South Dakota workers filed 2 representation cases with the National Labor Relations Board in FY22, an increase of 100% compared to the previous fiscal year. South Dakota workers filed 26 unfair labor practice charges against employers, an increase of 136% compared to the previous fiscal year. Among all states and territories, workers in South Dakota ranked 22nd in representation cases and 1st in unfair labor practice charges at the NLRB.

Unfair labor practices (ULP) include, but are not limited to, firing employees for organizing a union, retaliating against workers for supporting a union, or refusing to bargain with an established union.

Representation cases are petitions for the NLRB to conduct an election in which employees vote on whether to unionize and bargain collectively with their employer. Employees, employers, and unions may file these petitions.