

*South Dakota*

# State Employee Handbook

State of  
*South Dakota*  
BUREAU OF HUMAN RESOURCES  
AND ADMINISTRATION

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# Personal Responsibility Basics

**Accepting Gratuities, Rebates, Reward Points and Other Perquisites** – State employees shall not accept gratuities, money, or any type of gift or service from a company that does business or that actively aspires to do business with the State in exchange for recommending or influencing the award of or the terms of a contract with the state. State employees shall not accumulate reward points or receive rebates, from any source, related to the purchase of goods or services from any vendor to be redeemed for personal use. Incidental benefits like frequent flier miles or lodging reward points accumulated for state-sponsored travel are allowed.

**Anti-Harassment/Discrimination Policy** – Harassment, discrimination or offensive behavior based on race, color, religion, national origin, sex, age, genetic info, disability or other legally protected status or characteristic will not be tolerated. An employee who has a complaint of harassment, discriminatory or offensive behavior by a supervisor, co-worker, or non-employee, should immediately notify his or her supervisor, a higher-level supervisor, the agency's human resource manager, or BHR's EEO officer at (605) 773-3148.

**Conflict of Interest** - Laws apply to state employees and officers who recommend approval, approve, award, or administer contracts or supervise someone who does and would derive a direct benefit from a contract. Deriving a direct benefit means the employee or officer or others with whom the person lives and commingles or has combined assets cannot:

- receive a benefit from a contract that is within that person's scope of duties while in office.
- derive contract benefit for a year after leaving office.
- enter into a contract with any state agency, except an employment contract, for a year after leaving office.

A waiver process exists for employees and officers.

**Outside Employment** – You may have outside employment provided that, in the opinion of your supervisor, there is not a conflict with your working hours, your work efficiency, or with the interests of state government. You must check with your supervisor before accepting other employment.

**Use of Technology** – Employees may not use State technology to engage in outside business interests, inappropriate, offensive, or illegal activities. Employees should not expect privacy or confidentiality when using State resources.

**Disciplinary Action** – Disciplinary action may include suspension without pay, reduction in salary, demotion, or termination. Just cause for disciplinary action includes, but is not limited to:

- violating statutes, rules, policy, directives, and work rules;
- sex offense, any crime involving illegal drugs, or a felony;
- insubordination;
- disrupting the efficiency or morale of the department;
- being under the influence of a controlled drug or alcohol at work;
- misuse or abuse of leave;
- engaging in outside or personal activities on State time, or using state property for non-government purposes;
- conduct reflecting unfavorably on state, destroys confidence in operations of services, or adversely affects public trust;
- negligence with state money or property;
- poor attendance;
- and discrimination and harassment.

**Political Activity** – State resources may not be utilized to influence the nomination or election of a candidate or the adoption or defeat of any ballot question. Civil service employees are not allowed to use official authority to influence or coerce political action by a person or group. Participation in campaigns or political management is allowed outside of work hours.

**Workplace Fraud or Theft** – State Laws and Administrative Rules establish control and aid in the prevention and detection of fraud against State property and apply to any actual or suspected employee fraud or theft. These laws include prohibition of the following:

- salaried officers retaining money received by theft
- dual salaries for state employees (limited exceptions)
- dual compensation for state duties
- outside employment without proper approval
- negligence with money or other State property belonging to anyone receiving services from the State
- attempt to steal or stealing from anyone receiving services from the State Employees who suspect fraud, theft should report it to their supervisor or the attorney general's office immediately.

**Please report potential violations of these policies to your supervisor, department's internal control office, or Human Resources Manager.**

## Handbook Disclaimer

This handbook is intended to provide general information to state employees. The policies and information described in this handbook are not conditions of employment, and the language is not intended to, nor does it, create a contract between the State and the employee. The State reserves the right to change or eliminate any of the policies or information in this manual at its discretion with or without notice. Also, some of the statements in this handbook are general in nature and should not be read as including all the details on the subject discussed. The State reserves the right to discipline status employees in accordance with the state laws and rules and to discipline all other employees (who are at-will employees) at any time and for any reason.

Any employee handbook or manuals previously distributed by the Bureau of Human Resources are revoked and rescinded, and the provisions are null and void.

This handbook is not an exhaustive list of all employee obligations. In addition to the handbook, employees must also abide by federal and state laws, regulations, and administrative rules as well as other statewide and internal agency orders, policies, guidelines, directives, and instructions.

If you have questions about the employee handbook or this disclaimer, please contact your human resource representative.

The State of South Dakota Employee Handbook is updated regularly by the Bureau of Human Resources. To receive or review a current copy of the handbook, please contact your human resource representative at the Bureau of Human Resources and Administration or access the handbook on the Bureau of Human Resources and Administration's intranet website.

# Policy on Acceptance of Gratuities, Rebates, Reward Points & Other Perquisites by State Employees

This policy prohibits the acceptance of personal gratuities, rebates, reward points and perquisites by state government employees in the performance of their duties.

## REQUIREMENTS

1. State employees shall not accept gratuities, money, or any type of gift or service from a company that does business or that actively aspires to do business with the State of South Dakota in exchange for recommending or influencing the award of or the terms of a contract with the State (See SDCL 3-16-8)
2. Any vendor program offering rebates or award points to the State of South Dakota related to the purchase of goods and services must be reviewed and approved by the Bureau of Administration. Rebate payments and award program points must be made payable to the "State of South Dakota," or otherwise as determined by the Commissioner of the Bureau of Administration. Rewards offered to a State officer or employee for purchasing supplies or services for the agency could reasonably be viewed as a means of influencing or rewarding the State officer or employee in how he or she carries out his or her official duties for the agency. Under these circumstances, such rewards would constitute gifts that influence or reward a State officer or employee for his or her official actions. Therefore, the redemption of these rewards by a State employee eligible to receive them as a result of his responsibilities on behalf of the State agency would violate this policy and state law. (See SDCL 3-8-3; SDCL 4-3-9; SDCL 3-16-8)
3. Incidental benefits such as frequent flier miles or lodging reward points accumulated by state employees for their State sponsored or reimbursed travel expenses are allowed. State employees using a personal credit card to pay travel expenses may accumulate frequent flier miles, reward points and rebates offered by their credit card company. In making travel decisions however, state employees must make arrangements that provide the best value for the State of South Dakota.

## Anti-Harassment/Discrimination Policy

The State of South Dakota will not tolerate harassment, discrimination or offensive behavior based on race, color, religion, national origin, sex, pregnancy, age (40 years or older), genetic information, disability or any other legally protected status or characteristic.

Employees must not engage in harassment, discriminatory or offensive behavior. Additionally, because of the State's strong commitment to keeping the workplace free from harassing, discriminatory, and offensive behavior, employees must avoid any conduct that could be viewed as harassing, discriminatory or offensive even if the conduct does not violate federal or state law.

Harassment includes conduct that creates a hostile work environment or results in a "tangible employment action," such as hiring, firing, promotion or failure to promote, demotion, work assignments, benefits, or compensation decisions. This prohibition against harassment and discrimination also encompasses sexual harassment. Sexual harassment includes unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexually harassing nature, when: (1) submission to the harassment is made either explicitly or implicitly a term or condition of employment; (2) submission to or rejection of the harassment is used as the basis for employment decisions affecting an individual, or (3) the harassment has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.

Harassment or discriminatory or offensive behavior may take different forms and may be verbal, nonverbal, or physical in nature. To aid employees in identifying inappropriate conduct, the following examples of harassment or discriminatory or offensive behavior are provided (these examples are not all-inclusive):

- unwelcome physical contact such as kissing, fondling, hugging, or touching;
- demands for sexual favors; sexual innuendoes, suggestive comments, jokes of a sexual nature, sexist put-downs, or sexual remarks about a person's body; sexual propositions, or persistent unwanted courting;
- swearing, offensive gestures, or graphic language made because of a person's race, color, religion, national origin, sex, age or disability;
- slurs, jokes, or derogatory remarks, email, or other communications relating to race, color, religion, national origin, sex, age, or disability;
- calendars, posters, pictures, drawings, display, cartoons, images, lists, e-mails, or computer activity that reflects disparagingly upon race, color, religion, national origin, sex, age or disability; or
- refusing to hire someone because you know the applicant has the breast cancer gene.

An employee who has a complaint of harassment or discriminatory or offensive behavior by anyone, including supervisors, co-workers, or non-employees, should immediately notify his or her supervisor, a higher-level supervisor, the agency's human resource manager, or the EEO officer for the Bureau of Human Resources and Administration at 605.773.3148. The person who receives a harassment or discrimination complaint shall immediately report the matter to his or her supervisor (or a higher-level supervisor if his/her supervisor is allegedly involved in the harassment) and the agency's human resource manager.

The State will investigate all complaints. If the investigation supports charges of harassment, discrimination, a violation of this policy, or inappropriate behavior, appropriate corrective action will take place. The employee engaging in the improper behavior will be subject to discipline, up to and including termination.

The State will protect the privacy of harassment/discrimination allegations to the maximum extent possible, and information will only be shared with those individuals who need to know or if compelled by legal means. The State cannot guarantee complete privacy because it cannot conduct an effective investigation without revealing certain information to the alleged harasser and potential witnesses.

However, the State will keep information as private as possible.

In addition to reporting alleged harassment or discrimination to the State, an employee may file a charge of discrimination based on race, color, religion, national origin, sex, disability, or protected activity with the South Dakota Division of Human Rights (Human Rights) or may file a charge of discrimination based on race, color, religion, national origin, sex, age, disability, genetic information, or protected activity with the United States Equal Employment Opportunity Commission (EEOC). A charge of discrimination based on race, color, religion, national origin, sex, disability, or protected activity must be filed with Human Rights within 180 days of the violation or with the EEOC within 300 days of the violation. If the 180 days have passed, a charge of discrimination may still be filed through Human Rights within 300 days of the violation, however, the EEOC will have sole jurisdiction and may investigate the matter.

A charge of age discrimination or discrimination based on genetic information must be filed through Human Rights or with the EEOC within 180 days of the violation; however, the EEOC will have sole jurisdiction and will investigate the charge. These deadlines run from the last date of unlawful conduct and not from the date of the complaint to the State if resolved. Please contact the EEO officer for the Bureau of Human Resources at 605.773.4918, if you have any questions about harassment, unlawful discrimination, or this policy.

