**South Carolina General Assembly**

119th Session, 2011-2012

**H. 4493**

**STATUS INFORMATION**

General Bill

Sponsors: Reps. Limehouse and Toole

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Introduced in the House on January 10, 2012

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

Summary: Posting of notice of the rights of employees concerning union activity

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

11/29/2011 Prefiled

11/29/2011 House Referred to Committee on **Labor, Commerce and Industry**

1/10/2012 House Introduced and read first time ([House Journal‑page 60](file:///h:\hj%20archive\2012\01-10-12.docx))

1/10/2012 House Referred to Committee on **Labor, Commerce and Industry** ([House Journal‑page 60](file:///h:\hj%20archive\2012\01-10-12.docx))

3/22/2012 House Member(s) request name added as sponsor: Toole

**VERSIONS OF THIS BILL**

[11/29/2011](file:///p:\pprever\2011-12\4493_20111129.docx)

**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 41‑1‑12 SO AS TO PROVIDE AN EMPLOYER REQUIRED BY THE NATIONAL LABOR RELATIONS BOARD TO POST NOTICE OF THE RIGHTS OF EMPLOYEES CONCERNING UNION ACTIVITY ALSO SHALL POST NOTICE TO EMPLOYEES OF CERTAIN RELATED RIGHTS IN A SPECIFIC MANNER.

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 41‑1‑12. (A) For the purposes of this section:

(1) ‘Department’ means the Department of Labor, Licensing and Regulation;

(2) ‘NLRA’ or ‘Act’ means the National Labor Relations Act;

(3) ‘NLRB’ means the National Labor Relations Board; and

(4) ‘PDF’ or ‘portable document format’ means a file format created for document exchange with a fixed‑layout format in a manner independent of the recipient’s application software, hardware, and operating system.

(B)(1) An employer required by the National Labor Relations Board to post notice regarding an employee’s rights under the National Relations Labor Act also shall post notice of other related employee rights, including the right of an employee to:

(a) be treated as an individual chosen for his unique abilities and skills to be a member of his employer’s team rather than to be valued based on his seniority within the organization;

(b) decline membership in a union, noting that in this State a person:

(i) cannot be required to join or pay fees to a union as a condition of employment;

(ii) is free to refuse to become a part of a union; and

(iii) has the right to withhold payments to a union for anything other than fees for actual representation;

(c) seek decertification of a union of which the employee is a member, noting that the employer may not encourage or help with this decertification; and

(d) know how a union of which the employee is a member spends money obtained through union dues, including his right to obtain and review a copy of an LM‑2 form provided by his union and his right to notify the United States Department of Labor if his union does not timely provide this form.

(2) The department shall promulgate regulations specifying the requirements of a poster providing notice required under item (1). This poster must be of dimensions, colors, font sizes, and font styles identical to those of the notice posting required by the NLRB.

(3) The department shall make the poster provided under item (2) available in a portable document format to the public for downloading and printing at no charge.

(3) An employer shall post the notice required under this section within two inches from the right side of the notice posting required by the NLRB and at the same level as the posting required by the NLRB.”

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

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