

My Employer is Withholding My Pay—What Can I Do?

File an Administrative Complaint

The S.C. Department of Labor, Licensing and Regulation, available at (803) 896-4470, enforces the Payment of Wages Act.

The U.S. Department of Labor, available at 1-866-4-US-WAGE, enforces the FLSA.

File a Law Suit

The Payment of Wages Act allows you to recover up to three times the unpaid wages, plus costs and attorney's fees. You must bring this law suit within three years of when you were deprived of wages.

You must bring a FLSA lawsuit within two years of when you were deprived of wages, or within three years if the employer's violation was intentional.

Additional information may be found at:

LawHelp.org/SC

South Carolina's guide to free legal resources

Employment Cases Handled

- Job Discrimination
- Wage Claims
- Licensing Issues
- Obstacles to Employment
- Unemployment Benefits
- Working Conditions
- Other Employment Problems

Other Legal Representation

- Consumer & Bankruptcy
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IN THE WORKPLACE: YOUR RIGHT TO WAGES



Our Mission

South Carolina Legal Services is a statewide law firm that provides civil legal services to protect the rights and represent the interests of low-income South Carolinians.

For Free Services

1 (888) 346-5592
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You Have Rights!

There are laws that protect your right to wages that you have earned. Two of these laws are the South Carolina Payment of Wages Act and the Fair Labor Standards Act. This brochure explains your rights under these laws.



Your Rights Under the Payment of Wages Act

Which Employers Does this Law Cover?

This law applies to all employers except employers of domestic labor in private homes and employers with fewer than five employees at all times during the preceding 12 months.

What are “Wages” Under the Law?

“Wages” include all forms of compensation, such as pay for a fixed amount of time, for completion of a task, piece work, or commission. Vacation, holiday, or sick leave are considered wages if the employer has a policy of paying separated employees for these types of leave at the time of separation.

Under the Payment of Wages Act, Employers Must...

...keep records for three years of employees’ names, addresses, and deductions made each payday.

...give employees a statement each pay period showing the amount of their pay and any deductions.

...notify each employee in writing, at the time of hire, of the deductions which will be made from wages.

...**NOT** deduct or withhold any wages unless they have given employees prior written notice of the deduction seven days in advance.

...pay separated employees all wages due by the next regular payday, **which may not exceed 30 days from the date of separation.**

...**NOT** retaliate against employees who assert their rights to wages under this law.



Your Rights Under the Fair Labor Standards Act

The FLSA places certain requirements on how employers pay their employees. **Not all employers or employees are covered by FLSA.** Consult an attorney or the Department of Labor to find out if you are covered.

Minimum Wage

Covered employers are required to pay employees a minimum wage of \$7.25 an hour.

Overtime Pay

An employer who requires or permits an employee to work over 40 hours in a workweek generally must pay the employee at least one and one-half times the employee’s regular rate of pay. The FLSA does not require overtime pay for work on Saturdays, Sundays, holidays, or regular days of rest, unless overtime hours are worked on such days. Some types of employees are not entitled to overtime.

It is illegal for an employer to retaliate against an employee for filing a wage complaint under the FLSA.