## Conflict of Interest Laws

There are laws associated with conflict of interests for state employees and officers in the area of contracts. These laws apply to state officers and employees who:

- Approve, award, or administer a contract;
- Recommend the approval or award of a contract; or
- Supervise persons who approve, award, or administer a contract.

If you are a state officer or an employee who performs any of the above-mentioned job duties, the conflict of interest laws continue to apply to you for one year after leaving employment with the State.

Those who fit within the categories above cannot:

- Receive a direct benefit from a contract that is within that person's scope of duties while in office;
- Derive a direct benefit from a contract for a period of one year after they leave office; or
- Enter into a contract with any state agency, except an employment contract for a period of one year after they leave office.

The phrase "administer a contract" is decision making or substantive influence on decision making concerning the manner, method, or means of a contract's performance or enforcement. Administer a contract does not include performing clerical tasks such as posting payments or communicating decisions made by others.

What does "derive a direct benefit" mean? A state officer or employee or the officer's or *employee's spouse, or other persons with whom the person lives and commingles or combines assets cannot:*

- Have more than a five percent ownership or other interest in an entity that is a party to the contract;
- Take income, compensation or commission directly from the contract or entity that is a party to the contract;
- Acquire property under the contract; or
- Serve on the board of a for-profit entity that derives income or commission directly from the contract or acquires property under the contract.

**Waiver Process:** A waiver process has been established whereby a state officer or employee may contract with state government or directly benefit from a contract with a state agency if the waiver is granted. The process to request a waiver is as follows:

- A waiver is requested in writing. The form can be found in Conflict of Interest Waiver Instructions and Form document posted at BHR's website;
- The relevant terms of the contract or transaction are provided in writing;
- The officer reviewing the waiver has reviewed the essential terms of the contract or transaction;
- The officer reviewing the waiver has reviewed the requesting party's role in the contractor transaction; and
- The terms of the contract are fair, reasonable, and not contrary to the public interest.

An employee or officer who wants to request a waiver, must provide the waiver request to the cabinet secretary or commissioner with responsibility for the person's agency (or the former agency for former officers and employees). The secretary or commissioner will act on the waiver request within five working days of receipt. If the state officer or employee disagrees with the secretary's or commissioner's denial of the waiver, the state officer or employee can submit a written appeal to the Governor's Office. The officer or employee can submit an appeal by hand delivering or emailing the request form, the secretary's or commissioner's denial, and a short statement of the reason for disagreeing with the decision to Mallori Barnett, Bureau of Human

Resources and Administration, 500 East Capitol Avenue, Pierre, SD 57501-5070 or email [Mallori.Barnett@state.sd.us](mailto:Mallori.Barnett@state.sd.us). The Governor will act on all appeals within five working days of receipt. The approved request for waiver form will be filed with the Bureau of Human Resources and is a public record.

Persons who on or after July 1, 2015, derive a benefit from a state contract in which they played a role before July 1, 2015, should go through the waiver process. These conflict of interest restrictions apply to those who administer contracts on or after July 1, 2015, even if the contract was awarded before July 1, 2015.

**Transactions of \$200.00 or Less:** The Governor has granted a blanket waiver for all transactions of \$200.00 or less. Therefore, it is not necessary to seek a waiver for otherwise covered transactions, as long as the amount is \$200.00 or less.

However, purchasing card and other small transactions are reviewed from time to time. A series of pattern of transactions that would otherwise be covered by the law may result in further inquiry and possible disciplinary action if found to be inappropriate.

**Agency Specific Conflict Statutes:** There may be more specific conflict of interest statutes or regulations that are agency specific. Employees are encouraged to ask supervisors as to the existence of any such regulations.

**Penalties for Noncompliance:** There are penalties for not complying with these conflict of interest restrictions. If a waiver is necessary but is not sought or granted, the contract that was involved may be voided and the state officer or employee may be subject to disciplinary action.

If the contract was the result of a quid pro quo or promise for something such as a cash payment or promise of future employment, the current or former officer or employee may be removed from office and be subject to criminal prosecution. If the current or former state officer or employee failed to seek and obtain a waiver knowing one was likely required, the individual could be removed from his or her office or position and be subject to criminal prosecution.

State officers and employees may not solicit or accept any gift, favor, reward, or promise of reward, including any promise of future employment, in exchange for recommending, influencing, or attempting to influence the award of a state contract. This prohibition is absolute and cannot be waived.

Some conflicts of interests are criminal in nature and are prohibited by law. A direct criminal conflict of interest is when a state employee knowingly uses funds or property entrusted to that employee in violation of the public trust and results in a direct financial benefit to the employee. An employee who violates this law may be prosecuted for theft.

**Resources and Questions:** For more information about these restrictions and the waiver process, please see the Conflict of Interest Waiver Instructions and Form available on the BHR website at <https://bhr.sd.gov/policies-forms/forms/>. To assist present or past state officers or employees to determine whether it is necessary to seek a waiver, the individual can complete the Conflict of Interest Waiver Decision Matrix posted on the BHR website. The matrix serves as guide and not determinative of whether a conflict exists. A Conflict of Interest PowerPoint is also available on the BHR website.

For questions about the applicability of the laws and the process for requesting a waiver, state officers and employees are encouraged to contact the Bureau of Human Resources at 605.773.3148 or [Mallori.Barnett@state.sd.us](mailto:Mallori.Barnett@state.sd.us).

## Fraud or Theft in the Workplace

The State of South Dakota prohibits fraud and theft in the workplace. Fraud or fraudulent means an intentional deception designed to obtain a benefit or advantage or to cause denial of some benefit that is lawfully due.

Examples of fraud include:

- Forgery or alteration of a check, bank draft, or any other financial document;
- Theft of a check or other diversion of a payment made to the State;
- Improper or dishonest handling of funds, supplies, or other assets;
- Improper handling or reporting of financial transactions;
- Profiteering as a result of insider knowledge of State operations; and
- Selling or using confidential State information in the conduct of an outside business activity.

**Theft** means the act of taking something from someone unlawfully. An example of theft is taking equipment or supplies belonging to the State and keeping it for personal use.

The Bureau of Human Resources relies on South Dakota Codified Law and the Administrative Rules of discipline regarding what constitutes fraud in the workplace. These laws establish control and aid in the prevention and detection of fraud against State property. These laws apply to any actual or suspected fraud or theft by an employee. These laws include: salaried state officers are prohibited from retaining money received by theft (SDCL 3-8-3); dual salaries for state employees are prohibited with limited exceptions (SDCL 3-8-4); dual compensation for state duties is also prohibited (ARSD 55:10:01:07); outside employment for state employees may occur with proper approval (ARSD 55:10:01:06); and employees who are negligent with money or other state property belonging to any person receiving services from the state or have stolen or attempted to steal money or property of the state or property belonging to any person receiving services from the state will be disciplined and or terminated (ARSD 55:10:07:04).

## Reporting Wrongdoing and Anti-Retaliation Policy

### Responsibility to Report

Employees who suspect any of the following actions should report the matter to the appropriate authority:

- Violations of state law: Report through the chain of command of the employee's agency, to the Attorney General's Office, Department of Legislative Audit, or to the State Government Accountability Board;
- A violation of state rule, an abuse of funds, an abuse of authority, or a substantial and specific danger to the public health or safety unless the report violates state law: Report in good faith to an appropriate authority;
- A direct criminal conflict of interest: Report through the chain of command of the employee's agency, to the attorney general's office, or to the Department of Legislative Audit;
- A complaint of harassment or discriminatory or offensive behavior: Report to employee's supervisor, a higher-level supervisor, the employee's human resource manager, or the EEO officer for the Bureau of Human Resources at 605.773.4918; or
- A suggestion of a retaliation action: Report through his or her supervisor, a higher-level supervisor, agency's human resource manager or the Civil Service Commission.

### Anti-Retaliation Protection

The State will not tolerate adverse, retaliatory treatment of an employee who follows the reporting guidelines of this policy. In addition, no retaliatory action may be taken against an employee who reports harassment, opposes discrimination in the workplace, participates in the complaint process, provides information related to a complaint, provides a good faith report as required by SDCL 3-6C-27 through 31, or who files a workers' compensation claim.

If an employee feels that he or she has been subjected to retaliation, the employee should immediately report the alleged retaliation to his or her supervisor, a higher-level supervisor, or the agency's human resource manager. Also, an employee who feels he or she has been retaliated against may file a grievance with the Civil Service Commission. A grievance to the Civil Service Commission may be submitted in writing to the Bureau of Human Resources located at 500 East Capitol Avenue, Pierre SD 57501.

## **Mandatory Reporting Requirements Related to Improper Governmental Conduct and Crime**

This policy implements a process for mandatory reporting of improper governmental conduct and crime and submission of records evidencing improper governmental conduct or crime and applies to all employees working in the agencies under the authority of the governor.

### **1. Definitions**

- a. Improper governmental conduct: Includes conflicts of interest prohibited by law, fraud, or theft of government funds or property constituting a felony.
- b. Crime: a criminal act attempted or committed by misusing a state employee's access, duty, position, or responsibility as a state employee, which constitutes a felony under state law.
- c. Reporter: Any state employee making a good faith report of improper governmental conduct and crime.
- d. Supervisor: A state employee with supervisory authority over one or more state employees as established within each agency.
- e. Reasonable cause: a sufficient reason, based on known facts, to assume something is true.

### **2. General Policy**

- a. Any employee who has reasonable cause to suspect improper governmental conduct or a crime by another state employee must promptly report the matter to a supervisor. The receiving supervisor does not have to be in the employee's reporting chain.
- b. Reports must be made in good faith, based on facts the reporter reasonably believes to be true.
- c. Upon receiving a good faith report, the supervisor must submit the information to Attorney General and Department of Legislative Audit.

**3. Standard Reporting System.** The secure electronic reporting system mechanism has been implemented for employees and supervisors to easily comply with this law and policy. The electronic reporting system can be accessed on the state's computer network systems via online desktop application or website link from a personal computer. This electronic reporting system facilitates the efficient submission of both the employee report to a supervisor and the supervisor required report to Attorney General and Department of Legislative Audit in accordance with law, to include submission of substantiating records evidencing improper governmental conduct or crime.

**4. Employee Reporting Procedure.** In accordance with EO 25-04, employees are expected to submit a report through the secure electronic reporting system created for compliance. Supervisors must direct employees to submit reports through the electronic reporting system except upon request of an employee when, in the discretion of the receiving supervisor, prolonged computer network outages, access impediments, or other exigent circumstances unduly impede an employee's prompt electronic reporting as required by statute. In such case, an employee may submit a hard copy of the employee report to said supervisor on a form that meets the same standards and requirements established for electronic submission of the employee report.

