



2022 South Dakota Legislature

Senate Bill 75

Introduced by: **Senator Nesiba**

1 **An Act to establish certain pay provisions for state employees working shifts longer**
 2 **than eight hours a day.**

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

4 **Section 1. That § 3-6C-20 be AMENDED:**

5 **3-6C-20.** Holidays, other than Sundays, enumerated in § 1-5-1, are a benefit for
 6 permanent employees including those who are not scheduled to work the day on which a
 7 holiday falls. A permanent employee shall receive holiday pay if the employee works at
 8 least one shift or is on approved paid leave during the calendar week in which the holiday
 9 falls. Part-time permanent employees shall receive prorated holiday pay.

10 For payroll and leave purposes, a holiday on which an employee does not work is
 11 no:

12 (1) No more than eight hours long; or

13 (2) For an employee who is hourly and normally works a shift that is longer than eight
 14 hours on the day of the workweek on which the holiday falls, the longer shift
 15 rounded up to the nearest hour.

16 When an hourly employee must work on the date a holiday is observed, the holiday
 17 pay is the greater of the hours in subdivision 2 or the total hours worked. Holiday pay for
 18 an hourly, permanent, part-time employee who must work on the date a holiday is
 19 observed is the greater of either the prorated amount or total hours worked.

20 **Section 2. That chapter 3-6C be amended with a NEW SECTION:**

21 A non-salaried state employee, whether permanent or temporary, who is scheduled
 22 to work a shift that is twelve hours or longer in a single workweek, must be paid at the
 23 overtime rate for any hours actually worked in excess of thirty-six hours in that workweek.