2024 South Dakota Minimum Wage Requirement

\$11.20/HOUR effective January 1, 2024

See SDCL 60-11-3 and 60-11-3.2. Employers with tipped employees must pay a cash wage of no less than \$5.60 per hour, which is no less than 50% of the state minimum wage. See SDCL 60-11-3.1. South Dakota state minimum requirements apply to all employees; however, no

minimum wage requirements apply to independent contractors.

For questions or to report a violation, contact the DLR Division of Labor and Management, Wage and Hour Office at: 123 W. Missouri Ave. Pierre, SD 57501

Can I change doctors at any time?

Phone: 605.773.3681

Fax: 605.773.4211

Additional information from the South Dakota Department of Labor and Regulation available at dlr.sd.gov/employment laws.

Workers Compensation

What is worker's compensation? Worker's compensation is an insurance program that pays medical and disability benefits for work-related injuries and diseases

The South Dakota Worker's Compensation Law covers all employers with limited exceptions.

employment is not in the usual course of trade, business, occupation or profession of the employer (independent contractor). This includes real estate agents, and owner-operators of trucks who are certified as independent contractors by the Department of Labor; Certain elected officials of the state or subdivision of government; and Workfare participants.

Aside from the obvious need to seek medical treatment for the injury, state law requires employees to give written notice of an injury to their employer within three business days. Employees who fail to do so risk the loss of their worker's compensation benefits What should I do if my employer refuses to file a claim for worker's compensation

necessary forms and can file the claim directly with the employer's worker's compensation insurance carrier. How long will it be before I receive any benefits? The insurance company has 20 days from receipt of the injury report to complete its investigation. If necessary, the insurer can request up to an additional 30 days to investigate. On

average though, if the employer reported the injury immediately, it usually takes 4-5 weeks before an employee receives disability benefits. What medical benefits are available under worker's compensation? The employer or insurance carrier must furnish necessary first aid, medical, surgical, rehabilitation and hospital services, including artificial members and body aids.

Who chooses the doctor for me when I am injured?

The employee has the right to make the initial selection of medical practitioner and must notify the employer of his selection prior to treatment or as soon as reasonably possible after treatment has been provided

The employee must obtain written permission from the employer or insurer before changing health care practitioners. May I obtain a second opinion?

Employees may obtain a second opinion at their own expense. The employer and insurer also have the right to a second opinion with the doctor of their choice at their expense. Who pays my expenses if have to travel to obtain medical care? The expense of travel, lodging and meals associated with a trip to receive medical treatment for a work-related injury may be reimbursed in certain instances.

the average amount the employee was earning before the injury and the average amount the employee is earning or is able to earn after the injury

Do I get any benefits for lost wages if my doctor won't let me work due to an injury? If a work-related injury prevents an employee from working for at least seven consecutive calendar days, he or she is entitled to temporary total disability benefits. The compensation is computed at two-thirds of the employee's average weekly wage (excluding overtime earnings) to a maximum of \$571 per week (as of July 1, 2007). The benefits continue until the

employee is released by the physician to return to work in a full or partial capacity, or until the doctor determines that the employee's condition has reached a point of maximum medical What if my doctor says I can work part time or in a light duty job? If an employee is released to part-time or modified work and the employer can accommodate the restrictions, state law obligates the employee to accept the employment. Employees who refuse to accept light duty work risk the loss of some or all of their worker's compensation benefits. If the employee accepts the modified or light duty work and is earning less than what he or she was earning at the time of the injury, the employee may be entitled to temporary partial disability benefits. Benefits are calculated on the basis of one-half of the difference between

What if I sustain a permanent disability from my work-related injury? If an injury or illness results in permanent impairment, an employee may be entitled to permanent partial disability benefits. These benefits are computed using the impairment rating assigned by the physician, the employee's rate of compensation, and a schedule set forth in state law.

If an injury prevents an employee from returning to his or her previous employment, and retraining is necessary to restore the employee to suitable and gainful employment, the employee should file a claim with the employer/insurer requesting education or retraining benefits. What if an employee dies from a work-related injury? If an injury causes death, compensation is payable to the employee's spouse for life or until the spouse remarries. If the spouse remarries, a sum equal to two (2) years of compensation will be paid to the spouse. If the deceased worker had children under age 18, an additional \$50 per month is paid for each child. A deceased employee's dependents are each also entitled

up to \$5,000 in burial expenses must be paid by the employer or insurer. Following the 1998 Legislative Session, dependents of the deceased worker may be eligible for a scholarship of \$2,000 per year for five years payable to a state postsecondary education institution. What do I do if the employer or insurer denies my worker's compensation claim? If there is disagreement about the compensability of a claim, either party may ask the Division of Labor and Management to conduct a mediation. The mediation is held by telephone with a division representative, the employee or their representative, and a representative of the employer or insurance carrier. If a dispute remains unresolved after mediation or the employee chooses to forgo the mediation process, the employee may file a petition for hearing. The petition must be filed within two years of the date of denial of benefits. The case will be heard by an administrative law judge in a formal, adversarial proceeding. Representation by an attorney is not required in a worker's compensation hearing, but is recommended. The Division

to \$2,000 a year for up to five years if they are enrolled full-time at an accredited post-secondary institution in South Dakota. If the only survivors are children, they receive compensation until age 18, or 22 if a full-time student. If a child is physically or mentally incapable of self-support, benefits will be paid for the life of the child. In addition to the compensation benefits,

The information provided on this page should in no way be considered legal advice. For specific information about your legal rights in a worker's compensation matter, you should consult your personal attorney. If you have a general question about workers' compensation law, send an email to james.marsh@state.sd.us, or call the Division of Labor and Management at 605-773-3681

of Labor and Management may provide information, answer questions and assist persons on a limited basis. However, because the division is the administrative agency that decides

Sexual Harassment

Sexual Harassment. Sexual harassment on the job is becoming more unacceptable to victims and a liability for management Jnwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when (1) submission to such conduct is made

either explicitly or implicitly a term or condition of an individual's employment, (2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual, or (3) such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working

disputed cases, the office must remain impartial and cannot represent any party.

South Dakota Division of Human Rights

A hostile environment can be developed from repeated, offensive physical actions, verbal comments, hazing, or graphic or written displays which affect an employee's ability to perform the job Plan of Action for Victims Make clear what actions are offensive to you. Speak to the offender about the behavior which is offensive to you. Speak to your supervisor, the personnel director, or the manager about the behavior. Document actions if possible

If the behavior does not stop, contact the Division of Human Rights **Employer Liabilities** The employer has a responsibility to maintain a work place free of sexual harassment. Once an employer is informed of a harassment situation, the employer must take action to investigate and resolve the situation. If the harasser is in a supervisory position and harasses a

subordinate, the employers may have liability whether they have actual knowledge of the behavior or not. If you feel you have been a victim of discrimination you may contact the Division of Human Rights. The Division investigates complaints of discrimination filed with the office. If it finds the

complaint is justified it will attempt to settle the situation through conciliation. If these attempts fail a hearing may be held by the Commission of Human Rights Any person who files a charge of discrimination, testifies, assists or participates in any way in an investigation, hearing, or any other proceeding conducted by the Division of Human Rights is

protected by law against reprisal by any person, employer, employment agency, labor organization, landlord, or other covered individual or organization. Other Types of Harassment The South Dakota Human Relations Act prohibits harassment on the basis of race, sex, religion, color, creed, ancestry, disability, or national origin. The areas of coverage are employment, housing, public accommodations, public services, education, labor unions, and employment agencies. Some other examples of harassment include: A landlord requiring a tenant to submit to sexual advances in exchange for repairs; Name calling at work site which refer to a person's sex, race, religion, or disability; or Racist or sexist statements displayed in a public accommodation which affect a person's ability to use and enjoy those accommodations.

