

**FED**

### EMPLOYEE RIGHTS UNDER THE FAIR LABOR STANDARDS ACT

**FEDERAL MINIMUM WAGE \$7.25 PER HOUR BEGINNING JULY 24, 2009**

The law requires employers to display this poster where employees can readily see it.

**OVERTIME PAY**  
At least 1½ times the regular rate of pay for all hours worked over 40 in a workweek.

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

**TIP CREDIT**  
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 do not receive tips sufficient to meet 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 minimum hourly wage, the employer must make up the difference.

**PUMP AT WORK**  
The FLSA requires employers to provide reasonable break time for a nursing employee to express breast milk for her nursing child for one year after the child's birth each time the employee needs to express breast milk. Employers must provide a place, such as a bathroom, that is shielded from view and free from intrusion by coworkers and the public, which may be used by the employee to express breast milk.

**WHD WAGE AND HOUR DIVISION**  
U.S. DEPARTMENT OF LABOR  
1-866-487-9243  
www.dol.gov/agencies/whd  
WH1088  
REV. 04/2023

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### Your 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. Department of Labor's Wage and Hour Division (WHD) enforces the FMLA for most employees.

Eligible employees can take up to 12 workweeks of FMLA leave in a 12-month period for:

- The birth, adoption or foster placement of a child with you,
- Your serious mental or physical health condition that makes you unable to work,
- To care for your spouse, child or parent with a serious mental or physical health condition, and
- Certain qualifying reasons related to the foreign deployment of your spouse, child or parent who is a military servicemember.

An eligible employee who is the spouse, child, parent or next of kin of a covered servicemember with a serious injury or illness may take up to 26 workweeks of FMLA leave in a single 12-month period to care for the servicemember.

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 information.

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 need FMLA leave.

**Am I eligible to take FMLA leave?**  
You are an eligible employee if all of the following apply:

- You work for a covered employer,
- 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 leave, and
- Your employer has at least 50 employees within 75 miles of your work location.

Airline flight crew employees have different "hours of service" requirements.

You 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 I of the FMLA, administered by the Office of Personnel Management.

**How do I request FMLA leave?**  
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.

You do not have to share a medical diagnosis but you must provide enough information to your employer so they can determine whether the leave qualifies for FMLA protection. You must also inform your employer if FMLA leave was previously taken or approved for the same reason when requesting additional leave.

Your employer may request certification from a health care provider to verify medical leave and may request certification of a qualifying exigency.

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 the law but are subject to certain health conditions. Most federal and certain congressional employees are also covered by the law but for 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:

- Allow you to take job-protected time off work for a qualifying reason,
- Continue your group health plan coverage while you are on leave on the same basis as if you had not taken leave, and
- Allow you to return to the same job, or a virtually identical job with the same pay, benefits and other working conditions, including shift and location, at the end of your leave.

Your employer cannot interfere with your FMLA rights or threaten or punish you for exercising your rights under the law. For example, your employer cannot retaliate against you for requesting 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](http://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 your employer in court. Scan the QR code to learn about our WHD complaint process.

**DEPARTMENT OF LABOR**  
UNITED STATES OF AMERICA  
**WHD WAGE AND HOUR DIVISION**  
UNITED STATES DEPARTMENT OF LABOR  
1-866-487-9243  
www.dol.gov/agencies/whd  
WH1420  
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### Know Your Rights: Workplace Discrimination is Illegal

**The U.S. Equal Employment Opportunity Commission (EEOC) enforces Federal laws that protect you from discrimination in employment. If you believe you've been discriminated against at work or in applying for a job, the EEOC may be able to help.**

**Who is Protected?**

- Employees (current and former), including managers and temporary employees
- Job applicants
- Union members and applicants for membership in a union

**What Types of Employment Discrimination are Illegal?**  
Under the EEOC's laws, an employer may not discriminate against you, regardless of your immigration status, on the basis of:

