

**SOUTH DAKOTA DEPARTMENT OF LABOR & REGULATION
DIVISION OF LABOR AND MANAGEMENT**

KATIE JACKSON,

HF No. 11G, 2021/22

Petitioner,

v.

SECOND AMENDED DECISION

**WESSINGTON SPRINGS SCHOOL
DISTRICT 36-2 and BOARD OF
EDUCATION**

Respondent.

This matter came before the Department of Labor & Regulation (Department) when Katie Jackson filed a Petition for Hearing on Grievance pursuant to SDCL 3-18-15.2. The Department conducted a hearing on September 20, 2022, in Wessington Springs, South Dakota. The matter was heard by Michelle M. Faw, Administrative Law Judge. Petitioner, Katie Jackson (Jackson) was presented and represented by Anne Plooster of the South Dakota Education Association. Respondent, Wessington Springs School District 36-2 and Board of Education (District) was represented by Terra M. Larson of May, Adam, Gerdes & Thompson.

Legal Issue:

This case presents the following legal issues:

Whether certain board policies were violated when Jackson was asked to remove a magnet from her classroom. The relevant board policies are: Policy KL, Policy GBC, Policy GBCBA, Policy BBA, and Policy BBF.

Background:

Jackson was a teacher for the District for seven years. At the time pertinent to this matter, she had been the middle school and high school math teacher for two years. During her time at the District, Jackson had displayed a small circular light blue ALLY magnet in her classroom. The magnet was on her filing cabinet near her desk in the back of the classroom, and it was not in the direct line of sight of her students.

In the fall of 2021, Jackson noted the magnet was missing. She mentioned its disappearance to each of her classes, asking for it to be returned¹. She informed her classes that she was an “ally,” and that the magnet was about LGBTQIA inclusivity. She explained that whether or not the magnet was displayed, her classroom would be an inclusive place.

In November 2021, Jackson replaced the magnet with a rectangular rainbow ALLY magnet. The new magnet was slightly longer than a business card, and it was placed in the same spot on the filing cabinet as the previous magnet.

At that time, the daughter of Board of Education Vice-President Amber Kolousek (Amber) was a student in Jackson’s class. Amber’s daughter² mentioned the missing magnet and its replacement to Amber while discussing her day at school as she often did. Upon hearing about the magnet, Amber became concerned that the ALLY magnet may violate District policies. She brought her concerns about the magnet to Superintendent Michael Ormsmith (Ormsmith) and asked him to investigate the magnet and determine if it violated any policies. Amber asserts she was acting as a member of

¹ The blue magnet was eventually found in one of Jackson’s filing cabinets.

² Amber’s daughter is a minor and will be referred to by her initials, A.K.

the Board of Education and not as a parent when she approached Ormsmith regarding the magnet.

Ormsmith went to Jackson's classroom to view the magnet, and he determined that it violated Policy GBC regarding staff ethics which provides standards staff are required to maintain including: "Restraint from using school contacts and privileges to promote partisan politics, sectarian religious views, or selfish propaganda of any kind." To make his determination, Ormsmith researched national and South Dakota platforms of the Democratic and Republican parties. He determined both platforms stated opposing viewpoints on LGBTQIA issues, and thus the magnet referred to partisan politics.

Ormsmith directed High School Principal Jason Kolousek (Jason)³ to meet with Jackson and inform her she needed to take the magnet down⁴. On January 11, 2022, he visited her classroom to discuss the magnet, at the direction of Ormsmith. Ormsmith had informed Jason that Amber had told him about the magnet. He assumed that the issue arose from a parental complaint from Amber, and that is what he told Jackson. He and Jackson discussed the magnet, and he asked her to remove it. Jackson refused to remove the magnet, and Jason agree she did not need to remove it as he felt there needed to be more discussion on the issue at the administration level. Jason informed Ormsmith that he did not feel the magnet was a distraction and it would be more of a distraction to have Jackson take it down.

Ormsmith met with Todd Grohs, the President of the School Board, and Amber, the Vice President of the School Board to ensure he was interpreting policy properly.

³ Jason is the cousin of Amber's husband.

⁴ Policy CF dictated that Jackson's direct supervisor should first discuss the alleged violation of policy.

