

# EMPLOYMENT LAW SUMMARY

## South Carolina: Employee Leave Laws— Overview



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Employers may provide their employees with various types of paid or unpaid leave as part of their overall compensation packages, including vacation time, personal leave and sick leave. Employers have some flexibility when it comes to establishing or negotiating employee leave policies. However, South Carolina employers must comply with state employment laws requiring employee leave for specific purposes.

Employers must also follow federal laws, such as the Family and Medical Leave Act, that require employee leave. This Employment Law Summary does not address federal employee leave laws.

South Carolina has state laws that mandate:

- Jury duty leave;
- Bone marrow leave; and
- Military leave.

The chart below provides a high-level overview of South Carolina's employee leave laws.

### Overview of Employee Leave Laws

Type of Leave	Requirements
<b>Jury Duty Leave</b>	Employers are prohibited from dismissing or demoting an employee for complying with a subpoena to testify in a court proceeding or to serve on a jury.
<b>Bone Marrow Leave</b>	<p>While not required by law, South Carolina provides that employers with <b>20 or more employees</b> may provide eligible employees with <b>paid leave</b> to donate bone marrow. To be eligible, an employee must work an average of 20 or more hours per week for the employer. The combined length of paid leaves may not exceed 40 work hours, unless the employer agrees.</p> <p>Employers may require verification by a physician regarding the purpose and length of each paid leave requested by the employee to donate bone marrow.</p>

Type of Leave	Requirements
<b>Military Leave</b>	<p>In addition to the federal USERRA, South Carolina law provides the following job protections for members of the National Guard or State Guard:</p> <ul style="list-style-type: none"> <li>•Prohibition on depriving or obstructing employment in any way to a member of the National Guard due to the individual's status as a member of the National Guard.</li> <li>•Reemployment rights to the employee's previous position or to a position of like seniority, status and salary upon honorable release from state duty. An employee must apply for reemployment within five days following release from duty (or from hospitalization after release).</li> <li>•If an employee is no longer qualified for his or her previous employment, the employee must be placed in another position for which he or she is qualified and will provide appropriate seniority, status and salary.</li> </ul>

**SPECIAL NOTE:** The information in this chart focuses on statewide laws. Employers are advised that cities, towns and counties across the country have also enacted employee leave ordinances. Employers must generally comply with both the local and statewide law where it applies.

### More Information

Contact Heffernan Insurance Brokers for more information on employee leave laws in South Carolina.

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