- Race
- Color
- Religion
- National origin
- Sex (including pregnancy, childbirth, and related medical conditions, sexual orientation, or gender identity)
- Age (40 and older)
- Disability
- Genetic information (including employer requests for, or purchase, use, or disclosure of genetic tests, genetic services, or family medical history)
- Retaliation for filing a charge, reasonably opposing discrimination, or participating in a discrimination lawsuit, investigation, or proceeding
- Interference, coercion, or threats related to exercising rights regarding disability discrimination or pregnancy accommodation

**What Organizations are Covered?**

- Most private employers
- State and local governments (as employers)
- Educational institutions (as employers)
- Unions
- Staffing agencies

**What Employment Practices can be Challenged as Discriminatory?**  
All aspects of employment, including:

- Discharge, firing, or lay-off
- Harassment (including unwelcome verbal or physical conduct)
- Hiring or promotion
- Assignment
- Pay (unequal wages or compensation)
- Failure to provide reasonable accommodation for a disability, pregnancy, childbirth, or related medical condition; or a sincerely-held religious belief, observance or practice
- Benefits
- Job training
- Classification
- Referral
- 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 participating in an investigation or proceeding

- Conduct that coerces, intimidates, threatens, or interferes with someone exercising their rights, or someone assisting or encouraging someone else to exercise rights, regarding disability discrimination (including accommodation) 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:  
<http://publicportal.eeoc.gov/Portal/Login.aspx>

**Call** 1-800-669-4000 (toll free)  
1-800-669-6822 (TTY)  
1-844-234-5122 (ASL video phone)

**Visit** an EEOC field office (information at [www.eeoc.gov/field\\_office](http://www.eeoc.gov/field_office))

**E-mail** [info@eeoc.gov](mailto:info@eeoc.gov)

Additional information about the EEOC, including information about filing a charge of discrimination, is available at [www.eeoc.gov](http://www.eeoc.gov).

**EMPLOYERS HOLDING FEDERAL CONTRACTS OR SUBCONTRACTS**

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**  
Executive Order 11246, as amended, prohibits employment discrimination by Federal contractors based on race, color, religion, sex, sexual orientation, gender identity, or national origin, and requires affirmative action to ensure equality of opportunity in all aspects of employment.

**Asking About, Disclosing, or Discussing Pay**  
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 other applicants or employees.

**Disability**  
Section 503 of the Rehabilitation Act of 1973, as amended, protects qualified individuals with disabilities from 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 reasonable accommodation to the known physical or mental limitations of an otherwise qualified individual with a disability who is an applicant or employee, barring undue hardship to the employer. Section 503 also requires that Federal contractors take affirmative action to employ and advance in employment qualified individuals with disabilities at all levels of employment, including the executive level.

**Protected Veteran Status**  
The Vietnam Era Veterans' Readjustment Assistance Act of 1974, as amended, 38 U.S.C. 4212, prohibits employment discrimination 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 active duty), active duty wartime or campaign badge veterans, or Armed Forces service medal veterans.

**Retaliation**  
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.

Any 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  
200 Constitution Avenue, N.W.  
Washington, D.C. 20210  
1-800-397-6251 (toll-free)

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

**PROGRAMS OR ACTIVITIES RECEIVING FEDERAL FINANCIAL ASSISTANCE**

**Race, Color, National Origin, Sex**  
In addition to the protections of Title VII of the Civil Rights Act of 1964, as amended, Title IX 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 there employment or 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 receive Federal financial assistance.

**Individuals with Disabilities**  
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 all 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.

REV. 06/27/2023

**SD**

### 2023 Minimum Wage Requirement

**\$10.80/Hour**

**MINIMUM WAGE**  
See SDCL 60-11-3 and 60-11-3.2. Employers with tipped employees must pay a cash wage of no less than \$5.40 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.

Additional information from the South Dakota Department of Labor and Regulation available at [dlt.sd.gov/employment\\_laws](http://dlt.sd.gov/employment_laws).

