

LLR S.C. Labor Law Abstract

Payment of Wages Act

When an employee is hired, the employer must notify the employee in writing of:

- the wages agreed upon
- the normal hours the employee will work
- the time and place wages will be paid
- the deductions an employer may make from wages, including insurance

Changes to these terms must be in writing at least seven (7) calendar days before they become effective.

Employers must pay employees all wages due each pay period. Employers must also give employees an itemized statement showing gross pay and all deductions made each pay period and maintain records of wages paid for three years.

Employers who violate the Payment of Wages Act are subject to a civil penalty of \$100 for each violation. Employees can recover up to three times the full amount of unpaid wages, costs, and attorney's fees in a civil action.

To report a suspected violation, or for recordkeeping or other questions involving the Payment of Wages Act, or to order a copy of the Payment of Wages Act, please contact the Office of Wages and Child Labor at the address and number listed below.

Child Labor

No employer in this State shall engage in any oppressive child labor practices. Oppressive child labor includes employment of any minor in any occupation declared by the Director of Labor, Licensing and Regulation to be particularly hazardous or detrimental to the health or well being of minors. Oppressive child labor also includes employment of minors who are 14 or 15 years old under the following conditions:

- During school hours
- Before 7 a.m. or after 7 p.m. (9 p.m. during the period of summer break of the school district in which the minor resides)
- More than 18 hours during school weeks
- More than 3 hours on school days
- More than 40 hours in non-school weeks
- More than 8 hours on non-school days

For details involving child labor provisions, please contact the Office of Wages and Child Labor at the address and number listed below.

S.C. Department of Labor, Licensing and Regulation
Office of Wages and Child Labor
P.O. Box 11329
Columbia, South Carolina 29211-1329
803-896-4470
www.llronline.com

Right-to-Work

It is the public policy of this State that a handbook, personnel manual, policy, procedure, or other document issued by an employer or its agent, shall not create an express or implied contract of employment if it is conspicuously disclaimed. The right to work of a person in South Carolina cannot be denied, interfered with, or abridged because the person belongs – or does not belong – to a labor union. An employer, labor organization, or other person that interferes with a worker's rights under these provisions may be assessed a penalty of not more than \$100 for each violation and is subject to a lawsuit by the aggrieved worker. For more information, contact the Office of Labor – Management Mediation at (803) 896-5156.

Immigrant Worker

The "South Carolina Illegal Immigration and Reform Act" requires all employers to verify the legal status of new employees and prohibits employment of any worker who is not legally in this country and authorized to work.

After July 1, 2009, all businesses in South Carolina are imputed a South Carolina employment license which permits an employer to hire employees. The imputed employment license remains in effect as long as the business abides by the law.

Effective January 1, 2012, all South Carolina employers are required to enroll in the U.S. Department of Homeland Security's E-Verify program. Employers must verify the status of new employees using E-Verify within three business days. Failure to enroll in and use E-Verify to verify new hires will result in probation for the employer or suspension/revocation of the employer's business licenses.