Both agreed that the magnet violated Policies GBC and GBCBA. Ormsmith drafted a letter for Jason to provide to Jackson. On or about January 14, 2022, Jason again met with Jackson regarding the magnet. He gave her the letter directing her that the magnet needed to be removed. The letter referred to Policies GBC and GBCBA. Jackson was thereby informed that if the magnet was not removed from her classroom by January 14, 2022, the administration would remove it and place a reprimand in her file. Jackson consulted with her union representative and then removed the magnet.

Jackson then began the grievance process regarding multiple grievances. First, in a level 1 grievance, she alleged the District violated Policy KL. She alleged that KL was violated because Jason informed her of a complaint about the magnet, but she never received a signed complaint form nor was a meeting scheduled with the complainant, principal, or Jackson. She requested that she be able to hang the magnet and that any reference to the incident be purged from her personnel file. Jason responded to the grievance by letter stating a complaint was not filed against her and therefore no meeting was needed.

Jackson then commenced her level 2 grievance alleging that the administration's actions were "based on an anonymous tip" and that, under the circumstances, "tip" and "complaint" were synonymous. Therefore, she argued, Policy KL applied and had been violated. She further asserted that the School Board had to make the determination of a violation, and since there had been no school board action, that violated the findings of the level 1 grievance. Ormsmith responded to the level 2 grievance by a letter explaining that Policy KL did not apply because the display of the magnet was a policy violation and the administration was responsible for the enforcement of policy violations,

not parents or students. He also stated that no board action was required, and nothing regarding the magnet issue was in Jackson's personnel file. Jackson then proceeded with her level 3 grievance.

On January 27, 2022, Jackson filed three level 1 grievances. The first grievance regarded the magnet but also alleged the administration had violated, misinterpreted, or inequitably applied Policy GBC. She asserted that she did not use any of her school contacts to display the magnet, nor did she use any of her privileges as a teacher to display the magnet. She further asserted that the magnet was not partisan, not sectarian religious, nor selfish propaganda. She again requested to be allowed to display the magnet and for any documentation regarding the incident to be removed from her file.

The second of the three grievances she submitted again alleged that KL was violated, misinterpreted, or inequitably applied. She referred to the meeting she had with Jason during which he told her that he had been directed to have her remove the magnet based on a tip about the magnet being in violation of school policy. She again argued that the magnet was not a violation of school policy and that the administration violated school policy by skipping the procedure outlined in policy KL.

The third of the grievances alleged that the administration violated, misinterpreted, or inequitably applied Policy GBCBA specifically the section that provides:

When public employees make statements pursuant to their official duties: in the classroom, at Board meetings, and at other meetings related to educational issues affecting the district, the employees are not speaking as citizens for First Amendment purposes, and the Constitution does not insulate their communications from employer discipline.

She asserted the magnet was not a verbal statement but was, instead, a classroom decoration that was hung up at her discretion. The grievance states that she had displayed the magnet since 2015, and administrators and parents had been to her classroom with no comment on the magnet. She requested to be allowed to display the magnet and for any documentation related to the matter to be removed from her file.

Jason denied Jackson's three level 1 grievances by stating they were related to policy and not procedure. He asserted he did not have the authority to make final decisions on policy. On February 3, 2022, Jackson continued the three grievances to level 2.

Ormsmith responded to Jackson's level 2 grievances. He addressed Policy GBC by stating that Jackson's access to and authority over students as a teacher constituted her contacts and her privileges referred to her classroom space under the policy. He stated that the claim that the ALLY magnet did not represent partisan politics or sectarian religious views was not valid as there is a wide range of political and religious beliefs related to LGBTQIA individuals and therefore, displaying support for the LGBTQIA community represented a political act. He added that her claim that the magnet did not represent selfish propaganda was also not valid as it referred to issues and ideas important to herself without regard for the opinions of others.

Ormsmith further addressed Policy KL in his response. Policy KL provides:

The purpose of this policy is to outline a procedure for addressing parent/student/public complaints about an employee's conduct, performance, or an employee's administration of a curricular, co-curricular or extra-curricular program.

Ormsmith stated that the district had not received an official complaint, so KL did not apply, and that KL did not apply to personal decorations placed in the building by staff or administrative actions related to staff.

He then added that pursuant to Policy BCD the administration is charged with enforcing policies, not the students or parents, and enforcement does not require a formal complaint form provided by a student, parent, or member of the public. He wrote that in this matter the administration was notified by a parent that their child identified the magnet, and it made the child feel uncomfortable. Based on that information, the presence of the magnet was independently verified by the administration, and it was determined that the magnet violated Policy GBC. He further stated that this course of action was consistent with Section 5.1 of the Negotiated Agreement to resolve disputes or conflicts at the lowest level, and informally as possible.

