

State of South Dakota

SEVENTY-FOURTH SESSION
LEGISLATIVE ASSEMBLY, 1999

871C0147

HOUSE BILL NO. 1185

Introduced by: Representative Koetzle and Senator Lawler

1 FOR AN ACT ENTITLED, An Act to prohibit discrimination against certain employees for
2 nonattendance due to severe weather or road conditions.

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

4 Section 1. That chapter 60-4 be amended by adding thereto a NEW SECTION to read as
5 follows:

6 It is a discriminatory and unfair employment practice for an employer to terminate, penalize,
7 or discipline an employee who chooses not to travel to work if a state or local law enforcement
8 agency has publicly recommended that there be no nonessential travel at the time in that area due
9 to severe weather or road conditions. The provisions of this section do not apply to any
10 employee whose job is necessary to the public peace, health, or safety under the existing
11 circumstances. However, an employer may require any employee to make a reasonable effort to
12 notify the employer that the employee has chosen not to travel to work in response to a state or
13 local law enforcement agency's public recommendation that there be no nonessential travel.