑page 53](h:\hj\20230511.docx))

5/17/2023 Ratified R 84

5/19/2023 Signed By Governor

5/26/2023 Effective date 05/19/23

5/26/2023 Act No. 67

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3/14/2023 Senate Introduced and read first time ([Senate Journal‑page 11](file:///h:\sj\20230314.docx))

3/14/2023 Senate Referred to Committee on **Labor, Commerce and Industry** ([Senate Journal‑page 11](file:///h:\sj\20230314.docx))

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5/10/2023 Senate Roll call Ayes-41 Nays-2 ([Senate Journal‑page 25](file:///h:\sj\20230510.docx))

5/11/2023 House Concurred in Senate amendment and enrolled ([House Journal‑page 53](file:///h:\hj\20230511.docx))

5/11/2023 House Roll call Yeas-107 Nays-0 ([House Journal‑page 53](file:///h:\hj\20230511.docx))

5/17/2023 Ratified R 84 ([Senate Journal‑page 33](file:///h:\sj\20230517.docx))

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(A67, R84, H3726)

AN ACT TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING CHAPTER 30 TO TITLE 41 SO AS TO ENACT THE “STATEWIDE EDUCATION AND WORKFORCE DEVELOPMENT ACT”, TO STATE THE PURPOSE OF THE CHAPTER, TO CREATE THE OFFICE OF STATEWIDE WORKFORCE DEVELOPMENT IN THE DEPARTMENT OF EMPLOYMENT AND WORKFORCE AND PROVIDE FOR THE MANAGEMENT AND FUNCTIONS OF THE OFFICE, TO TRANSFER THE COORDINATING COUNCIL FOR WORKFORCE DEVELOPMENT TO THE DEPARTMENT AND PROVIDE FOR THE COMPOSITION AND FUNCTIONS OF THE COUNCIL, TO CREATE AN EXECUTIVE COMMITTEE OF THE COORDINATING COUNCIL AND PROVIDE FOR THE COMPOSITION AND FUNCTIONS OF THE COMMITTEE, TO REDESIGNATE REGIONAL EDUCATION CENTERS AS REGIONAL WORKFORCE ADVISORS AND PROVIDE FOR THE OVERSIGHT, FUNCTIONS, RESPONSIBILITIES, AND GEOGRAPHIC CONFIGURATION REQUIREMENTS OF THE CENTERS, AMONG OTHER THINGS; TO AMEND SECTION 41-31-160, RELATING TO CONTRIBUTION AND WAGE REPORTS REQUIRED BY THE DEPARTMENT, SO AS TO REVISE CRITERIA FOR EMPLOYERS WHO MUST FILE THE REPORTS, AND TO REQUIRE THE ELECTRONIC FILING OF THE REPORTS ABSENT DEMONSTRATED HARDSHIP; TO AMEND SECTION 41-35-615, RELATING TO DEPARTMENT NOTICES TO EMPLOYERS CONCERNING INSURED STATUS DETERMINATIONS AND EMPLOYER RESPONSES, SO AS TO REQUIRE THE ELECTRONIC FILING OF CERTAIN EMPLOYER RESPONSES ABSENT DEMONSTRATED HARSDSHIP; AND BY REPEALING ARTICLE 13 OF CHAPTER 1, TITLE 13 RELATING TO OVERSIGHT OF REGIONAL EDUCATION CENTERS BY THE DEPARTMENT OF COMMERCE, AND ARTICLE 15 OF CHAPTER 1, TITLE 13 RELATING TO THE COORDINATING COUNCIL FOR WORKFORCE DEVELOPMENT.

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

Citation

SECTION 1. This act may be cited as the “Statewide Education and Workforce Development Act”.

Statewide education and workforce development provisions

SECTION 2. Title 41 of the S.C. Code is amended by adding:

CHAPTER 30

Employment and Workforce – Workforce Development

Article 1

General Provisions

Section 41-30-110.  (A) The purpose of this chapter is to endeavor to reach the workforce potential of this State. It seeks to coordinate, align, and enhance all publicly funded workforce development services and centralize oversight of the entities that provide these services to enhance accountability, enhance transparency, and promote a customer‑centric workforce system so that the opportunities available through it are easy to access, highly effective, and simple to understand, and to provide a mechanism to marshal workforce development resources and services to meet the immediate and future needs of specialized industry workforce demands and economic development commitments of this State and in specific areas of the State. Further, this chapter seeks to:

(1) deliver value‑added services to business customers by collaborating with them to address skills shortages in priority industries and in‑demand occupations;

(2) provide for broader dissemination of information to help students, parents of students, and job seekers make career choices based on an awareness of jobs, skills in demand, and related educational pathways;

(3) develop methods for coupling workforce training with a continuum of services to assist those who are struggling to overcome workforce participation barriers; and

(4) address obstacles unique to those in rural areas.