For more information call or write: Department of Labor, Division of Human Rights, 700 Governors Drive, Pierre, South Dakota 57501 Tel: 605.773.4493 Fax: 605.773.4211 www.sdiobs.org

Reporting Accidents

REPORTING ACCIDENTS AND NEAR MISSES A safe workplace starts with you. Immediately report accidents and near misses in which you are involved. If you witness an accident, send someone for help if necessary. Help action can help protect you or a co-worker. Be sure to report all near misses. The next occurrence could cause an injury unless preventive action is taken. Try to determine what caused the incident and whether safety procedures were followed. A few moments of attention now can prevent further injuries.

Do your part to reduce injuries by:

weekly benefit amount in each of those weeks to re-qualify for benefits.

is in your favor. Additional information is available on our Appeals page.

Additional information is available at the UI Overpayments web site at:

http://www.state.sd.us/applications/LD01DOL/default.asp?navid=34.

You may be convicted of a misdemeanor and imprisoned up to one year in the

Some examples of misrepresentation are deliberate failure to report the following:

Refusal of an offer of suitable work or failure to accept a referral to suitable work.

Quitting a job, being discharged, or refusing a job may be disqualifying. You may be disqualified from benefits if you voluntarily

quit your job without good cause, were discharged from work because of misconduct, or failed to accept a referral to employment

or refused suitable work. If you are disqualified for one of the above reasons, you cannot receive benefits until you have been re-

employed at least six calendar weeks in insured employment during your current benefit year. You must earn wages of at least your

If you fail, without good cause, either to apply for available suitable work when so directed by your South Dakota Career Center or to

If you disagree with a determination made by the Unemployment Insurance Division, you have the right to appeal the determinatio

The appeal must be in writing. You may file your written appeal at your local South Dakota Career Center or by mailing the appeal letter to: Appeals, P.O. Box 4730, Aberdeen, SD 57402-4730. Your appeal must be filed within 15 days after the date the

IMPORTANT: If you appeal a determination, you should continue to report for your eligibility interviews and continue to file your

Unemployment insurance overpayments must be repaid unless you meet the conditions that allow repayment to be waived. If you

eekly certifications until you receive a final decision on your appeal so there will be no loss of benefits to you if the appeal decisior

determination was mailed to you. Be sure to include your social security number and explain the reason for your appeal.

were at fault in causing the overpayment, interest of 12 percent per year will accrue beginning with the date of

overpayment. If you were not at fault, interest will not accrue until six months after the determination date We collect unemployment insurance overpayments for other states, and other states collect overpayments for us.

What if I misrepresent facts, make false statements, fail to disclose information, or fail to report changes?

You will be overpaid and required to pay the benefits back. Interest of 12 percent per year will accrue immediately.

- If you unlawfully obtained more than \$200, you may be convicted of a felony and imprisoned up to two years in the state

Misrepresentation (fraud) is deliberately making an untrue statement or withholding information needed to make a proper

Trade Adjustment Assistance (TAA) is available to workers who lose their jobs as a result of increased imports. Workers whose

establish eligibility. A petition must be filed within one year from the date the worker is laid off a job. Petitions may be filed by a group

of three or more workers, their union, or an authorized representative. Forms on which to file a petition for TAA can be obtained

by writing South Dakota Department of Labor, Unemployment Insurance Division, Box 4730, Aberdeen, SD 57402-4730, or by

job search and relocation allowances, and other re-employment services. Contact your local South Dakota Career Center for

calling (605) 626-2452. If the petition for TAA is certified, workers may be eligible for additional weekly benefit payments, training,

Individuals who have filed a claim for unemployment insurance benefits may be randomly selected for a Quality Control program

audit. Each claim will be subjected to an intensive verification of benefit eligibility. The audit will involve a complete review of the claim, an interview with the individual, and verifications with other parties. Failure to cooperate with the Quality Control program

The Deficit Reduction Act of 1984 (Public Law 98-369) requires that certain state agencies maintain an income and eligibility

wages, as reported by former employers and your eligibility for or receipt of unemployment benefits.

verification system. This system is used to verify eligibility for Food Stamps, Aid to Families with Dependent Children, or Medicaid;

and potential liability for child support payments. State agencies administering these programs may verify your eligibility for benefits (or child support obligations) by using information contained in Department of Labor records. Information used would be your past

Your unemployment insurance benefits are subject to federal income tax law. The Internal Revenue Service will furnish complete

You do have the option of having tax deducted from your benefit payments. The rate of deduction would be 10 percent. If you have

questions, contact your claims representative. It may be necessary for you to make estimated tax payments. For more information

for Form 1040-ES. You will be furnished a statement, Form 1099-G, at the end of the year in which benefits were paid to you. The

It is a crime to misrepresent facts, make false statements or fail to disclose information to obtain or increase unemployment

- Imprisonment - up to two years in the state penitentiary or by both fine and imprisonment. Overpayments will be recovered:

Report all factors affecting availability/eligibility (self-employment, illness or disability, vacations, or confinement).

Brookings Career Center

1310 Main Avenue South

Phone: (605) 688-4350

Fax: (605) 688-6761

Mitchell Career Center

1321 North Main

Mitchell, SD 57301-7186

Phone: (605) 995-8060

Fax: (605) 995-8070

rtheast Area Career Cente

2001 9th Avenue SW

Watertown, SD

57201-6175

Phone: (605) 882-5131

Fax: (605) 882-5152

Sioux Falls Career Center

811 East 10th Street

Sioux Falls, SD

57103-1650

Phone: (605) 367-5300

Fax: (605) 367-5308

Winner Career Center

313 South Main Street

Phone: (605) 842-0474

Fax: (605) 842-0165

Brookings, SD 57006-3893

on when you should make estimated tax payments, see IRS Publication 505, Tax Withholding and Estimated Tax, or the instructions

insurance benefits, or fail to report any change in circumstances which would affect your eligibility for benefits. SDCL 61-6-24. South

Huron Career Center

380 Illinois Ave., SW

Huron, SD 57350-2413

Phone: (605) 353-715

Fax: (605) 353-7305

Mobridge Career Center

1415 East Grand

Mobridge, SD

57601-2905

Phone: (605) 845-2971

Fax: (605) 845-2140

Pierre Career Center

116 West Missouri Avenue

Pierre, SD 57501-4506

Phone: (605) 773-3372

Fax: (605) 773-6680

Sisseton (satellite office)

205 East Oak

Sisseton, SD 57262-1526

Phone: (605) 698-3964

Fax: (605) 698-3449

Yankton Career Center

Yankton, SD 57078-5320

Phone: (605) 668-2900

Fax: (605) 668-2916

3113 Spruce

Madison Career Center

223 S. Van Eps Ave. Ste 10

Madison, SD 57042-281

Phone: (605) 256-5300

Fax: (605) 256-5306

North Sioux City (satellite

504 River Drive

North Sioux City, SD 57049

Phone: (605) 242-5445

Fax: (605) 242-5448

Pine Ridge (satellite office

Billy Mills Hall

57770-0400

Phone: (605) 867-5843

Fax: (605) 867-1884

(satellite office)

2500 Minnekahta Avenue

Hot Springs, SD

Phone: (605) 745-5101

Fax: (605) 745-6562

Pine Ridge, SD

employment is adversely affected by increased imports may file a petition with the Office of Trade Adjustment Assistance to

Working for tips or working to pay off a bill or in exchange for rent or room and board while claiming benefits.

and reassure the victim, but do not move an injured person unless the threat of further injury exists. Exercise caution in accident situations to avoid injuries or exposure to bloodborne pathogens. If feasible, do not move anything in the area of the accident. Report to the appropriate person quickly and clearly. Offer to help in any way you can. Prompt

- Learning how to prevent accidents. - Using safe practices. - Reporting accidents and near misses.

What would disqualify me from receiving benefits?

What happens if I refuse a job or a referral to a job?

To decide if work is suitable, the Division considers:

prospects of local work in your usual occupation

What if I disagree with a disqualification or denial?

length of time you have been unemployed

accept suitable work when offered, you may be disqualified.

Disqualifying Conditions

The risk involved

prior earnings

Overpayments

- prior experience and training

distance from your residence

What if I am overpaid benefits?