**CONTACT**  
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**  
**PHONE: 605.773.3681**  
**FAX: 605.773.4211**

REV. 06/2023

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### YOUR RIGHTS UNDER USERRA

**THE UNIFORMED SERVICES EMPLOYMENT AND REEMPLOYMENT RIGHTS ACT**

**USERRA 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 the uniformed services.**

**REEMPLOYMENT RIGHTS**  
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 particular 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 discharge or under other than honorable conditions.

If 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 comparable job.

**RIGHT TO BE FREE FROM DISCRIMINATION AND RETALIATION**  
If you:

- are a past or present member of the uniformed service;
- are obligated to serve in the uniformed service;
- have applied for membership in the uniformed service; or
- then an employer may not deny you:

- initial employment;
- promotion; or
- reemployment;
- any benefit of employment;
- retention in 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 under USERRA, even if that person has no service connection.

**U.S. Department of Labor • 1-866-487-2365 • U.S. Department of Justice • Office of Special Counsel • Employer Support of the Guard and Reserve • 1-800-336-4590**

REV. 05/2022

**SD**

### Guide to Workers' Compensation Law in South Dakota

July 1, 2023 to June 30, 2024

**SOUTH DAKOTA DEPT. OF LABOR & REGULATION**  
dlt.sd.gov

**Summary of Workers' Compensation Law**  
The South Dakota Department of Labor and Regulation has summarized the basic provisions of our state's workers' compensation law. However, the information contained in this brochure is general in nature and is not intended as a substitute for legal advice. Changes in the law or specific facts of a case may result in legal interpretations different from those presented here. Anyone having further questions should contact the Division of Labor and Regulation.

**I. Workers' Compensation**  
Workers' compensation is an insurance program that pays medical and disability benefits for work-related injuries and diseases. Workers' compensation protects employers and employees. Each covered employee has a right to benefits if injured on the job. In return, he or she forfeits the right to sue the employer for job-related injuries.

South Dakota law permits all employers to provide coverage rather than assume direct liability for workplace injuries. Thus, most employers obtain coverage by purchasing an insurance policy. Those employers that do not must prove they are financially secure enough to pay full benefits for any injuries to employees. These self-insurers are certified and regulated by the Department of Labor and Regulation.

**II. Non-covered Employees**  
The following employees are exempt:

- Domestic servants unless employed for an employer for more than 20 hours in any calendar week and for more than six weeks in any 13-week period
- Farm or agricultural laborers
- One whose employment is not in the usual course of the trade, business, occupation or profession of the employer (independent contractor). This includes real estate brokers and owner operators of trucks who are certified as exempt by the Department of Labor and Regulation.
- Certain elected officials of the state or any subdivision of state government
- Workforce participants

**III. Benefits**  
Benefits are not allowed when injury is due to willful misconduct, intoxication, illegal use of drugs to failure to use a furnished safety appliance. A false representation as to health at the time of obtaining employment may also preclude awarding of benefits.

**A. Medical**  
The employer or insurance carrier must furnish necessary first aid and medical, surgical and hospital services, including artificial members and body aids. Prosthetic devices, if damaged, are considered an injury. Repair or replacement of hearing aids, eye glasses, contact lenses and dentures must also be furnished if damaged or destroyed in an accident. First-aid and medical services are provided under the law. Medical services will be subject to a fee schedule and in no case may a health care provider charge a higher price to an injured worker who is eligible for workers' compensation benefits.

The employer has the right to make the initial selection of a medical practitioner (defined as a licensed health care provider) and must notify the employee of the 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 providers. The employee may obtain a second opinion at his or her own expense. The employer also has the right to a second opinion. Services may also be regulated by the insurer's designated managed care plan.

Travel and meals costs incurred as a result of securing necessary medical treatment are also compensable in certain instances. Generally such expenses will only be allowed if an employee is required to travel to obtain medical treatment. The Division of Labor and Management should be contacted in regard to current rates.