As to Policy GBCBA, Ormsmith explained that the magnet constituted expression under the policy. The staff is allowed to place decorations, but the decorations must conform to policy. Additionally, merely because there had not been concerns raised about the magnet previously, that did not indicate acceptance or approval by the administration. He mentioned the concerns of the student regarding the magnet, and that the fact the magnet had been on display for some time did not justify dismissing the impact of the magnet on the student. He also referred to the fact that the administration had not previously been asked by a student or a parent to evaluate the magnet, and the fact it had not been addressed did not indicate approval. He contended that the enforcement of Policy GBC related to the LGBTQIA symbol was

consistent with the current administration's intent to provide a learning environment free from divisive content.

Finally, he stated that Jackson's assertion in her grievance that no disruption to the school environment had occurred due to the display of the magnet was false. The student had been discomfited by the display. He also mentioned the removal of the previous magnet, allegedly by a student, which resulted in Jackson addressing her classes about the matter. He also clarified that Policy GBC does not require a disruption to the school environment to have occurred. As he had previously stated, nothing had been placed in Jackson's file.

On February 8, 2022, Jackson filed three level 3 grievances. In addition to asking that any related material be removed from her file, she also requested that Policy GBC be altered to include the phrase, "Messages of inclusivity and tolerance will not be construed in violation of staff ethics policy."

On February 7, 2022, Jackson filed an additional level 1 grievance asserting that the administration violated, misinterpreted, or inequitably applied Policies BBA, BBF, GBM, and KL. The grievance states that Jackson had heard that Amber and Grohs had asked Ormsmith to have the magnet removed from her classroom. Jason had indicated that he had expressed a desire for the complainants to meet with Jackson to discuss the issue but was told no. Jackson asserted that the action was a violation of Policies BBA, BBF, and KL as the individual board members were acting on behalf of the entire board and failed to follow the chain of command. Additionally, the grievance mentioned that Jason asked Ormsmith about an LGBTQIA -themed LEGO set Jackson also displayed in her room and whether it would need to be removed. Ormsmith said it was not as obvious so it could remain. Jackson contended that demonstrated the policies

were being arbitrarily and capriciously applied in violation of Policy KL and GBM. Jason responded to her level 1 grievance by informing her that it regarded a policy issue and that he did not have the authority to go against school policy. The level 1 grievance was denied.

Jackson took her grievance to level 2 on February 14, 2022. In his response on February 18, 2022, Ormsmith stated that the grievance contained a factual error. He explained that the alleged event of Amber and Grohs asking him to remove the magnet did not occur and there was no violation of the chain of command. He also stated it was a factual error to assert that Jason was told not to corroborate information under his direction. He added that Policy KL did not apply in the situation for the same reasons he provided in the previous grievance denials. He added that the superintendent is responsible for policy enforcement and interpretation. Regarding the LEGO set, Ormsmith explained that a LEGO creation in a rainbow pattern does not inherently indicate a political movement or belief. He added that if Jackson was indicating that the LEGO set did represent the ALLY political movement, then it should be removed from the classroom as well. He again restated that there was no documentation regarding the incident in her file.

On February 23, 2022, the Board addressed all of Jackson's grievances. The Board found that policy KL had not been violated, and the ALLY magnet violated Policy GBC. Jackson was informed that she could have a rainbow magnet displayed but not with the word "ALLY," because the word tied the magnet to a partisan political movement. At hearing, Grohs testified that the magnet was taking a stand for something the District was not against but instead preferred to remain neutral on.

Jackson voluntarily resigned from the District after the 2021/2022 school year because she felt her core beliefs did not align with the upper administration. The District attempted to renew Jackson's contract and offered her a raise, but she declined. Jackson's Petition for Hearing on Grievance was received by the Department of Labor & Regulation (Department) on April 18, 2022.