You may be denied benefits up to 52 weeks

county iail or fined up to \$1,000 or both.

- The correct employer for your last job.

- The correct reason for leaving your last job.

Work or wages earned while claiming benefits.

Self-employment earnings while claiming benefits.

Payment in cash for work you did while claiming benefits

Inability to work during a week for which you claim benefits.

What is misrepresentation?

Failure to look for work.

Quality Control Program

audit may result in loss of benefits.

Disclosing Information AboutYou

Important Notice about Income Tax

information on how to report and compute the tax.

Internal Revenue Service will be given the same information.

Dakota uses a variety of detection techniques to detect fraudulent claims.

- Interest will be charged on all overpayments not repaid in six months.

Enrollment in school or college.

Trade Adjustment Assistance

determination

information.

Warning Notice

- Fine - up to \$2,000.

- Voluntary repayment.

- Civil suit.

You must:

Offenders may be prosecuted:

- Distress warrant (served by sheriff).

- Report all work and earnings.

Aberdeen Career Center

420 S Roosevelt

57402-4730

Phone: (605) 626-2340

Fax: (605) 626-2228

Milbank (Itinerant office)

Milbank, SD 57252-2433

210 E. 5th Ave.

Phone: (605) 432-9595

Fax: (605) 432-4703

orthern Hills Career Center

1300 North Avenue

Spearfish, SD

57783-1525

Phone: (605) 642-6900

Fax: (605) 642-6907

Rapid City Career Center

111 New York Street

Rapid City, SD 57701

Phone: (605) 394-2325

Fax: (605) 394-1824

Vermillion Career Center

1024 West Cherry

57069-1742

Phone: (605) 677-6900

Fax: (605) 677-6909

- Interest starts immediately on fault overpayments.

penitentiary, or fined up to \$2,000, or both.

Unemployment Insurance Benefits

reduce your benefits No reduction from your weekly benefit will be made for the first \$25 you earn for the week

Seventy-five percent of earnings over \$25 will be deducted from your weekly benefit. You will not be eligible for benefits if your gross earnings are equal to or more than nyour weekly benefit amount. You will not be eligible for benefits if you worked 40 hours or more regardless of the amount of earnings.

2. Your gross earnings for the claim week were \$37, and your weekly benefit amount is \$154. Seventy-five percent of \$12, which is \$9, will be deducted from \$154. You would be paid \$145 in benefits. 3. Your gross earnings for the claim week were \$215, and your weekly benefit amount is \$154. You would not be paid benefits since your earnings are greater than your weekly benefit amount. You must report your earnings accurately to prevent an overpayment, which you will be required to repay. To report accurately, you must:

Report the reasonable cash value of goods (lodging, food, bill paid, etc.) received instead of wages. earnings is not intended to be all-inclusive.

ı must reopen your claim to reestablish your eligibility for benefits nafter any length of employment ends, even one day or less. Your reopened claim is effective from the first day of the week in which you file the claim. You will lose benefits if you do not report to

the South Dakota Career Center or call the Telephone Claim Center at 1-605-626-3179 and reopen your claim immediately after you separate from employment. Your eligibility for benefits will be based on the reason you separated from the employment. What if I am self-employed You must report on a weekly basis any hours and, in some cases, earnings from selfemployment.

nneed not be reported. Contact your claims representative at your local South Dakota Career Center for help.

include the cost of products purchased, cost of postage, cost of supplies and automobile mileage. Other expenses may be deducted

What is deductible from my benefits? Other payments you may receive are deducted on a dollar-for-dollar basis from your benefits and MUST be reported on your weekly claim form. Payments that are deductible include: - Vacation Pay - Severance Pay - Annual Leave Pay Termination Pay - Holiday Pay - Dismissal Pay of Notice

- Back Pay - Sick Leave Pay Compensation for temporary partial disability under the workers' compensation law of any state or under a similar law of the federal government is also deductible. Benefits are postponed based on the number of weeks the payment represents, beginning with the

previously and are eligible for benefits of \$154. You would be paid \$70 in benefits for the week you received the vacation pay. Primary social security retirement benefits (GROSS AMOUNT BEFORE MEDICARE DEDUCTION) based on your earnings are deductible from unemployment insurance. One half of your monthly gross social security retirement benefits are deducted from your Pensions, annuities, and retirement payments are deductible if earned with a BASE PERIOD employer. However, only that portion

help. Failure to report a deductible item or report it properly may result in an overpayment which you will be required to repay. Wage Requirements/Benefit Amounts What are the wage requirements? To qualify for benefits you must have been paid wages for insured work, for civilian employment with the federal government, or for active duty in the military service in two or more quarters of your BASE PERIOD. The base period is the first four of the last five completed calendar quarters before the effective date of your new claim for

BASE PERIOD (first 4 of past 5 quarters) CLAIM FILED

NOV DEC	FED MAR	MAY JUN	AUG SEP	NOV DEC	FED MAR			
	JAN FEB MAR	APR MAY JUN	JUL AUG SEP	OCT NOV DEC	JAN FEB MAR	APR MAY JUN		
		APR MAY JUN	JUL AUG SEP	OCT NOV DEC	JAN FEB MAR	APR MAY JUN	JUL AUG SEP	
			JUL AUG	OCT NOV	OCT NOV	JAN FEB	APR MAY	OCT NOV

Also, your wages in the other three quarters of your base period must be at least 20 times your weekly benefit. The maximum amount payable in your benefit year is one-third your total base period wages, but not more than 26 times your veekly benefit How will I know if I meet the wage requirements? You will receive a monetary determination indicating your weekly and maximum benefit amount. This determination is usually mailed within five days after your new claim is filed in your South Dakota Career Center. However, complications with missing wages,

unemployed or you may be denied benefits if you do not meet other eligibility requirements. If you have not received a monetary determination after two weeks (three weeks for interstate claimants), you should contact your South Dakota Career Center. If you are ineligible because of insufficient wages, you may file again during the next calendar quarter. If for some reason you want to cancel your claim, you have 15 days from the date the monetary determination was mailed to submit a written request for cancellation. However, you cannot cancel your claim after a determination disqualifying you from receiving benefits has been issued. What are seasonal wages? Seasonal wages are wages earned with an employer who customarily suspends its operation for a period of five (5) months or more within a calendar year. To be eligible for a seasonal designation, an employer must request the designation and then the Department of Labor must approve it. Seasonal wages are used to determine your weekly benefit amount. However, the only time you can draw against seasonal wages is during the period the employer would normally be open for business.

You are notified on your monetary determination if you have seasonal wages. A letter will appear in the seasonal code column of your monetary determination. This column is on the far right of your monetary form. What if I disagree with the monetary determination? First, examine your monetary determination carefully. If you feel that you have not been given credit for all wages:

Contact your local South Dakota Career Center. Request a re-determination

- The monetary determination will tell you if wage information is pending from another state, federal government, or the military. - A revised monetary determination will be sent to you when the information is received. If you worked in a state other than South Dakota and now live in South Dakota, an interstate claim can be filed against the state where you worked. Your claim is filed by calling the Telephone Claim Center, but the state you worked in makes all determinations

in interstate claim against South Dakota from the state where you now live. Report to the nearest South Dakota Career Center to

on your eligibility according to its laws and regulations. If you move out of South Dakota after working in South Dakota, you can file file the interstate claim. Your eligibility will be determined according to South Dakota's laws and regulations. If you have a question

YES. The Unemployment Insurance Division of South Dakota will pay benefits to exmilitary personnel under provisions of the South

REGULATION

1. Your gross earnings for the claim week were \$22, and your weekly benefit amount is \$154. No deduction will be made from your weekly benefit amount since your gross earnings were less than \$25. You would be paid \$154 in benefits.

