

Session 115 - (2003-2004)

H 5037 General Bill, By Cato

Summary: Disputes regarding payment of wages

A BILL TO AMEND SECTION 41-10-10, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DEFINITIONS REGARDING PAYMENT OF WAGES, SO AS TO INCLUDE BONUSES AND EXPENSE REIMBURSEMENTS IN THE DEFINITION OF WAGES; TO AMEND SECTION 41-10-40, RELATING TO PAYMENT OF WAGES, SO AS TO DELETE CERTAIN REFERENCES; TO AMEND SECTION 41-10-50, AS AMENDED, RELATING TO PAYMENT OF WAGES DUE TO DISCHARGED EMPLOYEES, SO AS TO PROVIDE THAT UNDER CERTAIN CIRCUMSTANCES, WAGES DUE MUST BE PAID WITHIN THIRTY DAYS OF SEPARATION OF EMPLOYMENT; TO AMEND SECTION 41-10-60, RELATING TO THE UNCONDITIONAL PAYMENT OF WAGES AN EMPLOYER CONCEDES ARE DUE, SO AS TO PROVIDE THAT AN EMPLOYER DOES NOT HAVE TO PAY THE AMOUNT OF THE WAGES THAT ARE IN DISPUTE; TO AMEND SECTION 41-10-80, AS AMENDED, RELATING TO CIVIL ACTIONS BY EMPLOYEES FOR FAILURE TO PAY WAGES, SO AS TO PROVIDE THAT IF A SUCCESSFUL CIVIL ACTION IS BROUGHT FOR DISPUTED WAGES, TREBLE DAMAGES AND ATTORNEYS' FEES CANNOT BE RECOVERED IF THE COURT FINDS A GOOD FAITH DISPUTE CONCERNING THE AMOUNT OF WAGES DUE AND PROVIDE FOR AN APPEAL TO THE ADMINISTRATIVE LAW JUDGE DIVISION; TO AMEND SECTION 41-10-90, AS AMENDED, RELATING TO ACTIONS FOR COLLECTION OF PENALTIES, SO AS TO CLARIFY THAT THE DIRECTOR OF THE DEPARTMENT OF LABOR, LICENSING AND REGULATION OR HIS DESIGNEE SHALL TAKE APPROPRIATE ACTION, WHETHER LEGAL OR ADMINISTRATIVE, AGAINST THE ASSESSED EMPLOYER FOR COLLECTION OF THE PENALTY; AND TO AMEND SECTION 41-10-110, AS AMENDED, RELATING TO THE RIGHT OF THE COMMISSIONER OF LABOR TO ENTER AND TO CONDUCT AN INVESTIGATION, SO AS TO INCLUDE A DOCUMENT RELEVANT TO THE TOTAL COMPENSATION PACKAGE IN THE ITEMS THAT MAY BE INSPECTED.

03/25/04 House Introduced and read first time HJ-25

03/25/04 House Referred to Committee on Labor, Commerce and Industry HJ-25