Authority:

The Department's authority to review grievances is granted by SDCL 3-18-15.2 which provides in part, "If, after following the grievance procedure enacted by the governing body, the grievance remains unresolved ... it may be appealed to the Department of Labor and Regulation" SDCL 3-18-1.1 defines "grievance" of a public employee:

The term "grievance" as used in this chapter means a complaint by a public employee or group of public employees based upon an alleged violation, misinterpretation, or inequitable application of any existing agreements, contracts, ordinances, policies, or rules of the government of the State of South Dakota or the government of any one or more of the political subdivisions thereof, or of the public schools, or any authority, commission, or board, or any other branch of the public service, as they apply to the conditions of employment. Negotiations for, or a disagreement over, a nonexisting agreement, contract, ordinance, policy, or rule is not a "grievance" and is not subject to this section.

As the grievant, Jackson must prove that the District violated, misinterpreted, or inequitably applied any existing agreements, contracts, ordinances, policies, or rules.

Rininger v. Bennett Cnty. Sch. Dist., 468 N.W.2d 423, 425 (S.D. 1991). "Deference is not given to the school board's decision by the department in a grievance review under SDCL 3–18–15.2. In fact, it is hard to imagine how deference could be given by the department to board's factual determinations when there are no factual determinations

in the record to review. Rather, the department issues a binding order based upon its own investigation and hearing.” *Cox v. Sioux Falls Sch. Dist.* 49-5, 514 N.W.2d 868, 872 (S.D. 1994)

Policies KL, BBA, and BBF

The Department will first address Policies KL, BBA, and BBF. Policy KL establishes the procedure for addressing a parent complaint about an employee’s conduct. The Policy encourages resolution at the lowest procedural level and only invites Board involvement when it cannot otherwise be resolved. Policy KL provides, “When a complaint against a school employee is brought directly to an individual board member or the entire Board, the board member or entire Board may listen to the person’s complaint but shall take no action unless there has been compliance with this policy.” The procedure outlined in Policy KL can be initiated in one of two ways, by meeting and discussing the concern with the employee or by meeting with the employee’s principal. If the complainant met with the employee and the matter was not resolved, he or she may then go to the principal who will then complete a form for the complainant to sign.

Jackson argues that Policy KL was not followed because Amber was acting as a parent, not a Board member, and she failed to meet with either Jackson or the principal directly. Jackson asserts Amber should have met with Jackson or Jason to address her complaint.

The District contends that Amber approached Ormsmith as a Board Member. Policy BBF requires that a Board member “refer all complaints, including []personal criticisms to the appropriate administrative officer and only after the failure of administrative solution will discuss such matters at a regular board meeting.” Policy

BBA states the Board is to “formulate and enact policy and to delegate the application of policies to the Superintendent and his staff, who will be held responsible for the effective administration and supervision of the entire school system.” Policy CH states “The Superintendent has responsibility for carrying out, through administrative regulations, the policies established by the Board.” Policy BCD states “The Board holds the Superintendent responsible for the administration of its policies, the execution of Board decisions, the operation of internal machinery designed to serve the school program, and for keeping the Board informed about school operations and problems.” Policy CF provides “The Principal is charged with the supervision and direction of the staff and the students assigned to his or her building, and with care of the school facility and its equipment...” Therefore, according to the various policies, if a Board member becomes aware of a Policy violation, they are to inform the Superintendent who is tasked with confirming that a violation has occurred. At that time, the Superintendent will direct the Principal to correct the violation and see that policy is properly observed. The District asserts that the procedure required by the various policies was followed when Amber brought the policy concern to Ormsmith who then directed Jason to meet with Jackson.

Amber testified at hearing that she was acting as a Board member when she brought the magnet to Ormsmith’s attention. Therefore, it was appropriate under Policy BBF for her to take her concerns directly to Ormsmith. The Department has no reason to doubt her claim. However, Ormsmith’s responses to the level 2 grievances identify that the matter arose when the administration was notified by a parent that their child was uncomfortable with the magnet. Thus, from his own words, it is apparent that Ormsmith interpreted Amber’s actions as a parental complaint. Therefore, pursuant to Policy KL, Ormsmith should have directed Amber to meet with Jackson to discuss her

complaint or meet with Jason to fill out a formal complaint form. Policy KL was violated when Ormsmith, believing he was addressing a parental complaint, followed the procedure regarding a Board complaint instead of Policy KL.