**B. Disability Benefits**  
State law provides for a series of benefits during the period of disability. Failure to make the payment within 10 days of the date due may result in a penalty of 10 percent of the unpaid amount. The disability benefits are as follows:

**Temporary total disability** - An employee who cannot work because of work-related injury or disease is eligible for temporary total disability benefits. Generally this inability to work must be confirmed by a medical practitioner. Payment is not made for lost work time unless an employee is incapacitated for more than seven consecutive days or more, compensation is then computed from the date of injury. Payments continue until a medical practitioner releases the employee for return to work or determines that the employee's condition has reached a point of maximum improvement. The weekly rate for temporary disability payments is set forth in Section III-D.

**Temporary partial disability** - If a medical practitioner allows an employee who is still recovering from an injury or disease to return to part-time or modified work, and if the employee receives a bona fide job offer, and if the employee is receiving less than his or her usual earnings, the employee may be entitled to temporary partial disability benefits. These benefits are computed on the basis of one-half the difference between the average amount earned before the injury and the average amount the employee is earning or able to earn in some suitable employment after the injury. The amount of compensation allowed for temporary partial disability cannot exceed the maximum in Section III-D. The total compensation for earnings and workers' compensation may not be less than the amount received for temporary total disability, unless the employee refuses suitable employment. These benefits are payable until the employee is returned to full employment or until maximum improvement.

**Permanent partial disability** - If an injury or illness results in impairment of certain members of the body, an employee may be entitled to permanent partial disability benefits. Benefits are computed by applying a determination of the employee's percentage of impairment to the number of weeks designated in the provisions of South Dakota law that apply to that body part. This number of weeks is then multiplied by the compensation rate as set forth in Section III-D. Payments are made on a weekly or bi-weekly basis unless a lump sum payment is allowed by the Division.

**Loss**

Loss	Weeks
Thumb	50
First or index finger	30
Second finger	30
Third finger	20
Fourth or little finger	15
Great toe	30
Any other toe	10
Hand	150
Arm	200
Foot	125
Leg	160
Slight of eye	150
Hearing one ear	50
Hearing both ears	150

For permanent disability from back injury or others not specifically listed above, compensation is for that proportion of 312 weeks which is represented by the percentage that such permanent partial disability bears to the body as a whole.

**Permanent total disability** - An employee who is totally and permanently disabled in terms of occupational capacity, or can no longer perform services of any kind, extent and quality for which a reasonably stable labor market exists, may be entitled to compensation at the weekly rate set forth in Section III-D during the entire period of disability. In addition, cost of living adjustment is provided. The benefits may, however, be subject to reduction by the Department.

**Rehabilitation** - An employee suffering disability from an occupational disease or an injury, and unable to return to his/her usual and customary line of employment, is entitled to receive disability compensation at the rate provided by Section III-D during the period he or she is engaged in a program of rehabilitation which is reasonably necessary for

restoration to suitable, substantial and gainful employment. An injured employee desiring rehabilitation services should contact the Division of Labor and Management for further information.

**C. Death Benefits**  
If an injury causes death, compensation is payable to the employee's spouse as at the rate of compensation shown in Section III-F for life or until remarriage. In the case of remarriage, a sum equal to two years of compensation will be paid to the spouse. Surviving children are eligible to receive equal shares of the compensation payable to the spouse or remarries. They must be under 18, under 22 if full-time students, or incapable of self-support. If any of the children are not in the custody of the spouse at the employee's death (and the spouse is eligible for benefits), half the benefit goes to the spouse, the other half to the non-custodial child. In addition to the above-mentioned weekly benefits, an additional \$10,000 monthly benefit shall be paid to each legally dependent child of the deceased employee from the date of the employee's death until the child is 18. If dependents attend an educational institution, the benefit shall be paid until the child receives up to \$2,000 a year towards their education for five years.

The employer or insurer must also pay up to \$10,000 in burial expenses plus the cost of transporting the body and funeral expenses to the community where the employee is to be buried.

**D. Rate of Compensation**  
As of July 1, 2023, weekly compensation is two-thirds of the employee's weekly wage including overtime pay (but not including straight time pay) up to a maximum of \$1,029 per week. The minimum compensation is \$315 unless the employee's average weekly wage is less than \$473.50. The foregoing amounts are used to calculate temporary total disability, temporary partial disability, permanent partial disability, permanent total disability, rehabilitation and death benefits.

