

## **SURVIVOR STATE EMPLOYMENT GUIDE**

# **SOUTH DAKOTA**

### **INTRODUCTION**

The resource below is for informational purposes only and may not reflect new protections enacted after its publication date. While this resource is not intended to provide legal advice, it can be used as a starting point to guide you in identifying workplace protections for survivors of domestic violence, sexual assault, and stalking in your state. Note that in addition to possible other protections enacted since this resource was last updated, there may be local or federal protections available. Employers may also provide additional protections that may be reflected in employment handbooks or policies.

### **ANTI-DISCRIMINATION PROTECTIONS**

At the time of publication, South Dakota law does not provide anti-discrimination workplace protections for survivors of domestic violence, sexual assault, or stalking. Note that federal law, local law and/or employers' internal policies may provide other applicable protections. employers' internal policies.

### **REASONABLE ACCOMMODATIONS**

At the time of publication, South Dakota had not enacted a state law affording reasonable accommodations for domestic violence, sexual assault, or stalking. However, individuals may be eligible for reasonable accommodations under other laws or policies, including those that might afford reasonable accommodations for a disability related to domestic violence or sexual assault. Note that federal law, local law and/or employers' internal policies may provide other applicable protections.

### **LEAVE/TIME OFF WORK**

At the time of publication, South Dakota law does not require employers to provide paid or unpaid sick leave, leave to address domestic violence, sexual assault or stalking or leave to participate in the justice system as a crime victim.

Note that individuals may also be eligible to take time off under their employer's policy, including vacation time, sick time, personal days, under other state laws or protections, or under federal protections such as the Family and Medical Leave Act, which may afford unpaid leave for a severe medical condition.

### **UNEMPLOYMENT INSURANCE**

Under South Dakota law ([S.D. Codified Laws 61-6-9.1\(6\)](#)), an employee who quits their job is eligible for unemployment insurance benefits only if they can demonstrate "good cause". Leaving one's job because it is "necessary to protect the individual from domestic abuse" is considered good cause if:

- 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;
- The employee has left the abusive situation and remains separate from the situation; and
- The employee made reasonable efforts to preserve the employment before quitting.

If the individual returns to the "abusive situation" they become ineligible for unemployment insurance benefits.