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**STATUS INFORMATION**

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Summary: Wage boards

**HISTORY OF LEGISLATIVE ACTIONS**

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**VERSIONS OF THIS BILL**

[01/15/2025](https://www.scstatehouse.gov/sess126_2025-2026/prever/3735_20250115.docx)

A bill

TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ENACTING THE “WAGE BOARD ACT”; AND BY ADDING SECTION 41-27-670 SO AS TO PROVIDE FOR THE CREATION OF WAGE BOARDS BY THE DIRECTOR OF THE DEPARTMENT OF EMPLOYMENT AND WORKFORCE, TO PROVIDE THE POWERS AND FUNCTIONS OF WAGE BOARDS, AND TO PROVIDE RELATED RESPONSIBILITIES OF THE DIRECTOR AND CERTAIN EMPLOYERS.

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

SECTION 1. This act may be cited as the “Wage Board Act.”

SECTION 2. Article 5, Chapter 27, Title 41 of the S.C. Code is amended by adding:

 Section 41-27-670. (A) Upon the petition of fifty or more residents of the State, the Director of the Department of Employment and Workforce shall investigate any occupation to ascertain whether a substantial number of employees are receiving less than a fair wage.

 (B) If the director is of the opinion that a substantial number of employees in any occupation or occupations are receiving less than a fair wage, he shall appoint a wage board as provided in subsection (C) to report upon the establishment of minimum fair wage rates for employees in such occupation or occupations.

 (C) With respect to an occupation for which a wage board is appointed, the wage board must be composed of nine members of whom three must be representatives of the employers in the occupation, three must be representatives of employees in the occupation, and three must be disinterested persons representing the public, one of whom shall be designated by the director as chairman. The director shall appoint the members of the wage board from nominations submitted by the employers and employees. Two-thirds of the members constitute a quorum and the recommendations or report of the wage board requires a vote of not less than a majority of all its members. The director shall make and establish rules and promulgate regulations governing the selection of a wage board and its mode of procedure not inconsistent with this section. The members of a wage board shall serve without pay but are entitled to mileage, subsistence, and per diem as authorized by law for members of boards, committees, and commissions.

 (D) A wage board may administer oaths and require by subpoena the attendance and testimony of witnesses, the production of all books, records, and other evidence relative to matters under investigation. A subpoena must be signed and issued by the chairman and must be served and have the same effect as if issued by the circuit court. A wage board may cause depositions of witnesses to be taken in the manner prescribed for civil actions in the circuit court.

 (E) The director promptly upon the organization of a wage board shall present to the board all evidence and information in his possession relating to the wages of employees in the occupations for which the wage board was appointed and all other information that the director considers relevant to the establishment of a minimum fair wage recommendation, and shall cause to be brought before the committee any witnesses whom the director considers material. A wage board may summon other witnesses or call upon the director to furnish additional information to aid it in its deliberations.

 (F) In establishing a minimum fair wage, the director and the wage board may:

 (1) not be bound by technical rules of evidence or procedure, but may consider all relevant circumstances affecting the value of the service or class of service rendered;

 (2) consider the wages paid in the State for work of like or comparable character by employers who voluntarily maintain minimum fair wage standards; and

 (3) be guided by like considerations as would guide a court in a suit for the reasonable value of services rendered at the request of the employer without agreement as to the amount of wages to be paid.

 (G) The report of the wage board must recommend minimum fair wage rates on an hourly, daily, or weekly basis for the employees in the occupation or occupations for which the wage board was appointed. The wage board may recommend the establishment or modification of an overtime rate and recommend establishment or modification of the number of hours per week after which the overtime rate would apply. The board also may recommend permitted charges to the employees or allowances for board, lodging, apparel, or other facilities or services customarily furnished by the employer to the employee, and also may recommend allowances for other special conditions or circumstances, excluding gratuities, typical in a particular employer-employee relationship. A wage board may differentiate and classify employments in any occupation according to the nature of the service rendered and recommend appropriate minimum fair wage rates for different employments. It may recommend minimum fair wage rates varying with localities if in the judgment of the wage board conditions make such local differentiation proper. A wage board may recommend a suitable scale of rates for learners and apprentices or students in any occupation that may be less than the regular minimum fair wage rates recommended for experienced employees.