**IV. Requirements of Employee**  
Immediately upon occurrence of an injury, or as soon as practicable, an injured employee (or a representative) shall give or cause to be given a written notice of injury to the employer. Written notice shall be provided no later than three business days after the injury. No compensation will be paid unless written notice is given within three business days, unless reasonable excuse is made to the Department of Labor and Regulation. Therefore, the employee should not be entitled to compensation if any medical practitioner's fee or any compensation which may have accrued prior to the time of giving notice, unless either of the following is shown:

- The employer, or the employer's agent or representative, had knowledge of the injury or disease.
- The employer was given written notice after the date of the injury and the employee had good cause for failing to give written notice within the three business-day period, which determination shall be liberally construed in favor of the employee.

If an employee is entitled to benefits and does not receive them within 20 days, direct contact should be made to the insurance company.

The employee must also inform his/her medical practitioner about which case management plan his employer uses.

**V. Requirements of Employer**  
**A. Record-keeping**  
Every employer, upon the provisions of this title shall keep a record of all injuries, fatal or otherwise, sustained by his employees in the course of their employment. The record shall be completed within seven days, not counting Sundays and legal holidays, after an employer has knowledge of the occurrence of an injury. The record shall be in a form approved by the Department of Labor and Regulation. The employer shall preserve the record for a period of at least four years from the date of injury.

**B. Reporting**  
If an employer is authorized to self-insure, a written report shall be made to the Department of Labor and Regulation within seven days, not counting Sundays and legal holidays, after an employer coming under the provisions of this title has knowledge of the occurrence of an injury which requires medical treatment other than minor first aid or which incapacitates the employee for a period of at least seven calendar days. Failure to comply may result in a fine of \$100. The employer must also file a report of injury to its case management plan within 24 hours of the injury.

**VI. Requirements of Insurer**  
The insurer is required to send a copy of the injury report to the Department of Labor and Regulation within 10 days. Failure to do so may result in a fine of \$100. The insurer (or the employer if self-insured) shall make an investigation of the claim and notify the injured employee and the Department of Labor and Regulation in writing within 20 days of the date of the injury report. The insurer or self-insurer who denies liability in whole or in part must state the reasons and notify the claimant of the right to a hearing.

If the claim is denied, the injured employee has two years from the date of notification from the insurer or self-insurer to file a Petition for Hearing with the Department of Labor and Regulation.

**VII. Mediation**  
If the employer/insurer and the injured employee do not agree as to compensability in whole or in part, either party may request the Department to conduct a mediation. Lawyers are not required.

**VIII. Fraud**  
To report fraudulent collection of workers' compensation benefits contact the Department of Labor and Regulation, Division of Insurance.

**IX. Lack of Insurance or Self-Insurance**  
If an employer fails to provide workers' compensation coverage under the provisions of South Dakota law, an injured employee or the dependents of a deceased employee may proceed against the employer in an action to law to recover damages for the personal injury or death, or twice the amount of disability or death compensation allowed under the law.

**X. Administration**  
Our state's workers' compensation law is administered by the Division of Labor and Management of the Department of Labor and Regulation. All work-related injuries and occupational diseases which require medical treatment, other than minor first aid, or which incapacitate the employee for more than seven calendar days must be reported to the Division. In addition, the insurer or self-insurer must file the following:

- Calculation of Compensation (Form DLR-LM-110)
- Monthly disability report (Form DLR-LM-107)
- Payment for Rehabilitation (Form DLR-LM-113)

**XI. More Information**  
Contact the Division of Labor and Management at:  
**SOUTH DAKOTA DEPARTMENT OF LABOR AND REGULATION**  
**MISSOURI RIVER PLAZA**  
**123 W. MISSOURI AVE.**  
**PIERRE, SD 57501**  
**PHONE: 605.773.4211**  
**FAX: 605.773.4211**  
Office Hours: Monday-Friday, 8 a.m. to 5 p.m. (Central time)  
Visit [dlt.sd.gov](http://dlt.sd.gov) and click on the Workers' Compensation button.  
Auxiliary aids and services available upon request to individuals with disabilities. State and federal laws require the Department of Labor and Regulation to provide services to all qualified persons without regard to race, color, creed, religion, age, sex, ancestry, political affiliation or belief, national origin, or disability.

