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COMMITTEE REPORT

May 24, 2012

**S. 1340**

Introduced by Senators Malloy and Knotts

S. Printed 5/24/12--H.

Read the first time April 24, 2012.

**THE COMMITTEE ON**

**LABOR, COMMERCE AND INDUSTRY**

To whom was referred a Bill (S. 1340) to amend Section 41‑15‑520, Code of Laws of South Carolina, 1976, relating to remedies of employees alleging discrimination, so as to provide procedures the Director, etc., respectfully

**REPORT:**

That they have duly and carefully considered the same and recommend that the same do pass:

WILLIAM E. SANDIFER for Committee.

**A** **BILL**

TO AMEND SECTION 41‑15‑520, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO REMEDIES OF EMPLOYEES 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 SUCH DISCRIMINATION.

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

SECTION 1. Section 41‑15‑520 of the 1976 Code is amended to read:

“Section 41‑15‑520. ~~Any~~ 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 ~~complaint~~ complaints that allege violations of Section 41‑15‑510 and violations of a federal statute other than 29 U.S.C.A. § 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. ~~Any~~ 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.”

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

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