

STATEMENT OF THE ISSUES

1. Whether a claimant must exhaust administrative remedies with the South Dakota Division of Human Rights prior to filing an Equal Pay Act claim in court?

Contrary to unanimous, binding federal law, the trial court held that Appellants must exhaust administrative remedies before filing their Equal Pay Act claims in circuit court.

2. Whether service by mail of a Notice of Appeal is sufficient in order to perfect an appeal of a school board decision pursuant to SDCL ch. 13-46?

The trial court held that Appellants were required to personally serve at least one member of the School Board with their Notice of Appeal in order to perfect their appeal despite language to the contrary in Vitek v. Bon Homme County Bd. of Commissioners, 2002 S.D. 100, 650 N.W.2d 513.

3. Whether Appellants were required to exhaust administrative remedies for the SDCL ch. 13-46 claim before the South Dakota Department of Labor?

The trial court held that Appellants were required to exhaust their remedies before the Department of Labor before filing their Notice of Appeal.