**South Carolina General Assembly**

119th Session, 2011-2012

**H. 4127**

**STATUS INFORMATION**

General Bill

Sponsors: Rep. Sandifer

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Companion/Similar bill(s): 694

Introduced in the House on April 26, 2011

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

Summary: Remedies for an employee charging discrimination

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

4/26/2011 House Introduced and read first time ([House Journal‑page 74](file:///h:\hj%20archive\2011\04-26-11.docx))

4/26/2011 House Referred to Committee on **Judiciary** ([House Journal‑page 74](file:///h:\hj%20archive\2011\04-26-11.docx))

4/27/2011 House Recalled from Committee on **Judiciary** ([House Journal‑page 24](file:///h:\hj%20archive\2011\04-27-11.docx))

4/27/2011 House Referred to Committee on **Labor, Commerce and Industry** ([House Journal‑page 24](file:///h:\hj%20archive\2011\04-27-11.docx))

**VERSIONS OF THIS BILL**

[4/26/2011](file:///p:\pprever\2011-12\4127_20110426.docx)

**A** **BILL**

TO AMEND SECTION 41‑15‑520, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO REMEDIES FOR AN EMPLOYEE CHARGING CERTAIN UNLAWFUL DISCHARGE OR DISCRIMINATION RELATED TO HIS INVOLVEMENT IN COMPLAINTS OR PROCEEDINGS CONCERNING HEALTH AND OCCUPATIONAL SAFETY LAW, SO AS TO PROVIDE WHEN A PRIVATE SECTOR EMPLOYEE MAKES THESE ALLEGATIONS TO THE DEPARTMENT OF LABOR, LICENSING AND REGULATION, THE DEPARTMENT IMMEDIATELY SHALL FORWARD THE COMPLAINT TO THE UNITED STATES DEPARTMENT OF LABOR WHISTLEBLOWER PROGRAM, AND TO PROVIDE CIVIL REMEDIES FOR A VIOLATION.

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

SECTION 1. Section 41‑15‑520 of the 1976 Code, as last amended by Act 181 of 1993, is further amended to read:

“Section 41‑15‑520. Any 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 ~~such~~ the violation occurs, file a complaint with the ~~Commission of Labor~~ Director of the Department of Labor, Licensing and Regulation alleging ~~such~~ the discrimination. Upon receipt of ~~such~~ the complaint, the ~~Commissioner~~ director shall ~~cause investigation to be made as he deems appropriate. If upon such investigation the Commissioner determines that 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 employee to his former position with back pay.~~ immediately forward the complaint to the United States Department of Labor whistleblower program. Any 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.”

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

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