

● WAGE PAYMENT LAW

STATUTORY CITATION: S.C. Code §§ 41-10-10 – 41-10-110

GENERAL SUMMARY: Chapter 10 of the state labor statutes governs the payment of wages in South Carolina, in part by establishing certain notification and recordkeeping requirements, prescribing allowable methods of payment, restricting deductions, and limiting the waiting time for final wages. Except with respect to domestic labor in private homes, which is exempt, the wage payment law applies to all employers with 5 or more employees at any one time during the preceding 12 months.

SPECIFIC TERMS AND CONDITIONS

NOTIFICATION — Either through use of individual written statements or by posting at the workplace, subject employers must notify each employee at the time of hiring as to the hours and wages agreed upon, the time and place of payment, and the deductions to be made from the worker's pay. Any change in these terms must be made in writing at least 7 calendar days before it becomes effective.

RECORDKEEPING — Employers must make, and retain for 3 years, a record of the name and address of each employee, the employee's wages each payday, and the deductions made from each payday's earnings.

PAY STATEMENTS — Every employer subject to the law is obligated to furnish each worker with an itemized statement showing the worker's gross pay and deductions for each pay period.

MEDIUM OF PAYMENT — In general, employers are not permitted to pay wages in any medium other than (1) lawful U.S. money, (2) negotiable warrant or check, or (3) direct deposit to a federally insured financial institution. If the employer uses direct deposit, the worker must be allowed at least one free withdrawal per pay period.

DEDUCTIONS — Employers may not withhold or divert any portion of an employee's wages unless required or permitted to do so by state or federal law, or pursuant to the notification described above.

FINAL WAGES — Whenever a worker is terminated from the payroll, for whatever reason, the employer generally must pay all wages due within 48 hours of termination or by the next regular payday, which may not exceed 30 days.

ADMINISTRATION AND ENFORCEMENT

PRIMARY ENFORCEMENT AGENCY — *Office of Investigations and Enforcement, South Carolina Department of Labor, Licensing and Regulation, Columbia, South Carolina 29211 (803-896-4470).* Upon receipt of a complaint from a worker alleging a violation of the wage payment law, the Department may question the employer, inspect payroll records, and take other appropriate action to investigate the complaint. If there is evidence of a violation, the Department must attempt to resolve the issues informally and may assess a civil money penalty against the offending employer.

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY — *None.*

PRIVATE CIVIL ACTION — In case of an employer's failure to pay wages as required by these provisions, a worker may recover in a civil action an amount equal to *three times* the full amount of the unpaid wages, together with court costs and attorney's fees. Civil action to recover unpaid wages must be commenced within 3 years after the wages become due.