**5. Supervisor Reporting Procedure.** Absent documented direction from Attorney General, all supervisors must submit reports to Attorney General and Department of Legislative Audit through the electronic reporting system. Exceptions will apply in the case of prolonged computer network outages, access impediments, or other exigent circumstances that unduly impede the prompt submission of supervisor required reports. In such case, unless directed otherwise by Attorney General, supervisors may submit Supervisor Required Reports by hard copy on a form that meets the same standards and requirements established for electronic submission of the supervisor required report.

## Outside Employment

You may have outside employment provided that, in the opinion of your appointing authority, there is not conflict with your working hours, your work efficiency, or with the interests of state government. You must check with your supervisor before accepting other employment.

## Political Activity

There are a number of laws and rules regarding state employees and their political activity, especially running for an elected position. Civil service employees are prohibited from using their official authority to influence or coerce the political action of a person or group of people. Active participation is allowed in political management or in political campaigns except during working hours. Employees may also hold an elective office in political clubs or organizations which does not interfere with the normal performance of job responsibilities, except as prohibited by law.

Employees whose positions are wholly funded by federal loans or grants are restricted from running for partisan office by the Hatch Act. Neither state nor federal law prevents activity of a nonpartisan type not specifically identified with a national or state political party. Questions relating to constitutional amendments, referendums, approval of state laws, and other issues of similar character are not deemed specifically identified with a national or state political party. For example, school board elections and many city elections are nonpartisan.

State resources may not be utilized to influence the nomination or election of a candidate or the adoption or defeat of any ballot question.

A state employee is allowed to run for office if in conformity with the policies in this handbook, as well as state and federal law. An employee intending on running for political office must contact his or her BHR human resource manager to assist the employee in identifying whether holding such political office while employed by the state may run afoul of any law, rule, or policy.

## Disciplinary Action

Disciplinary action may include suspension without pay, reduction in salary, demotion, or termination. A status employee may be disciplined for cause at any time or for unsatisfactory performance after a work improvement plan to address performance issues. Before you are disciplined, you will be notified verbally or in writing of the specific reasons for the proposed actions and provided an opportunity to present reasons why you should not be disciplined.

## **Discipline for Cause**

Just cause for disciplinary action includes, but is not limited to:

- violating statutes, rules, policy, directives, and work rules;
- committing any sex offense, any crime involving illegal drugs, or a felony;
- insubordination;
- disrupting the efficiency or morale of the department;
- being under the influence of a controlled drug or alcohol while at work;
- misuse or abuse of leave;
- engaging in outside business or personal activities on government time, or using state property for non-government purposes;
- engaging in conduct that reflects unfavorably on the state, destroys confidence in the operations of state services, or adversely affects public trust in the state;
- poor attendance;
- negligence with state money or property; and
- discrimination and harassment.

These examples indicate the types of conduct that may be cause for disciplinary action but is not an exhaustive list. If you have specific questions regarding causes for discipline or want to review the entire list of causes, contact your human resource representative.

## **Discipline for Performance**

If a status employee's work performance is unsatisfactory, the employee will be notified in writing that disciplinary action may be taken unless the employee's performance improves. The employee may be placed on a work improvement plan that will last a minimum of 30 calendar days. The work improvement plan will tell the employee where the employee's performance is unsatisfactory and the level of performance that is expected. If the employee's performance does not improve to an acceptable level, or at a later date performance falls below standard, disciplinary action may be taken. Employees may be disciplined for just cause during the work improvement period.

## **Technology Use Policy**

Employees shall use state technology (telephones, computers, Internet, email, etc.) at their disposal in an appropriate manner. As it applies to the state's e-mail and phone system(s), emergency communications are allowed. Reasonable and appropriate personal communications are allowed.

Under no circumstances are employees allowed to use the state's technology to engage in outside business interests, inappropriate, offensive, or illegal activities. Abuse of the system is not acceptable. Employees should not expect privacy or confidentiality when using state resources. Use common sense. If in doubt, do not use state resources.

## **Statewide Remote Technology Access Policy**

Hourly employees are not required or expected to check email while outside normal or assigned working hours. Unless hourly employees are directed to provide an immediate response, emails or phone calls should be responded to only during the individual's normal working hours.

- Hourly employees, who are required to work outside of their normal work hours using mobile technology, are required to record and submit to their manager all time spent responding to emails or answering phone calls while out of the office. This must be reported to the manager the next business day.

- Hourly employees must have overtime approved by their manager. If overtime is not approved, the employees are required to flex the time.
- Employees must receive pre-approval from their manager for remotely accessing any non- public state government technology resource during the individuals’ non-standard business hours. This includes state-owned or non-state-owned devices. (Once approved by manager, all employees must submit a Remote Access Device (RAD) approval form for having this privilege during the individuals’ non-standard business hours. The form is located at <http://intranet.bit.sd.gov/forms/rad/> and is submitted to the BIT Help Desk.

## Cyber Security Policy

The Bureau of Information and Telecommunications and the Bureau of Human Resources and Administration have developed a cyber security policy for state employees. Employees will be trained annually to understand the threats to the State’s Information Technology systems by BIT. Employees are expected to implement the safety measures detailed in the training to ensure the protection of the State’s systems. In order to evaluate an employee’s responsibility of being diligent against threats to the State’s systems, BIT will subject each employee with access to a State computer to randomized tests. Employees who fail the tests will be provided additional training and may be subject to discipline. The State’s full [Cyber Security Policy can be found on BHR’s website](#).

## Remote Work Policy

The Remote Work Policy provides guidelines when a remote work arrangement meets the business needs of the agency. Please go to <https://bhr.sd.gov/policies-forms/> for copies of these forms:

- [Remote Work Policy](#)
- [Remote Work Agreement](#)
- [Remote Work Office Safety Checklist](#)
- [Remote Work Request Form](#)

## Executive Branch Agencies

The three branches of state government include the Legislative Branch, the Judicial Branch, and the Executive Branch. The Executive Branch includes eight elected officials, the lieutenant governor, and the governor. The governor has decision-making authority over four bureaus and 16 departments.

### Offices of Elected Officials

**Public Utilities Commission** – regulates facilities, services, operations, and rates on telephones and utilities in the state.

**Secretary of State** – provides assistance with all federal, state, and local elections; completes and records all public state documents; and administers corporate, Uniform Commercial Code functions.

**Attorney General** – as the state's legal counsel, this office represents the state by issuing official legal opinions, investigating consumer complaints, and directing the Division of Criminal Investigation.

**State Treasurer** – monitors and safely keeps all moneys that are paid to the state treasury; responsible for filing all transactions and reporting the state's indebtedness. In collaboration with the State Auditor, the Treasurer disperses state funds.

**State Auditor** – administers state employee payroll, records and monitors all fund balances, and submits reports to the governor on the state's financial condition.

**School and Public Lands** – manages school and endowment lands and trust funds owned by the state for the support of public schools and state institutions.

### Office of Executive Management

**Bureau of Administration (BOA)** – provides administrative, engineering, and nontechnical services to support the operation of other departments. These services are offered through the following programs: Buildings & Grounds, Central Duplicating, Central Mail, Fleet and Travel Management, Surplus Property, Procurement, Space Management, Records Management, the Office of Hearing Examiners, Federal Surplus Property, the State Engineer's Office, and the Office of Risk Management.

**Bureau of Finance and Management (BFM)** – advises the Governor on the overall fiscal policy; completes and presents the annual fiscal plan; and manages the central accounting and payroll systems. The functions performed by bureau staff fall into four categories--budget analysis, executive management finance office, financial compliance, and financial systems.

**Bureau of Information and Telecommunications (BIT)** – manages state government information technology and public broadcasting. It includes the following divisions: the Data Center which runs enterprise-computing facilities; the Telecommunications Division maintains local and wide area voice, data and video networks; the Development Division is responsible for developing information systems, and South Dakota Public Broadcasting provides broadcasts over TV, radio, and the Internet.

**Bureau of Human Resources (BHR)** – administers the human resources management system for the State of South Dakota and its employees. This includes recruitment and selection, job analysis, training for all employees, payroll, compensation, and employee benefits.

## **Departments**

**Department of Agriculture and Natural Resources (DANR)** – protects and preserves South Dakota’s agriculture, environment, and natural resources through effective regulatory services, natural resource conservation, and financial and technical assistance.

**Department of Corrections (DOC)** – provides the necessary custody, care, and supervision of juvenile and adult offenders for the protection of the citizens of South Dakota, and oversees the operations of the state's adult prisons, adult parole, and juvenile aftercare.

**Department of Education (DOE)** – oversees K-12 public education in South Dakota, providing support and technical assistance to schools across the state. This includes the South Dakota State Library, which provides services to public, school and research libraries statewide, and direct service to blind and visually impaired citizens and coordinates postsecondary technical education at the state's four technical institutes.

**Department of Game, Fish, and Parks (GFP)** – protects and improves the quality of the state’s natural environment to provide a variety of recreational opportunities, maintains the state's wildlife, regulates hunting and fishing, and develops and maintains outdoor recreational facilities and state parks.

**Department of Health (DOH)** – promotes the general health of the public by ensuring access to quality health care, coordinating the delivery of health services, working to prevent and control communicable diseases, providing inspection and certifications of facilities, and coordinating public health preparedness and response efforts.

**Department of Human Services (DHS)** – promotes the highest level of independence for all individuals regardless of disability or disorder. DHS includes the following Divisions/Facilities: Developmental Disabilities, Rehabilitation Services, Services to the Blind and Visually Impaired, Long Term Services and Supports, and South Dakota Developmental Center in Redfield.

**Department of Labor and Regulation (DLR)** – assists employers with workforce and employment- related needs; helps people with job placement and career transition services; ensures fair employment practices; handles human rights issues and labor contract mediations; administers the State’s unemployment insurance and workers' compensation systems; provides sound state-chartered and licensed financial institutions; sets rules and procedures to ensure investments sold in South Dakota meet standards of full disclosure, including securities products, franchises, and business opportunities; and regulates and licenses the insurance industry in South Dakota to serve and protect consumers, companies, and producers.

