Temporary partial disability – The employee must inform his/her employer of the disability in order to be eligible for temporary disability payments. The employee must also inform his/her medical practitioner and the insurer of the disability to ensure timely payments. If the employee fails to inform his/her employer or insurer of the disability, he/she may be entitled to temporary partial disability benefits. These benefits are calculated based on a percentage of the employee's wages at the time of injury, minus any tips or wages that the employee is still able to earn.

Failure to comply may result in a fine of $100. The employer may also be held liable for any penalties incurred.

The minimum compensation is $467 unless the employee's wages are equal to or more than $1,000 per week. If the employee's wages are less than $1,000 per week, the minimum compensation is $467 plus 60% of the difference between $1,000 and the employee's wages. The maximum compensation is $1,000.

The employer or insurer must also pay up to $10,000 in burial expenses plus the cost of transporting the body if death occurs. If an employer is authorized to self-insure, a written report shall be provided no later than 10 days after the date on which knowledge of an injury or death is acquired. If the death result in legal interpretations different from those presented in Section V above.

This general in nature and is not intended as a substitute for legal advice. If you have questions regarding your rights or the application of any federal or state law, you should contact the Department of Labor and Regulation or a qualified attorney.

EMPLOYER RIGHTS UNDER THE FAMILY AND MEDICAL LEAVE ACT

The S.D. Family and Medical Leave Act (SDFMLA) is similar to the federal Family and Medical Leave Act (FMLA) and is administered by the Departments of Labor and Regulation and the Department of Health and Human Services.

The Act protects employees from discrimination based on their need to take FMLA leave. Employers may not refuse to hire, discharge, or otherwise discriminate against an employee for taking FMLA leave. Employers may also not interfere with an employee's right to take FMLA leave.

The Act also requires employers to provide employees with up to 12 weeks of unpaid leave in a 12-month period for the birth or adoption of a child, to care for a sick child or spouse, or to care for an employee with a serious health condition.

Failure to comply may result in a fine of $100. The employer may also be held liable for any penalties incurred.

FRS LABOR STANDARDS ACT

The FLSA sets minimum wage and overtime standards for employees in the United States. The Act applies to employees engaged in commerce or in an industry affecting commerce, and to employers in non-exempt businesses.

The Act requires employers to pay employees at least the minimum wage for all hours worked, plus time and a half for all hours worked over 40 in a workweek. The minimum wage is currently $7.25 per hour.

Failure to comply may result in a fine of $100. The employer may also be held liable for any penalties incurred.

EMPLOYER RIGHTS UNDER THE FEDERAL MENTAL HEALTH PROTECTION ACT

The Employee Benefits Security Act of 1974 (ERISA) provides employees with rights related to their retirement and health benefits. The Act requires employers to provide employees with written notice of their health benefits rights.

Failure to comply may result in a fine of $100. The employer may also be held liable for any penalties incurred.

B. Notice to Employees

The employee must inform his/her employer of the disability in order to be eligible for temporary disability payments. The employee must also inform his/her medical practitioner and the insurer of the disability to ensure timely payments. If the employee fails to inform his/her employer or insurer of the disability, he/she may be entitled to temporary partial disability benefits. These benefits are calculated based on a percentage of the employee's wages at the time of injury, minus any tips or wages that the employee is still able to earn.

Failure to comply may result in a fine of $100. The employer may also be held liable for any penalties incurred.

The minimum compensation is $467 unless the employee's wages are equal to or more than $1,000 per week. If the employee's wages are less than $1,000 per week, the minimum compensation is $467 plus 60% of the difference between $1,000 and the employee's wages. The maximum compensation is $1,000.

The employer or insurer must also pay up to $10,000 in burial expenses plus the cost of transporting the body if death occurs. If an employer is authorized to self-insure, a written report shall be provided no later than 10 days after the date on which knowledge of an injury or death is acquired. If the death result in legal interpretations different from those presented in Section V above.

This general in nature and is not intended as a substitute for legal advice. If you have questions regarding your rights or the application of any federal or state law, you should contact the Department of Labor and Regulation or a qualified attorney.