**South Carolina General Assembly**

123rd Session, 2019-2020

**H. 3395**

**STATUS INFORMATION**

General Bill

Sponsors: Reps. Brawley, Thigpen, Cobb‑Hunter, Henegan, Loftis, Clemmons, Henderson‑Myers, Dillard, Rose and Rivers

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Introduced in the House on January 8, 2019

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

Summary: Minimum wage

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

12/18/2018 House Prefiled

12/18/2018 House Referred to Committee on **Labor, Commerce and Industry**

1/8/2019 House Introduced and read first time ([House Journal‑page 220](file:///h:\hj\20190108.docx))

1/8/2019 House Referred to Committee on **Labor, Commerce and Industry** ([House Journal‑page 220](file:///h:\hj\20190108.docx))

1/15/2019 House Member(s) request name added as sponsor: Henegan

1/16/2019 House Member(s) request name added as sponsor: Loftis, Clemmons

1/31/2019 House Member(s) request name added as sponsor: Henderson‑Myers

4/2/2019 House Member(s) request name added as sponsor: Dillard

6/25/2019 House Member(s) request name added as sponsor: Rose, Rivers

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**VERSIONS OF THIS BILL**

[12/18/2018](file:///p:\pprever\2019-20\3395_20181218.docx)

**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 41‑1‑125 SO AS TO PROVIDE A BASE STATE MINIMUM WAGE AND A SCHEDULE TO GRADUALLY IMPLEMENT AN ADJUSTED MINIMUM WAGE TO TWELVE DOLLARS PER HOUR OVER A THREE‑YEAR PERIOD, TO PROVIDE A METHOD FOR CALCULATING FUTURE MANDATORY ADJUSTMENTS, TO PROVIDE FOR THE NOTIFICATION OF THESE ADJUSTMENTS TO EMPLOYERS AND EMPLOYEES BY THE DEPARTMENT OF LABOR, LICENSING AND REGULATION, TO PROVIDE THAT IT IS UNLAWFUL FOR AN EMPLOYER TO FAIL TO PAY THE STATE MINIMUM WAGE OR TO RETALIATE AGAINST AN EMPLOYEE FOR CERTAIN ACTIONS REGARDING ENFORCEMENT OF THE STATE MINIMUM WAGE LAW, TO PROVIDE REMEDIES FOR VIOLATIONS, TO PROVIDE A FIVE‑YEAR STATUTE OF LIMITATIONS, AND TO PROVIDE THAT ACTIONS BROUGHT PURSUANT TO THIS ACT MAY BE BROUGHT AS A CLASS ACTION UNDER STATE LAW.

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

SECTION 1. Chapter 1, Title 41 of the 1976 Code is amended by adding:

“Section 41‑1‑125. (A) An employer shall, at a minimum, pay employees a wage at an hourly rate as provided in this section for all hours worked in this State. Only those individuals entitled to receive the federal minimum wage under the federal Fair Labor Standards Act and its implementing regulations are eligible to receive this state minimum wage. The provisions of Sections 213 and 214 of the federal Fair Labor Standards Act, as interpreted by applicable federal regulations and implemented by the United States Secretary of Labor, are incorporated herein.

(B) The minimum wage must be implemented as follows:

(1) Beginning January 1, 2020, the initial state minimum wage is established as ten dollars per hour.

(2) Beginning January 1, 2021, the state minimum wage increases to eleven dollars per hour.

(3) Beginning January 1, 2022, the state minimum wage increases to twelve dollars per hour.

(4) Beginning January 1, 2023, and annually thereafter, the state minimum wage increases from twelve dollars per hour based on the Consumer Price Index for Urban Wage Earners and Clerical Workers, not seasonally adjusted, for the South Region or a successor index as calculated by the United States Department of Labor. The Department of Labor, Licensing and Regulation annually shall calculate and post the adjusted state minimum wage rate and the effective date on the Internet website of the department before October fifteenth of each year. To the extent funded in the annual general appropriations act, the department annually shall provide written notice of the adjusted rate and the effective date of the adjusted state minimum wage to all employers by November fifteenth.

(C) It is unlawful for an employer or another party to discriminate or take adverse action against a person in retaliation for filing a complaint about a violation of this section or informing any person of the provisions of this section.

(D) A person aggrieved by a violation of this section may bring a civil action in a court of competent jurisdiction against an employer for violating a provision of this section, and if he prevails, must recover the full amount of any unpaid back wages, economic damages, and must be awarded reasonable attorney’s fees and costs. Upon prevailing in an action brought pursuant to this section, an aggrieved person is also entitled to legal or equitable relief as appropriate to remedy the violation, including, without limitation, reinstatement in employment and injunctive relief.

(E) The Attorney General may bring a civil action to enforce this section, and this action may:

(1) seek injunctive relief;

(2) impose a fine of one thousand dollars for each violation, payable to the department. The department shall remit these funds to the state general fund; or

(3) both.

(F) The statute of limitations for an action brought pursuant to this section is for five years and begins on the date on which the alleged violation occurred.

(G) An action brought pursuant to this section may be brought as a class action under state law.”

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

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