

AN ACT

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

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

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

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

- (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.

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I certify that the attached Act
originated in the

SENATE as Bill No. 69

Secretary of the Senate

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President of the Senate

Attest:

Secretary of the Senate

Speaker of the House

Attest:

Chief Clerk

Senate Bill No. 69

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