

# State of South Dakota

SEVENTY-NINTH SESSION  
LEGISLATIVE ASSEMBLY, 2004

391J0272

HOUSE COMMERCE COMMITTEE ENGROSSED NO.

**HB 1185** - 02/10/2004

Introduced by: Representatives Novstrup, Davis, Elliott, Hackl, Kraus, LaRue, McCaulley, Rhoden, and Solum and Senators Duenwald, Dennert, Kelly, Kooistra, Koskan, Schoenbeck, and Sutton (Duane)

1 FOR AN ACT ENTITLED, An Act to revise the definition of misconduct for purposes of  
2 denying unemployment benefits.

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

4 Section 1. That § 61-6-14.1 be amended to read as follows:

5 61-6-14.1. As used in this chapter, misconduct is:

- 6 (1) Failure to obey orders, rules, or instructions, or failure to discharge the duties for  
7 which an individual was employed; or
- 8 (2) Substantial disregard of the employer's interests or of the employee's duties and  
9 obligations to ~~his~~ the employer; or
- 10 (3) Conduct evincing such willful or wanton disregard of an employer's interests as is  
11 found in deliberate violations or disregard of standards of behavior which the  
12 employer has the right to expect of ~~his~~ an employee; or
- 13 (4) Carelessness or negligence of such degree or recurrence as to manifest equal  
14 culpability or wrongful intent.



1        However, ~~mere inefficiency, unsatisfactory conduct,~~ failure to perform as the result of  
2        inability or incapacity, a good faith error in judgment or discretion, or conduct mandated by a  
3        religious belief which belief cannot be reasonably accommodated by the employer is not  
4        misconduct.