 (H) Within sixty days of its organization, a wage board shall submit to the director a report including its recommendations for minimum fair wage standards for the employees in the occupation or occupations for which the wage board was appointed. If its report is not timely submitted, the director may constitute a new wage board.

 (I) Within ten days after submission of a wage board report, the director shall determine whether to accept or reject the report. If he rejects the report, he shall resubmit the matter to the same wage board or to a new wage board with a statement of his reasons for the rejection. If he accepts the report, it must be published within thirty days with proposed regulations the director considers appropriate to supplement the report of the wage board and to safeguard the minimum fair wage standards to be established. At the same time, notice must be given of a public hearing before the director not sooner than fifteen but not more than thirty days after the publication, at which all persons favoring or opposing the recommendations or proposed regulations may be heard pursuant to rules issued by the director.

 (J) If a public hearing is held within ten days after the hearing, the director shall grant final approval or disapproval of the report. If the report is disapproved, the director may resubmit the matter to the same wage board or to a new wage board. If the report is approved, the director shall make a wage order which shall define minimum fair wage rates in the occupation or occupations as recommended in the report of the wage board and which shall include such proposed administrative regulations as the director considers appropriate to supplement the report of the wage board and to safeguard the minimum fair wage standards established. The wage order must take effect upon expiration of eighty days from the date of the issuance of the order.

 (K)(1) The director, to the extent necessary in order to prevent curtailment of opportunities for employment, shall by regulation provide for the employment of learners, apprentices, and students under special certificates issued pursuant to regulations of the director, at such wages lower than the minimum wage applicable under the provisions of this section and subject to such limitations as to time, number, proportion, and length of service as the director shall prescribe.

 (2) For any occupation for which minimum fair wage order rates or minimum wage rates are established by or pursuant to this section, the director may cause to be issued to an employee, including a learner, apprentice or student, whose earning capacity is impaired by age or physical or mental deficiency or injury, a special license authorizing employment at wages less than applicable minimum wage rates and for a period of time as determined by the director and stated in the license.

 (L) After a minimum fair wage order has been in effect for one year, the director may, on his own motion or on petition of fifty or more residents of the State, reconsider the minimum fair wage rates and reconvene the same wage board or appoint a new board to recommend whether the rate or rates should be modified pursuant to this section. Such recommendations are subject to the same requirements of subsections (I) and (J).

 (M) The director may, without reference to a wage board, propose such modifications of or additions to any regulations promulgated pursuant to this section as he considers appropriate to effectuate the purposes of this section; provided, however, such proposed modifications or additions only may be made if they legally could have been included in the original regulation. Notice must be given of a public hearing to be held by the director within fifteen days after notice is given, at which all persons in favor of or opposed to the proposed modifications or additions may be heard. After the hearing, the director may make an order putting into effect the proposed modifications of or additions to the administrative regulations as he deems appropriate.

 (N) An employer of a person whose occupation is subject to a minimum fair wage established pursuant to this section shall:

 (1) pay to each such employee a wage of at least the amount determined to be the fair minimum wage for that occupation; and

 (2) maintain an accurate record of the hours worked by each such employee and the wages paid by him, which the employer shall furnish to the commissioner upon demand. The records must be open to inspection by the commissioner at any reasonable time.

 (O) An employer who wilfully hinders or delays the commissioner in the performance of his duties in the enforcement of this or violates a provision of this section is guilty of a misdemeanor and may be incarcerated for no more than thirty days, fined not less than one hundred dollars per day but not more than five hundred dollars per day, or both. Each week, in any day of which an employee is paid less than the rate applicable to him under this section or under a minimum fair wage order, and each employee so paid, constitutes a separate offense. The provisions of this subsection are in addition to the payment of wages provisions of Chapter 10.

SECTION 3. This act takes effect upon approval by the Governor.

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