

State of South Dakota

SEVENTY-SECOND SESSION
LEGISLATIVE ASSEMBLY, 1997

624A0735

SENATE BILL NO. 222

Introduced by: Senators Hainje, Everist, and Munson (David) and Representatives Hagg, Brown (Richard), Richter, and Wick

1 FOR AN ACT ENTITLED, An Act to revise certain labor grievance and appeal procedures.

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

3 Section 1. That § 3-18-15.1 be amended to read as follows:

4 3-18-15.1. The governing officer or board of each governmental agency shall enact, by
5 agreement, ordinance, rule or resolution, and make known to its employees a procedure which
6 its employees may follow for prompt ~~informal~~ dispositions of their grievances.

7 Section 2. That § 3-18-15.2 be amended to read as follows:

8 3-18-15.2. If, after following the grievance procedure enacted by the governing body, the
9 grievance remains unresolved, except in cases provided for in § 3-6A-38, it may be appealed to
10 the Department of Labor, if notice of appeal is filed with the department within thirty days after
11 the final decision by the governing body is mailed or delivered to the employee. ~~The department~~
12 ~~of labor shall conduct an investigation and hearing~~ If this appeal is from a decision of the
13 governing body after notice and a hearing where evidence has been presented and a transcript
14 prepared, the standard of review by the department is that set forth in § 1-26-36. If there has
15 been no such formal hearing or transcript, the Department of Labor may conduct an

1 investigation. In any case, the Department of Labor shall conduct a hearing and shall issue an
2 order covering the points raised, which order is binding on the employees and the governmental
3 agency. Nothing in this section may be interpreted as giving the Department of Labor power to
4 grant tenure or promotion to a faculty member employed by the Board of Regents.