

Agency Name: Department of Employment and Workforce
Statutory Authority: 4-29-110
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Subject: Work Search

History: 4693

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Document No. 4693
DEPARTMENT OF EMPLOYMENT AND WORKFORCE
CHAPTER 47
Statutory Authority: 1976 Code Section 4-29-110

47-104. Work Search.

Preamble:

The South Carolina Department of Employment and Workforce proposes to add Regulation 47-104 to require claimants to make two work searches per week through the South Carolina Works Online System (SCWOS). The Notice of Drafting regarding this regulation was published in the *State Register* on August 26, 2016.

Section-by-Section Discussion:

47-104. Added to require claimants to make two work searches per week through the South Carolina Works Online System (SCWOS).

Notice of Public Hearing and Opportunity for Public Comment:

Interested persons may submit written comments to Mark Hendrick, Director of Governmental Affairs, South Carolina Department of Employment and Workforce, P.O. Box 995, Columbia, South Carolina 29202 or by emailing RegulationComments@dew.sc.gov. To be considered, comments must be received no later than November 28, 2016 at 5:00 p.m.

A public hearing is scheduled for November 29, 2016, at 10:00 a.m., at the Administrative Law Court in the Edgar Brown Building, Second Floor, 1205 Pendleton Street, Columbia, South Carolina.

To review the regulation, visit the Department's website at: <http://dew.sc.gov/tools-resources/reports>.

Preliminary Fiscal Impact Statement:

There will be no increased costs to the State or its political subdivisions.

Statement of Need and Reasonableness:

DESCRIPTION OF REGULATION: 47-104. Work Search.

Purpose: The purpose of adding Regulation 47-104 is to require claimants to make two work searches per week through SCWOS, which the Department can electronically verify. Utilizing SCWOS to electronically verify a claimant's work search is an efficient and objective method of verifying eligibility and will prevent improper payments of benefits and ensure claimants are exposed to more job opportunities by learning to conduct an online job search.

Legal Authority: South Carolina Code Annotated Section 41-29-110.

Plan for Implementation: The proposed regulations will take effect upon approval by the General Assembly and publication in the *State Register*.

DETERMINATION OF NEED AND REASONABLENESS OF THE PROPOSED REGULATION BASED ON ALL FACTORS HEREIN AND EXPECTED BENEFITS:

Benefits are intended only for those claimants unemployed through no fault of their own and meet eligibility requirements. Claimants are eligible if they are able and available for work and are actively seeking work during each week they file a claim for benefits. The purpose of this regulation is to require work searches through SCWOS, which can be objectively verified by the Department. The regulation will assist the Department in preventing payments to claimants who fail to show they have made two active searches for work during a week they have filed a claim for benefits.

DETERMINATION OF COSTS AND BENEFITS:

There will be no change in costs to the Department. The benefit of this proposed regulation is preventing improper payments to claimants who are not eligible for benefits because they have not actively sought work during the week they have filed a claim for benefits.

UNCERTAINTIES OF ESTIMATES:

None.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

None.

DETRIMENTAL EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH IF THE REGULATION IS NOT IMPLEMENTED:

The regulation will have no detrimental effect on the environment of public health if the regulation is not implemented.

Statement of Rationale:

The purpose of drafting Regulation 47-104 is to provide an efficient and objective method for verifying claimants have actively searched for work during each week they have filed for benefits, which will prevent improper payments to claimants who have failed to search for work.

~~Indicates Matter Stricken~~

Indicates New Matter

Text:

47-104. Work Search.

A. Section 41-35-110(3) provides that a claimant is eligible to receive benefits with respect to a week only if the Department finds the claimant engaged in an active search for work. Absent good cause, an active search for work during a week must include at least two (2) job searches conducted through the South Carolina Works Online System (SCWOS), so that the search can be electronically verified.

B. The Department may waive the requirement to perform at least two (2) weekly job searches through SCWOS for good cause. Good cause includes, but is not limited to, verifiable electronic access and/or language barriers, and is determined by the Department on a case by case basis.