



# South Dakota Pay Equity

## **Statute**

- Equal Pay for Equal Work, S.D. Codified Laws, § 60-12-15 et seq.
- South Dakota Human Relations Act, SD Cod. Laws. Sec. 20-13-10

## **Classes protected**

- Sex, race, color, creed, religion, ancestry, disability, national origin

## **Key language on pay discrimination**

- “No employer may discriminate between employees on the basis of sex, by paying wages to any employee in any occupation in this state at a rate less than the rate at which the employer pays any employee of the opposite sex for comparable work on jobs which have comparable requirements relating to skill, effort, and responsibility, but not to physical strength.”
- “It is an unfair or discriminatory practice for any person, because of race, color, creed, religion, sex, ancestry, disability, or national origin, to ... accord adverse or unequal treatment to any person or employee with respect to ... compensation...”

## **Exceptions for pay disparities (including affirmative defenses)**

Any of the following which do not discriminate on the basis of sex:

- Established seniority systems
- Job descriptive systems
- Merit increase systems
- Executive training programs

## **Anti-retaliation**

- Prohibits retaliation.

## **Key Contacts**

- Kathleen McLeod Caminiti
- Lonnie Giamela
- Sheila M. Abron
- Jacklyn Rad

- [Sarah Wieselthier](#)
- [Monica Snyder Perl](#)

### ***Pay Equity Team***

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