DLR also provides for the safety and well-being of the general public by administering the following professional licensing boards: the Abstractor’s Board of Examiners, Banking Commission, Board of Accountancy, Board of Barber Examiners, Board of Technical Professions, Cosmetology Commission, Electrical Commission, Plumbing Commission, and Real Estate Commission.

**Department of the Military (DOM)** – The Adjutant General commands the Army and Air National Guard units in the state and is the Secretary of the Department of the Military. The South Dakota National Guard provides trained forces and proper equipment for the Active Military in times of national emergencies and conflicts. The National Guard also assists local and state government during times of disaster, civil disturbances and other emergencies based on the Governor's direction.

**Department of Veterans Affairs (DVA)** – The Department of Veterans Affairs assists veterans and their families by providing technical expertise on how to access benefits, file claims for their benefits, processing and paying claims, the GI bill as well as any other issues or concerns they may have. The department also manages the Michael J. Fitzmaurice State Veterans Home in Hot Springs.

**Department of Public Safety (DPS)** – It is the mission of the South Dakota Department of Public Safety to keep South Dakota a safe place in which to live, work, visit and raise a family. DPS consists of 11 different programs including Enforcement, Licensing, Emergency Services and Homeland Security.

**Department of Revenue (DOR)** – collects and administers taxes and license fees levied by the state and local governments, ensures that taxpayers are in compliance with South Dakota tax laws, manages and operates secure instant match, video lottery and lotto games to generate revenue for the state’s general fund.

**Department of Social Services (DSS)** – The Department of Social Services provides social, financial and medical services to eligible South Dakotans with the goal of fostering independence and personal responsibility. DSS also ensures children, the elderly and people with disabilities are safe from abuse and neglect.

**Department of Tribal Relations (DTR)** – The mission of the Department of Tribal Relations is to establish and maintain an effective communication link between the Governor and the Tribal Governments in the state.

**Department of Tourism (TOUR)** – The Department of Tourism promotes the state as a premier vacation destination to all visitors and supports and serves the South Dakota visitor industry.

**Department of Transportation (DOT)** – provides an effective and efficient transportation system to satisfy diverse mobility needs while retaining concern for safety and the environment. The DOT system and services covers all transportation systems in the state, including highways and bridges, aviation and airports, railroads and public transit.

**Governor's Office of Economic Development (GOED)** – The GOED grows South Dakota's Gross Domestic Product by assisting businesses in capital investment and quality job creation.

## Equal Employment Opportunity

The State of South Dakota is an equal opportunity employer. Equal employment opportunities will be provided to all employees in all conditions of employment. Discrimination on the basis of race, color, creed, religion, sex (including pregnancy), ancestry, national origin, genetics, age (40 years of age or older), disability, or, for civil service employees, political affiliation, is prohibited. If an employee believes he or she has been denied equal opportunity or discriminated against, the employee should immediately notify his or her supervisor and human resource representative and has the right to file a grievance on the basis of discrimination.

## Types of Positions

Your job is classified as one of the following types of positions:

- **Probationary** – new employees appointed to civil service positions who have not completed their probationary period. For more information about the probationary period, see below.
- **Civil service or Status** – employees appointed to civil service positions who have completed their probationary period. The positions are covered by the provisions of the civil service act (SDCL 3-6D).
- **Exempt** – positions that are excluded from the provisions of SDCL 3-6D.
- **Temporary** – positions that are temporary or seasonal in nature. This type of position is not entitled to the benefits or rights of a status employee.

Employees in probationary, exempt, and temporary positions are at will employees and may be terminated for any reason at any time.

### Probationary Period

Civil service employees must serve a probationary period. The probationary period lasts for the first six months. The probationary period for law enforcement civil service employees is one year. During the probationary period, you do not accumulate vacation and sick leave. You may use your accumulated sick leave as needed and your accumulated vacation leave if approved by your supervisor. You are not eligible for payout of your accrued vacation leave if you leave employment before completing six months of service.

During the probationary period, you are an at will employee who can be dismissed for any reason, at any time. Your only right to appeal a termination during the probationary period is on the basis of a prohibited form of discrimination. Following successful completion of your probationary period, you achieve civil service status. For additional information, contact your human resource representative.

## Leaves of Absence

### Vacation Leave

As a full-time employee, you will accumulate leave credits of 5 hours per semimonthly pay period and may accumulate a maximum of 240 hours. When you have completed 15 years of service, you receive 6.6667 hours of leave per semimonthly pay period and may accumulate a maximum of 320 hours.

Vacation leave may be granted for vacation leave or to supplement other leaves of absence. If you work less than 40 hours in a week or take leave without pay, the number of leave credits earned is reduced in proportion to the number of hours worked. Upon separation, retirement or resignation, employees with six months continuous service will be paid for accumulated vacation leave.

### Sick Leave

Full-time employees earn 4.6667 hours of sick leave each semimonthly pay period. There is no limit to the number of hours accumulated. Sick leave may be granted for the illness, health care needs, or temporary care of the employee, the employee's immediate family, or a person for whom the employee is legal guardian. An employee may use up to five days of sick leave as bereavement leave, for the death of an immediate family member.

Immediate family is defined as an employee's spouse, children, mother, father, mother-in-law, father-in-law, daughter-in-law, son-in-law, brothers, sisters, grandparents, grandchildren, stepbrothers, stepsisters, stepchildren, stepparents, and foster children.

If you work less than 40 hours per week or take leave without pay, you will accumulate sick leave at a reduced rate in proportion to the number of hours worked. The Commissioner of the Bureau of Human Resources and your department secretary, bureau commissioner, or institution administrator has the authority to investigate suspected misuse of sick leave. If you are guilty of misuse of sick leave, the time off will be charged to leave without pay. Misuse of sick leave may be cause for disciplinary action.

**General Provisions for the accumulation and use of vacation and sick leave:**

- If employment is terminated during your first six months, you will not be paid for your accrued vacation leave.
- You cannot use more vacation leave than you have accumulated.
- Requests for leave other than sick leave must be approved by your immediate supervisor prior to your departure time.
- If you are ill, you must notify your supervisor prior to the start of your work shift.
- The amount of time you are absent from your job without prior authorization or notification will be considered absence without leave. You will not be paid for that time. Unauthorized or unreported absences may be cause for disciplinary action.
- When terminating employment and on vacation leave, you can't use other types of leave.
- Upon an employee's resignation/retirement/layoff from employment, one-fourth of accumulated sick leave (up to 480 hours) will be paid to employees who have been continuously employed in a permanent position by the state for at least seven years. The accumulated leave is paid at the rate of pay as of the employee's last day on payroll.

**Paid Family Leave**

Each permanent employee who has been employed by the state for a continuous period of six months is entitled to 40 hours of paid family leave per week for up to twelve weeks following the birth of a child or placement of a child for adoption. The employee must have completed six months of continuous service at the time of the birth or placement of a child for adoption to receive paid family leave. Qualifying permanent, full-time employees are eligible to take paid family leave within one year following the birth of a child or the placement of a child for adoption. A permanent part-time employee will receive prorated hours.

Paid Family leave is intended to help provide parents with the means to spend critical bonding time with their child by making an employee whole for up to 40 hours of pay per week.

If both parents are state employees, both are eligible for paid family leave. The parents may utilize paid family leave concurrently or consecutively. Employees may use leave intermittently, with supervisor approval, but the leave must be taken in full-week increments. For employees who are eligible for FMLA leave, the use of paid family leave will run concurrently with the use of FMLA leave.

Please see <https://bhr.sd.gov/policies-forms/policies/#pfl> for additional information on paid family leave.

**Active Duty Military Leave**

If applicable, you may use up to 40 hours per year of accumulated sick leave for a call to state active duty of military reserve or national guard members.

## **Family and Medical Leave Act (FMLA)**

State administrative rules and the Federal Family and Medical Leave Act of 1993 (FMLA) provide eligible employees with up to 12 weeks of unpaid, job-protected family and medical leave each year for certain family and medical reasons. In addition to providing family and medical leave, eligible employees are entitled to two types of military family leave: qualifying exigency leave of up to 12 weeks or military caregiver leave of up to 26 weeks to care for a covered servicemember with a serious injury or illness. Leave may be paid, unpaid, or a combination of the two, depending upon the circumstances of the leave and as specified in this handbook.

In all cases, the leave may not exceed a total of 12 workweeks (or 26 workweeks to care for an injured or ill servicemember over a 12-month period). The 12-month period begins on the first day FMLA leave is taken by an employee.

Example: An eligible employee requests and is approved to begin FMLA leave on December 2. The 12-month period for the employee would begin December 2 and would run through December 1 of the following year.

An eligible employee is one who:

1. Works for a covered employer,
2. Has worked for the employer for at least 12 months as of the date the FMLA leave is to start, and
3. Has at least 1,250 hours of service for the employer during the 12-month period immediately before the start date of the FMLA leave.

### **Reasons for FMLA Leave**

- FMLA leave must be granted for any of the following reasons:
- the birth of a child of the employee or the placement of a child with the employee for adoption or foster care;
- to bond with a child so long as the leave is taken within one year after the child's birth or placement;
- to care for the employee's spouse, son, daughter, or parent who has a qualifying serious health condition;
- for a serious health condition that makes the employee unable to perform the employee's job;
- for a qualifying exigency related to the foreign deployment of a military member who is the employee's spouse, son, daughter, or parent (examples: short-notice deployment, military events and related activities, childcare and school activities, financial and legal arrangements, counseling, rest and recuperation, post-deployment activities); or
- to care for a covered servicemember with a serious injury or illness incurred in the line of duty on active duty if the eligible employee is the servicemember's spouse, son, daughter, parent, or next of kin ("military caregiver leave").

### **Advance Notification and Medical Certification**

Generally, to be approved for FMLA leave, an employee must provide the State with a 30-day advance notice of the need for FMLA leave and may be required to provide medical certification supporting the need for leave. FMLA leave may be denied or delayed if requirements are not met. If FMLA leave is unexpected, the employee must inform the State as soon as possible and follow the normal notification procedures of the employee's agency. The State will require medical certification when an employee requests leave for:

- The employee's own serious health condition,
- The serious health condition of the employee's spouse, son, daughter, or parent, and
- Military caregiver leave.

Generally, an employee must provide a completed medical certification within 15 calendar days of the State's request, absent unusual circumstances. The State may require second or third opinions, periodic recertification,

periodic reports regarding the employee's status and intent to return to work, and a fitness for duty report to return to work. Failure to provide this information may result in the denial of FMLA leave and may result in disciplinary action.