The District asserts that finding that Policy KL applies to Policy violations would tie the hands of the administration and prevent them from enforcing Board Policies generally. The Department concludes that the power to address Policy violations whether violations the Superintendent observed himself or those brought to attention by other means is still within the power of that position. The Board has given the Superintendent the authority and responsibility to resolve policy violations as swiftly and informally as possible. However, in the matter of Jackson's magnet, it appears that Ormsmith believed he was dealing with a parental complaint and the parental complaint procedure is outlined in Policy KL. Thus, that is the procedure he should have followed.

Jackson also asserts that Board Policy BBF was also not followed. Policy BBF refers to the ethics of Board Members it provides in pertinent parts,

The School Board recognized that there are rules of ethical conduct for public officials and employees that extend beyond the responsibilities and duties delegated by law.

The following principles of conduct will serve as a guide for the official conduct of Board members:

...

3. I will try to make decisions in terms of the best interest of the educational welfare of children. I will seek to provide an educational opportunity equally open to all children regardless of ability, race, creed, sex or location of residence.

...

5. I will refuse to represent special interests or partisan politics or to use the schools for personal gain or for the gain or [sic] friends or supports.

...

7. I will recognize the authority vests with the whole board assembled in meeting and that I have no legal status to bind the board outside of a meeting.

...

9. I will refer all complaints, including my personal criticisms to the appropriate administrative officer and only after failure of administrative solution will discuss such matters at a regular board meeting.

A.K. testified that she was not upset about the magnet. Thus, Jackson argues that Amber chose to bring the issue of the magnet to Ormsmith on her own initiative in her role as Board Vice-President. Jackson asserts that she did this because she objected to the magnet personally in violation of Policy BBF. The Department finds Amber's testimony at hearing credible in regard to her motivations for bringing the magnet to Ormsmith's attention. She testified that she was concerned a policy violation had occurred and as a member of the Board it was her responsibility to bring it to the Superintendent's attention. The record shows she appropriately brought the matter to Ormsmith and he went forward with it.

Policies GBC and GBCBA

Jackson asserts that Policies GBC and GBCBA do not apply as the magnet does not promote partisan politics, sectarian religious views, or selfish propaganda of any kind. She asserts that her display of the Ally magnet merely symbolized that her classroom was an inclusive place.

The District argues that Jackson's access to her students constitutes her "contacts" under the policy, and her "privileges" per the policy refer to the classroom space she is given. Additionally, the District asserts that the ALLY magnet falls under Policy GBC for a number of reasons. First, both the Democratic Party and the Republican Party platforms put further opposing views on LGBTQIA issues. Second,

the ALLY magnet also constituted religious views as various religions have opposing stances on LGBTQIA issues. Third, the ALLY magnet constituted selfish propaganda because the display of the magnet projected Jackson's views on the issue without consideration for those who do not share her viewpoint. Policy GBCBA states,

When public employees make statements pursuant to their official duties; in the classroom, at Board meetings, and at other meetings related to education issues affecting the district, the employees are not speaking as citizens for First Amendment purposes, and the Constitution does not insulate their communications from employer discipline (*Garcetti v. Ceballos*).

The Department concludes that Policies GBC and GBCBA apply to the ALLY magnet. LGBTQIA issues are contentious both in politics and religion. During his testimony, Grohs testified that a magnet of a rainbow alone does not have a specific meaning but adding the word ALLY aligns it with a political movement. "[I]t makes it stand for something we don't want in our district, not that the district is against it, we want it to be neutral in our district." (HT 101:14-18)⁵. Both the policy and Grohs testimony appears to indicate that it is the intent of the District for the school environment to remain neutral on certain topics. While Jackson's goal of inclusivity is admirable, by displaying the ALLY magnet she was using her privileges and contacts to comment on a politically and religiously contentious topic in violation of Policy GBC. Therefore, the Department concludes that Policy GBC applied, and Jackson violated the policy by displaying the ALLY magnet.

Policy GBCBA states,

When public employees make statements pursuant to their official duties; in the classroom, at Board meetings, and at other meetings related to education issues affecting the district, the employees are not speaking as

⁵ References to the hearing transcript will be indicated with HT

citizens for First Amendment purposes, and the Constitution does not insulate their communications from employer discipline (*Garcetti v. Ceballos*).

The District asserts Policy GBCBA applies as Jackson was acting in her capacity as a teacher when she displayed the magnet and therefore, her display of the magnet was not protected speech under the First Amendment.

