

EMPLOYMENT LAW SUMMARY

South Carolina Minimum Wage



Because You're Different

South Carolina does not have a state minimum wage law. As a result, employers subject to the federal Fair Labor Standards Act (FLSA) must pay their employees wages that are at least equal to the current federal minimum wage rate. The current federal minimum wage rate is \$7.25 per hour for nonexempt employees.

The FLSA also controls minimum wage exemptions within the state.

Local Observance

State law prohibits political subdivisions of the state from establishing, mandating or otherwise requiring a minimum wage rate that is higher than the federal rate. This prohibition also applies to individuals who are exempt from FLSA requirements.

For purposes of this section, "political subdivision" includes—but is not limited to—a municipality, county, school district, special purpose district or public service district.

However, this prohibition does not limit the authority of political subdivisions to establish wage rates in contracts to which they are a party.

Employees With Disabilities

Under the FLSA, employers may pay wages below the current federal minimum wage rate to individuals whose earning or productive capacities are impaired by physical or mental disabilities. In order to use this exemption, employers must:

- Obtain a subminimum wage certificate from the U.S. Department of Labor (DOL) before paying subminimum wages; and
- Ensure that subminimum wages are paid at wage rates commensurate to workers' individual productivity levels.

Employers can find more information on federal requirements regarding subminimum wages for employees with disabilities on the DOL's Fact Sheet #39: The Employment of Workers with Disabilities at Subminimum Wages.

However, on May 11, 2022, South Carolina adopted a joint resolution (SJR 533) that prohibits employers from paying employees with disabilities wages below the minimum wage rate. The resolution becomes effective on Aug. 1, 2024.

Under the FLSA, when state and federal laws conflict with each other, employers must provide the greater protection or benefit to their employees. Because SJR 533 provides a greater benefit to employees with disabilities, employers in South Carolina will no longer be able to claim the federal minimum wage exemption after Aug. 1, 2024.

More Information

Contact Heffernan Insurance Brokers for more information on wage payment and work hour laws in South Carolina.

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