

AN ACT

ENTITLED, An Act to revise certain provisions regarding good cause for voluntarily leaving employment and to declare an emergency.

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

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

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

- (1) Continued employment presents a hazard to the employee's health. However, this subdivision applies only if:
 - (a) Before separation from the employment, the employee is examined by a licensed practitioner of the healing arts, as defined in chapter 36-4, 36-4A, or 36-5 or subdivision 36-9A-1(5), and advised that continued employment presents a hazard to the employee's health; and
 - (b) The health hazard is supported by a certificate signed by the licensed practitioner of the healing arts.

The secretary of labor and regulation may request an additional certificate signed by another licensed practitioner of the healing arts, as defined in chapter 36-4, 36-4A, or 36-5 or subdivision 36-9A-1(5);

- (2) The employer required the employee to relocate the employee's residence to hold the employee's job;
- (3) The employer's conduct demonstrates a substantial disregard of the standards of behavior that the employee has a right to expect of an employer or the employer has breached or substantially altered the contract for employment;
- (4) An individual accepted employment while on lay off and subsequently quit the

- employment to return to work for the individual's regular employer;
- (5) The employee's religious belief mandates it. This provision does not apply, however, if the employer has offered to the employee reasonable accommodations taking into consideration the employee's religious beliefs if this offer is made before the employee leaves the employment;
 - (6) Leaving is necessary to protect the individual from domestic abuse. However, this subdivision applies only if:
 - (a) The employee reports the abusive situation to law enforcement within forty-eight hours of any occurrence and cooperates fully with law enforcement in any subsequent investigation and criminal charge relating to the abusive situation. Upon request by the department, the law enforcement agency shall complete and return to the department a certification form indicating whether the employee has complied with the requirements of this subdivision;
 - (b) The employee has left the abusive situation and remains separate from the situation; and
 - (c) The employee made reasonable efforts to preserve the employment before quitting;
 - (7) The employee is relocating to accompany a spouse who has been reassigned from one military assignment to another; or
 - (8) The employee is an officer who exercises substantial control in decisions to take or not to take action on behalf of a corporation and has no other alternative than to leave employment with that corporation. This does not preclude a corporate officer who does not exercise substantial control in any decision to take or not take action on behalf of a corporation from being found to have good cause to leave employment under the circumstances set out in subdivisions (1) to (7), inclusive.

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

Section 2. Whereas, this Act is necessary for the immediate preservation of the public peace, health, or safety, an emergency is hereby declared to exist, and this Act shall be in full force and effect from and after its passage and approval.

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I certify that the attached Act originated in the

HOUSE as Bill No. 1049

Chief Clerk

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Speaker of the House

Attest:

Chief Clerk

President of the Senate

Attest:

Secretary of the Senate

House Bill No. 1049
File No. _____
Chapter No. _____

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Received at this Executive Office this _____ day of _____ ,

20____ at _____ M.

By _____
for the Governor

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The attached Act is hereby approved this _____ day of _____ , A.D., 20____

Governor

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STATE OF SOUTH DAKOTA,
ss.

Office of the Secretary of State

Filed _____ , 20____
at _____ o'clock __ M.

Secretary of State

By _____
Asst. Secretary of State