

Wage Claims

Does South Dakota have state overtime laws that are different from federal law?

South Dakota state law does not address the issue of overtime pay; for that reason, only [federal law](#) applies in the state. State law nonetheless does indicate that a workday in any manufacturing or mechanical occupation shall consist of eight hours unless there is an express agreement to the contrary.

Does South Dakota have a minimum wage that is different from federal law?

No. Effective January 1, 2020, the minimum wage in South Dakota is \$9.30 per hour, higher than the federal minimum wage of \$7.25 per hour.

The minimum wage law does not cover the following employees:

- Babysitters
- Employees who are under 20, who may be paid a training wage
- Apprentices
- Mentally or physically disabled individuals, for whom the Department of Labor may prescribe a lower wage
- Prisoners, who are entitled to "reasonable compensation"
- Outside salespeople

An employer must pay tipped employees at least \$4.65 per hour which, along with the employee's tips, must add up to the minimum wage of \$9.30 per hour.

Do any cities or counties in South Dakota have a minimum wage that is different from state or

federal law?

No cities or counties in South Dakota currently have a minimum wage different from the state minimum of \$9.30 per hour.

Does South Dakota have meal and rest break requirements, unlike federal law?

Like federal law, South Dakota law does not require employers to provide meals or rest breaks.

How do I file a wage/hour or labor standards claim in South Dakota?

If your employer owes you wages, you can file a claim with the South Dakota Department of Labor and Regulation. The address is listed below. If the Department finds that your claim is valid, it can sue your employer in court on your behalf. If your employer was oppressive, fraudulent, or malicious in her/his refusal to pay you the wages you were owed, you may be entitled to twice what you are owed.

What are my time deadlines?

Do not delay in contacting the South Dakota Department of Labor and Regulation to file a claim. There are strict time limits in which charges of wage-and-hour violations must be filed. In order for the Department to act on your behalf, you must file your claim within two years after you are owed your wages, since this is the statute of limitations for bringing a court case.

How can I or my attorney pursue a claim in court in South Dakota?

Instead of filing a claim with the South Dakota Department of Labor and Regulation, you can file a lawsuit in court. The statute of limitations for such a lawsuit is two years, and if your employer was oppressive, fraudulent, or malicious in her/his

refusal to pay you the wages you were owed, you may be entitled to twice what you are owed. The court may also require your employer to pay your litigation costs and reasonable attorneys' fees.

State Labor Agency

South Dakota Department of Labor & Management

Division of Labor and Regulation

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Pierre, South Dakota 57501-2291

Phone: (605) 773-3681

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The South Dakota Department of Labor & Management can be contacted [online here](#)

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