**DEPARTMENT OF LABOR**  
UNITED STATES OF AMERICA  
**WHD WAGE AND HOUR DIVISION**  
UNITED STATES DEPARTMENT OF LABOR  
1-866-487-9243  
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### EMPLOYEE RIGHTS POLYGRAPH PROTECTION ACT

**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 prospective employee for refusing to take a test or for exercising other rights under the Act.

**EXEMPTIONS**  
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-related activities. 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.) that resulted in economic loss to the employer.

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.

**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 to have test results disclosed to unauthorized persons.

**ENFORCEMENT**  
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.**

**DEPARTMENT OF LABOR**  
UNITED STATES OF AMERICA  
**WHD WAGE AND HOUR DIVISION**  
UNITED STATES DEPARTMENT OF LABOR  
1-866-487-9243  
www.dol.gov/agencies/whd  
WH1462  
REV. 02/2022

**SD**

### Notice to Employees: Availability of Unemployment Compensation

Employees in this establishment are covered under the South Dakota Reemployment Assistance (RA) law. Benefits are available to workers who become unemployed or whose working hours are 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. You may file an RA claim in the first week employment ends or hours are reduced.

Employees working less than full time or who become totally unemployed, if available for work, should register for work at one of the Job Service Offices listed below. View an office directory at [www.sdjobs.org](http://www.sdjobs.org).

- Aberdeen • Madison • Spearfish • Winner
- Brookings • Mitchell • Spaulding • Yankton
- Huron • Pierre • Vermillion
- Lake Andes • Rapid City • Watertown (Sisseton)

If you have questions about the status of your RA claim, you can call the Customer Service Center at 605.626.2452, email [DLRADA@division.state.sd.us](mailto:DLRADA@division.state.sd.us), or log in to your account.

**PLEASE POST THIS NOTICE IN A VISIBLE PLACE.**

**SOUTH DAKOTA DEPT. OF LABOR & REGULATION**  
**REEMPLOYMENT ASSISTANCE DIVISION**  
**420 S ROOSEVELT ST**  
**PO BOX 4730**  
**ABERDEEN, SD 57402-4730**

REV. 06/2023

**SD**

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### Job Safety and Health IT'S THE LAW!

**All workers have the right to:**

- A safe workplace.
- Raise a safety or health concern with your employer or OSHA, or report a work-related injury or illness, without being retaliated against.
- Receive information and training on job hazards, including all hazardous substances in your workplace.
- Request a confidential OSHA inspection of your workplace if you believe there are unsafe or unhealthy conditions. You have the right to have a representative contact OSHA on your behalf.
- Participate (or have your representative participate) in an OSHA inspection and speak in private to the inspector.
- File a complaint with OSHA within 30 days (by phone, online or by mail) if you have been retaliated against for using your rights.
- See any OSHA citations issued to your employer.
- Request copies of your medical records, tests that measure hazards in the workplace, and the workplace injury and illness log.

**Employers must:**

- 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 health and safety concern with you or with OSHA, or reporting a work-related injury or illness.
- Comply with all applicable OSHA standards.
- Notify OSHA within 8 hours of a workplace fatality or within 24 hours of any work-related inpatient hospitalization, amputation, or loss of an eye.
- Provide required training to all workers in a language and vocabulary they can understand.
- Prominently display this poster in the workplace.
- Post OSHA citations at or near the place of the alleged violations.

On-Site Consultation services are available to small and medium-sized employers, without citation or penalty, through OSHA-supported consultation programs in every state.

This poster is available free from OSHA.

**Contact OSHA. We can help.**

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

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