State Record Retention Requirements – SD



SOUTH DAKOTA

Wage and Hour

Worker Injuries, Health, and Safety:

Every employer covered by workers' compensation law must keep a record of all injuries, fatal or otherwise, sustained by the employer's employees in the course of their employment. The record must be completed within 7 calendar days, not counting Sundays or holidays, after any employer has knowledge of the occurrence of an injury. The record must be on a form approved by the DOL and the employer shall preserve a copy for at least four years. The record must be signed by the employer and a copy given to the injured employee.

Wage records of employees must be open for inspection for purposes of ascertaining correctness of the wage expenditure and number of employees.

Employees of state programs for developmentally disable are required to undergo employee orientation. There must be policies on confidentiality, drug free workplace, grievance, sexual harassment, and safety.

Other Employment Records:

Employers must keep true and accurate work records containing information needed by the

Unemployment Compensation Division and these records must be kept for four years. The Division of Criminal Investigation and Highway Patrol must keep records on employees, but no retention time is identified. The Personnel Commissioner must maintain appropriate records on all career service employees.

Any person who employs a lobbyist must register the name of the person with the secretary of state, and the lobbyist must also register with the secretary or state and file a written authorization from the employer. Licensed child care and registered child welfare agencies must keep personnel records.

Does your state give employees a legal right to examine their own personnel files?

Employees' Rights:

Career service state employees (executive branch) have the right to examine any records required or maintained by the Bureau of Personnel, including performance

appraisals that pertain to the employee.

Former Employees’ Rights:

The statutes seem to be limited to current employees.

Covered Employers

State government

Citation to Authority – Click link to view statutes/rule:

SDCL § 62-6-1	**Record of injuries sustained by employees**
SDCL § 62-6-4	**Wage record of employees**
SDCL § 61-3-2	**Work record maintained by employing unit – inspection**
SDCL 2-12-1	**Lobbyists to register with Secretary of State**
SDCL 2-12-2	**Directory of lobbyists kept by Secretary of State**
SDCL 2-12-4	**Authorization to act as lobbyist for employer’s**
SDCL 27B-2-27	**Employee orientation: policies, procedures, resident rights**
SDCL 26-6-16	**Rules for child care**
ARSD 67.42.09.11	**Staff Personnel Records**