

## SOUTH DAKOTA

### An Employee's Guide to the

## SOUTH DAKOTA WORKERS' COMPENSATION SYSTEM

This poster briefly outlines South Dakota Workers' Compensation Law and how it applies to work-related injuries or illnesses. This is not a complete description of the workers' compensation system.



Division of Labor and Management  
123 W. Missouri Ave.  
Pierre, SD 57501  
Tel: 605.773.3681  
dlr.sd.gov

#### IMPORTANT INFORMATION

You may want to list names and telephone numbers here.

Your supervisor at work _____	Your insured worker claim number _____
Employer's telephone number ( ) _____	Medical practitioner's name _____
Insurance company name _____	Medical practitioner's phone number ( ) _____
Claim adjuster's name _____	Other names and phone numbers _____
Claim adjuster's phone number ( ) _____	

#### HELPFUL HINTS FOR INJURED WORKERS

- Read and save this information.
- Save copies of all letters, forms, compensation checks and medical bills.
- Save notes of phone conversations.
- Put your social security number and date of injury or state file number on all papers and forms sent to the Division of Labor and Management.
- Stay in touch with your employer about your progress and plans to return to work.

#### WORKERS' COMPENSATION

Workers' compensation provides benefits if you become injured or ill from your job. Workers' compensation covers injuries or illnesses caused or made worse by work or the workplace.

Workers' compensation insurance coverage provided by your employer is intended to:

- Pay medical and disability benefits for work-related injuries and diseases.
  - Help you return to work as soon as possible.
- Many employers in South Dakota purchase workers' compensation insurance policies from commercial insurance companies. Some employers are self-insured and pay all the benefits themselves. The insurance company or self-insured employer pays the medical costs to the health care providers who treat the injured worker. It is not required by state law that employers have workers' compensation insurance, but if they do not, the employer can be sued civilly.

State law sets the benefit amounts. The Division of Labor and Management checks the benefits paid by the insurance company or self-insured employer to make sure the injured worker is receiving all benefits to which that worker is entitled.

#### COVERAGE

If your employer carries workers' compensation insurance, you would be covered for qualifying injuries.

The South Dakota Workers' Compensation Law does not apply to farm or agricultural laborers, or domestic servants unless they are working more than 20 hours in a calendar week and for more than six weeks in any 13 week period; or to independent contractors who are certified as exempt by the department and workforce participants.

Benefits are not allowed when injury is due to willful misconduct, intoxication, illegal drug use or failure to use a furnished safety appliance. Also, a false representation as to health at the time of obtaining employment may result in a denial of benefits.

Any injury arising out of and in the course of employment, everything from first aid type injuries to serious accidents and death. Also, the Workers' Compensation Law provides coverage for occupational diseases. The key is whether or not the injury or illness is caused by your job. Medical evidence of causation is usually necessary.

You are protected from the first minute you are on the job, and that protection continues anytime you are working. State law guarantees a worker receive workers' compensation benefits for a work-related injury or illness.

#### YOUR EMPLOYER CANNOT

- Take the cost of workers' compensation insurance from your wages.
- Prevent you from filing for workers' compensation benefits.
- Threaten you or take action against you for filing for benefits.

#### INJURY REPORTING

Do not wait. To protect your rights, report your injury to your supervisor as soon as possible and in writing if possible.

- Make sure you tell your supervisor you were injured. Remember, what, where, when and how. Also inform your supervisor of any witnesses.
- Get prompt medical attention from a health care provider.

Inform your employer about your medical condition and when you can return to work.

- Call the Division of Labor and Management if you have any questions or concerns.
- If an employer will not fill out a First Report of Injury form, please contact the Division of Labor and Management.

Prompt reporting is the key. Nothing can happen until your employer is informed about the injury. Ensure your right to benefits by written notice of every injury, no matter how slight.

#### ROLES OF OTHERS

##### MEDICAL CARE

You may make the initial selection of your medical practitioner from all licensed health care providers in the state.

