**South Carolina General Assembly**

119th Session, 2011-2012

**S. 318**

**STATUS INFORMATION**

General Bill

Sponsors: Senators Knotts and Leventis

Document Path: l:\council\bills\bbm\9900zw11.docx

Companion/Similar bill(s): 864

Introduced in the Senate on January 11, 2011

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

Summary: Whistleblower and Public Employee Protection Act

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

12/15/2010 Senate Prefiled

12/15/2010 Senate Referred to Committee on **Judiciary**

1/11/2011 Senate Introduced and read first time ([Senate Journal‑page 143](file:///h:\sj%20archive\2011\01-11-11.docx))

1/11/2011 Senate Referred to Committee on **Judiciary** ([Senate Journal‑page 143](file:///h:\sj%20archive\2011\01-11-11.docx))

1/9/2012 Senate Referred to Subcommittee: Campsen (ch), Cleary, Scott

**VERSIONS OF THIS BILL**

[12/15/2010](file:///p:\pprever\2011-12\318_20101215.docx)

**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 8‑27‑05 SO AS TO ENTITLE CHAPTER 27 THE “SOUTH CAROLINA WHISTLEBLOWER AND PUBLIC EMPLOYEE PROTECTION ACT”; TO AMEND SECTION 8‑27‑30, AS AMENDED, 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 REMOVE THE ONE YEAR LIMITATION ON THE PERIOD DURING WHICH THE EMPLOYEE IS PROTECTION FROM ADVERSE EMPLOYMENT ACTIONS.

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

SECTION 1. Chapter 27, Title 8 of the 1976 Code is amended by adding:

“Section 8-27-05. This chapter may be cited as the ‘South Carolina Whistleblower and Public Employee Protection Act’.”

SECTION 2. Section 8‑27‑30 of the 1976 Code, as last amended by Act 164 of 1993, is further amended to read:

“Section 8‑27‑30. (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 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 action may 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.

(B) An action under this chapter ~~must be commenced within one year after the accrual of the cause of action or exhaustion of all available grievance or other administrative and judicial remedies or~~ is forever barred unless it is commenced within one year after the later of the following:

(1) the accrual of the cause of action;

(2) the exhaustion of all available grievance or other administrative and judicial remedies; or

(3) the termination of the employment relationship between the employee and the public body against whom the employee’s report was made.”

SECTION 3. The repeal or amendment by this act of any law, whether temporary or permanent or civil or criminal, does not affect pending actions, rights, duties, or liabilities founded thereon, or alter, discharge, release or extinguish any penalty, forfeiture, or liability incurred under the repealed or amended law, unless the repealed or amended provision shall so expressly provide. After the effective date of this act, all laws repealed or amended by this act must be taken and treated as remaining in full force and effect for the purpose of sustaining any pending or vested right, civil action, special proceeding, criminal prosecution, or appeal existing as of the effective date of this act, and for the enforcement of rights, duties, penalties, forfeitures, and liabilities as they stood under the repealed or amended laws.

SECTION 4. This act takes effect upon approval by the Governor.

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