

# State of South Dakota

SEVENTY-SIXTH SESSION  
LEGISLATIVE ASSEMBLY, 2001

277E0466

## SENATE BILL NO. 136

Introduced by: Senators Diedtrich (Elmer), Koetzle, and McIntyre and Representatives  
Frost and Sutton (Duane)

1 FOR AN ACT ENTITLED, An Act to allow certain annual leave and sick leave accrued by state  
2 employees to be counted as credited service for the purpose or determining retirement  
3 benefits under certain circumstances.

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

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

6 3-6-6. Each state employee shall earn fifteen working days vacation time per full year of  
7 employment. Any employee with more than fifteen years employment shall receive twenty  
8 working days vacation with pay for each year of employment. Such leave shall be accrued on an  
9 hourly, biweekly, or monthly basis as determined by the commissioner of personnel. Vacation  
10 hours earned shall not be used until the employee has served the initial six-month period, and are  
11 cumulative only to the extent of that which may be earned in a period of time not exceeding two  
12 years of regular and continuous state employment. Hours accumulated past this limitation may  
13 not be used for vacation, but shall be credited to the employee as service over and above time  
14 worked, for the purpose of determining a retirement allowance as provided in § 3-12-91. No  
15 advanced leave of absence for vacation with pay may be granted at any time.

1 Section 2. That chapter 3-6 be amended by adding thereto a NEW SECTION to read as  
2 follows:

3 If a state employee who receives payment for four hundred eighty hours on retirement,  
4 voluntary resignation, or termination due to physical disability has at the time of payment unused  
5 leave of absence for sickness in excess of one thousand nine hundred twenty hours, any unused  
6 and uncompensated leave of absence for sickness in excess of one thousand nine hundred twenty  
7 hours shall be credited to the employee as service over and above time worked, for the purpose  
8 of determining a retirement allowance as provided in § 3-12-91.

9 Section 3. That subdivision (24) of § 3-12-47 be amended to read as follows:

10 (24) "Credited service,"

11 (a) Years of service, or fractions thereof, for which member contributions were  
12 made to the system;

13 (b) Years of noncontributory service, or fractions thereof, credited prior to July 1,  
14 1974, previously credited under the provisions of the retirement systems  
15 consolidated pursuant to § 3-12-46;

16 (c) Any period of authorized leave of absence or sick leave with pay for which  
17 deductions for member contributions are made, deposited, and credited to the  
18 fund;

19 (d) Any period of authorized leave of absence or sick leave without pay or  
20 temporary layoff, during or for which a member obtained credit by payments  
21 to the fund made in lieu of salary deductions;

22 (e) Any period during which a member is on an authorized leave of absence to  
23 enter military service, if the member returns to public service upon discharge  
24 from military service;

1 (f) Years of service, or fractions thereof, by faculty and administrators employed  
2 by the Board of Regents prior to April 1, 1964, credited pursuant to  
3 §§ 3-12-69.4 and 3-12-69.5;

4 (g) Years of noncontributory service, or fractions thereof, earned prior to July 1,  
5 1967, but not credited under the South Dakota Public Employee Retirement  
6 System as it was consolidated pursuant to § 3-12-46 because the person earned  
7 the service prior to attaining the age of thirty. The service shall be credited only  
8 to those persons who are contributing members on July 1, 1987. No service  
9 may be credited pursuant to this subsection to any member who has withdrawn  
10 the member's accumulated contributions after July 1, 1967; ~~and~~

11 (h) Years of noncontributory service, or fractions thereof, earned by a member  
12 from July 1, 1967, to June 30, 1974, inclusive, but not credited under the  
13 South Dakota Public Employee Retirement System because of the age and  
14 service restrictions established under that system;

15 (i) Hours of unused and uncompensated leave of absence for sickness, as provided  
16 in section 2 of this Act, and

17 (j) Hours of vacation leave beyond that which may be earned in a period of time  
18 not exceeding two years of regular and continuous state employment, as  
19 provided for by § 3-6-6.

20 If the conditions described in § 3-12-122 occur and benefit reductions are necessary  
21 to correct those conditions, the credited service granted by this subdivision may be  
22 reduced or eliminated;

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