### **Substitution of Paid Leave for Unpaid Leave under the FMLA**

The State allows an employee to use eligible paid leave during the FMLA period before using unpaid leave. If the employee exhausts his or her eligible paid leave, then the remainder of the FMLA period is unpaid.

### **Intermittent Leave or Reduced Schedule Leave**

An employee does not have to use leave in one block in all circumstances. Instead, when it is medically necessary or otherwise permitted, an employee may use leave on an intermittent or reduced-schedule basis. Employees may use intermittent or reduced-schedule leave for:

- An employee's own serious health condition,
- To care for a spouse, son, daughter, or parent with a serious health condition,
- An employee's qualifying exigencies, or
- To care for a covered servicemember with a serious injury or illness.

The State may allow an employee to take intermittent leave or reduced work schedule leave for other FMLA events if a 30-day advance notification is received and with prior approval from the employee's supervisor.

### **Eligibility Notice and Designation Notice**

Within five business days of an employee's initial request for leave, the State will determine the employee's FMLA eligibility status and provide an Eligibility Notice to the employee in writing. In addition, an eligible employee will receive the Notice of Rights and Responsibilities.

Within five business days after the employee has submitted the appropriate request for FMLA leave and certification form (if required), the State will determine eligibility status and provide the employee with a written response of eligibility notice to the employee's request for FMLA leave.

### **Maintenance of Benefits and Job Restoration**

**Paid Leave** – Generally, an employee shall use eligible accumulated paid leave during the FMLA leave period before using unpaid leave. However, an employee may use intermittent paid leave or leave without pay with prior approval of the employee's agency. When using paid leave during FMLA leave, all leave requirements for the utilized paid leave must be met. If the employee exhausts his or her eligible accumulated paid leave, the remainder of the FMLA leave period is unpaid.

Leave taken under a disability leave plan or as a workers' compensation absence that also qualifies as FMLA leave due to the employee's own serious health condition may be designated by the employer as FMLA leave and counted against the employee's FMLA leave entitlement.

**Health and Other Benefits** – The use of FMLA leave cannot result in the loss of any employment benefit that accrued prior to the start of an employee's leave.

The State will continue the employee's benefit coverage (such as health, life, and flexible benefits) at the same cost to the employee. The employee must pay his or her share of premiums, and, if the employee fails to pay the premium, coverage will cease. If the employee is on leave without pay, the employee shall contact the Bureau of Human Resources Benefits Program to make arrangements for the timely payment of premiums.

The State may recover its share of benefit premiums if the employee fails to return to work after taking leave under certain circumstances.

*Job Restoration* – Upon return from FMLA leave, the employee must be restored to the same job or to an “equivalent job.” The employee is not guaranteed the actual job held prior to the leave. An equivalent job means a job that is virtually identical to the original job in terms of pay, benefits, and other employment terms and conditions.

### **Failure to Return to Work**

Generally, if an employee fails to return to work after FMLA leave is exhausted, the employee may be subject to disciplinary action or termination because of inability to perform the essential functions of the job.

### **Complaint Procedures**

If an employee believes that his or her FMLA rights have been violated, the employee may report the concern to his or her supervisor, the appointing authority, or the Bureau of Human Resources through the employee’s Human Resource Manager to attempt to resolve the situation before making a formal complaint.

Further information regarding employee rights and responsibilities under the FMLA can be found in the [Employee Rights Under the Family and Medical Leave Act](#) document, which is provided to employees upon commencement of employment and can be found on the Bureau of Human Resources’ webpage.

### **Court and Jury Leave**

In some instances, employees may receive court and jury leave for time spent testifying in court or serving on a jury. The Court and Jury Leave Policy found in the policy section of the handbook explains court and jury leave in more detail.

### **Military Training Leave**

Permanent employees are entitled to Military Training Leave of up to 15 days (120 hours) per calendar year. Employees requesting military leave for training must obtain a written order from the commander of their reserve or National Guard unit indicating dates of the training period. This notice is to be submitted to your supervisor at least 15 calendar days prior to the date of your departure for training

### **Leave of Absence Without Pay**

Prior permission must be obtained from your supervisor to take a leave of absence without pay. While on leave without pay, you will not accumulate leave credits and you must make provisions to pay for your voluntary payroll deductions.

### **Absence Without Leave**

Unauthorized and unreported absences may result in a deduction of pay and may be cause for disciplinary action. You must report the reason for any absence to your supervisor as soon as possible.

### **Alternative Work Schedule**

Alternative work schedules enable managers and supervisors to meet their program goals while at the same time, allowing employees more flexibility in scheduling their personal activities.

Within guidelines, it is the policy of the state to provide employees the opportunity to request the hours of work that suit their individual needs. Alternative work schedules include flexible work schedules and reduced work schedules.

## Holidays

All employees in permanent positions in state government receive their regular pay for eleven legal holidays plus any other day proclaimed as a holiday by the Governor of South Dakota or the President of the United States. The State of South Dakota recognizes the following holidays:

New Year's Day .....	January 1
Martin Luther King, Jr. Day .....	third Monday in January
Presidents' Day .....	third Monday in February
Memorial Day .....	last Monday in May
Juneteenth .....	June 19
Independence Day .....	July 4
Labor Day .....	first Monday in September
Native American Day .....	second Monday in October
Veterans Day .....	November 11
Thanksgiving .....	fourth Thursday in November
Christmas .....	December 25

If a holiday from the list falls on a Saturday, the preceding Friday is observed as the paid holiday. If a holiday falls on a Sunday, it is observed on the following Monday. Holiday pay is prorated based on hours worked for employees who are working less than full-time. A permanent employee is eligible for holiday pay if the employee works at least one shift or is on approved paid leave during the calendar week in which the holiday falls. For more information about holiday pay provisions, contact your human resource representative.

## Employee/Manager Service Center

A self-service website for employees on central payroll is available at <https://bfm.sd.gov/ess/>. For security purposes, employees are required to log in using their state network account. If you do not have a state network account and want to apply for a job, please visit our Career Space at <http://bhr.sd.gov/workforus>. If you do have a state network account you will apply through [Employee Space](#). If asked to login on the portal/employee space/manager space, use the Azure option as you would for other state single-sign on applications where your login is your state email address; and your password is your computer login. The portal instructions can be found here: <https://bfm.sd.gov/ess/HRPortalInstructions.pdf>.

Employees have the ability to view earnings statements, leave balances and usage transactions, performance, and other payroll employee information. This site allows employees to take an active role in maintaining some of their own information on the payroll system like home address, emergency contacts, federal tax withholding, and direct deposit information. Links to other websites, for example South Dakota Retirement System's retirement calculator, benefits information, employee reimbursements for travel, training opportunities and current state job listings are also available. Links to [Employee Space](#) and [Manager Space](#) are also available and there are how to guides for those sites.

For more information on Employee/Manager Self Service, contact your human resource representative.

## Paychecks

The State of South Dakota requires employees to have direct deposit. Employees who do not have a bank account can elect to have a payroll card. Employees can receive an electronic pay stub. E-stubs can be sent to more than one email address (home/work).

## Compensation

A pay grade is established for each job classification. It indicates the range of pay for the position, including a minimum and a maximum.

### Overtime Pay

Overtime is paid in accordance with the state overtime policy and federal and state law. Your human resource representative will inform you if you are eligible for overtime pay.

### Holiday Pay

Any employee in a permanent position who must work during a state holiday will be compensated in accordance with the department's holiday pay policy. Your human resource representative can inform you of the appropriate holiday pay policy.

### Longevity Pay

Longevity pay is a reward for years of service to the State of South Dakota. It is a way to recognize experienced and dedicated state employees. Longevity pay is based on the total number of years worked for the state. The years of service need not be continuous. Employees with seven through ten years of service receive a \$100 longevity check once per fiscal year. The rate increases by \$5 per year in five-year increments.

For example, for years 11 through 14, the amount is \$10 times the years of service. For 15 through 19 years of service, the amount is \$15 times the years of service. [e.g. an employee with 14 years of service will receive \$140 (\$10 x 14 years) longevity payment (minus deductions), and an employee who serves for 22 years will receive a \$440 (\$20 x 22 years) longevity payment (minus deductions).]

### Longevity Pins

For 10 or more total years of service, employees receive a lapel pin of South Dakota's state seal. Pins are awarded at five-year increments: 10, 15, 20, 25, 30, and 35 years. In addition, employees with 30 years of service will receive a wall plaque.

### Workers' Compensation

Workers' Compensation is an insurance program that pays medical and disability benefits for work-related injuries and diseases. Risk Administration Services, Inc. (RAS), administers the Workers' Compensation Program. If you need to file a First Report of Injury (FROI) or have any questions regarding an existing claim call RAS at 888.585.5075. For any other questions regarding Workers' Compensation, contact the Bureau of Human Resources and Administration Employee Health Office at 605.773.3148.

Instructions, FAQ, and other documents are available on the Policies & Forms page:

<https://bhr.sd.gov/policies-forms/forms/#wc>

## Health, Life, and Flexible Benefits

All employees in permanent positions with the State of South Dakota, who work 20 hours or more per week for at least six months of the year, are eligible to participate in the State of South Dakota Employee Benefit Plan, which includes a health plan, life insurance and flexible benefits. The Affordable Care Act (ACA) also allows employees who have worked an average of 30 hours or more per week during a 12-month period access to employer-sponsored health insurance. New employees must complete their Benefits Enrollment during the initial 30-day enrollment period.

For new employees or ACA eligible employees, health insurance coverage goes into effect the first of the month following the employee's date of hire or eligibility date (ACA eligible).

PLEASE NOTE: For current information on Health, Life, and Flexible Benefits please see <https://bhr.sd.gov/benefits/> or call the benefits line at 605.773.3148.

## Employee Responsibilities

### Attendance

Your schedule and hours of work are set by your supervisor. Employees are expected to adhere to hours and schedules set by the supervisor. Breaks are allowed if employees' workload permits. Breaks are not guaranteed, and employees must remain available and accessible during breaks to provide for the needs of the department.

### Change of Address

It is the employee's responsibility to update any change in a home address or telephone number. Employees can update changes through Employee/Manager Service Center, or they may contact their human resource representative.

### Travel Reimbursement

If your job requires you to travel away from your home station, you will be reimbursed for food and lodging in accordance with state rates. For employees who travel, a state identification card will be issued by your human resource representative.

