

State of South Dakota

EIGHTY-SECOND SESSION LEGISLATIVE ASSEMBLY, 2007

453N0752

HOUSE BILL NO. 1242

Introduced by: Representative Elliott and Senator Hundstad

1 FOR AN ACT ENTITLED, An Act to provide for the reimbursement of attorney's fees and
2 costs for certain reinstated public employees and to make an appropriation to reimburse Mr.
3 Marland Eldredge for such costs and fees.

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

5 Section 1. That § 3-6A-38.2 be amended to read as follows:

6 3-6A-38.2. In resolving a grievance, the commission may reinstate an employee who has
7 been disciplined without good cause. ~~When~~ If reinstatement is ordered by the commission, the
8 order shall include ~~but is not limited to~~ one or more of the following forms of relief: an award
9 of back pay; an award of back benefits; placement in the same position and location that the
10 employee held before the discipline; or placement in a comparable position and location that the
11 employee held before the discipline. In addition, the reinstated employee shall receive attorney's
12 fees and costs. Any award of back pay ~~and~~ benefits ~~which~~ attorney's fees, or costs that
13 adversely affects an agency's budget shall be considered advisory and submitted by the affected
14 agency to the committee created by chapter 4-8A or the next session of the Legislature.

15 Section 2. There is hereby appropriated from the general fund the sum of nine thousand five
16 hundred twenty-two dollars and sixty-two cents (\$9,522.62), or so much thereof as may be



1 necessary, to the Department of Human Services to reimburse Mr. Marland Eldredge of Ashton,
2 South Dakota, for attorney's fees and costs associated with a proceeding that resulted in a
3 memorandum decision by the South Dakota Career Service Commission rendered on August 1,
4 2005, reinstating Mr. Eldredge as an employee of the Department of Human Services.

5 Section 3. The secretary of human services shall approve vouchers and the state auditor shall
6 draw warrants to pay expenditures authorized by this Act.

7 Section 4. Any amounts appropriated in this Act not lawfully expended or obligated by
8 June 30, 2008, shall revert in accordance with § 4-8-21.