- Report all your work and earnings, including any tips, IN the week you actually do the work, even though you may not have been - Report total earnings at the gross amount (before deductions for federal taxes, social security taxes, insurance premiums, etc.). Contact your claims representative at your local South Dakota Career Center for help. Earnings that must be reported also include things such as fees received by directors of a corporation, fees or payments paid to public officials, and bonuses. This description of

What do I do if my job ends? If at any time during your benefit year you return to work and then separate from the job, you MUST report to your local South Dakota Career Center or call a telephone claims representative immediately to reopen your claim.

To be self-employed means earning income directly from your own business, trade, nprofession or service rather than as wages or earnings from an employer. The fact that your business has no taxable income, or even a loss, does not mean hours or earnings If you do sales work on a commission basis, the hours you work each week, as well as your gross earnings, must be reported. If you work full time, you will be considered fully employed and not eligible for benefits. REPORT YOUR GROSS EARNINGS. Net income after reasonable business expenses will be deducted from your benefits if you provide an explanation of your expenses on the form

provided by the Division Expenses must be reported within the week they are incurred. Common business expenses which are considered reasonable if they are reasonable business expenses. To prevent an overpayment, which you would be required to pay back, you must accurately report your self-employment hours and earnings. If you have any questions, contact your claims representative at your

last day you worked regardless of when the payment was received. If the payment is less than your weekly benefit amount, you will receive partial benefits. Example: - You receive two weeks of vacation pay when you leave your employment. If you filed your claim immediately after you separated,

benefits would be postponed for the first two weeks of your claim. You receive two days vacation pay for a gross amount of \$84 when you leave your employment. You reopen a claim you filed weekly benefits. Any change in your social security benefits should be reported to your claims representative immediately.

of the pension, annuity, or retirement payment, which is based on payments made by the employer, is deductible from your benefits. In order to determine what portion of your pension, annuity or retirement pay is deductible, you must provide the Division with detailed information about your retirement plan, including the name and address of the plan administrator. Any change in your pension, annuity or retirement should be reported to your claims representative immediately. Any lump sums that you receive or will receive from your pension, annuity or retirement plan may be deductible from your benefits. Contact your claims representative at your local One-Stop Career Center for help. Military service connected disability payments are not deductible from your benefits. This description of deductible items is not intended to be all-inclusive. If you have any questions about whether an item is deductible, contact your claims representative for employees the option of accepting any available work, you must be willing to accept any work you reasonably know is available with

> unemployment insurance benefits. There is a special base period for persons who are not monetarily eligible because they have not worked for an extended period due to a work-related injury. This base period can only be used if a claim is filed within 24 months after the injury. The chart below can be used to determine the regular base period for your claim. Examples: If you file your claim in May, your base period is the previous January through December. If you file your claim in November, your base period is the previous July through June.

OCT IAN ARR IIII OCT

	JUN	SEP	DEC	MAR			
JAN FEB MAR	APR MAY JUN	JUL AUG SEP	OCT NOV DEC	JAN FEB MAR	APR MAY JUN		
	APR MAY JUN	JUL AUG SEP	OCT NOV DEC	JAN FEB MAR	APR MAY JUN	JUL AUG SEP	
		JUL AUG SEP	OCT NOV DEC	OCT NOV DEC	JAN FEB MAR	APR MAY JUN	OCT NOV DEC

separation and availability issues sometimes cause delays in the mailing of a monetary determination.

Provide proof of your wages (paycheck stubs, W-2 forms). File weekly claim forms unless you become employed. If you do not agree with the re-determination, you may file an appeal. See

Dakota Unemployment Insurance Division, ATTN: Interstate Unit, Box 4730, Aberdeen, SD 57402-4730, or call the Interstate Unit at 605-626-2008. Can I use wages earned in federal employment on my claim? claiming unemployment insurance.

Dakota Unemployment Insurance Law. Ex-military personnel must also meet the same eligibility requirements as other individuals

PRODUCT ID

Generally, to request FMLA leave you must:

Follow your employer's normal policies for requesting leave.

• Give notice at least 30 days before your need for FMLA leave, or

• If advance notice is not possible, give notice as soon as possible

Allow you to take job-protected time off work for a qualifying reason.

other working conditions, including shift and location, at the end of your leave

Continue your group health plan coverage while you are on leave on the same basis as if you

• Allow you to return to the same job, or a virtually identical job with the same pay, benefits and

Your employer cannot interfere with your FMLA rights or threaten or punish you for exercisin

your rights under the law. For example, your employer cannot retaliate against you for requesting

Department of Labor's Wage and Hour Division (WHD) enforces the FMLA for most employees. You do not have to share a medical diagnosis but must provide enough information to your Eligible employees can take up to 12 workweeks of FMLA leave in a 12-month period for: employer so they can determine whether the leave qualifies for FMLA protection. You **must also** • The birth, adoption or foster placement of a child with you, inform your employer if FMLA leave was previously taken or approved for the same reason Your serious mental or physical health condition that makes you unable to work, when requesting additional leave. Your employer may request certification from a health care • To care for your spouse, child or parent with a serious mental or physical health condition, and provider to verify medical leave and may request certification of a qualifying exigency. • Certain qualifying reasons related to the foreign deployment of your spouse, child or parent who The FMLA does not affect any federal or state law prohibiting discrimination or supersede any state or local law or collective bargaining agreement that provides greater family or medical leave rights. State employees may be subject to certain limitations in pursuit of direct lawsuits regarding An eligible employee who is the spouse, child, parent or next of kin of a covered servicemember leave for their own serious health conditions. Most federal and certain congressional employees with a serious injury or illness may take up to 26 workweeks of FMLA leave in a single 12-month are also covered by the law but are subject to the jurisdiction of the U.S. Office of Personnel Management or Congress. What does my employer need to do? If you are eligible for FMLA leave, your employer must:

You have the right to use FMLA leave in one block of time. When it is medically necessary or otherwise permitted, you may take FMLA leave intermittently in separate blocks of time, or on a reduced schedule by working less hours each day or week. Read Fact Sheet #28M(c) for more FMLA leave is not paid leave, but you may choose, or be required by your employer, to use any employer-provided paid leave if your employer's paid leave policy covers the reason for which you Am I eligible to take FMLA leave? ou are an eligible employee if all of the following apply:

EMPLOYEE RIGHTS UNDER THE FAMILY AND MEDICAL LEAVE ACT

What is FMLA leave?: The Family and Medical Leave Act (FMLA) is a federal law that provides

eligible employees with **job-protected leave** for qualifying family and medical reasons. The U.S.

 You have worked for your employer at least 12 months. You have at least 1,250 hours of service for your employer during the 12 months before your Your employer has at least 50 employees within 75 miles of your work location Airline flight crew employees have different "hours of service" requirements ou work for a **covered employer if one** of the following applies:

You work for a private employer that had at least 50 employees during at least 20 workweeks in the current or previous calendar year You work for an elementary or public or private secondary school, or You work for a public agency, such as a local, state or federal government agency. Most federal employees are covered by Title II of the FMLA, administered by the Office of Personnel

YOU MAY NEED TO CHECK YOUR WITHHOLDING Since you last filed Form W-4 with your employer did you...

Gain or lose a dependent Change your name? Were there major changes to... our nonwage income (interest, dividend, capital gains, etc.)? Your family wage income (you or your spouse started or

To any of these or you owed extra tax when you filed your last return, you may need to file a new Form W-4. See your employer for a copy of Form W-4 or call the IRS at 1-800-829-3676. Now is the time to check your withholding. For more details, get Publication 919, How Do I Adjust My Tax Withholding?, or use the Withholding Calculator at www.irs.gov/individuals on the IRS website. Employer: Please poster or publish this Bulletin Board Poster so that your employees will see it. Please indicate where they can get forms and information on this subject.