## Job Announcements

When a civil service position is announced by the Bureau of Human Resources, it is announced in one of the following announcement types:

1. **Open/Competitive** – vacancies announced as open/competitive are open to the general public.
2. **Statewide Promotional** – open to all permanent, exempt, or probationary employees of the State of South Dakota.
3. **Department Promotional** – open to permanent, exempt, or probationary state employees within the specified department.
4. **Unit-Specific Promotional** – open to permanent, exempt, or probationary state employees within a specific classification and/or unit.

All current announcements are on the Internet at <http://bhr.sd.gov/workforus>.

## Disability Preference

Disability preference is extended to individuals qualified for the position who have been certified as having a disability by a Department of Human Services rehabilitation counselor.

## Veterans' Preference

Individuals who have served the full obligation for active duty, reserve, or National Guard service in the military, or received an early discharge for a medical condition, hardship, reduction in force, or at the convenience of the military; and were discharged or separated from service honorably or under honorable conditions are eligible for veterans' preference. Veterans' preference may also be granted to the spouse of a service-connected disabled veteran if the veteran is so disabled that he or she cannot claim the right to veterans' preference. The spouse of a deceased veteran may also be granted veterans' preference if he or she has not remarried. For additional information, contact BHR.

## Promotions

A promotional opportunity may be announced either open/competitive or promotional. To be considered for a promotion, you must submit an application. You may apply for a promotion even if you are still serving your probationary period. For additional information, contact your human resource representative.

## Classification System

Following a review of the duties, responsibilities, and authority, civil service positions are classified within a group of positions of similar nature called a classification. You may request a copy of your class specification from your human resource representative at the Bureau of Human Resources or access class specifications on the Bureau of Human Resources website. As you read your class specification, you may notice that some of the duties you are assigned are not listed and some duties on the list are not part of your job. This is because a class specification is meant to be descriptive, not restrictive. In other words, the duties listed are only general examples of the work performed by employees in your classification.

If at any time you feel you are consistently performing duties that fit another class specification, you are encouraged to discuss them with your supervisor. To request a review of your position classification, you may submit a completed Position Description Questionnaire (PDQ) to your supervisor who will forward it to your human resource representative. A PDQ form is available on the BHR Intranet website. When the Bureau of Human Resources receives the completed PDQ, a personnel specialist will review your position for the appropriate classification. For additional information, contact your human resource representative.

## Training

The Bureau of Human Resources and Administration Employee and Organizational Development Program offers a variety of training courses for all employees. Included are professional development training, computer training, and other work-related training opportunities. The Master Training Calendar and registration information are available through [BHR Training](#) or your human resource representative. For additional information regarding any of the training courses, contact the Bureau of Human Resources Training Program at 605.773.3461.

## Continuous Performance Communication (CPC)

CPC is the state's performance management system aimed at developing communication, openness, and trust between employees and their supervisors. CPC consists of check-ins and a year-end appraisal. A check-in is a meeting between a supervisor and employee to discuss what's going well, what could be improved, and what the employee needs from the supervisor. Check-ins are conducted at three and five months with new employees and minimally two times a year thereafter. The year-end appraisal consists of two ratings, Work Knowledge & Job Results, and Interpersonal Behavior. Work Knowledge & Job Results relates to what the employee does, such as their work quality, thoroughness, correctness, accuracy, timeliness, and knowledge. Interpersonal Behavior relates to how the employee completes their job, such as customer service, teamwork, professionalism, and attitude.

- CPC is housed in Manager/Employee Space: <https://bfm.sd.gov/hr/ms.aspx>
- Guides and FAQ's can be found here: <https://bhr.sd.gov/policies-forms/forms/#cpcforms>

## Resignation and Retirement

If you decide to leave your current state position, even if it is to accept another position with the State of South Dakota, you are asked to give your supervisor a written notice of intent at least two weeks prior to the date you plan to leave. However, the state may accept your verbal resignation or written resignation with less than two-weeks' notice.

To be eligible for retirement benefits, you must have a minimum of three years of contributory service with the South Dakota Retirement System. Unreduced retirement benefits are available when you reach normal retirement age. Normal retirement age for employees who began contributing to SDRS before July 1, 2017, is 65 (age 55 for Class B Public Safety members). Normal retirement age for employees who began contributing to SDRS after June 30, 2017, is 67 (age 57 for Class B Public Safety members). However, there is no mandatory retirement age in state government, and you may retire before your normal retirement age. For additional information regarding your retirement benefits, contact SDRS (<https://sdrs.sd.gov/contact.aspx>).

The South Dakota Retirement System also provides disability coverage for employees who have three years of credited service or for employees who are accidentally disabled while performing the usual duties of their job. If you cannot work because of a disability that is expected to last one year or longer, you may be eligible to receive a monthly benefit from SDRS. For additional information regarding your disability benefits, contact SDRS.

## Appeals and Grievances

A civil service employee may appeal dismissals, demotions, suspensions, reduction in pay or his or her classification. A civil service or probationary employee may appeal on the grounds of discrimination or may appeal the misinterpretation, misapplication, or violation of any existing agreement, contract, policy, or rule, excluding overtime pay issues, as they apply to the conditions of employment.

Most departments, bureaus, and institutions have adopted a formal grievance procedure to handle complaints by civil service employees. Departments, bureaus, or institutions that do not have their own grievance procedure use the procedure outlined in the Bureau of Human Resources rules. A current copy of the grievance procedure for your agency may be obtained from your human resource representative.

The grievance procedure provides an equitable method of resolving employee complaints. Rules prohibit retaliation against an employee who submits or is involved in a grievance. A grievant who fails to comply with the timeframes outlined in the grievance procedure will have his or her grievance dismissed. If you voluntarily terminate your employment, your grievance will be withdrawn.

After an employee has exhausted the grievance procedure established by the employee's department, bureau, or institution, the employee may appeal to the Civil Service Commission, where the employee will have an administrative hearing on the grievance. The appeal and grievance process is not available to exempt employees.

## Policies

The following are selected statewide policies and are not an exhaustive list of all policies. The state reserves the right to change or eliminate these policies with or without notice. Please be aware that your agency may have more restrictive policies or guidelines on the same subject matter and additional policies on different subjects. Please contact your human resource representative if you have any questions about your agency's policies or guidelines.

### **Alternative Work Schedule Policy**

It is the goal of the state of South Dakota to provide employees with a work environment that allows them to balance work and life activities. As an employer, the State recognizes the need for flexibility in scheduling to provide employees the opportunity to participate in family and community activities. To achieve this goal, employees and supervisors are encouraged to use alternative work schedules.

Alternative work schedules will enable managers to meet their program goals and provide better customer service while, at the same time, allowing employees to be more flexible in scheduling their personal activities.

### **Alternative Work Schedules Available**

Flexible work schedule: With supervisory approval, employees may select alternative starting and stopping times during the workweek. The starting and stopping times and the lunch period are fixed for the duration of the flexible schedule unless the supervisor discontinues or temporarily suspends the flexible work schedule. Salaried employees on a flexible work schedule may be required to work additional hours or adjust their schedule to meet the requirements of their position.

Permanent reduced work schedule: With supervisory approval, hourly and salaried employees may reduce the number of hours worked each week. Employees on a reduced work schedule will be considered permanent part-time employees and will earn less leave and pay based on the reduced number of hours worked. If employees work less than 20 hours per week, they are not entitled to health, life, or retirement benefits. This is a permanent schedule and is not intended for seasonal fluctuation.

Flex time: With supervisory approval, employees may occasionally modify their daily work schedule. Adjustments may be made at any time to allow employees flexibility in their schedule during the week. Hourly employees must make up hours flexed at a different time during the work period. Hourly employees who are unable to make up hours flexed during the work period must take either paid or unpaid leave. Salaried employees may not flex an entire day.

Compressed work schedule: With supervisory approval, full-time hourly and salaried employees may work their normally scheduled number of hours each work period in less than 5 days.

Examples are four 10-hour days or four 9-hour days and one 4-hour day. Since full-time employees are entitled to a maximum of 8 hours for a holiday, hourly employees working a compressed work week may be required to adjust their work week or take paid or unpaid leave during a work period that includes a holiday. Salaried employees must have a set schedule and take leave for any day in which they will be absent during all scheduled hours regardless of the number of hours worked during the week. Salaried employees on a compressed work schedule may be required to work additional hours or adjust their schedule to meet the requirements of their position.

Work Adjust: Work adjust is adjusting hours for work performed outside the normal work schedule to meet the requirements of the agency. Work adjust is intended for short term changes to an employee's schedule to meet workload requirements. Work adjust applies to hourly employees and is not appropriate for salaried employees.

### **Eligibility for Alternative Work Schedules**

Supervisors will work with employees and attempt to accommodate their scheduling requests. Alternative work schedules, however, may not be available to every employee at any time because of customer service requirements. If alternate work schedules are not possible, the supervisor should explain why the request for an alternative work schedule cannot be honored.

### **Guidelines**

Principal administrative offices will be open during the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday, including the noon hour. Service to both internal and external customers must be maintained or improved.

Rest periods are a normal part of the work schedule and cannot be accumulated or be included as a basis for a flexible work schedule. A lunch break of at least 30 minutes of uninterrupted time is recommended.

### **Responsibilities**

Teamwork among employees and agency management is an important factor in implementing alternative work schedules and achieving positive benefits associated with alternative work schedules. Meaningful work must be available for the employee during the entire alternate work schedule.

Supervisors and employees are mutually responsible for ensuring successful alternative work scheduling programs.

Supervisors shall:

1. Ensure adequate, not minimal, staff is available to serve the needs of the public. Both internal and external "customer" needs will be considered to determine adequate staffing.
2. Ensure that alternative work schedules are administered consistently and equitably.
3. Ensure alternative work schedules do not cause or contribute to the need for additional staff or overtime work.
4. Ensure work that requires regular supervision or essential interaction with other staff is scheduled when supervisors and interacting staff are available.
5. Ensure the work site has adequate supervisory and management coverage at all times.

Employees shall:

1. Plan and organize their time to meet the job requirements established by the supervisor. This includes answering your phone during all alternative workhours.
2. Participate in the resolution of conflicts between the job and the alternative work schedule and inform the supervisor when coverage is not adequate.
3. Be able to meet workload requirements and be available for scheduled conferences and meetings. The requirements of the job always take precedence over the alternative work schedule.
4. Not engage in excessive socializing prior to the beginning of their workday when employees are already engaged in their work schedule. This can be disruptive to the work patterns of employees with earlier starting times.
5. Record actual hours worked for each day on the time form.

