

# State of South Dakota

SEVENTY-EIGHTH SESSION  
LEGISLATIVE ASSEMBLY, 2003

400I0586

HOUSE STATE AFFAIRS COMMITTEE ENGROSSED

NO. **HB 1159** - 02/05/2003

Introduced by: The Committee on State Affairs at the request of the Governor

1 FOR AN ACT ENTITLED, An Act to make leaving employment due to domestic abuse good

2 cause for voluntarily leaving employment for unemployment benefit purposes.

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

4 Section 1. That § 61-6-13.1 be amended to read as follows:

5 61-6-13.1. "Good cause" for voluntarily leaving employment is restricted to leaving  
6 employment because:

7 (1) Continued employment presents a hazard to the employee's health. However, this  
8 subdivision applies only if:

9 (a) Prior to the separation from the employment the employee is examined by a  
10 licensed practitioner of the healing arts, as defined in chapter 36-4 or 36-5, and  
11 advised that continued employment presents a hazard to his health; and

12 (b) The health hazard is supported by a certificate signed by the licensed  
13 practitioner of the healing arts.

14 The secretary of labor may request an additional certificate signed by another licensed  
15 practitioner of the healing arts, as defined in chapter 36-4 or 36-5;



1 (2) The employer required the employee to relocate ~~his~~ the employee's residence to hold  
2 ~~his~~ the employee's job;

3 (3) The employer's conduct demonstrates a substantial disregard of the standards of  
4 behavior that the employee has a right to expect of ~~his~~ an employer or the employer  
5 has breached or substantially altered the contract for employment;

6 (4) An individual accepted employment while on lay off and subsequently quit ~~such~~ the  
7 employment to return to work for ~~his~~ the individual's regular employer; or

8 (5) The employee's religious belief mandates it. This provision does not apply, however,  
9 if the employer has offered to the employee reasonable accommodations taking into  
10 consideration the employee's religious beliefs if this offer is made before the employee  
11 leaves the employment; or

12 (6) Leaving is necessary to protect the individual from domestic abuse. However, this  
13 subdivision applies only if:

14 (a) The employee reports the abusive situation to law enforcement within forty-  
15 eight hours of any occurrence and cooperates fully with law enforcement in any  
16 subsequent investigation and criminal charge relating to the abusive situation.  
17 Upon request by the department, the law enforcement agency shall complete  
18 and return to the department a certification form indicating whether the  
19 employee has complied with the requirements of this subdivision;

20 (b) The employee has left the abusive situation and remains separate from the  
21 situation; and

22 (c) The employee made reasonable efforts to preserve the employment before  
23 quitting.

24 Any person found to have good cause for leaving employment due to domestic abuse as set

1 forth in subdivision (6) and who returns to the abusive situation is ineligible for benefits.