Polygraph Protection

The Employee Polygraph Protection Act prohibits most private employers from using lie detector tests either for pre-employment screening or during the course of employment. **PROHIBITIONS** Employers are generally prohibited from requiring or requesting any employee or job applicant to take a lie detector test, and from discharging, disciplining, or discriminating against an employee or

The Act permits polygraph (a kind of lie detector) tests to be administered in the private sector, subject to restrictions, to certain prospective employees of security service firms (armored car, alarm, and guard), and of pharmaceutical manufacturers, distributors and dispensers, The Act also permits polygraph testing, subject to restrictions, of certain employees of private firms who are reasonably suspected of involvement in a workplace incident (theft, embezzlement, etc.) th The law does not preempt any provision of any State or local law or any collective bargaining agreement which is more restrictive with respect to lie detector tests

The Secretary of Labor may bring court actions to restrain violations and assess civil penalties against violators. Employees or job applicants may also bring their own court actions THE LAW REQUIRES EMPLOYERS TO DISPLAY THIS POSTER WHERE EMPLOYEES AND JOB APPLICANTS CAN READILY SEE IT. I-866-487-9243 • TTY: 1-877-889-5627 www.dol.gov/whd

WAGE AND HOUR DIVISION JNITED STATES DEPARTMENT OF LABOR

• FOR USE BY PRIVATE SECTOR AND STATE GOVERNMENT EMPLOYERS •

articular employer; • you return to work or apply for reemployment in a timely manner after conclusion of service; and • you have not been separated from service with a disqualifying f you are eligible to be reemployed, you must be restored to the job and benefits you would have attained if you had not been absent due to military service or, in some cases, a RIGHT TO BE FREE FROM DISCRIMINATION AND RETALIATION If you: • are a past or present member of the uniformed service; • have applied for membership in the uniformed service; or • are obligated to serve in the uniformed service; then an

If you leave your job to perform military service, you have the right to elect to continue your existing employer-based health plan coverage for you and your dependents for up to 24 nonths while in the military. • Even if you don't elect to continue coverage during your military service, you have the right to be reinstated in your employer's health plan when you are employed, generally without any waíting periods or exclusions (e.g., pře-existing condition éxclusions) except for service-connected illnessés or injuriés.

• The U.S. Department of Labor, Veterans Employment and Training Service (VETS) is authorized to investigate and resolve complaints of USERRA violations. • For assistance in filling a complaint, or for any other information on USERRA, contact VETS at 1-866-4-USA-DOL or visit its website at https://www.dol.gov/agencies/vets/. An interactive online USERRA Advisor can be viewed at https://www.dol.gov/agencies/vets/. An interactive online USERRA Advisor can be viewed at https://www.dol.gov/agencies/vets/. An interactive online USERRA Advisor can be viewed at https://www.dol.gov/agencies/vets/. An interactive online USERRA Advisor can be viewed at https://www.dol.gov/agencies/vets/. An interactive online USERRA Advisor can be viewed at https://www.dol.gov/agencies/vets/. An interactive online USERRA Advisor can be viewed at https://www.dol.gov/agencies/vets/. An interactive online USERRA Advisor can be viewed at https://www.dol.gov/agencies/vets/. An interactive online USERRA Advisor can be viewed at https://www.dol.gov/agencies/vets/. An interactive online USERRA Advisor can be viewed at https://www.dol.gov/agencies/vets/. An interactive online USERRA Advisor can be viewed at https://www.dol.gov/agencies/vets/. An interactive online USERRA Advisor can be viewed at https://www.dol.gov/agencies/vets/. An interactive online USERRA Advisor can be viewed at https://www.dol.gov/agencies/vets/. An











non-school week. - Later than 10 p.m. on a school night. Furthermore, children younger than 14 years may not be employed: - During school hours. - Later than 7 p.m. Various exceptions to these laws exist for child actors, jobs pumping gas or detasselling hybrid seed corn, employment by parents, employment necessary for the child's support or employment using agricultural equipment. Youth employment laws also cover the facilities in which a child may work, how often it must be cleaned and when it can be inspected. For nformation about federal youth employment laws, check out YouthRules. Do not employ youth without a thorough understanding of the relevant laws.

In any occupation dangerous to life, health or morals. - For more than 4 hours per school day or 20 hours per school week. - For more than 8 hours per non-school day or 40 hours per

If you have a general question, contact us: South Dakota Department of Labor Division of Labor and Management 700 Governors Drive

Equal Employment Opportunity EMPLOYERS HOLDING FEDERAL CONTRACTS OR SUBCONTRACTS Know Your Rights: Workplace Discrimination is Illegal The U.S. Equal Employment Opportunity Commission (EEOC) enforces Federal laws that protect you from nination in employment. If you believe you've been discriminated against at work or in applying for a job, The Department of Labor's Office of Federal Contract Compliance Programs (OFCCP) enforces the nondiscrimination and affirmative action commitments of companies doing business with the Federal Government. If you are applying for a job with, or are an employee of, a company with a Federal contract or subcontract, you are protected under Federal law from discrimination on the following bases: Race, Color, Religion, Sex, Sexual Orientation, Gender Identity, National Origin

> olor, religion, sex, sexual orientation, gender identity, or national origin, and requires affirmative action to ensu equality of opportunity in all aspects of employment. Executive Order 11246, as amended, protects applicants and employees of Federal contractors from discrimination based on inquiring about, disclosing, or discussing their compensation or the compensation of

Section 503 of the Rehabilitation Act of 1973, as amended, protects qualified individuals with disabilities from

accommodation to the known physical or mental limitations of an otherwise qualified individual with a disability

discrimination in hiring, promotion, discharge, pay, fringe benefits, job training, classification, referral, and other aspects of employment by Federal contractors. Disability discrimination includes not making reasonab

active duty), active duty wartime or campaign badge veterans, or Armed Forces service medal veterans.

Executive Order 11246, as amended, prohibits employment discrimination by Federal contractors based on race

WHAT OTHER FEDERAL EMPLOYMENT LAWS MAY APPLY TO PREGNANT

Other laws that apply to workers affected by pregnancy, childbirth, or related medica

The ADA which prohibits employment discrimination based on disability

Title VII which prohibits employment discrimination based on sex, pregnancy, or

other protected categories (enforced by the U.S. Equal Employment Opportunity

The Family and Medical Leave Act which provides unpaid leave for certain

workers for pregnancy and to bond with a new child (enforced by the U.S

The PUMP Act which provides nursing mothers a time and private place to

Learn more at www.EEOC.gov/Pregnancy-Discrimination

pump at work (enforced by the U.S. Department of Labor)

Updated 6/2

who is an applicant or employee, barring undue hardship to the employer. Section 503 also requires that Federa contractors take affirmative action to employ and advance in employment qualified individuals with disabilities at The Vietnam Era Veterans' Readiustment Assistance Act of 1974, as amended, 38 U.S.C. 4212, prohibits mination against, and requires affirmative action to recruit, employ, and advance in employment, disabled veterans, recently separated veterans (i.e., within three years of discharge or release from

Retaliation is prohibited against a person who files a complaint of discrimination, participates in an OFCCP proceeding, or otherwise opposes discrimination by Federal contractors under these Federal laws person who believes a contractor has violated its nondiscrimination or affirmative action obligations under OFCCP's authorities should contact immediately: The Office of Federal Contract Compliance Programs (OFCCP) U.S. Department of Labor

If you are deaf, hard of hearing, or have a speech disability, please dial 7-1-1 to access telecom relay services. OFCCP may also be contacted by submitting a question online to OFCCP's Help Desk at https://ofccphelpdesk.dol.gov/s/, or by calling an OFCCP regional or district office, listed in most telephone directories under U.S. Government, Department of Labor and on OFCCP's "Contact Us" webpage at https://www.dol.gov/

PROGRAMS OR ACTIVITIES RECEIVING FEDERAL FINANCIAL ASSISTANCE n addition to the protections of Title VII of the Civil Rights Act of 1964, as amended, Title VI of the Civil Rights Act of 1964, as amended, prohibits discrimination on the basis of race, color or national origin in programs or activities receiving Federal financial assistance. Employment discrimination is covered by Title VI if the primary objective of the financial assistance is provision of employment, or where employment discrimination causes or may cause discrimination in providing services under such programs. Title IX of the Education Amendments of 1972 prohibits employment discrimination on the basis of sex in educational programs or activities which receiv

Section 504 of the Rehabilitation Act of 1973, as amended, prohibits employment discrimination on the basis of disability in any program or activity which receives Federal financial assistance. Discrimination is prohibited in al aspects of employment against persons with disabilities who, with or without reasonable accommodation, can perform the essential functions of the job. If you believe you have been discriminated against in a program of any institution which receives Federal financial assistance, you should immediately contact the Federal agency providing such assistance

To file a claim online, visit RAclaims.sd.gov 24 hours a day, seven days a week. To file a claim by phone, call the Claims Call Center at 605.626.3179, Monday through Friday, 8 a.m. to 4:20 p.m. (Central Time). Applicants with speech or hearing impairments can call 711 or You will need to provide the following information for DLR to process your claim:

Center at 605.626.2452, email DLRRADivision@state.sd.us, or log in to your account.

