

# State of South Dakota

EIGHTY-NINTH SESSION  
LEGISLATIVE ASSEMBLY, 2014

654V0146

## SENATE COMMERCE AND ENERGY ENGROSSED NO. **SB 69** - 02/18/2014

**This bill has been extensively amended (hoghoused) and may no longer be consistent with the original intention of the sponsor.**

Introduced by: Senators Peters, Holien, Kirkeby, Otten (Ernie), Rave, Solano, and Tidemann  
and Representatives Lust, Cronin, Haggar (Don), Langer, Mickelson, Rounds,  
and Solum

1 FOR AN ACT ENTITLED, An Act to revise certain provisions regarding good cause for  
2 voluntarily leaving employment.

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

4 Section 1. That § 61-6-9.1 be amended to read as follows:

5 61-6-9.1. Good cause for voluntarily leaving employment is restricted to leaving  
6 employment because:

7 (1) Continued employment presents a hazard to the employee's health. However, this  
8 subdivision applies only if:

9 (a) Prior to the separation from the employment the employee is examined by a  
10 licensed practitioner of the healing arts, as defined in chapter 36-4 or 36-5, and  
11 advised that continued employment presents a hazard to his health; and

12 (b) The health hazard is supported by a certificate signed by the licensed  
13 practitioner of the healing arts.



- 1           The secretary of labor and regulation may request an additional certificate signed by  
2           another licensed practitioner of the healing arts, as defined in chapter 36-4 or 36-5;
- 3       (2)    The employer required the employee to relocate the employee's residence to hold the  
4           employee's job;
- 5       (3)    The employer's conduct demonstrates a substantial disregard of the standards of  
6           behavior that the employee has a right to expect of an employer or the employer has  
7           breached or substantially altered the contract for employment;
- 8       (4)    An individual accepted employment while on lay off and subsequently quit the  
9           employment to return to work for the individual's regular employer;
- 10      (5)    The employee's religious belief mandates it. This provision does not apply, however,  
11           if the employer has offered to the employee reasonable accommodations taking into  
12           consideration the employee's religious beliefs if this offer is made before the  
13           employee leaves the employment;
- 14      (6)    Leaving is necessary to protect the individual from domestic abuse. However, this  
15           subdivision applies only if:
- 16           (a)    The employee reports the abusive situation to law enforcement within forty-  
17                   eight hours of any occurrence and cooperates fully with law enforcement in  
18                   any subsequent investigation and criminal charge relating to the abusive  
19                   situation. Upon request by the department, the law enforcement agency shall  
20                   complete and return to the department a certification form indicating whether  
21                   the employee has complied with the requirements of this subdivision;
- 22           (b)    The employee has left the abusive situation and remains separate from the  
23                   situation; and
- 24           (c)    The employee made reasonable efforts to preserve the employment before

1                   quitting; ~~or~~

2       (7)   The employee is relocating to accompany a spouse who has been reassigned from one  
3           military assignment to another; or

4       (8)   The employee is an officer who exercises substantial control in decisions to take or  
5           not to take action on behalf of a corporation and has no other alternative than to leave  
6           employment with that corporation. This does not preclude a corporate officer who  
7           does not exercise substantial control in any decision to take or not take action on  
8           behalf of a corporation from being found to have good cause to leave employment  
9           under the circumstances set out in subdivisions (1) to (7), inclusive.

10       Any person found to have good cause for leaving employment due to domestic abuse as set  
11       forth in subdivision (6) and who returns to the abusive situation is ineligible for benefits.