### **Procedures for Requesting an Alternative Work Schedule**

A Request for an Alternative Work Schedule (AWS) form must be completed by the employee and submitted to the supervisor for approval if the employee wants to participate in a flexible work schedule, a permanent reduced work schedule or a compressed work schedule. A copy of this form should be sent to your Human Resource Manager to be placed in the employee's personnel file. A form is not required to participate in occasional flex time.

### **Changes to Work Schedules**

Alternative schedules do not alter the responsibility and authority of supervisors to establish and change work schedules without prior notice. Supervisors may discontinue or temporarily suspend alternative work schedules when necessary. Alternative work schedules may also be altered if work needs change or if service is impaired.

Please contact your agency human resource manager if you have any questions relating to the alternative work schedule policy.

## **Arrest Policy**

Any employee who has been arrested or charged with or has reasonable knowledge to believe they will be arrested or charged with: 1.) any felony; or 2.) any crime (including misdemeanors) involving a sex offense or illegal drugs or illegal use of legal drugs shall immediately report this information to his or her supervisor. The supervisor is required to immediately report this information, through the chain of command, to the appropriate department secretary, bureau commissioner, or institution administrator who shall report it to the Commissioner of the Bureau of Human Resources. Department Secretaries and Bureau Commissioners may approve more extensive reporting requirements.

## **Bomb Threat Policy**

The following policy and procedure was developed to provide direction in a time of crisis. The outline will assist the contacted individual to take the necessary steps in getting the affected employees to safety as soon as possible, and to contact the appropriate administrative and security agencies and provide them with the most detailed information possible regarding the bomb threat.

This document should be posted in a conspicuous place within each of the various offices and divisions. The below policy is the official policy to be followed in the event that a bomb threat is received.

This document is self-explanatory; however, persons within the office should be made aware of its location and be directed to read it.

## SOUTH DAKOTA BOMB THREAT POLICY

The recipient of a bomb threat should take the following action:

1. Take information from caller (see form below).
2. If threat indicates less than 20 minutes before detonation of device, use fire alarm system, if available, to evacuate and notify law enforcement (indicate it is not a fire).
3. If the threat indicates more than 20 minutes before detonation of device, notify a senior staff person in your office.
4. The senior staff person must notify law enforcement and evacuate the building.
5. Senior staff person is responsible for notifying all agencies within threatened building to evacuate.
6. Notify department head, National Guard (737.6702), and Governor's Office (773.3212) of threat.

### BOMB THREAT REPORT

When receiving a bomb threat (or learning of a threat from another source) the staff member receiving the call or information should immediately complete the following checklist.

Exact time of call: \_\_\_\_\_ Exact words of caller: \_\_\_\_\_

Questions to Ask:

- When is the bomb going to explode?
- Where is the bomb?
- What does it look like?
- What kind of bomb is it?
- What will cause it to explode?
- Did you place the bomb?
- Why?
- Where are you calling from?
- What is your address?
- What is your name?

\*\*If possible, have a second person monitor the call; ask the caller to repeat the original message to permit possible correlation to the first copy to aid in possible identification of the caller.

**CALLERS VOICE** (circle) Male    Female

Calm	Disguised	Nasal	Angry	Broken	Stutter
Slow	Sincere	Lisp	Rapid	Giggling	Deep
Crying	Squeaky	Excited	Stressed	Accent	Loud
Slurred	Normal				

Were there any background noises?

Your Name: \_\_\_\_\_ Date: \_\_\_\_\_

## Break Periods for Employees

It is the policy of the state of South Dakota to allow employees a 15-minute rest period every four hours if the work load permits. The break, however, is not guaranteed. Supervisors may deny the break on any given day. Since this time is counted and paid as time worked, employees must not be absent from their workstations beyond the allotted time. Employees must be available and accessible during the rest period to provide for the needs of the department. Management retains the right to schedule work, work periods and break times.

Employees may take one 15-minute break for each four-hour block of work time. Breaks may not be accumulated and combined to make one long break or be broken into several small segments. Breaks may not be taken at the beginning or end of the day, attached to the lunch break or used to adjust the work schedule. Leave time may not be supplemented by breaktimes.

Employees must notify the supervisor before leaving the workplace during work hours. This includes absences for breaks if the break takes place outside of the immediate work area. Employees may leave the work area for their break if the absence is for 15 minutes or less.

## Court and Jury Leave Policy

Employees in permanent positions are eligible for court and jury leave. The employee shall immediately notify the employee's supervisor if the employee expects to be absent from work due to court and jury obligations. Absences will be administered as follows:

1. Testifying in official capacity. If the employee is subpoenaed by either party to testify in any civil or criminal proceeding because of the employee's official capacity or is instructed by the supervisor to testify in an official capacity without being subpoenaed, the employee shall receive the employee's regular salary without loss of leave credits and may receive actual expenses according to state rates, but may not receive witness fees. The appointing authority and the Bureau of Human Resources shall determine if the employee is testifying in an official capacity.
2. Testify in a non-official capacity. If an employee is a party to or a witness in private litigation not related to his or her official capacity, the employee shall use vacation leave or leave without pay.
3. Party or witness not subpoenaed to testify. If an employee is a party to or witness who has not been subpoenaed, the employee must use vacation leave or leave without pay. This leave must be requested in advance and is subject to the supervisor's approval.
4. Service on jury. If a state employee is summoned to serve on a jury, the employee shall receive the employee's regular salary without loss of leave credits for the time spent on jury duty during regular working hours and the per diem and mileage provided for by SDCL 16- 13-46 or any comparable federal law.

The commissioner may decide any question as to whether an employee is eligible for court and jury leave.

## Drug and Alcohol Testing Policy

The State has implemented a drug testing procedure for applicants and employees in 1) safety sensitive positions and 2) positions requiring a commercial driver's license.

Under state law, a safety sensitive position is any law enforcement officer authorized to carry firearms and any custody staff employed by any agency responsible for the rehabilitation or treatment of any adjudicated adult or juvenile. State statutes and administrative rules govern the drug testing of persons in safety sensitive positions, and these statutes and rules may be obtained from your agency's human resource manager.

Federal law requires drug and alcohol testing of applicants and employees who must have a commercial driver's license (CDL) to perform their jobs. The State has implemented an alcohol and drug-testing program for CDL holders and has published a CDL drug-testing handbook and policy entitled "State of South Dakota CDL Policy, Rules and Educational Information." Your agency's human resource manager can answer questions about the program and provide you with a copy of the handbook and policy.

Other employees may be tested for drugs, alcohol if the test doesn't violate federal or state law.

## Drug and Alcohol Free Workplace Policy

The State of South Dakota is committed to maintaining a workplace that is free from the effects of illegal drugs and alcohol to protect the health and safety of our employees, clients, and visitors. To promote this goal, all employees must report to work in a condition to perform their very best.

The dangers of drug and alcohol abuse in the workplace include: accidents and injuries, reduced productivity, absenteeism, increased healthcare costs, loss of public confidence in the State, and adverse effects on the affected employee, family, friends, co-workers, and persons receiving services from the State.

The full Drug and Alcohol Free Workplace Policy can be accessed on BHR's website. It is your responsibility as a state employee to read the full policy and comply with its restrictions. Failure to follow the policy may result in disciplinary action taken against, up to and including termination.

In the event an employee is arrested, charged, or believes he or she may be charged with any crime involving illegal drugs, the employee must comply with the Arrest Policy. Lastly, an employee who is convicted of a violation of a criminal drug law or admits in court to a criminal drug law violation may be subject to appropriate disciplinary action, which includes termination.

## General Reference Policy

### References for Employers Outside of State Government

One person in the agency, typically the human resource manager, is designated to respond to all requests for information on current and former employees (including interns). More than one person may be designated to provide responses to requests, however person(s) responding should be the human resource manager or someone at a managerial level within the agency such as program directors, division directors, or department secretaries. If two or more people are responding to requests, the human resource manager should coordinate the response.

According to state law, written references given in response to written requests are presumed to be given in good faith. This means if a former employee files a lawsuit regarding giving of bad references, the agency can

rely on a defense of good faith if the reference was in writing. Telephone inquiries are answered by telling the caller that it is the policy of the state to respond only to written requests. Written requests should be accompanied by an authorization, release, and waiver. Employees must not give references on inmates or former inmates. These references must be handled by the appropriate person at the Department of Corrections.

### **References within State Government**

If a reference request comes from another state agency, the designated person may respond either in writing, verbally or over the e-mail system. A signed authorization, release, and waiver is not necessary. All other guidelines apply to giving references within state government.

### **Intern References**

Human resource managers may authorize those persons who supervise interns to respond in writing to written reference requests relating to those interns that they have supervised.

### **Emergency Office Closing Policy**

State employees will always be expected to deliver service because state government cannot close completely; it must continue to provide emergency services, coordinate government responses to disasters, and care for citizens who are entrusted to our institutions. State government will do whatever possible to accommodate state employees during emergency events, however, it does need to maintain adequate staffing to ensure the safety of citizens and continue state operations.

This policy does not mean employees should take undue risks during inclement weather. Employees who believe they cannot safely reach the worksite or travel home at the end of the scheduled workday should make arrangements with their supervisor to be absent from work.

Outlined below is the process for executive branch agencies under the direction of the Governor to follow when determining whether to close operations of a state office due to natural, man-made, or health-related emergencies which disrupts state government facilities or operations. An emergency includes but is not limited to; inclement weather, utility failure, fire, terrorism, or other forced evacuations.

### **Who has Authority to Close an Office(s)?**

The Governor or his or her designee can close any state office or offices in any location.

A Cabinet member has the authority to close their state office in any location for an isolated incident.

### **What are the Criteria for a Cabinet Member to Close an Office?**

A cabinet member or their designee may close a specific office when they have met the following criteria:

1. Verify the office either lacks sufficient staff to adequately function or the closing emergency prevents the office from safely functioning.
2. Ask BHR to coordinate the closure of the office with agencies that have employees in the same building, geographic or affected area.
3. Consult the Governor's Office on the office closure prior to final decision and sending a notice to employees.
4. Communicate and/or coordinate office closure with local government as needed.
5. Notify media covering the affected area as soon as possible. However, do not rely upon media announcements as the sole means of communication. If possible, clients with scheduled appointments should be contacted to cancel the appointment. Voice mail systems should be updated to reflect the office closing.
6. Other offices should not be closed unless the above conditions have been met.

