

5. Recordkeeping and Posting Requirements

A. BACKGROUND

A number of state laws contain recordkeeping and posting requirements. South Carolina employers should keep abreast of these requirements in order to avoid penalties for noncompliance.

B. HOW THE LAW WORKS

Recordkeeping

SC EMPLOYMENT SECURITY LAW	
Applies to employers with at least 1 employee in each of 20 different calendar weeks in either the current or preceding year.	
For each pay period: <ul style="list-style-type: none"> • the beginning and ending dates and • the largest number of workers employed during each calendar week of that pay period. 	5 years. S.C. Code Reg. 47-14.
For each individual employee: <ul style="list-style-type: none"> • his/her name and social security number, • number of hours worked each week (if less than full-time), • monetary wages paid (including special payments), • reasonable cash value of remuneration paid in other than cash, • the date he/she was hired, rehired, or returned to work after temporary layoff, and the date or reason he/she was separated from employment. 	
Regarding eligibility for partial benefits for each employee: <ul style="list-style-type: none"> • the wages earned by weeks, • whether any week was less than full-time, and • time lost due to the employees unavailability for work. S.C. Code Reg. 47-14.	

SOUTH CAROLINA WORKERS' COMPENSATION LAW	
Applies to employers with 4 or more regularly employed employees.	
A record of all work-related injuries, fatal or otherwise, reported by employees in the course of employment, on Form 12A supplied by the Commission. S.C. Code Reg. 67-411.A.	2 years. S.C. Code Reg. 67-411.B.

Posting

Various state and federal laws require employers to post legal notices in the workplace. A summary of South Carolina posting requirements is set forth in the chart below. Employers are encouraged to review on a periodic basis the information concerning posting requirements on the South Carolina Department of Labor, Licensing & Regulation website to ensure ongoing compliance with federal and state law, as existing posters are revised periodically and new posting requirements added.

South Carolina Law

In addition to federal law posting requirements outlined in NC Guide Chapter 17/Recordkeeping & Posters, all employers in South Carolina are required to post the following employment notices:

1. Labor Law Abstract (Payment of Wages and Child Labor)
2. Employment Discrimination
3. Safety and Health Protection on the Job
4. Unemployment Insurance
5. Workers' Compensation
 - All of the above notices are available as an all-in-one poster on the SC DLLR website.
6. SC Human Affairs Commission Law
 - Available on the SCHAC website - <https://schac.sc.gov/>.

C. ACTION REQUIRED BY EMPLOYERS

Employers are required by state and federal law to retain certain records for prescribed minimum periods of time and to post certain notices advising employees of their rights under various laws, as set forth in the tables above.

D. TIPS FOR EMPLOYERS

To ensure ongoing compliance with posting requirements and avoid penalties, employers should periodically review the websites of the S.C. Department of Labor, Licensing & Regulation, SC Human Affairs Commission and the U.S. Department of Labor, as existing posters are revised, and new posters added periodically. Employers should post all required notices in conspicuous locations on their premises where they are readily accessible to employees.

In the world of remote work, employees are still required to have access to the information included on employment posters. It is a best practice to send copies of all the applicable required posters with new hire paperwork and post on a company intranet, if applicable.

The US DOL issued [Field Assistance Bulletin 2020-7](#) to provide guidance on acceptable electronic distribution of employment posters.

The guidance states electronic versions of employment posters are acceptable if:

- Employees regularly receive communication electronically and,
- Employees always have readily available access to the posters.

Furthermore, the following federal posters must be accessible to applicants. They should be featured on the careers section of your website, if applicable.

- FMLA
- EEO
- Employee Polygraph Protection Act
- E-Verify Participation / E-Verify Right to Work

State and federal recordkeeping requirements are complex and varied. Employers, in consultation with legal counsel, should implement and maintain comprehensive record retention policies.