

## 2020 South Dakota Legislature

**Senate Bill 186****AMENDMENT 186B FOR THE SENATE STATE AFFAIRS BILL**

1 **An Act to revise certain leave policies for state employees.**

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

3 **Section 1.** That § 3-6C-4 be AMENDED:

4 **3-6C-4. Vacation leave--Accrual and accumulation--Advanced leave.**

5 Each permanent employee shall earn up to one hundred twenty hours vacation  
6 leave per full year of employment. A permanent employee with more than fifteen years  
7 employment shall earn up to one hundred sixty hours vacation leave per full year of  
8 employment. Vacation leave shall be accrued on an hourly, biweekly, semimonthly, or  
9 monthly basis as determined by the human resources commissioner. ~~Vacation leave may~~  
10 ~~not be used until the employee has served the initial six-month period.~~ Vacation leave is  
11 cumulative only to the extent of that which may be earned in a period of time not  
12 exceeding two years of regular and continuous state employment. Vacation leave may not  
13 be advanced to an employee at any time.

14 **Section 2.** That § 3-6C-5 be REPEALED.

15 **3-6C-5. Employees entitled to vacation leave.**

16 **Section 3.** That § 3-6C-7 be AMENDED:

17 **3-6C-7. Sick leave--Accrual and accumulation--Medical certificate--Vacation**  
18 **leave used for sickness--Personal emergency leave.**

19 Each permanent employee shall earn up to one hundred twelve hours sick leave  
20 per full year of employment. Sick leave shall be accrued on an hourly, biweekly,  
21 semimonthly, or monthly basis as determined by the human resources commissioner and  
22 shall accumulate without limit as to the number of hours of such accumulation. The use  
23 of sick leave shall be supported by a medical certificate upon the request of the human

resources commissioner. An employee is not entitled to more than the employee's accrued sick leave without first using all of the employee's accumulated vacation leave.

~~An employee may use up to forty hours of the employee's accrued sick leave annually for personal emergency reasons. Leave for personal emergencies may not be accumulated from year to year.~~ The commission, pursuant to chapter 1-26, shall promulgate rules to implement this provision.

Adoption of a child by an employee is treated as natural childbirth for leave purposes.

**Section 4.** That a NEW SECTION be added:

**3-6C-7.1. Paid family leave.**

Each permanent employee who has been employed by the state for a continuous period of six months is entitled to paid family leave following the birth of a child or placement of a child for adoption.

**Section 5.** That § 3-6C-15 be AMENDED:

**3-6C-15. Donation of vacation leave to recipient caring for terminally ill family member--Approval by bureau.**

A permanent employee may donate accrued vested vacation leave to another permanent employee who meets all of the following criteria:

- (1) The recipient employee will use the donated leave to care for the recipient employee's spouse, child, or parent who is terminally ill;
- (2) The recipient employee's spouse, child, or parent is suffering from an acutely life threatening illness or injury which has been certified by a licensed physician as having a significant likelihood of terminating fatally; and
- (3) The recipient employee has exhausted all accrued vacation ~~and personal emergency leave~~ and sick leave.

The total paid leave, including the donated vacation leave pursuant to this section, may not exceed twelve weeks annually per recipient employee. The donation shall be approved by the bureau under rules promulgated pursuant to chapter 1-26 by the commission, including number of hours to be donated, confidentiality of a donation, definition of terminally ill, definition of life threatening illness or injury, criteria for determining employee eligibility to receive or donate leave and for prorating donated leave for part-time employees, and procedures for approval of the donation. Any donation shall be in compliance with the provisions of §§ 3-6C-4 ~~and 3-6C-5~~.

1 **Section 6.** That § 3-6C-18 be AMENDED:

2 **3-6C-18. Leave and other benefits--Promulgation of rules.**

3 The commission may, pursuant to chapter 1-26, promulgate rules to further define  
4 and administer the types of leave permitted to be taken as sick leave, vacation leave, paid  
5 family leave, and leave of absence, including the following: child care, jury duty, military  
6 service, maternity, and education and other fringe benefits.