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Indicates New Matter

COMMITTEE REPORT

May 19, 2011

**S. 694**

Introduced by Senator Bryant

S. Printed 5/19/11--H.

Read the first time April 28, 2011.

**THE COMMITTEE ON**

**LABOR, COMMERCE AND INDUSTRY**

To whom was referred a Bill (S. 694) to amend Section 41‑15‑520 of the 1976 Code, relating to remedies for employees charging discrimination, to provide for referral to the United States Department of Labor allegations, 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 OF THE 1976 CODE, RELATING TO REMEDIES FOR EMPLOYEES CHARGING DISCRIMINATION, TO PROVIDE FOR REFERRAL TO THE UNITED STATES DEPARTMENT OF LABOR ALLEGATIONS MADE BY A PRIVATE SECTOR EMPLOYEE OF A VIOLATION OF SECTION 41‑15‑510 AND TO PROVIDE FOR CIVIL REMEDIES.

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 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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