

State of South Dakota

EIGHTY-FIFTH SESSION
LEGISLATIVE ASSEMBLY, 2010

540R0332

HOUSE BILL NO. 1184

Introduced by: Representatives Jensen, Bolin, Brunner, Conzet, Curd, Fargen, Feickert, Feinstein, Kirkeby, Kirschman, Lange, Lederman, Moser, Noem, Olson (Betty), Russell, Sly, Solum, Steele, Van Gerpen, and Verchio and Senators Bartling, Fryslie, Heidepriem, Jerstad, Kloucek, Maher, and Turbak Berry

1 FOR AN ACT ENTITLED, An Act to revise employee sick leave used for the care of a spouse,
2 child, or parent of the employee if the spouse, child, or parent has a serious health condition.

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

4 Section 1. That § 3-6-7 be amended to read as follows:

5 3-6-7. In addition to the leave of absence for vacation as provided in § 3-6-6, each employee
6 of the state, except temporary and emergency employees as defined by Career Service
7 Commission rules, and patient, inmate, and student employees, is entitled to fourteen days leave
8 of absence for sickness without loss of pay, exclusive of Saturdays, Sundays, and holidays, for
9 each year the employee is in the employment of the state. Leave of absence for sickness shall
10 be accrued on an hourly, biweekly, semimonthly, or monthly basis as determined by the
11 commissioner of personnel and shall accumulate without limit as to the number of days of such
12 accumulation. All leave of absence for sickness shall be supported by a medical certificate upon
13 the request of the commissioner of personnel. No employee is entitled to more than his or her
14 accrued and earned leave of absence for sickness without first using up any and all of his or her



1 accumulated and earned leave of absence for vacation.

2 An employee may use up to five days of his or her sick leave in each calendar year for
3 personal emergency reasons. Leave for personal emergencies may not be accrued from year to
4 year. The Career Service Commission, pursuant to chapter 1-26, shall adopt rules defining the
5 term, personal emergency, to implement this provision.

6 An employee may use up to twelve weeks of accumulated sick leave to care for a spouse,
7 child, or parent of the employee if the spouse, child, or parent has a serious health condition as
8 defined under the federal Family and Medical Leave Act of 1993.

9 Adoption of a child by any state employee is treated as natural childbirth for leave purposes.