(B) To achieve this purpose:

(1) a unified comprehensive statewide education and workforce development plan is established;

(2) all entities performing publicly funded workforce development‑related functions are required to comply with the obligations under the plan; and

(3) their compliance will be monitored and, when necessary, compelled by the Office of Statewide Workforce Development, and such reports will be made publicly available in order to further transparency and better inform workforce development spending and policymaking.

Section 41-30-120. As used in this chapter, unless the context clearly indicates otherwise:

(1) “Department” means the Department of Employment and Workforce;

(2) “Director” means the Director of the Office of Statewide Workforce Development;

(3) “Executive director” means the Executive Director of the Department of Employment and Workforce;

(4) “Executive committee” means the executive committee of the Coordinating Council for Workforce Development;

(5) “Unified State Plan” or “USP” means the comprehensive statewide education and workforce development plan that provides a systemwide approach to streamline and unify efforts of entities involved in education and workforce development in the State;

(6) “Office of Statewide Workforce Development” or “OSWD” means the Office of Statewide Workforce Development created in this chapter; and

(7) “Coordinating Council for Workforce Development” or “CCWD” means the Coordinating Council for Workforce Development administered by the department.

Section 41-30-130. On July 1, 2023, all functions, powers, and duties provided by law to the Department of Commerce with respect to the Coordinating Council for Workforce Development, formerly the Education and Economic Development Coordinating Council, are hereby transferred from the Department of Commerce to the Department of Employment and Workforce, and these functions, powers, and duties are devolved upon the Department of Employment and Workforce, and the Coordinating Council for Workforce Development’s officers, members, records, property, personnel, and unexpended appropriations also are transferred to the Department of Employment and Workforce. All rules, regulations, standards, orders, or other actions of these entities shall remain in effect unless specifically changed or voided by the department in accordance with the Administrative Procedures Act. The Department of Commerce and the Department of Employment and Workforce shall work together at all stages of the process until the transition is complete.

Article 3

Office of Statewide Workforce Development

Section 41-30-310. The Office of Statewide Workforce Development is created in the Department of Employment and Workforce to coordinate, align, and direct workforce efforts throughout the State to maximize available resources and actively foster a customer‑centric workforce development system that is readily accessible, highly effective, and easily understandable.

Section 41-30-320. The Governor shall appoint the Director of the OSWD with advice and consent of the Senate, subject to removal from office by the Governor pursuant to the provisions of Section 1-3-240(B). The state agency head salary review process and the rules and guidelines thereunder apply to the director. The OSWD shall:

(1) oversee and ensure implementation of Coordinating Council for Workforce Development responsibilities pursuant to Section 41‑30‑540;

(2) efficiently marshal public resources to optimally align, consolidate, streamline, and coordinate publicly funded workforce development efforts in this State;

(3) provide centralized oversight of all publicly funded workforce development services in this State provided by state and local government agencies, nonprofit groups, and quasi‑governmental groups that are appropriated state funds or are authorized to expend federal funds related to workforce development;

(4) provide oversight of Regional Workforce Advisors as required in Section 41-30-710, et. seq.;

(5) monitor compliance of each state and local government agency, nonprofit group, and quasi‑governmental group that is appropriated state funds or is authorized to expend federal funds related to workforce development and, when necessary, direct those entities to take any action necessary to comply with the responsibilities set forth in the USP. Noncompliance with a directive of the OSWD must be recorded and made part of the report made as required in subitem (6); and

(6) shall submit an annual report by November first of each fiscal year to the Governor, Speaker of the House, President of the Senate, Chair of the House Ways & Means Committee, and Chair of the Senate Finance Committee detailing all funds used for workforce development projects by all reporting state and local government agencies, nonprofit groups, and quasi-governmental groups that are appropriated state funds or are authorized to expend federal funds related to workforce development. This report also must identify those entities that did not comply with the provisions of this chapter.

Section 41-30-330. Any decision of the executive committee must be made by a majority vote of the entire membership of the committee.

Section 41-30-340. The Director of the OSWD and the executive committee of CCWD shall develop and publish uniform procedures and guidelines for the conduct of their responsibilities and duties, including the procedure for considering and voting on recommendations of the CCWD or the director.

Article 5

Coordinating Council for Workforce Development

Section 41-30-510. The Coordinating Council for Workforce Development is reconstituted and generally is responsible for:

(1) engaging in discussions, collaboration, and information sharing concerning the ability of the State to prepare and train workers to meet current and future workforce needs; and

(2) performing the other required duties of this chapter under the direction of the Chairman of the CCWD.

