



2020 South Dakota Legislature

House Bill 1266

Introduced by: **Representative** Borglum

1 **An Act to prohibit collective bargaining by employees of the Board of Regents.**

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

3 **Section 1.** That a NEW SECTION be added:

4 **13-49-39. Collective bargaining--Board of Regents employees.**

5 The collective bargaining provisions set forth in chapters 3-18 and 60-9A do not
 6 apply to any person employed by the Board of Regents or employed by an institution
 7 under the authority of the Board of Regents.

8 **Section 2.** That § 3-18-1 be AMENDED:

9 **3-18-1. Employees subject to chapter--Excluded officers and employees--**
 10 **Rights preserved to excluded persons.**

11 The ~~words "term, public employees"~~ as used in this chapter shall mean any person
 12 holding a position by appointment or employment in the government of the State of South
 13 Dakota or in the government of any one or more of the political subdivisions thereof, or
 14 in the service of the public schools, or in the service of any authority, commission, or
 15 board, or any other branch of the public service. The term does not include:

- 16 (1) Elected officials and persons appointed to fill vacancies in elective offices and
 17 members of any board or commission;
- 18 (2) Administrators except elementary and secondary school administrators,
 19 administrative officers, directors, or chief executive officers of a public employer or
 20 major divisions thereof as well as chief deputies, first assistants, and any other
 21 public employees having authority in the interest of the public employer to hire,
 22 transfer, suspend, layoff, recall, promote, discharge, assign, reward, or discipline
 23 other public employees, or the responsibility to direct them, or to adjust their
 24 grievances, or to effectively recommend such action, if in connection with the

- 1 foregoing, the exercise of such authority is not of a merely routine or clerical nature,
2 but requires the use of independent judgment;
- 3 (3) Students working as part-time employees twenty hours per week or less;
4 (4) Temporary public employees employed for a period of four months or less;
5 (5) Commissioned and enlisted personnel of the South Dakota National Guard;
6 (6) Judges and employees of the unified court system;
7 (7) Legislators and the full-time and part-time employees of the legislature or any state
8 agency that statutorily is directed by the legislative branch; or
9 (8) Any person employed by the Board of Regents or employed by an institution under
10 the authority of the Board of Regents.

11 This section does not preclude employees described in subdivisions (1) to ~~(7)~~ (8),
12 inclusive, from joining professional, noncollective bargaining organizations.