

State of South Dakota

NINETY-SECOND SESSION
LEGISLATIVE ASSEMBLY, 2017

576Y0483

SENATE BILL NO. 150

Introduced by: Senators Nesiba, Frerichs, Heinert, and Sutton and Representatives Bartling, Ahlers, Hawley, Lesmeister, McCleerey, Ring, Smith, and Wismer

1 FOR AN ACT ENTITLED, An Act to establish certain provisions regarding paid maternity
2 leave.

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

4 Section 1. That the code be amended by adding a NEW SECTION to read:

5 An employee, who has completed an initial one year period as a full-time employee at the
6 same employer, is entitled to up to four weeks of paid parental leave for the purpose of giving
7 birth or for the adoption placement of a child under the age of eighteen. An employee shall
8 receive one week of paid maternity leave at one hundred percent of current wages or salary, up
9 to a total of four paid weeks for each year of full time service at his or her current employer. The
10 provisions of this Act apply to private employers with fifty or more employees.

11 Section 2. That the code be amended by adding a NEW SECTION to read:

12 The employee shall give at least two weeks notice to the employer of the anticipated date
13 of departure and intention to return or provide notice as soon as practicable if the delay is for
14 reasons beyond the employee's control. The employee shall be restored to the employee's
15 previous, or a similar, position with the same status, pay, length of service credit, and seniority,



1 wherever applicable, as of the date of the leave. An employee on parental leave for the adoption
2 of a child is entitled to the same benefits offered by the employer to an employee on parental
3 leave for the birth of a child.

4 Section 3. That the code be amended by adding a NEW SECTION to read:

5 The parental leave may not affect the employee's right to receive vacation time, sick leave,
6 bonuses, advancement, seniority, length of service credit, benefits, plans or programs for which
7 the employee was eligible at the date of the leave or any other advantages or rights of
8 employment incidental to the employment position. Nothing in this Act may be construed to
9 affect any bargaining agreement or company policy that provides for greater or additional
10 benefits than those required under this Act.

11 Section 4. That the code be amended by adding a NEW SECTION to read:

12 An employer may not refuse to restore any employee to employment following an absence
13 by reason of a parental leave taken in accordance with this Act or to impose any other penalty
14 as a result of a parental leave of absence.