**47:01:01:04.  Declaratory rulings.** Petitions may be filed with the secretary of the Department of Labor and Regulation for the purpose of requesting a declaratory ruling concerning the applicability of a statutory provision or of a rule or order made by the department. Such petitions shall be in writing and contain all the pertinent facts necessary to inform the secretary of the nature of the rulings requested. The secretary of the Department of Labor and Regulation may set a hearing when testimony can be given by parties of interest in the rulings. If a hearing is set, the secretary shall give notice of hearing in writing to the parties of interest at least 10 days before the hearing. If the ruling requested, in the judgment of the secretary, has widespread impact and all parties of interest are not identifiable, then the secretary shall have the notice of hearing published in at least 3 newspapers of general circulation in the state of South Dakota at least 10 days before the hearing.

 **Source:** SL 1975, ch 16, § 1; 9 SDR 81, 9 SDR 124, effective July 1, 1983; 43 SDR 62, effective October 24, 2016.

 **General Authority:** SDCL 1-26-15.

 **Law Implemented:** SDCL 1-26-15.

 **Declaratory Ruling:** The Department of Labor and Regulation has issued a Declaratory Ruling to interpret whether a bonus should be included in the calculation of the average weekly wage or earnings. The ruling determined if both discretionary and nondiscretionary bonuses should be considered earnings for the purposes of workers compensation. The ruling concluded that nondiscretionary bonuses such as longevity pay are included in the age calculation and discretionary bonuses such as a Christmas turkey or a signing bonus should not be included. Contact the Department of Labor and Regulation for a copy of the ruling. Dated November 25, 2014.