

1 State of Arkansas
2 92nd General Assembly
3 Regular Session, 2019
4

As Engrossed: H3/28/19

A Bill

SENATE BILL 455

5 By: Senators T. Garner, Hill
6 By: Representative Wooten
7

For An Act To Be Entitled

9 AN ACT TO AMEND THE LAW CONCERNING CATASTROPHIC LEAVE
10 FOR MUNICIPAL EMPLOYEES; AND FOR OTHER PURPOSES.
11

Subtitle

14 TO AMEND THE LAW CONCERNING CATASTROPHIC
15 LEAVE FOR MUNICIPAL EMPLOYEES.
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18 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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20 SECTION 1. Arkansas Code Title 14, Chapter 42, Subchapter 1, is
21 amended to add an additional section to read as follows:

22 14-42-122. Uniform catastrophic leave program.

23 (a) As used in this section, "municipality" means a city of the first
24 class, a city of the second class, or an incorporated town.

25 (b)(1) A municipality may develop, implement, and maintain a
26 catastrophic leave program by ordinance.

27 (2) A municipal employee may irrevocably donate his or her
28 accrued leave to a catastrophic leave program at the option of the municipal
29 employee.

30 (3) A municipality may create a "presumptive illness list" of
31 illnesses that are presumed to qualify for catastrophic leave, if the
32 municipality creates the list based on peer-reviewed scientific data.

33 (c) Catastrophic leave with pay may be granted to a municipal employee
34 if the municipal employee is unable to perform his or her duties due to a
35 catastrophic illness and is, or is reasonably expected to be, on leave
36 without pay as a result of the need for catastrophic leave.



1 (d) A municipal employee may be eligible for catastrophic leave under
2 this section if the municipal employee:

3 (1) Works full time;

4 (2) Has been employed by the municipality for the immediately
5 preceding five (5) consecutive years or more in a full-time position, unless
6 the municipality determines a shorter term of years is appropriate;

7 (3) Has exhausted all available leave time;

8 (4)(A) An acceptable medical certificate from a physician
9 supporting the continuing absence is on file and includes without limitation
10 an approximate date of return.

11 (B) A municipality may require a municipal employee to
12 receive more than one (1) physician opinion; and

13 (5) Has not been disciplined or counseled for an abuse of leave
14 during the immediately preceding five (5) years.

15 (e) Unless the municipality determines otherwise, catastrophic leave
16 is not available to a municipal employee under this section if the municipal
17 employee has applied for catastrophic leave as a result of an illness or
18 injury that is covered by workers' compensation benefits under applicable
19 law.

20 (f) Catastrophic leave under this section shall:

21 (1) Run concurrently with the Family and Medical Leave Act of
22 1993, Pub. L. No. 103-3;

23 (2) Be donated and taken in one-hour increments and donated or
24 applied for on approved forms;

25 (3) Not be awarded retroactively; and

26 (4) Be awarded only if catastrophic leave is available in the
27 municipality's catastrophic leave program.

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29 SECTION 2. Arkansas Code § 14-52-107, concerning uniform sick leave
30 for municipal police departments, is amended to add an additional subsection
31 to read as follows:

32 (d)(1) A city of the first class, a city of the second class, and an
33 incorporated town may adopt a catastrophic leave program by ordinance under §
34 14-42-122 to include a "presumptive illness list for municipal police
35 department" under this section.

36 (2) As used in this section, a "presumptive illness list for

1 municipal police department" means an illness that is chronic or fatal.

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3 SECTION 3. Arkansas Code § 14-53-108, concerning uniform sick leave
4 for municipal fire departments, is amended to add an additional subsection to
5 read as follows:

6 (e)(1) A city of the first class, a city of the second class, and an
7 incorporated town may adopt a catastrophic leave program by ordinance under §
8 14-42-122 to include a "presumptive illness list for municipal fire
9 department" under this section.

10 (2) As used in this section, a "presumptive illness list for
11 municipal fire department" means an illness that is chronic or fatal.

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16 /s/T. Garner

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19 **APPROVED: 4/11/19**