**South Carolina General Assembly**

119th Session, 2011-2012

**A282, R324, S1340**

**STATUS INFORMATION**

General Bill

Sponsors: Senators Malloy and Knotts

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Introduced in the Senate on March 14, 2012

Introduced in the House on April 24, 2012

Passed by the General Assembly on June 27, 2012

Governor's Action: June 29, 2012, Signed

Summary: Remedies for employees alleging discrimination

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

3/14/2012 Senate Introduced and read first time ([Senate Journal‑page 10](file:///h:\sj%20archive\2012\03-14-12.docx))

3/14/2012 Senate Referred to Committee on **Labor, Commerce and Industry** ([Senate Journal‑page 10](file:///h:\sj%20archive\2012\03-14-12.docx))

4/17/2012 Senate Committee report: Favorable **Labor, Commerce and Industry** ([Senate Journal‑page 9](file:///h:\sj%20archive\2012\04-17-12.docx))

4/18/2012 Scrivener's error corrected

4/18/2012 Senate Read second time ([Senate Journal‑page 33](file:///h:\sj%20archive\2012\04-18-12.docx))

4/18/2012 Senate Roll call Ayes‑43 Nays‑0 ([Senate Journal‑page 33](file:///h:\sj%20archive\2012\04-18-12.docx))

4/19/2012 Senate Read third time and sent to House ([Senate Journal‑page 19](file:///h:\sj%20archive\2012\04-19-12.docx))

4/24/2012 House Introduced and read first time ([House Journal‑page 19](file:///h:\hj%20archive\2012\04-24-12.docx))

4/24/2012 House Referred to Committee on **Labor, Commerce and Industry** ([House Journal‑page 19](file:///h:\hj%20archive\2012\04-24-12.docx))

5/24/2012 House Committee report: Favorable **Labor, Commerce and Industry** ([House Journal‑page 3](file:///h:\hj%20archive\2012\05-24-12.docx))

5/25/2012 Scrivener's error corrected

5/30/2012 House Read second time ([House Journal‑page 59](file:///h:\hj%20archive\2012\05-30-12.docx))

5/30/2012 House Roll call Yeas‑107 Nays‑0 ([House Journal‑page 59](file:///h:\hj%20archive\2012\05-30-12.docx))

5/31/2012 House Debate adjourned until Tues., 06‑05‑12 ([House Journal‑page 38](file:///h:\hj%20archive\2012\05-31-12.docx))

6/5/2012 House Debate adjourned until Tues., 06‑06‑12 ([House Journal‑page 59](file:///h:\hj%20archive\2012\06-05-12.docx))

6/6/2012 House Debate adjourned until Thur., 06‑07‑12 ([House Journal‑page 34](file:///h:\hj%20archive\2012\06-06-12.docx))

6/7/2012 House Debate adjourned ([House Journal‑page 15](file:///h:\hj%20archive\2012\06-07-12.docx))

6/27/2012 House Read third time and enrolled ([House Journal‑page 5](file:///h:\hj%20archive\2012\06-27-12.docx))

6/28/2012 Ratified R 324

6/29/2012 Signed By Governor

7/17/2012 Effective date 06/29/12

7/17/2012 Act No. 282

**VERSIONS OF THIS BILL**

[3/14/2012](file:///p:\pprever\2011-12\1340_20120314.docx)

[4/17/2012](file:///p:\pprever\2011-12\1340_20120417.docx)

[4/18/2012](file:///p:\pprever\2011-12\1340_20120418.docx)

[5/24/2012](file:///p:\pprever\2011-12\1340_20120524.docx)

[5/25/2012](file:///p:\pprever\2011-12\1340_20120525.docx)

(A282, R324, S1340)

**AN ACT** **TO AMEND SECTION 41‑15‑520, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO REMEDIES OF AN EMPLOYEE ALLEGING DISCRIMINATION, SO AS TO PROVIDE PROCEDURES THE DIRECTOR OF THE DEPARTMENT OF LABOR, LICENSING AND REGULATION SHALL FOLLOW UPON RECEIPT OF A COMPLAINT ALLEGING DISCRIMINATION.**

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

**Remedies of an employee charging discrimination**

SECTION 1. Section 41-15-520 of the 1976 Code, as last amended by Act 50 of 2011, is further amended to read:

“Section 41‑15‑520. A private sector employee believing that he has been discharged or otherwise discriminated against by any person in violation of Section 41‑15‑510 may, within thirty days after the violation occurs, file a complaint with the Director of the Department of Labor, Licensing and Regulation alleging the discrimination. Upon receipt of the complaint, the director shall within fifteen days forward the complaints that allege violations of Section 41‑15‑510 and violations of a federal statute other than 29 U.S.C.A. Section 660(c) to the United States Department of Labor Whistleblower Program. For other complaints, the director shall cause an investigation to be made as he deems appropriate. If upon such investigation the director determines the provisions of Section 41‑15‑510 have been violated, he shall institute an action in the appropriate court of common pleas against such person. In any such action the court of common pleas shall have jurisdiction for cause shown to restrain violations of Section 41‑15‑510 and order all appropriate relief including rehiring or reinstatement of the employee to his former position with back pay. A public sector employee believing that he has been discharged or otherwise discriminated against by any person in violation of Section 41‑15‑510 may proceed with a civil action pursuant to the provisions contained in Chapter 27, Title 8.”

**Time effective**

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

Ratified the 28th day of June, 2012.

Approved the 29th day of June, 2012.

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