

EMPLOYMENT LAW SUMMARY

South Dakota: Employee Leave Laws— Overview



Because You're Different

Employers may provide their employees with various types of paid or unpaid leave—such as vacation time, personal leave and sick leave—as part of their overall compensation packages. Employers have some flexibility when it comes to establishing or negotiating employee leave policies. However, South Dakota employers must comply with state employment laws requiring employee leave for specific purposes. (Employers must also follow federal laws, such as the Family and Medical Leave Act, that require employee leave.)

South Dakota has state laws that mandate:

- Voting leave;
- Jury duty leave;
- Military leave; and
- Leave for legislative service.

The chart below provides a high-level overview of these laws.

Overview of South Dakota Employee Leave Laws

TYPE OF LEAVE	REQUIREMENTS
Voting leave	An employer must provide employees with up to two hours of paid leave to vote in any primary or general election on election day. The employer may specify the hours an employee may take leave to vote. However, an employee is not eligible for voting leave if their work schedule allows for two consecutive hours during the time the polls are open and during which they are not required to be present at work.
Jury duty leave	An employee who is absent from work due to jury duty must retain the same job status, pay and seniority that they had before the jury duty. Leave may be paid or unpaid, at the discretion of the employer. Employers may not discharge or suspend employees for serving as jurors.
Military leave	Employees who are residents of South Dakota and members of any state's National Guard are entitled to the same employment protections that apply to persons serving on federal active duty (under the Servicemembers Civil Relief Act and USERRA) when they are ordered to active duty by that state's governor or the federal government.
Leave for legislative service	An employer must grant leave to any employee who is a member of the legislature, without loss of job status or seniority. Leave may be paid or unpaid, at the discretion of the employer. An employer may not attempt to restrict an employee's right to serve in the legislature.

More Information

Contact Heffernan Insurance Brokers for more information on employee leave laws in South Dakota.

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