**South Carolina General Assembly**

118th Session, 2009-2010

**H. 3172**

**STATUS INFORMATION**

General Bill

Sponsors: Rep. Whipper

Document Path: l:\council\bills\ms\7994zw09.docx

Introduced in the House on January 13, 2009

Currently residing in the House Committee on **Judiciary**

Summary: Employee compensation

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

12/16/2008 House Prefiled

12/16/2008 House Referred to Committee on **Judiciary**

1/13/2009 House Introduced and read first time [HJ](file:///h:\HJ%20Archive\2009\01-13-09.docx)‑77

1/13/2009 House Referred to Committee on **Judiciary** [HJ](file:///h:\HJ%20Archive\2009\01-13-09.docx)‑77

**VERSIONS OF THIS BILL**

[12/16/2008](file:///p:\pprever\2009-10\3172_20081216.docx)

**A** **BILL**

TO AMEND SECTION 8‑27‑30, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO CIVIL ACTIONS AGAINST AN EMPLOYING PUBLIC BODY FOR RETALIATION AGAINST AN EMPLOYEE WHO REPORTS A VIOLATION OF STATE OR FEDERAL LAW OR REGULATION, SO AS TO CHANGE THE MAXIMUM AMOUNT OF ACTUAL DAMAGES AN EMPLOYEE MAY RECOVER FROM FIFTEEN THOUSAND DOLLARS TO THREE HUNDRED THOUSAND DOLLARS AND TO REMOVE THE LIMIT ON THE AMOUNT OF ATTORNEY FEES THAT A COURT MAY AWARD.

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

SECTION 1. Section 8‑27‑30(A) of the 1976 Code, as last amended by Act 164 of 1993, is further amended to read:

“(A) If an employee is dismissed, suspended from employment, demoted, or receives a decrease in compensation, within one year after having timely reported an alleged wrongdoing under this chapter, the employee may institute a nonjury civil action against the employing public body for (1) reinstatement to his former position; (2) lost wages; (3) actual damages not to exceed ~~fifteen~~ three hundred thousand dollars; and (4) reasonable attorney fees as determined by the court~~, but this award of attorney fees may not exceed ten thousand dollars for any trial and five thousand dollars for any appeal~~. The action must be brought in the court of common pleas of the county in which the employment action occurred. ~~No~~ An action may not be brought under this chapter unless (1) the employee has exhausted all available grievance or other administrative remedies; and (2) any previous proceedings have resulted in a finding that the employee would not have been disciplined but for the reporting of alleged wrongdoing.”

SECTION 2. This act takes effect upon approval by the Governor.

‑‑‑‑XX‑‑‑‑