Section 41-30-520. The CCWD consists of the following members:

(1) the Executive Director of the Department of Employment and Workforce or his designee, who shall serve as chairman;

(2) the Director of the Office of Statewide Workforce Development or his designee;

(3) the Director of the South Carolina Department of Veterans Affairs or his designee;

(4) the Commissioner of South Carolina Vocational Rehabilitation or his designee;

(5) the Chairman of the South Carolina Research Authority or his designee;

(6) the Commissioner of Agriculture or his designee;

(7) the Director of the Department of Labor, Licensing and Regulation or his designee;

(8) the Director of the Office of Revenue and Fiscal Affairs or his designee;

(9) the Director of the Education Oversight Committee or his designee;

(10) the President of the South Carolina Manufacturing Extension Partnership or his designee;

(11) the Secretary of the Department of Commerce or his designee;

(12) the State Superintendent of Education or his designee;

(13) the Executive Director of the State Board for Technical and Comprehensive Education or his designee;

(14) the Executive Director of the Commission on Higher Education or his designee;

(15) the Director of the South Carolina Department of Parks, Recreation and Tourism or his designee;

(16) the president or provost of a research university in this State who is selected by the presidents of the research universities in this State;

(17) the president or provost of a four‑year college or university in this State who is selected by the presidents of the four‑year universities in this State;

(18) the president of a technical college in this State who must be appointed by the Chairman of the State Board for Technical and Comprehensive Education;

(19) the following members appointed by the State Superintendent of Education who have expertise regarding the South Carolina Education and Economic Development Act:

(a) a school district superintendent;

(b) a school counselor; and

(c) a career and technology education director;

(20) the Chairman of the South Carolina State Workforce Development Board or his designee;

(21) a representative of a local workforce board, appointed by the Executive Director of the Department of Employment and Workforce;

(22) the Executive Director of South Carolina First Steps or his designee;

(23) the Director of the South Carolina Department of Revenue or his designee;

(24) two representatives from the business community, appointed by the Governor, who have professional expertise in economic development and workforce issues;

(25) one person appointed by the Chairman of the House Education and Public Works Committee and one person appointed by the House minority party leader;

(26) one person appointed by the Chairman of the Senate Education Committee and one person appointed by the Senate minority party leader;

(27) the Executive Director of South Carolina State Housing Finance and Development Authority or his designee;

(28) three persons appointed by the Governor who are considered current or past small business owners under the North American Industry Classification System (NAICS) code;

(29) representatives of any other agencies or entities selected by vote of the executive committee.

(30) one person appointed by the Speaker of the House and one person appointed by the Senate President, both of whom have professional expertise in economic development and workforce issues, both of whom also shall serve on the executive committee.

Section 41-30-530.  (A) The executive committee of the CCWD is created and consists of the following members or their designees:

(1) the Executive Director of the Department of Employment and Workforce, who shall serve as chairman;

(2) the Director of the Office of Statewide Workforce Development;

(3) the Secretary of the Department of Commerce;

(4) the State Superintendent of Education;

(5) the Executive Director of the State Board for Technical and Comprehensive Education;

(6) the Executive Director of the Commission on Higher Education; and

(7) the one person appointed by the Speaker of the House and the one person appointed by the Senate President to the full CCWD in Section 41-30-520(30).

(B) The executive committee:

(1) shall review and vote on recommendations made by the CCWD or Director of OSWD;

(2) shall review and approve any actions proposed to be undertaken by the CCWD including adoption or modification of the USP or any provision of the USP; and

(3) may recommend the appropriate actions necessary to eliminate duplicative programs and workforce activities that do not further the USP, improve programs not meeting stated performance targets, and, when necessary and to the extent not prohibited in law, recommend that entities discontinue programs that repeatedly do not meet targets or may no longer be needed.

Section 41-30-540.  (A) The CCWD shall:

(1) make recommendations to the General Assembly as needed to implement the provisions of this chapter;

(2) regularly meet with industry associations to gain an understanding of their workforce needs and ideas;

(3) facilitate and coordinate the development of the USP;

(4) use data and analysis to create measurable, time‑sensitive metrics for the USP in which all workforce pipeline stakeholders including, but not limited to, education and workforce boards, councils, and partner representatives, participate. These measurable, time‑sensitive metrics include, but are not limited to:

(a) ten-year labor participation rate target; and

(b) ten-year target for the number of South Carolinians who possess a high‑quality credential or postsecondary degree;

(5) create an education and workforce dashboard or other application to enable the public to monitor and track progress of the USP; and

(6) annually review the USP and update as needed.

