

# State of South Dakota

SEVENTY-THIRD SESSION  
LEGISLATIVE ASSEMBLY, 1998

597B0604

## SENATE BILL NO. 169

Introduced by: Senators Staggers, Aker, Brosz, Drake, and Flowers and Representatives Peterson (Bill) and Munson (Donald)

1 FOR AN ACT ENTITLED, An Act to provide for the donation of accrued vested leave among  
2 state employees.

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

4 Section 1. That § 3-6-8.4 be amended to read as follows:

5 3-6-8.4. Any employee of the state may donate accrued vested leave to another state  
6 employee who meets ~~all~~ either of the following criteria:

7 (1) ~~Terminally~~ Is seriously ill and ~~his condition will not allow a return to work;~~

8 ~~—(2)—~~ ~~Suffering from an acutely life threatening illness or injury which has been certified by~~  
9 ~~a licensed physician as having a significant likelihood of terminating fatally and his the~~  
10 ~~physical condition will not allow a return to work for a period of at least ninety~~  
11 ~~consecutive days; and~~

12 ~~—(3)—~~ ~~All~~ all leave benefits for which the recipient employee is eligible have been exhausted;  
13 or

14 (2) Is the spouse, parent, or child of a seriously ill family member who requires constant  
15 care; and all leave benefits for which the recipient employee is eligible have been

1           exhausted.

2           The donation is not allowed after the recipient employee is able to return to work or is  
3 approved for disability benefits provided for in § 3-12-98 or any other public disability benefits.

4           The donation of accrued vested leave may not exceed 2,080 hours per recipient employee  
5 as defined in subdivision (1) of this section or 1,040 hours per illness or injury for a recipient  
6 employee as defined in subdivision (2) of this section, not to exceed 2,080 hours per recipient.

7           The donation shall be approved by the bureau of personnel under such rules as the career service  
8 commission shall promulgate, pursuant to chapter 1-26, including number of hours to be  
9 donated, confidentiality of a donation, definition of ~~terminally~~ seriously ill, ~~definition of life~~  
10 ~~threatening illness or injury~~; criteria for determining employee eligibility to receive or donate  
11 leave, coordination of leave donation with disability and other public benefits and in compliance  
12 with the provisions of § 3-6-8.3 and procedures for approval of the donation.

13           Section 2. That § 3-6-8.5 be amended to read as follows:

14           3-6-8.5. Any donation of leave pursuant to § 3-6-8.4 may be restricted as follows:

15           (1)    The donating employee must be employed within the same agency as the recipient  
16           employee;

17           (2)    ~~The donating employee may only donate leave to an employee who is at the same or~~  
18           ~~lower paygrade as the donating employee~~ If the base pay of the donating employee  
19           is the same or higher than the base pay of the recipient, the donation shall be hour for  
20           hour; however, if the base pay of the donating employee is lower than the base pay  
21           of the recipient, the donation shall be prorated based on the ratio of the base pay of  
22           the employee donating the leave to the base pay of the employee receiving the  
23           donated leave;

24           ~~(3)    The donation may be denied based upon funding considerations within the agency, at~~  
25           ~~the discretion of the commissioner.~~

1           Section 3. Whereas, this Act is necessary for the support of the state government and its  
2 existing public institutions, an emergency is hereby declared to exist, and this Act shall be in full  
3 force and effect from and after its passage and approval.