

State of South Dakota

EIGHTY-FOURTH SESSION
LEGISLATIVE ASSEMBLY, 2009

723Q0492

HOUSE STATE AFFAIRS ENGROSSED NO. **HB 1176** - 2/20/2009

Introduced by: Representative Gosch and Senator Haverly

1 FOR AN ACT ENTITLED, An Act to clarify unemployment benefits.

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

3 Section 1. That § 61-6-13.1 be amended to read as follows:

4 61-6-13.1. "Good cause" for voluntarily leaving employment is restricted to leaving
5 employment because:

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

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

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

14 The secretary of labor may request an additional certificate signed by another
15 licensed practitioner of the healing arts, as defined in chapter 36-4 or 36-5;



- 1 (2) The employer required the employee to relocate the employee's residence to hold the
2 employee's job;
- 3 (3) The employer's conduct demonstrates a substantial disregard of the standards of
4 behavior that the employee has a right to expect of an employer or the employer has
5 breached or substantially altered the contract for employment;
- 6 (4) An individual accepted employment while on lay off and subsequently quit the
7 employment to return to work for the individual's regular employer; or
- 8 (5) The employee's religious belief mandates it. This provision does not apply, however,
9 if the employer has offered to the employee reasonable accommodations taking into
10 consideration the employee's religious beliefs if this offer is made before the
11 employee leaves the employment; or
- 12 (6) Leaving is necessary to protect the individual from domestic abuse. However, this
13 subdivision applies only if:
 - 14 (a) The employee reports the abusive situation to law enforcement within
15 forty-eight hours of any occurrence and cooperates fully with law enforcement
16 in any subsequent investigation and criminal charge relating to the abusive
17 situation. Upon request by the department, the law enforcement agency shall
18 complete and return to the department a certification form indicating whether
19 the employee has complied with the requirements of this subdivision;
 - 20 (b) The employee has left the abusive situation and remains separate from the
21 situation; and
 - 22 (c) The employee made reasonable efforts to preserve the employment before
23 quitting.

24 Any person found to have good cause for leaving employment due to domestic abuse

1 as set forth in this subdivision ~~(6)~~ and who returns to the abusive situation is
2 ineligible for benefits.