## **What is the Procedure for Reopening an Office?**

In coordination with BHR, the affected cabinet member should regularly reevaluate emergency conditions so that the office can resume the normal schedule as soon as is reasonable.

## **Seat Belt Policy**

All state employees who are driving or are passengers in state-owned vehicles covered by the state's automobile liability insurance policy are required to wear seat belts, both in the front and back seats. (SDCL 32-38-5; Executive Order 88-7)

## **Solicitations on State Premises**

It is the policy of the state of South Dakota that commercial vendors may not solicit business on state property or solicit state employees during working hours. Working hours include breaks and lunch periods if the employee is on state grounds.

Subject to prior approval by management, employees may solicit for charitable purposes using their own time by adjusting their work week to make up the time or by using vacation leave or leave without pay. Activities should be scheduled so that the soliciting employee does not interfere with co-workers' performance. Agency human resource managers will not assume responsibility for coordination of charitable activities. Please contact your human resource manager if you have any questions regarding this policy.

## **State Employee Bloodborne Pathogen Procedures (short guide)**

Time is critical with bloodborne exposures. When in doubt, report the exposure right away to your supervisor and seek guidance. If your supervisor is not available, SEEK MEDICAL ATTENTION IMMEDIATELY.

A Significant Bloodborne Exposure is an occupational risk exposure to blood or potentially infectious body fluid by:

- needle stick, puncture or cut by an object through the skin
- direct contact of mucous membrane (eyes, mouth, nasal, etc)
- exposure of broken skin to blood or other potentially infectious body fluids such as:
  - semen
  - vaginal secretions
  - any bodily fluid visibly contaminated with blood
  - human tissues (including dental extractions)

If a Significant Exposure Occurs:

### **Employee's Immediate Responsibility**

- Needle-sticks, cuts and skin exposures should be washed with soap and water. (Do NOT use bleach)
- Splashes to the nose, mouth, or skin should be flushed with water.
- Splashes to the eyes should be irrigated with sterile irrigants, saline or clean water.
- Report the exposure to your supervisor right away. If HIV Post-exposure treatment is recommended, you should start treatment within 1-2 hours after the exposure or as soon as possible. (This can reduce HIV infection by up to 79%)

### **Supervisor's Immediate Responsibility**

- Without Delay – If a significant blood borne exposure has occurred, get the exposed individual to the nearest Emergency Room for evaluation. Supervisor should call the emergency room and inform them that they are sending an employee to the emergency room for evaluation and follow-up to a bloodborne exposure.
- Testing the employee and the source is strongly recommended when a high-risk exposure has occurred. The employee has the right to request or decline testing. The source fluid/object should be collected (if possible) for testing. If the source is a person, they cannot be tested without consent, except under the circumstances described in SDCL 23A-35B (laws dealing with sexual assault and exposure to law enforcement personnel). The exposure to the employee should be explained to the source and testing of the source requested.
- Complete a First Report of Injury and an Employee Accident Report for all bloodborne pathogen exposures. This form must be completed and filed with the Workers Compensation office/Bureau of Human Resources within seven (7) days of the exposure/incident. An official written report is necessary for reporting the incident and to claim worker's compensation benefits for initial treatment and post exposure testing. If testing is declined this should also be reported.
- Consult the comprehensive "Bloodborne Pathogens Exposure Guidelines" for the complete policy, testing, and forms required for this event. These guidelines can be found on the Department of Health's website at <https://doh.sd.gov/diseases/assets/DOHBloodbornePathogens2016.pdf>.
- Complete and forward the "Occupational Risk Exposure Form" and the "Bloodborne Exposure Medical Follow-up Sheet" to the Human Resource Office for inclusion in the employee's personnel file.
- Ensure that the employee complete any follow up testing required in the comprehensive guidelines. If you have questions, you can contact the Department of Health at 1-800-592-1861 can provide you with the guidelines, additional information, assistance & guidance.
- Report exposure to your next level supervisor.

### **Healthcare Provider's Responsibility**

- Determine the nature & severity of the exposure.
- Evaluate source patient (if information is available).
- Counsel/treat exposed employee as applicable.
- Also evaluate employee for Hepatitis B & C as applicable.

\*\*Know what you are going to do before an exposure occurs.

## **Tobacco Free Environment Policy**

The State of South Dakota is dedicated to providing a healthy, comfortable, and productive environment for employees, clients, and visitors.

Smoking, e-cigarettes, and the use of all tobacco products is prohibited on all real property or portions thereof owned by the Executive Branch of state government under the direction and control of the Governor and all real property leased by the state where the state is sole occupant.

This policy applies to employees and visitors, and includes all vehicles, equipment (owned or leased), parking lots, and walkways leading into state buildings throughout South Dakota. The following are exceptions: visitors to campsites in state parks, and upon state highways and outdoors at state highway rest stops. The Bureau of Administration or appropriate Department Secretary may grant limited exceptions for specific, special events.

Enforcement of this policy is the shared responsibility of all Executive branch personnel. All employees are encouraged to communicate this policy with courtesy, respect, and diplomacy. Incidents of smoking or tobacco use by employees will be documented for supervisor follow-up.

## Use of Sick Leave for the Birth or Adoption of a Child

A parent is allowed to use no more than 12 weeks of accumulated sick leave for the birth of a child and bonding period with a newborn or an adopted or foster child within a year after the birth or placement of the child. For employees who are eligible for FMLA leave, the use of sick leave will coincide with the use of FMLA leave. For employees who are eligible for paid family leave, the use of sick leave will also coincide with the use of paid family leave.

## Use of FMLA Leave When Both Parents are State Employees

If both parents are state employees and FMLA eligible, each is entitled to use up to 12 weeks of FMLA leave which may be utilized concurrently or consecutively. Supervisor approval is required to use intermittent leave.

Example 1. The parents could simultaneously take the 12 weeks off following the birth.

Example 2. One parent could take the first 12 weeks off, and then the other parent could take 12 weeks off.

Example 3. With permission of the supervisor, the mother could take six weeks off following the birth and then work mornings for 12 weeks.

## Use of Video, Recording Devices, or Still Cameras by State Employees in the Workplace

The purpose of this policy is to set out the allowable uses of video, recording devices, or still photography by state employees and to protect the right of privacy of patients, inmates, coworkers, and the public.

**State Owned Cameras, Video or Recording Devices for Authorized uses:** Employees are allowed to use state owned video, recording devices or still cameras (including camera phones) when authorized as part of their job duties. Such usage should be with the knowledge and consent of the employee's supervisor.

**Personal Video, Recording Devices or Cameras at Work:** Personal video, recording devices or still cameras may be used to commemorate awards, retirements or similar events when authorized by the employee's supervisor or department head. The use of personal video, recording devices or still cameras, (including camera phones) by state employees at work for any other purpose is prohibited.

**Other prohibited uses:** The use of any video, recording devices or still cameras (including camera phones) is prohibited by state employees while at work for any of the following purposes:

1. As part of or in furtherance of any illegal activity.
2. For recording any image which is lewd, obscene, or pornographic.
3. For taking any image or recording of any patient, inmate, or other person without their express written consent unless taken for authorized purpose within the scope of the employee's duties.
4. Any purpose that reflects unfavorably on the state, destroys confidence in the operation of state services, or adversely affects the public trust in the state.

## Workplace Safety Policy

It is the policy of the State of South Dakota to promote a safe environment for its employees. The State is committed to working with our employees to maintain a work environment free from violence, threats of violence, harassment, intimidation, and other disruptive behavior.

Violence, threats, harassment, intimidation, and other disruptive behavior that affect the working environment will not be tolerated. All reports of such incidents will be taken seriously and will be dealt with appropriately. Such behavior can include oral or written statements, gestures, expressions or any other behavior that communicates a direct or indirect threat of physical harm or damage to state or personal property, either on duty or off-duty. Individuals who commit such acts may be removed from the premises and may be subject to disciplinary action, criminal penalties, or both.

All employees shall cooperate to implement this policy effectively and maintain a safe working environment. Do not ignore violent, threatening, harassing, intimidating, or other disruptive behavior. If you observe or experience such behavior by any state employee on or off state premises, report it immediately to a supervisor or manager. Supervisors and managers who receive such reports shall contact the agency human resource manager or the Bureau of Human Resources at 605.773.3148.

Severe threats or assaults that require immediate attention shall be reported to police by calling 911.

## Risk Management

A part of the Bureau of Administration, the Office of Risk Management focuses on protecting the state's assets and resources by identifying exposures to loss and providing alternative methods to finance, transfer, reduce, or eliminate those losses. The office provides the following services: developing safety and loss control programs, conducting loss control audits, educating through seminars and assistance information, and negotiating insurance coverages.

Each agency and institution has a risk management contact and a loss control committee to direct risk management efforts. Requests for training and other technical assistance from the Office of Risk Management are made by the contact.

Managed by the state risk manager, the Public Entity Pool for Liability (PEPL) Fund is a funded self-insurance program which provides coverage for general liability, law enforcement liability, public officials' errors and omissions liability, automobile liability, and some medical malpractice liability.

The coverage extends to all current and former employees and elected and appointed officers of the state and applies to any accident, act, error, omission or event during coverage period which results in damages and arises within the scope of the employee's duties for the state.

When state employees are driving state vehicles on state business, they are covered by workers' compensation. Non-state employees who are on official business for the state are covered by automobile liability through the PEPL Fund. Liability to other persons for bodily injury or property damage due to negligence in operating state vehicles is also covered through PEPL. Belongings in the vehicle are not insured by the state. When employees use their personal vehicles, their automobile insurance policy provides coverage for physical damage, loss, or liability. Both the workers' compensation and personal property coverages are the same as when operating a state vehicle. In situations where the loss exceeds personal policy limits, the state will cover the excess liability under certain terms of the PEPL agreement.

State employees are expected to promptly and properly report accidents, incidents, unsafe conditions, as well as claims made against the State of South Dakota. All accidents involving a fatality, serious bodily injury, or serious property damage should immediately be reported to Claims Associates, Inc., the state's claims adjusting service, at their 24-hour emergency number, 1.888.430.2249. All accident reporting information is located in the glove compartment or other convenient place in every state vehicle. If you have any questions regarding the above information, please contact the Office of Risk Management at 605.773.5879.