

State of South Dakota

SEVENTY-SEVENTH SESSION
LEGISLATIVE ASSEMBLY, 2002

583H0616

SENATE ENGROSSED NO. **SB 126** - 01/31/2002

Introduced by: Senator de Hueck and Representative Monroe

1 FOR AN ACT ENTITLED, An Act to revise certain career service system rules pertaining to
2 causes for disciplinary action against employees.

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

4 Section 1. 55:01:12:05. Causes for disciplinary action. Disciplinary action under this section
5 may be taken for conduct within or outside the scope of employment. Disciplinary action may
6 be taken for just cause as reported to the commissioner, including the just causes listed in this
7 section:

8 (1) The employee ~~has admitted to committing, committed, or was convicted of a felony, any~~
9 ~~sex offense, or any crime involving illegal drugs or illegal use of legal drugs, whether the felony,~~
10 ~~offense, or crime occurred prior to or during the course of employment~~ or has admitted, either
11 under oath or in a signed confession, to the commission of a felony, any sex offense, or any crime
12 involving illegal drugs or illegal use of legal drugs, whether the felony, offense, or crime occurred
13 prior to or during the course of employment;

14 (2) The employee has committed or contributed to any act of brutality, cruelty, or abuse to
15 an inmate, prisoner, resident, or patient of an institution, to a person in custody, or to other



1 persons, whether the conduct occurred prior to or during the course of employment, provided
2 the act committed was not necessarily or lawfully done in self-defense, to protect the lives of
3 others, or to prevent the escape of a person lawfully in custody;

4 (3) The employee has violated any of the provisions of the Career Service Act or this article;

5 (4) The employee has violated any department, division, bureau, or institution regulation,
6 policy, or order or failed to obey any oral or written directions given by a supervisor or other
7 person in authority;

8 (5) The employee has consumed alcohol or other intoxicants or unauthorized controlled
9 substances while on duty or is impaired while on duty or while operating state equipment or has
10 unlawfully manufactured, distributed, dispensed, possessed, or used a controlled substance in the
11 workplace;

12 (6) The employee is guilty of insubordination;

13 (7) The employee disrupts the efficiency or morale of the department;

14 (8) The employee is careless or negligent with the money or other property of the state or
15 property belonging to any person receiving services from the state or has stolen or attempted to
16 steal money or property of the state or property belonging to any person receiving services from
17 the state;

18 (9) The employee has used, threatened to use, or attempted to use personal influence or
19 political influence in securing employment, promotion, leave of absence, transfer, change of pay
20 rate, or change in character of work for the employee or others;

21 (10) The employee has induced or has attempted to induce an officer or employee of the
22 state to commit an unlawful act or to act in violation of any department, division, bureau, or
23 institution regulation or order;

24 (11) The employee, in the course of work or in connection with it, has taken from any

1 person for personal use a fee, gift, or other valuable thing when the fee, gift, or other valuable
2 thing is given in the hope or expectation of receiving a favor or better treatment than that
3 accorded other persons;

4 (12) The employee has engaged in outside business or personal activities on government
5 time or has used state property for those activities in violation of § 55:01:11:03;

6 (13) The employee has failed to maintain a satisfactory attendance record based on the
7 established working hours or has had unreported or unauthorized absences;

8 (14) The employee has made a false or misleading statement or intentionally omitted relevant
9 information during the application and selection process;

10 (15) The employee has misused or abused leave;

11 (16) The employee has intentionally falsified a state record or document;

12 (17) The employee has violated statutes or standard work rules established for the safe,
13 efficient, or effective operation of the agency;

14 (18) The employee has sexually harassed another person in the course of employment;

15 (19) The employee has failed to notify the appointing authority within five days after a
16 conviction of a violation of a criminal drug statute occurring in the workplace;

17 (20) The employee has failed to obtain, renew, or maintain a license or certification
18 necessary to perform the duties of the employee's position;

19 (21) The employee failed or refused to take a drug test administered pursuant to SDCL 23-
20 3-64 to 23-3-69, inclusive, or 49 C.F.R. Part 382 (December 1, 1995);

21 (22) The employee has failed to complete the counseling program outlined in
22 § 55:01:15.01:05;

23 (23) The employee has discriminated against another person in the course of employment
24 or has taken wrongful actions against another person which affect the vicarious or imputed

1 responsibility of the state or any other state employee;

2 (24) The employee has been found unacceptable as a result of an employment screening

3 conducted by the appointing authority, the Bureau of Personnel, or an authorized representative;

4 or

5 (25) The employee has engaged in conduct, either prior to or during employment with the

6 state, that reflects unfavorably on the state, destroys confidence in the operation of state services,

7 or adversely affects the public trust in the state.