

Summary of SC Code §8-27-10 et seq.
Employment Protection for Reports of Violations of State or Federal Law or Regulation

South Carolina law provides for employment protection when employees of a public body report wrongdoing by a public body to an appropriate authority.

Employees who are protected by this law include employees of an agency, authority, department, board, commission or committee of the State. This law does not apply to teaching or research faculty, professional librarians, academic administrators or other persons holding faculty appointments at a four-year post-secondary educational institution; athletic coaches and unclassified employees of athletic departments; or to part-time professional personnel engaged in consultant or contractual services. For a complete list of employees protected by the law, see SC Code §8-27-10(2), and for a complete list of employees not covered by the law, see SC Code §8-17-370.

Wrongdoing is defined as “action by a public body which results in substantial abuse, misuse, destruction, or loss of substantial public funds or public resources,” including “an allegation that a public employee has intentionally violated federal or state statutory law or regulations or other political subdivision ordinances or regulations or a code of ethics, which violation is not merely technical or of a minimum nature.” See SC Code §8-27-10(5).

To file a protected report of wrongdoing, an employee must make a written or oral allegation of waste or wrongdoing to an appropriate authority that includes the date of disclosure, the name of the employee making the report, the nature of the wrongdoing and the date or range of dates on which the wrongdoing allegedly occurred. This report must be made within 180 days of the date the reporting employee first learns of the alleged wrongdoing or by sworn testimony—regardless of when the wrongdoing allegedly occurred—to certain committees of the Senate or House of Representatives. For more details regarding protected reports, see SC Code §8-27-10(4). For the complete definition of an “appropriate authority,” see SC Code §8-27-10(3).

Employees who file good faith reports of wrongdoing by a public body are protected from dismissal, suspension, demotion and decrease in compensation as retaliation for filing the report. If an employee does suffer one of these adverse employment actions in retaliation for filing a report, that employee may institute a nonjury civil action against their employing public body for (1) reinstatement, (2) lost wages, (3) actual damages not to exceed \$15,000 and (4) reasonable attorney’s fees as determined by the court (but not to exceed \$10,000 for any trial and \$5,000 for any appeal). No civil action, however, may be brought until the employee has exhausted all available grievance or other administrative remedies and those prior proceedings have resulted in a finding that the employee would not have suffered adverse employment action but for the reporting of alleged wrongdoing. For more information regarding the rights and protections afforded to employees who file good faith reports of wrongdoing, see SC Code §8-27-20 and §8-27-30

This summary is offered in compliance with SC Code §8-27-60.