(B) The USP should include, but is not limited to, the following:

(1) assurance that agency constituents remain served;

(2) compliance with federal and state laws including, but not limited to, those relating to state plans, to avoid duplication of efforts;

(3) identification of statewide workforce priorities and methods for identifying and addressing long‑term workforce needs;

(4) assurance that the components of Chapter 59, Title 59, the South Carolina Education and Economic Development Act, are implemented with fidelity to provide a better prepared workforce, student success in postsecondary education, and enhanced coordination between K‑12, higher education, and employers;

(5) establishment and maintenance of standardized education and workforce terminology and definitions to be used across all agencies and sectors;

(6) development and implementation of an annual statewide workforce and education supply gap analysis which may include, but is not limited to:

(a) evaluation of current and projected future employer demands;

(b) determination of the makeup of the state’s labor force and identifying the industries and occupations that are thriving by constructing a baseline analysis of the state’s demographics and performing an analysis of the trends in the workforce and education infrastructure pipeline, including the supply of graduates in the State and the number of graduates by degree/certificate category;

(c) identifying the supply of skills found in the workforce, and demand for skills employers need from the workforce, and a means for determining how to close gaps that exist between the supply and demand of such skills; and

(d) reviewing growing industry and occupation clusters;

(7) creation and maintenance of an Education and Workforce Portal to provide South Carolinians with information critical to their lifelong educational journey, which may include, but is not limited to:

(a) an “Educational Program Alignment Toolkit” that serves as an infrastructure of resources to enable the K‑12, technical college, and higher education systems to individually and collectively ensure their respective educational curriculum, initiatives, and programming match workforce needs;

(b) a “Career Pathways Tool” that uses applicable occupational data, educational programming, workforce needs, salary information, job market analyses, in-demand occupations, and other information to provide students, parents of students, job seekers, educators, and counselors with useful information about potential career pathways and the various routes to meaningful employment;

(c) real-time labor market information;

(d) comprehensive inventory of all education and training assets in the State; and

(e) global view of workforce‑related program data including federal, state, and local education and training options and opportunities;

(8) development and implementation of a study, recommendations, and tools to address barriers to labor participation including, but not limited to, the following:

(a) affordable access to childcare and transportation;

(b) government assistance programs and requirements available to working families to determine potential opportunities to better incentivize and support employment, and employment‑related activities, while easing the “cliff effect” during the transition to economic self‑sufficiency;

(c) providing individuals who are receiving assistance from public benefit programs with the supports, skills, and credentials they need to gain and retain employment in occupations for which employers demonstrate persistent demands; and

(d) a “SC Benefits calculator” to help families, case managers, and community providers understand the impact of earnings and assist families planning their exit from the use of these public benefits, with the goal of promoting self‑sufficiency and maximizing use of available opportunities;

(9) review of state and federal funding for all workforce development programs of which CCWD is aware, including passthrough funding to nonprofit/local/regional workforce programs to eliminate duplication and ensure funding is going toward meeting the goals of the USP;

(10) development of a reliable and replicable model for measuring returns on public investment in individual education and workforce programs, including a set of common measures used in a performance accountability system;

(11) development and delivery of a consolidated budget report that:

(a) improves transparency in workforce funding to enable smarter policy decisions; and

(b) makes recommendations for using legislative and executive means to improve system alignment, accountability, and efficiency;

(12) development and implementation of a method for conducting an ongoing inventory of existing workforce programs to identify duplications among and within the programs and identify ineffective programs; and

(13) coordinate with the South Carolina Department of Veterans’ Affairs to develop and implement procedures that connect active duty military spouses, family members, veterans, and military retirees to job opportunities and career support.

(C) The Executive Director of the Department of Employment and Workforce shall serve as Chairman of the CCWD, and, as Chairman of the CCWD, monitor and audit the implementation of this chapter, review accountability and performance measures, and annually report to the Governor and the General Assembly by December first of each fiscal year, on the:

(1) actions taken by the council during the previous fiscal year;

(2) engagement of the council to include attendance, participation, and compliance with the USP, and;

(3) any recommendations for legislation.

The Executive Director or OSWD may submit additional reports on an ongoing basis as considered necessary.

(D) Agencies represented on the CCWD shall provide staff for the CCWD. These staff members may be provided by means of memorandums of agreement that address the scope of duties of each member agencies’ personnel in providing this staff support.

(E) The Department of Employment and Workforce shall provide office space and equipment for the OSWD.