Jackson further argues that per the letter she received on January 13, 2022, “the determination of what activities are designated as political, religious, or selfish rests with the school board, not the individual staff member.” She claims that Ormsmith was aware of the original blue Ally magnet. Also, when Ormsmith instructed Jason to have Jackson remove the magnet in question, Jason allowed her to keep the magnet up until it could be discussed further. Jackson asserts that allowing the magnets to be displayed indicates the District agreed that they did not constitute partisan politics, sectarian religious views, or selfish propaganda and therefore approved of the display of the magnet.

The Department disagrees. Ormsmith testified that he was unaware of what the original magnet said and only saw it as a blue dot. Upon being made aware of the text and meaning of the Ally magnet, Ormsmith sought to address what he understood to be a parental complaint regarding a policy violation. Jason was merely intending to investigate the matter further. These actions do not indicate that Ormsmith, Jason, or the District thought Policy GBC did not apply. Therefore, the Department concludes that the District did not approve of the display of the magnet in the classroom, and the magnet was not protected speech thus Policies GBCBA and GBC apply.

Additionally, Jackson has pointed to numerous other examples of potential violations of Policy GBC, including staff displays of religious items, a pride flag, and Jackson's LEGO set, as proof that the policy is inequitably applied. Just under a month following the letter informing Jackson to take down the magnet, Ormsmith directed both the high school and elementary principals to perform a sweep of their school for potential policy violations. Various items were discovered and removed. The Department concludes that when the administration is made aware of the presence of items that could potentially be a violation of Policy GBC, the policy is equitably applied.

Jackson further argues that in determining that the magnet violated policy, Ormsmith inappropriately met with Amber and Grohs as Board members, and the three of them determined the magnet violated Policy GBC without consulting the remainder of the Board. Jackson asserts that the authority to determine whether the magnet violated Board Policy GBC rests with the entire board. BBA specifically states that the power of the board is vested in the entire board. However, as the Superintendent is encouraged to resolve matters as informally as possible and there does not appear to be any policy preventing the Superintendent from asking individual Board Members for advice on policy interpretation, the Department concludes that it was not inappropriate for Ormsmith, Amber, and Grohs to confer over the matter.⁶

In conclusion, the Department finds that Policies KL, GBC, GBCBA, BBA, and BBF apply in this matter. The District violated Policy KL by failing to follow the protocol for a parental complaint. Jackson violated Policy GBC by displaying a magnet that violated the directive against using school contacts and privileges to promote partisan

⁶ Amber testified that such meetings between school board members and superintendents are common.

politics and sectarian religious views. Policy GBCBA applies, and the display of the magnet is not protected speech under that policy. Policies BBA and BBF were not violated.

In her Petition, Jackson requested the following:

1. Jackson be allowed to display her ALLY magnet in her classroom.
2. Statement of allyship and the word “ally” be allowed in teachers’ classrooms.
3. Board Policy GBC be amended to say that statements of allyship are not considered to be partisan political statements.
4. The Wessington Springs Board of Education, School District and/or its agents be instructed to properly follow Board Policy KL, Complaint Against School Employee, Board Policy GBC, Staff Ethics, Board Policy GBCBA, Freedom of Expression, Board Policy BBA, School Board Powers and Duties, and Board Policy BBF, Board Member Ethics.
5. Any other relief deemed just and proper.

As she is no longer a teacher with the district, the Department is unable to grant her request to be allowed to display the magnet in her classroom. The Department also does not have the authority to direct the District to alter Policy GBC to be amended to say that statements of allyship are not considered to be partisan political statements, or that statements of allyship are allowed in classrooms. “[U]nder SDCL 3-18-15.2 the Department has authority to act only on grievances that do not involve the exercise of executive or legislative powers or the performance of a governmental function.” *Rininger* at 427. The Department hereby ORDERS the District to properly follow Policy KL.

Jackson shall submit Findings of Fact and Conclusions of Law and an Order consistent with this Decision within twenty (20) days from the date of receipt of this Decision. The District shall have an additional twenty (20) days from the date of receipt

of Jackson's Proposed Findings and Conclusions to submit objections thereto and/or to submit their own proposed Findings of Fact and Conclusions of Law. The parties may stipulate to a waiver of Findings of Fact and Conclusions of Law and if they do so, Jackson shall submit such Stipulation along with an Order consistent with this Decision.

Dated this 20 day of April, 2023.

SOUTH DAKOTA DEPARTMENT OF LABOR & REGULATION



Michelle M. Faw
Administrative Law Judge