

Rapid City Human Relations Commission

City of Rapid City
300 Sixth Street, Rapid City, 57701
(605) 394-4410

South Dakota Human Relations Act of 1972

In February of 1972 the South Dakota Legislature passed the South Dakota Human Relations Act of 1972. This Act, published in the South Dakota Compiled Laws as Chapter 20-13, prohibits discrimination because of race, color, creed, religion, sex, ancestry, disability or national origin. It covers employment practices, labor union membership and services, housing accommodations, education, public accommodations, public services and property rights. The Act also makes it illegal for any person to discriminate against someone because he or she has filed a complaint with the Division of Human Rights, has testified on a matter before the Division, or has assisted the Division to carry out the purposes of the Act. The law became effective on July 1, 1972.

Coverage:

The South Dakota Human Relations Act of 1972 applies to everyone. The only exceptions to this broad coverage are allowances made for religious institutions in the areas of employment and education as well as exemptions for sex discrimination for voluntary youth services organizations, veterans organizations, fraternities, sororities and father-son, mother-daughter activities

Employment:

It is unlawful for:

- an employer to refuse to hire a person, to discharge or lay off an employee, harass or to treat persons differently in the terms and conditions of employment because of race, color, creed, religion, sex (includes pregnancy), ancestry, disability, or national origin;
- a labor union to refuse membership or to deny any rights given to other union members because of race, color, creed, religion, sex (includes pregnancy), ancestry, disability, or national origin;
- an employment agency to refuse an applicant or to deny an applicant any rights given to other applicants on the basis of race, color, creed, religion, sex (includes pregnancy), ancestry, disability, or national origin.
- It is also against the law for an employer, labor union, or employment agency;
- to advertise job openings or union memberships indicating a preference for or excluding a particular race, color, creed, religion, sex (includes pregnancy), ancestry, disability, or national origin;

Real Property and Housing:*(Land and/or buildings for sale, rent, or lease)*

It is unlawful for:

- an owner, or representative of an owner, to refuse to sell, rent, or lease any property; to treat people differently in the terms or conditions of any sale, rental, or lease; to ask questions, make records, or to print signs or advertise in a manner which discriminates on the basis of race, color, creed, religion, sex, ancestry, disability, or national origin.

It is also unlawful for:

- any person, bank, mortgage company, insurance company or other financial institution to discriminate in the lending of money to buy, build, or repair property.

Public Accommodations:

No person can be denied the right to the full and equal use of any public accommodation in South Dakota because of race, color, creed, religion, sex, ancestry, disability, or national origin.

Public Services:

(Hospitals, police, welfare department, all departments, agencies, boards or commissions owned, operated, or managed by or for the State of South Dakota or any political subdivision)

No person can be denied the right to the full and equal benefit of any public service in South Dakota because of race, color, creed, religion, sex, ancestry, disability, or national origin.

Education:

No person can be denied the same benefit or service from any school at any level in South Dakota because of race, color, creed, religion, sex, ancestry, disability, or national origin.

Disability:

Disability is any physical or mental characteristic resulting from disease, injury, congenital condition of birth or functional disorder which is unrelated to a person's ability to perform a job, to qualify for employment or promotion, to acquire, rent or maintain property, and to utilize and benefit from educational opportunities, programs, and facilities at an educational institution.

Good faith efforts must be made to reasonably accommodate the disabled person unless accommodation would impose undue hardship.

Pregnancy:

Under state and federal laws, pregnancy is to be treated as any other temporary disability is treated. A woman cannot be fired, refused employment, required to take leave, or treated differently as long as she can perform her job duties adequately. If other employees are given special accommodation when disabled so much a pregnant employee be given such accommodation. An employee cannot be forced to return to work before she is medically able. Likewise, an employer does not have to extend leave longer than medically necessary unless such benefits are given to other temporarily disabled employees.

Harassment:

Harassment occurs when employment decisions are based upon refusal or acceptance of sexual advances, or creating a hostile working environment so severe as to hinder a person's ability to do their work. Once an employer is made aware of a harassment situation it becomes their responsibility to take action to correct the situation. The South Dakota Human Relations Act prohibits harassment based on race, color, creed, religion, sex, ancestry, disability, or national origin.

Reprisal:

Any person who files a charge of discrimination, testifies, assists or participates in any way in an investigation, hearing or any other proceeding conducted by the South Dakota Division of Human Rights

is protected by law against reprisal by any person, employer, employment agency, labor organization, landlord, or other covered individual or organization.

Related Agencies:

U.S. Equal Employment Opportunity Commission

The EEOC enforces Title VII of the 1964 Civil Rights Act, which prohibits job discrimination based on race, color, religion, national origin, or sex. EEOC also enforces the Equal Pay Act and the Age Discrimination in Employment Act. Title VII covers employers of 15 or more persons, including state and local governments, labor unions, apprenticeship programs, and employment agencies. The Division of Human Rights works closely with EEOC, and charges filed with EEOC are referred to the Division of Human Rights for investigation.

Office of Federal Contract Compliance

Located within the U.S. Department of Labor, OFCC administers the President's Executive Orders requiring affirmative action for women, minorities, Viet Nam veterans and the handicapped by federal contractors and subcontractors. EEOC and OFCC work closely together, and a charge of discrimination filed with one is considered filed with both.

Office of Personnel Management

Under the provisions of Executive Order 11478 and Title VII of the Civil Rights Act, the Office of Personnel Management promotes and enforces equal employment opportunity in the federal government. Complaints of discrimination are investigated by each federal agency but may be appealed to the Office of Personnel Management,

U.S. Department of Housing and Urban Development

HUD's Office of Equal Opportunity administers the Fair Housing Act of 1968, which prohibits discrimination based on race, color or creed in the sale or rental of housing.

Federal Trade Commission

FTC enforces the Equal Credit Opportunity Act, which prohibits creditors from discriminating on the basis of race, color, sex, religion, national origin, age and marital status.

U.S. Department of Education

This department enforces the provisions of Title IX of the 1964 Civil Rights Act that prohibit sex discrimination in any educational program or activity receiving federal financial assistance.