



## 2021 South Dakota Legislature

# Senate Bill 65

*Introduced by: The Committee on Commerce and Energy at the request of the Bureau of Human Resources*

1 **An Act to create an exception to the dual compensation prohibition for state**  
 2 **employees for military service.**

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 **Section 1.** That § 3-8-4.2 be AMENDED.

5 **3-8-4.2. Compensation permitted for other state employment--During off**  
 6 **duty hours--During state active duty.**

7 Any state employee, with the approval of the department head, agency head, or  
 8 head of the state institution involved, may use annual leave, military service leave,  
 9 weekends, legal holidays, and hours after normal working hours for performing  
 10 compensable services to a state institution, department, office, or agency other than the  
 11 institution, department, office, or agency ~~which~~ that is the employee's primary employer.  
 12 Compensation for such additional services performed during such times does not  
 13 constitute dual compensation prohibited by § 3-8-4 or 3-8-4.1. Any state employee who  
 14 is called to state active duty, as defined in § 33-10-20, may receive dual compensation  
 15 from the state.