- Prior to treatment, or as soon as reasonably possible after treatment has been provided, notify the employer of your choice of medical practitioner. The medical practitioner selected may arrange for a consultation, referral or other specialized medical services as the nature of the injury requires.

If you decide to change your choice of medical practitioner, you should obtain approval in writing from your employer.

- You may seek a second opinion at your own expense without the employer's approval.

##### EMPLOYERS

- Your employer should make sure you receive immediate medical attention to treat your injury.
- Your employer reports the injury to the insurance company, or the administrator if self-insured, within seven days of the date of the injury or knowledge of injury.

##### INSURANCE COMPANY

Insurance companies or self-insured employers report the injuries electronically to the Division of Labor and Management via the division's web application. Also, the insurance company or self-insured employer pays for medical costs incurred from the injury and makes temporary total payments if seven consecutive days of work are missed due to an injury.

##### PROBLEMS AND DISPUTES

Most injuries are handled routinely. If you think you have not received all the benefits due you, or you have not received any benefits, follow these steps:

- Call the claim's adjuster at the insurance company or the administrator of self-insured employer. Write down the date, time and adjuster's name for your records. Explain the problem and try to work it out. Many problems are resolved with a telephone call.
- Call 605.773.3681 to discuss your problem with the Division of Labor and Management specialist.

If a problem cannot be resolved, you may wish to take advantage of the mediation process provided by the Division of Labor and Management. The mediation is held by telephone with the employee or his representative, and a representative of the employer or insurance company.

If a dispute remains unresolved after the mediation process or the employee chooses to forgo the mediation process, the employee may file a petition for hearing. The petition must be filed within two years of the date of denial of benefits. The Division of Labor and Management may provide information, answer questions and assist persons on a limited basis. However, because the Division is the administrative agency that decides disputed cases, the office must remain impartial and cannot represent any party.

Your employer or insurance company can answer most questions about your injury. For additional information, contact the Division of Labor and Management at the following number:

- Tel: 605.773.3681
- Fax: 605.773.4211

### 2026 South Dakota Minimum Wage Requirement

## \$11.85 / Hour

#### MINIMUM WAGE

See SDCL 60-11-3 and 60-11-3.2. Employers with tipped employees must pay a cash wage of no less than \$5.625 per hour, which is no less than 50% of the state minimum wage. See SDCL 60-11-3.1. South Dakota state minimum requirements apply to all employees; however, no minimum wage requirements apply to independent contractors.

#### CONTACT

For questions or to report a violation, contact the DLR  
Division of Labor and Management, Wage and Hour Office at: 123 W. Missouri Ave.  
Pierre, SD 57501  
Phone: 605.773.3681

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

## SAFETY



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## BE PART OF THE SAFETY TEAM

### Notice to Employees: Availability of Unemployment Compensation

Employees in this establishment are covered under the South Dakota Reemployment Assistance (RA) law. Benefits are available to workers who become unemployed or whose working hours are reduced to less than full-time, if they are:

- Able to work,
- Available for full-time work, and
- Meet certain eligibility requirements.

Employees who voluntarily quit without good cause, are discharged or suspended for misconduct, or refuse to accept suitable work may be denied benefits.

You may file an RA claim in the first week employment ends or hours are reduced.

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

To file a claim online, visit [sd.gov/rabenefits](http://sd.gov/rabenefits) 24 hours a day, seven days a week.

To file a claim by phone, call the Claims Call Center at 605.626.3179, Monday through Friday, 9 a.m. to 4:20 p.m. (Central Time). Applicants with speech or hearing impairments can call 711 or 800.877.1113.

You will need to provide the following information for DLR to process your claim:

- Full legal name
- Social Security Number
- Driver's license number or State ID number
- Employment history for the last 18 months
- Authorization to work (if you are not a U.S. citizen or resident)



SOUTH DAKOTA  
DEPT. OF LABOR  
& REGULATION

Reemployment Assistance Division  
420 S Roosevelt St | PO Box 4730  
Aberdeen, SD 57402-4730

PLEASE POST THIS NOTICE IN A VISIBLE PLACE.

REV 02/2024

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