 Employment history for the last 18 months Authorization to work (if you are not a U.S. citizen or resident) Reemployment Assistance Division 420 S Roosevelt St | PO Box 4730 Aberdeen, SD 57402-4730 PLEASE POST THIS NOTICE IN A VISIBLE PLACE.

Safety Notice Safety's Intention is

SOUTH DAKOTA DEPT. OF LABOR & REGULATION



OF THE MONTH

□ MONDAY □ TUESDAY □ WEDNESDAY □ THURSDAY □ FRIDAY □ SATURDAY □ SUNDAY PAY SCHEDULE IS

Emergency Notice

PHYSICIAN: **ALTERNATE** POLICE: **HAZARDOUS MATERIAL**

Together everyone achieves more. Be part of the safety team.

Payday Notice

Pro**Service** hawaii HR that powers your business TO REORDER, CALL 1-888-488-7678 OR ORDER AT STATEANDFEDERALPOSTER.COM

to express breast milk. Employers must provide a place, other than a bathroom, that is shielded from view and free from intrusion from coworkers and the public, which may be used by the employer The Department has authority to recover back wages and an equal amount in liquidated damages in instances of minimum wage, overtime, and other violations. The Department may litigate and/ or recommend criminal prosecution. Employers may be assessed civil money penalties for each willful or repeated violation of the minimum wage or overtime pay provisions of the law. Civil money penalties may also be assessed for violations of the FLSA's child labor provisions. Heightened civil money penalties may be assessed for each child labor violation that results in the death or seriou injury of any minor employee, and such assessments may be doubled when the violations are determined to be willful or repeated. The law also prohibits retaliating against or discharging workers who file a complaint or participate in any proceeding under the FLSA. Certain occupations and establishments are exempt from the minimum wage, and/or overtime pay provisions. Certain narrow exemptions also apply to the pump at work requirements. • Special provisions apply to workers in American Samoa, the Commonwealth of the Northern Mariana Islands, and the Commonwealth of Puerto Rico
• Some state laws provide greater employee protections; employers must comply with both.

WORKERS?

Commission (EEOC))

(enforced by the EEOC)

1-800-321-OSHA (6742) • TTY 1-877-889-5627 • www.osha.gov

Federal Minimum Wage

EMPLOYEE RIGHTS UNDER THE FAIR LABOR STANDARDS AC

\$7.25 PER HOUR BEGINNING JULY 24, 2009

An employee must be at least 16 years old to work in most non-farm jobs and at least 18 to work in non-farm jobs declared hazardous by the Secretary of Labor. Youths 14 and 15 years old may

Employers of "tipped employees" who meet certain conditions may claim a partial wage credit based on tips received by their employees. Employers must pay tipped employees a cash wage of

at least \$2.13 per hour if they claim a tip credit against their minimum wage obligation. If an employee's tips combined with the employer's cash wage of at least \$2.13 per hour do not equal the

• Some employers incorrectly classify workers as "independent contractors" when they are actually employees under the FLSA. It is important to know the difference between the two because

Certain full-time students, student learners, apprentices, and workers with disabilities may be paid less than the minimum wage under special certificates issued by the Department of Labor.

1-866-487-9243 • TTY: 1-877-889-5627 • www.dol.gov/whd WAGE AND HOUR DIVISION • UNITED STATES DEPARTMENT OF LABOR

The FLSA requires employers to provide reasonable break time for a nursing employee to express breast milk for their nursing child for one year after the child's birth each time the employee needs

work outside school hours in various non-manufacturing, non-mining, non-hazardous jobs with certain work hours restrictions. Different rules apply in agricultural employment.

OSHA Job Safety and Health

IT'S THE LAW!

Provide employees a workplace free from

recognized hazards. It is illegal to retaliate

against an employee for using any of their

rights under the law, including raising a

with OSHA, or reporting a work-related

Comply with all applicable OSHA standards.

fatalities within 8 hours, and all inpatient

hospitalizations, amputations and losses

Provide required training to all workers

in a language and vocabulary they can

Prominently display this poster in the

Post OSHA citations at or near the

place of the alleged violations.

FREE ASSISTANCE to identify and correct

hazards is available to small and medium-

through OSHA-supported consultation

programs in every state.

sized employers, without citation or penalty,

Report to OSHA all work-related

of an eye within 24 hours.

health and safety concern with you or

Employers must:

injury or illness.

understand.

workplace.

Pregnant Workers Fairness Act (PWFA)

employees (unless exempt) are entitled to the FLSA's minimum wage and overtime pay protections and correctly classified independent contractors are not.

"Reasonable accommodations" are changes to the work environment or the way things are usually done at work. WHAT ARE SOME POSSIBLE ACCOMMODATIONS FOR PREGNANT Being able to sit or drink water Receiving closer parking

The Pregnant Workers Fairness Act (PWFA) is a federal law that, starting June

to a qualified worker's known limitations related to pregnancy, childbirth, or

an "undue hardship." An undue hardship is defined as causing significant

27, 2023, requires covered employers to provide "reasonable accommodations"

related medical conditions, unless the accommodation will cause the employer

SKU: SD2-27X40-ENG

All workers have the right to:

Raise a safety or health concern with

Receive information and training on

Request an OSHA inspection of your

workplace if you believe there are unsafe

or unhealthy conditions. OSHA will keep

your name confidential. You have the

right to have a representative contact

Participate (or have your representative

30 days (by phone, online or by mail)

if you have been retaliated against for

speak in private to the inspector.

■ File a complaint with OSHA within

See any OSHA citations issued to

Request copies of your medical

injury and illness log.

state minimum wage law are

obligated to pay the higher rate

inimum hourly wage, the employer must make up the difference

NURSING MOTHERS (PUMP AT WORK):

ADDITIONAL INFORMATION:

Having flexible hours

at least 1½ times the regular rate of pay for all hours worked over 40 in a workweek.

records, tests that measure hazards

in the workplace, and the workplace

Contact OSHA. We can help.

participate) in an OSHA inspection and

substances in your workplace.

job hazards, including all hazardous

your employer or OSHA, or report a work-

related injury or illness, without being

A safe workplace.

retaliated against.

OSHA on your behalf.

using your rights.

your employer.

Receiving appropriately sized uniforms and safety apparel Receiving additional break time to use the bathroom, eat, and rest Taking leave or time off to recover from childbirth Being excused from strenuous activities and/or exposure to chemicals not safe

the EEOC may be able to help. Employees (current and former), including managers and temporary employees Job applicantsUnion members and applicants for membership in a union What Organizations are Covered? Most private employers State and local governments (as employers)

 Staffing agencies What Types of Employment Discrimination are Illegal? Under the EEOC's laws, an employer may not discriminate against you, regardless of your immigration status, Religion
 National origin

Genetic information (including employer requests for, or purchase, use, or disclosure of genetic tests, genetic Retaliation for filing a charge, reasonably opposing discrimination, or participating in a discrimination lawsuit. nvestigation, or proceeding.

