

State of South Dakota

NINETY-SECOND SESSION
LEGISLATIVE ASSEMBLY, 2017

400Y0156

SENATE ENGROSSED NO. **HB 1049** - 1/25/2017

Introduced by: The Committee on Commerce and Energy at the request of the Department
of Labor and Regulation

1 FOR AN ACT ENTITLED, An Act to revise certain provisions regarding good cause for
2 voluntarily leaving employment and to declare an emergency.

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

4 Section 1. That § 61-6-9.1 be amended to read:

5 61-6-9.1. Good cause for voluntarily leaving employment is restricted to leaving
6 employment because:

7 (1) Continued employment presents a hazard to the employee's health. However, this
8 subdivision applies only if:

9 (a) ~~Prior to the~~ Before separation from the employment, the employee is examined
10 by a licensed practitioner of the healing arts, as defined in chapter 36-4, 36-
11 4A, or 36-5; or subdivision 36-9A-1(5), and advised that continued
12 employment presents a hazard to ~~his~~ the employee's health; and

13 (b) The health hazard is supported by a certificate signed by the licensed
14 practitioner of the healing arts.

15 The secretary of labor and regulation may request an additional certificate signed by



1 another licensed practitioner of the healing arts, as defined in chapter 36-4, 36-4A,
2 or 36-5 or subdivision 36-9A-1(5);

3 (2) The employer required the employee to relocate the employee's residence to hold the
4 employee's job;

5 (3) The employer's conduct demonstrates a substantial disregard of the standards of
6 behavior that the employee has a right to expect of an employer or the employer has
7 breached or substantially altered the contract for employment;

8 (4) An individual accepted employment while on lay off and subsequently quit the
9 employment to return to work for the individual's regular employer;

10 (5) The employee's religious belief mandates it. This provision does not apply, however,
11 if the employer has offered to the employee reasonable accommodations taking into
12 consideration the employee's religious beliefs if this offer is made before the
13 employee leaves the employment;

14 (6) Leaving is necessary to protect the individual from domestic abuse. However, this
15 subdivision applies only if:

16 (a) The employee reports the abusive situation to law enforcement within forty-
17 eight hours of any occurrence and cooperates fully with law enforcement in
18 any subsequent investigation and criminal charge relating to the abusive
19 situation. Upon request by the department, the law enforcement agency shall
20 complete and return to the department a certification form indicating whether
21 the employee has complied with the requirements of this subdivision;

22 (b) The employee has left the abusive situation and remains separate from the
23 situation; and

24 (c) The employee made reasonable efforts to preserve the employment before

1 quitting;

2 (7) The employee is relocating to accompany a spouse who has been reassigned from one
3 military assignment to another; or

4 (8) The employee is an officer who exercises substantial control in decisions to take or
5 not to take action on behalf of a corporation and has no other alternative than to leave
6 employment with that corporation. This does not preclude a corporate officer who
7 does not exercise substantial control in any decision to take or not take action on
8 behalf of a corporation from being found to have good cause to leave employment
9 under the circumstances set out in subdivisions (1) to (7), inclusive.

10 Any person found to have good cause for leaving employment due to domestic abuse as set
11 forth in subdivision (6) and who returns to the abusive situation is ineligible for benefits.

12 Section 2. Whereas, this Act is necessary for the immediate preservation of the public peace,
13 health, or safety, an emergency is hereby declared to exist, and this Act shall be in full force and
14 effect from and after its passage and approval.