Article 7

Regional Workforce Advisors

Section 41-30-710.  (A) The OSWD shall provide oversight to the regional workforce advisors (RWA), which are to coordinate and facilitate the delivery of information, resources, and services to students, educators, employers, and the community as provided in this article. The OSWD shall ensure that RWA’s are providing services in schools and directly to students regarding opportunities available to students in industries and businesses across the State. The department shall hire RWAs and shall seek input from the State Department of Education and others, as needed, in carrying out the requirements of this section.

(B) The primary responsibilities of these advisors are to:

(1) provide services to students and adults for career planning, employment seeking, training, and other support functions;

(2) provide information, resources, and professional development programs to educators;

(3) provide resources to school districts for compliance and accountability pursuant to the provisions of Chapter 59, Title 59;

(4) provide information and resources to employers including, but not limited to, education partnerships, career‑oriented learning, and training services;

(5) facilitate local connections among businesses and those involved in education; and

(6) work with school districts and institutions of higher education to create and coordinate workforce education programs.

(C) Each RWA shall coordinate career development, and postsecondary transitioning for the schools in its region.

(D) The RWAs shall provide data and reports that the department requests.

(E) Each RWA’s geographic area of responsibility must conform to the geographic configuration of the local areas designated pursuant to the Workforce Innovation and Opportunity Act, Pub.L. 113-128. Each RWA’s geographic area of responsibility shall have an advisory board comprised of a school district superintendent, high school principal, local workforce investment board chairperson, technical college president, four-year college or university representative, career center director or school district career and technology education coordinator, parent-teacher organization representative, and business and civic leaders. Appointees must reside or do business in the geographic area of the RWA’s geographic area of responsibility. Local legislative delegations shall make the appointments to their respective advisory boards.

Section 41-30-720. The Department of Employment and Workforce, in collaboration with the Department of Commerce, the State Board for Technical and Comprehensive Education, the Commission on Higher Education, and the State Department of Education shall plan and promote the career information and employment options and preparation programs provided for in this section by:

(1) identifying potential employers to participate in the career‑oriented learning programs;

(2) serving as a contact point for employees and job seekers who are seeking career information and training;

(3) providing labor market information including, but not limited to, supply and demand;

(4) promoting increased career awareness and career counseling through the management and promotion of the South Carolina Occupational Information System;

(5) collaborating with local agencies and businesses to stimulate funds; and

(6) cooperating in the creation and coordination of workforce education programs.

Contribution and wage reports, criteria and filing requirements revised

SECTION 3. Section 41-31-160 of the S.C. Code is amended to read:

Section 41-31-160. The department shall not require contribution and wage reports more frequently than quarterly. Effective with the quarter ending March 31, 2024, every employer with ten or more employees and every individual or organization that, as an agent, reports wages on a total of ten or more employees on behalf of one or more subject employers, shall file that portion of the “Employer Quarterly Contribution and Wage Reports” containing the employee's social security number, name, Standard Occupational Classification (SOC) code, total number of hours worked, and total wages electronically, in a format approved by the department. The department may waive the requirement to file electronically if a hardship is shown. In determining whether a hardship has been shown, the department shall take into account, among other relevant factors, the ability of the employer to comply with the filing requirement at a reasonable cost.

Requests for determination of insured status, employer criteria, filing requirements

SECTION 4. Section 41-35-615 of the S.C. Code is amended to read:

Section 41-35-615. All notices given to an employer concerning a request for determination of insured status, a request for initiation of a claim series in a benefit year, a notice of unemployment, a certification for waiting-week credit, a claim for benefits, and any reconsideration of a determination must be made by United States mail or electronic mail. The employer may designate with the department its preferred method of notice. If an employer does not make a designation, then notices must be made by United States mail. The employer may not be required to respond to the notice until ten calendar days, or the next business day if the tenth day falls on a Saturday, Sunday, or state holiday, after the postmark on notices sent via United States mail or ten calendar days after the date a notice is sent via electronic mail. Effective March 1, 2024, every employer with ten or more employees and every individual or organization that, as an agent, reports information to the department on ten or more employees on behalf of one or more subject employers, shall file responses to department requests for information regarding an individual’s claim for benefits (e.g. job separations, wage audits, etc.) electronically, in a format approved by the department. The department may waive the requirement to file electronically if a hardship is shown. In determining whether a hardship is shown, the department shall take into account, among other relevant factors, the ability of the employer to comply with the filing requirement at a reasonable cost.

Repeal

SECTION 5. Article 13 and Article 15 of Chapter 1, Title 13 of the S.C. Code are repealed.

Time effective

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

Ratified the 17th day of May, 2023.

Approved the 19th day of May, 2023.

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