**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 59‑25‑412 SO AS TO PROVIDE PUBLIC SCHOOL TEACHERS MAY NOT BE REQUIRED TO WORK MORE THAN THIRTY‑SEVEN AND ONE HALF HOURS EACH WEEK WITHOUT RECEIVING OVERTIME PAY, AND TO PROVIDE REMEDIES FOR VIOLATIONS.

Whereas, the South Carolina House of Representatives finds that public school teachers are routinely required to perform substantial nonprofessional duties outside of the normal school instructional day, such as assisting with extracurricular activities and other duties that do not include professional duties like instruction, preparation for instruction, grading student work, and so forth, and that teachers are not paid for additional duties; and

Whereas, the South Carolina House of Representatives finds that teachers are professionals who are entitled to be treated in a professional manner; and

Whereas, the South Carolina House of Representatives finds that, as professionals, teachers are explicitly exempt from federal overtime pay requirements of the Fair Labor Standards Act; and

Whereas, the South Carolina House of Representative finds that although federal law does not require teachers receive overtime pay, they should be entitled to receive it, regardless of the terms of teaching contracts or federal exemptions. Now, therefore,

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

SECTION 1. Article 5, Chapter 25, Title 59 of the 1976 Code is amended by adding:

“Section 59‑25‑412. (A) A teacher may not be required to work more than thirty‑seven and one half hours weekly without accruing and receiving overtime pay, and any explicit or implicit provision to the contrary in statute, regulation, rule, or a teaching contract is void and unenforceable.

(B) Notwithstanding another provision of contract or law:

(1) a public school administrator who implicitly or explicitly requires a teacher to work more than thirty‑seven and one half hours a week without paying overtime as required in subsection (A) must be found to have engaged in an act of unprofessional conduct subject to discipline; and

(2) a teacher may bring an action to seek legal and equitable redress for violations of the provisions of this section including, but not limited to, treble damages and attorney’s fees.”

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

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