Interference, coercion, or threats related to exercising rights regarding disability discrimination or pregnancy What Employment Practices can be Challenged as Discriminatory? All aspects of employment, including: Discharge, firing, or lay-off arassment (including unwelcome verbal or physical conduct)

Hiring or promotion

Pay (unequal wages or compensation) · Failure to provide reasonable accommodation for a disability or a sincerelyheld religious belief, observance or · Job training Obtaining or disclosing genetic information of employees Requesting or disclosing medical information of employees Conduct that might reasonably discourage someone from opposing discrimination, filing a charge, or articipating in an investigation or proceeding. Conduct that coerces, intimidates, threatens, or interferes with someone exercising their rights, or someone ssisting or encouraging someone else to exercise rights, regarding disability discrimination (including

modation) or pregnancy accommodation What can You Do if You Believe Discrimination has Occurred? Contact the EEOC promptly if you suspect discrimination. Do not delay, because there are strict time limits for filing a charge of discrimination (180 or 300 days, depending on where you live/work). You can reach the EEOC in any of the following ways: Submit an inquiry through the EEOC's public portal: https://publicportal.eeoc.gov/Portal/Login.aspx Call 1-800-669-4000 (toll free)

1–800–669–6820 (TTY) 1–844–234–5122 (ASL video phone) Visit an EEOC field office (information at www.eeoc.gov/field-office) Additional information about the EEOC, including information about filing a charge of discrimination, is available

Lake Andes

☐ WEEKLY ☐ BI-WEEKLY ☐ SEMI-MONTHLY ☐ MONTHLY ☐ ___

PAYCHECKS ARE ISSUED ON THE

Madison

Mitchell

Brookings

Huron

Reemployment Assistance Law lotice to Employees: Availability of Unemployment Compensation If you have questions about the status of your RA claim, you can call the Customer Service

(RA) law. Benefits are available to workers who become unemployed or whose working hours re reduced to less than full time, if they are: Able to work. Available for full-time work, and · Meet certain eligibility requirements Employees who voluntarily quit without good cause, are discharged or suspended for misconduct, or refuse to accept suitable work may be denied benefits. Full legal name You may file an RA claim in the first week employment ends or hours are reduced. Social Security Number • Driver's license number or State ID number Employees working less than full time or who become totally unemployed, if available for work

Employees in this establishment are covered under the South Dakota Reemployment Assistance

should register for work at one of the Job Service offices listed below. View an office directory at Winner Spearfish Rapid City Vermillion Yanmkton Sioux Falls Watertown

ACCIDENT PREVENTION.



employment or you may lose benefits.) Claims do not have to be reopened if you are doing occasional work for your regular

YES. If you work part of a week, you still must make an active search for work to claim partial

Specifically, if you falsify job contacts or dates of contacts, you may be subject to a penalty.

penefits. See the Deductions from Benefits section for help on reporting your work and earnings.

- If you miss an eligibility review or other scheduled appointment, you must reopen your claim in person at the South Dakota Career If you move to another area in South Dakota or out of state, you must reopen your claim. Remember, when reopening a claim, it will be effective on the Sunday preceding the date that the reopening was filed. If you do not reopen the claim within the week for which you wish to receive benefits, you may lose those benefits. What if I move? If you are moving to another area in South Dakota or out of the state, tell your South Dakota Career Center before you move so that our benefit payments will not be interrupted. You will be told where to report in the area or state to which you are moving. If you

- If you have not submitted any weekly certification cards for a period of four or more weeks, you must reopen your claim

vocational training or basic employment skills and cannot be in a four-year degree-granting program. You would not be eligible for approved training if you are disqualified based on the separation from your most recent job. If you are granted "Approved Training" status, you may be eligible to receive unemployment surance benefits and would not be required to look for work. If you are attending school part time, you may still qualify for benefits rovided you meet all the eligibility requirements of the law, including being available for work. **Deductions from Benefits** Can I work part of the week and still be eligible for benefits?

FMLA leave or cooperating with a WHD investigation After becoming aware that your need for leave is for a reason that may qualify under the FMLA, your employer must confirm whether you are eligible or not eligible for FMLA leave. If your employer determines that you are eligible, your employer must notify you in writing: · About your FMLA rights and responsibilities, and • How much of your requested leave, if any, will be FMLA-protected leave. Where can I find more information? Call 1-866-487-9243 or visit dol.gov/fmla to learn more. If you believe your rights under the FMLA have been violated, you may file a complaint with WHD or file a private lawsuit against you employer in court. Scan the QR code to learn about our WHD complaint process For additional information: 1-866-4-USWAGE (1-866-487-9243) TTY: 1-877-889-5627 www.dol.gov/whd U.S. Department of Labor • Wage and Hour Division **IRS Withholding**

Family Medical Leave Act

rospective employee for refusing to take a test or for exercising other rights under the Act. Federal, State and local governments are not affected by the law. Also, the law does not apply to tests given by the Federal Government to certain private individuals engaged in national security

EXAMINEE RIGHTS Where polygraph tests are permitted, they are subject to numerous strict standards concerning the conduct and length of the test. Examinees have a number of specific rights, including the right to a written notice before testing, the right to refuse or discontinue a test, and the right not to have test results disclosed to unauthorized persons.

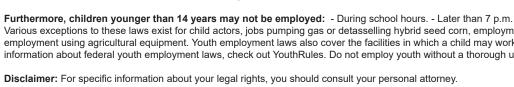
JSERRA protects the job rights of individuals who voluntarily or involuntarily leave employment positions to undertake military service or certain types of service in the National Disaster Medical System. USERRA also prohibits employers from discriminating against past and present members of the uniformed services, and applicants to th You have the right to be reemployed in your civilian job if you leave that job to perform service in the uniformed service and: • you ensure that your employer receives advance written or verbal notice of your service; • you have five years or less of cumulative service in the uniformed services while with that

employer may not deny you; • initial employment; • reemployment; • retention in employment; • promotion; or • any benefit of employment because of this status.

In addition, an employer may not retaliate against anyone assisting in the enforcement of USERRA rights, including testifying or making a statement in connection with a proceeding unde The rights listed here may vary depending on the circumstances. The text of this notice was prepared by VETS, and may be viewed on the internet at this address: https://www.dol.gov/agencies/vets/programs/userra/poster Federal law requires employers to notify employees of their rights under USERRA, and employers may meet this requirement by displaying the text of this notice where they customarily place notices for employees.







Pierre, SD 57501 Phone: 605,773,368 This guide provides information about your rights and responsibilities while filing a claim for unemployment insurance benefits. It

may not cover all situations or answer all your questions. If you need more information, contact your local South Dakota Career

Center. Unemployment insurance provides financial assistance for persons who have lost their jobs through no fault of their own

until they find other employment. No deductions are ever made from your paychecks for unemployment insurance

 File an application for benefits. Be totally or partially unemployed Worked at a job where your employer paid unemployment insurance tax on your wages. - Lost your last job through no fault of your own. Earned a certain amount of wages in the last 15 to 18 months. Be registered with your South Dakota Career Center unless exempted by your local Career Center. Be able to work, available for work and actively seeking work by personal contact with employers. Be willing to accept suitable work when offered or a referral to suitable work.

ES. Your employer will receive a notice of your application for benefits. Each employer

s requested to verify date and reason for separation. The employer is also asked to

receive unemployment insurance benefits, you must:

Will my employer be notified that I have filed a claim?

How do I Complete the weekly certification?

Basic Eligibility Requirements

What does it mean to be able to work?

any week, you will not receive benefits. What does it mean to be available for work?

THIS IS NOT INTENDEDTO BE AN ALL-INCLUSIVE LIST.

Do I have to look for work if I worked part of the week?

What kind of record must I keep of my work search?

esult in an overpayment which you will be required to repay.

CONTACTYOUR SOUTH DAKOTA CAREER CENTER FOR HELP.

Do I have to register for work with a South Dakota Career Center?

To be able to work you must be:

onsidered reasonable.

