

South Carolina Association of Counties

10 Employment Law Questions We Still Get Asked

October 17, 2017
Linda Pearce Edwards



GIGNILLIAT SAVITZ & BETTIS LLP

SOUTH CAROLINA LABOR AND EMPLOYMENT LAW FIRM

900 Elmwood Ave., Suite 100, Columbia, SC 29201
P. 803.799.9311 F. 803.254.6951
www.gsbllaw.net

- S.C. is an “at-will” state. That means I don’t need a reason to fire someone, right?
 - We have a disclaimer in our handbook, so I can fire an employee for any or no reason, correct?
 - I am an elected official so my employees serve “at my pleasure.” So I don’t need a reason to fire an employee, do I?

- We have the perfect candidate for a vacancy. Do we have to post the job?

- An employee has sick leave accrued. However, he abuses it. He almost always calls in sick on a Monday or Friday. Do I have to pay?

– What if he brings a doctor's note?

- Our employee does not qualify for Family and Medical Leave (FMLA)/has exhausted FMLA. If he cannot do the job because of medical reasons, can we terminate him?

- I don't want to pay overtime to employees so I am going to pay them a salary (instead of an hourly rate). Since I pay a salary, I don't have to pay overtime, right?

- Do I have to pay overtime if an employee volunteers to come in to work early or work late?

- An employee has come to me and told me her department head is sexually harassing her. She has made me promise not to say anything. What do I do?

- We want to randomly drug test everyone. Is that okay?

- Can I fire an employee who has posted on Facebook or other social media?
 - his opposition to the County's bond referendum
 - unflattering remarks about his supervisor
 - racial and sexual harassing "jokes"
 - threats against a co-worker

Questions?
