**South Carolina General Assembly**

118th Session, 2009-2010

**S. 28**

**STATUS INFORMATION**

General Bill

Sponsors: Senator Jackson

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Introduced in the Senate on January 13, 2009

Currently residing in the Senate Committee on **Labor, Commerce and Industry**

Summary: Minimum wage

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

12/10/2008 Senate Prefiled

12/10/2008 Senate Referred to Committee on **Labor, Commerce and Industry**

1/13/2009 Senate Introduced and read first time [SJ](file:///h:\SJ%20Archive\2009\01-13-09.docx)‑85

1/13/2009 Senate Referred to Committee on **Labor, Commerce and Industry** [SJ](file:///h:\SJ%20Archive\2009\01-13-09.docx)‑85

**VERSIONS OF THIS BILL**

[12/10/2008](file:///p:\pprever\2009-10\28_20081210.docx)

**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 41‑10‑35 SO AS TO PROVIDE THAT THE MINIMUM WAGE IN THIS STATE IS THE GREATER VALUE OF EITHER SIX DOLLARS AND FIFTEEN CENTS OR THE MINIMUM WAGE SET BY THE FAIR LABOR STANDARDS ACT; TO AMEND SECTION 6‑1‑130, RELATING TO THE SCOPE OF AUTHORITY TO SET MINIMUM WAGE, SO AS TO PROVIDE THAT A POLITICAL SUBDIVISION OF THIS STATE MAY NOT REQUIRE A MINIMUM WAGE THAT EXCEEDS THE ONE PROVIDED IN SECTION 41‑10‑35; TO AMEND SECTION 41‑21‑70, RELATING TO TERMS OF APPRENTICESHIP AGREEMENTS, SO AS TO PROVIDE THAT AN APPRENTICE MUST BE PAID THE MINIMUM WAGE PROVIDED IN SECTION 41‑10‑35; TO AMEND SECTION 44‑22‑160, RELATING TO THERAPEUTIC PATIENT EMPLOYMENT, SO AS TO PROVIDE THAT A PATIENT EMPLOYEE MUST BE PAID THE MINIMUM WAGE PROVIDED IN 41‑10‑35; AND TO AMEND SECTIONS 53‑1‑100 AND 53‑1‑110, RELATING TO SUNDAY WORK IN MACHINE SHOPS AND SUNDAY WORK IN MANUFACTURING OR FINISHING OF TEXTILE PRODUCTS, RESPECTIVELY, BOTH SO AS TO PROVIDE THAT SUNDAY WORK MUST BE COMPENSATED AT A RATE NO LESS THAN THE MINIMUM WAGE PROVIDED IN SECTION 41‑10‑35.

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

SECTION 1. Chapter 10, Title 41 of the 1976 Code is amended by adding:

“Section 41‑10‑35. An employer shall pay to an employee who performs any work, wages of at least six dollars and fifteen cents per hour or the minimum wage provided in Section 6 of the Fair Labor Standards Act of 1938, 29 U.S.C. 206, whichever is greater.”

SECTION 2. Section 6‑1‑130(B) of the 1976 Code is amended to read:

“(B) A political subdivision of this State may not establish, mandate, or otherwise require a minimum wage rate that exceeds the ~~federal~~ minimum wage rate set forth in ~~Section 6 of the Fair Labor Standards Act of 1938, 29 U.S.C. 206~~ Section 41‑10‑35. Also, a political subdivision of this State may not establish, mandate, or otherwise require a minimum wage rate related to employee wages that are exempt under 29 U.S.C. 201 et seq., the Fair Labor Standards Act of 1938.”

SECTION 3. Section 41‑21‑70(6) of the 1976 Code is amended to read:

“(6) A statement of the graduated scale of wages to be paid to the apprentice and whether the required school time ~~shall~~ must be compensated; provided, however, the apprentice shall receive compensation which ~~shall~~ may not be less than the minimum wage ~~prescribed by the Federal Fair Labor Standards Act~~ provided in Section 41‑10‑35;”

SECTION 4. Section 44‑22‑160(A) of the 1976 Code is amended to read:

“(A) E~~ach~~ A patient may refuse nontherapeutic employment within the facility. The department shall establish policies and guidelines to determine what constitutes therapeutic employment. The record and justification of ~~each~~ a patient’s employment must be sent immediately to the attending physician for review and entered into the patient’s record. Patient employment must be compensated in accordance with the Fair Labor Standards Act, except that a patient employee shall receive no less than the minimum wage provided in Section 41‑10‑35.”

SECTION 5. Section 53‑1‑100 of the 1976 Code is amended to read:

“Section 53‑3‑100. Notwithstanding ~~any other~~ another provision of law, the operation of machine shops and rubber molding and plastic injection molding facilities ~~shall~~ must be exempt from the provisions of this chapter. No person ~~shall~~ may be required to work on Sunday who is conscientiously opposed to Sunday work. If any person refuses to work on Sunday because of conscientious or physical objections, he ~~shall~~ does not jeopardize his seniority rights by such refusal ~~or~~ and may not be discriminated against in any manner. Sunday work ~~shall~~ must be compensated at a rate no less than that required by ~~the Fair Labor Standards Act~~ Section 41‑10‑35.”

SECTION 6. Section 53‑1‑110 of the 1976 Code is amended to read:

“Section 53‑1‑110. Notwithstanding ~~any other~~ another provision of law, the manufacture and finishing of textile products ~~shall be~~ are exempt from the provisions of Chapter 1, Title 53~~, as amended~~. Provided, however, that no person ~~shall~~ may be required to work on Sunday who is conscientiously opposed to Sunday work. If ~~any~~ a person refuses to work on Sunday because of conscientious or physical objections, he ~~shall~~ does not jeopardize his seniority rights by such refusal ~~or~~ and may not be discriminated against in any manner. Sunday work ~~shall~~ must be compensated at a rate no less than that required by ~~the Fair Labor Standards Act~~ Section 41‑10‑35.”

SECTION 7. This act takes effect upon approval by the Governor.

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