Eligibility for Benefits

Claim Filing

supply information on payments that are deductible from benefits such as vacation pay and severance pay How do I claim benefits? Once you have established an initial claim, you may submit your weekly certifications either through <u>www.sd.uiclaims.com</u> or call our IVR at 1-605-626-3212. Neekly certifications cover a calendar week beginning on Sunday and ending at midnight Saturday. Submit your weekly certification through www.sd.uiclaims.com or call the IVR at 1-605-626-3212 on the Sunday or Monday immediately following the Saturday week ending date of the claim. Do not submit the weekly certification until after midnight Saturday. If you try to submit the certification early, it will not be accepted. If the weekly certification is more than seven days after the Saturday

vill not be paid for the waiting period week, but you must submit a weekly certification for that week. Benefits are paid for the next

alid weekly certification. Benefit payments will not be made until at least 15 days after employers are sent a notice of claim.

mav be denied. The first weekly certification you submit after filing a new claim is called a waiting period week. You

To make certain that you receive your payments promptly, you must submit accurate veekly certifications. For detailed instructions, view: http://www.state.sd.us/applications/LD01DOL/frameset.asp?navid=39&filtertype=1 complete or incorrect weekly certifications may delay processing. You should keep a record of all weekly certifications that you rovide to the Division of Unemployment Insurance and all benefit checks you receive. This record should be presented to your South Dakota Career Center if you feel a check has been lost or stolen. This record will be a great help in locating the missing check. You may print this form (http://www.state.sd.us/dol/dolui/ui_tables/Forms/Ulbenefits/Form%20218.pdf) to keep a record of your benefits. Since benefits are payable to you and mailed to your address, the Division must have your current address. Mail will not be forwarded. Therefore, it is extremely important that you notify your South Dakota Career Center of any change in your

f you are determined eligible for benefits, you will have established a benefit year. The benefit year is a one-year period starting with

the effective date of your new claim. Once you have established a benefit year, you have one year to exhaust your benefits.

How do I maintain my eligibility for benefits You must submit weekly certifications. You must be able to work and be willing to accept suitable work at the going wage in the area where you live. If you are required to look for work, you must make a reasonable effort to find work on your own. - You must follow the reporting requirements as given to you by the South Dakota Career Center where you are filing your claim. YOU MUST PHYSICALLY BE ABLE TO WORK AND AVAILABLE FORWORK.

physically able to work in your usual occupation or in other work for which you are reasonably fitted.

Even if you are able to work, you are not considered a member of the labor force unless you are also "willing" to work: You must be available for full-time work. There must be no personal reasons preventing you from accepting a job (caring for children, lack of transportation, vacation, etc.). You must not place restrictions on the work you will accept so that the job you want is practically non-existent. You must be willing to do work for which you are fitted by education and experience and for which there are prospects in your area - If you work in an occupation where different shifts are common, you must be available to work either day or night shift unless you nave compelling personal reasons for not working a particular shift. You must accept the going wage in your area. You cannot hold out for your last wage.

If you have an established working relationship with an employer, such as a temporary employment service or a firm that provides

our availability is questioned if you travel, are on vacation, care for relatives or others, are on a leave of absence, or are attending

- physically able to work the majority of the week (more than three days). If you were physically unable to work the major portion of

YES. All individuals filing for unemployment insurance benefits are required to register for work unless: You have a definite recall date to return to full-time work with an employer that paid 50 percent or more of your base period wages, You are a member in good standing with a union through which you normally obtain employment, or You will be recalled to full-time work within ten consecutive weeks by an employer that did not pay at least 50 percent of your base period wages. After ten weeks, you are required to register for work. Do I have to look for work? YES. Unless you are exempted from work search, you must actively seek work while receiving benefits. An active work search includes the following:

Your work search must be a reasonable and honest effort to find work. Contacts with close relatives and spouses are generally not

You must be willing to accept the going wage in your area for the job or occupation in which you have the most experience or

training. If there is no work or limited opportunities for you in your usual job, then you must be available for work you are capable of doing at the going wage for that type of work. Under most circumstances, you are required to make at least two job contacts in each week you are requesting benefits. You must make the job contacts in person at the employer's place of business or usual place of hiring. These contacts should be made with someone who has hiring authority. Job contacts made by telephone are not acceptable for meeting the work search requirement. Job contacts made by mailing applications or resumes to employers or the South Dakota Bureau of Personnel are not acceptable for meeting the work search requirement unless you are given written authorization to do so by your local office claims representative Can I look for work by resume? f you are in a profession where resumes and credentials are normally submitted to employers prior to in-person contacts, you may be allowed to make job contacts in this manner. Resume or credential contacts must be approved in writing, in advance, by our claims representative. Contacting a South Dakota Career Center or other employment agencies cannot be used to satisfy the equirement of making two job contacts each week.

The Employer Contact sheets (available in Adobe .pdf format) are the written records of your effort to find work. These contacts will

after you return to work or discontinue filing weekly claims. You may be required to produce them even after you are no longer filing.

Failure to make two different job contacts per week and fully complete the contact sheets will cause the denial of benefits and may

f you misrepresent any fact concerning work search, you may be denied benefits for 4 weeks for each week of misrepresentation.

be reviewed with you during your eligibility interview and are subject to verification. Do not throw your employer contact sheets away

What if I leave the area to look for work? If you leave the area served by your local South Dakota Career Center for more than three days to seek employment, obtain written approval from your local claims representative to file a courtesy claim. This approval must be obtained before you leave the area. If your job seeking requires more than two weeks, you must reopen your claim immediately at the nearest Career Center serving the area. If you don't get permission to file a courtesy claim by contacting your claims representative before you leave, or you don't reopen your claim immediately after two weeks, you may lose When do I have to reopen my claim? You must reopen your claim through <u>www.sd.uiclaims.com</u> or contacting the telephone claims representative under the following - If you return to work and then separate from that employment, you must reopen the claim to ree tablish your eligibility after any length of employment even if it is for one day or less. (You must reopen the claim immediately following the separation from

on't report immediately to your new office to reopen your claim, you will lose benefits. Do I have to report for eligibility reviews? You are required to report to all unemployment insurance eligibility or South Dakota Career Center interviews as scheduled. If you miss your scheduled interview, your benefits will stop until you report to your South Dakota Career Center and reopen your claim. If you are unable to report for your unemployment insurance eligibility or South Dakota Career Center interview, notify your local claims representative before the date of your interview. Can I attend school and still be eligible? "Approved Training" status may be granted if reasonable employment opportunities for which you are suited by training and experience are minimal. Reasonable opportunity must exist for employment in the trade you have chosen. Training is limited to

YES. If you are still seeking full-time work, your earnings do not exceed your weekly benefit amount, and you worked less than 40 hours for the week, you may be eligible for partial benefits. You must report your earnings on your weekly claim form. Earnings will MAKING UNAUTHORIZED COPIES IS AGAINST THE LAW AND MAY SUBJECT YOU TO CIVIL AND CRIMINAL LIABILITY

Can I qualify if I have been in the military?

the section on how to file an appeal. Can I use wages earned in another state?

- Your weekly benefit is 1/26th of the wages paid in the highest quarter of your base period, up to a maximum benefit of \$274. Your wages in this high quarter must be at least \$728. Remember this is only the first step in determining your eligibility. You may be disqualified depending on the reason you became

YES. If you worked in more than one state, you may be eligible for a Combined Wage Claim. To use wages earned in another state: Report all work performed in any state in the last 18 months, including federal and military, on your new claim for benefits. Provide

concerning your claim and the South Dakota Career Center representative is unable to give you an answer, you may write the South YES. The Unemployment Insurance Division of South Dakota will pay benefits to federal employees under provisions of the South Dakota Unemployment Insurance Law. All former federal employees must meet the same eligibility requirements as other individuals

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Domestic servants, unless working for an employer more than 20 hours in any calendar week and for more than six weeks in any 13-week period: Farm or agricultural labor: One whose If an employer refuses to file a worker's compensation claim on your behalf, you may contact the Division of Labor and Management at 605-773-3681. The division can provide the

