

Stricken language would be deleted from and underlined language would be added to present law.

Act 885 of the Regular Session

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1 State of Arkansas *As Engrossed: S3/17/25 H4/3/25*

2 95th General Assembly

A Bill

3 Regular Session, 2025

SENATE BILL 241

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5 By: Senator J. Scott

6 By: Representatives Pilkington, Clowney, Wooldridge

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For An Act To Be Entitled

9 AN ACT TO AMEND THE UNIFORM ATTENDANCE AND LEAVE
10 POLICY ACT; TO GRANT PAID LEAVE TO PUBLIC EMPLOYEES
11 IN THE EVENT OF THE DEATH OF A PUBLIC EMPLOYEE'S
12 FAMILY MEMBER OR CHILD; AND FOR OTHER PURPOSES.

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Subtitle

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22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

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24 *SECTION 1. Arkansas Code § 21-5-214, as amended by Acts 2025, No. 205,*
25 *is amended to read as follows:*

26 *21-4-214. Catastrophic leave program – Definition.*

27 *(a)(1) The Department of Shared Administrative Services shall have*
28 *administrative responsibility for developing, implementing, and maintaining*
29 *the statewide catastrophic leave bank program.*

30 *(2)(A) Each state agency shall participate in a catastrophic*
31 *leave bank to be administered by the Office of Personnel Management.*

32 *(B) The following governmental entities may establish a*
33 *catastrophic leave bank for the governmental entities' employees:*

34 *(i) The General Assembly;*

35 *(ii) The Bureau of Legislative Research;*

36 *(iii) Arkansas Legislative Audit;*



- 1 (iv) The Arkansas Department of Transportation;
 2 (v) The Arkansas State Game and Fish Commission;
 3 (vi) The Supreme Court;
 4 (vii) The Court of Appeals;
 5 (viii) The Administrative Office of the Courts;
 6 (ix) A constitutional office; and
 7 (x) An institution of higher education.

8 (b) Accrued annual leave and sick leave of employees may be donated to
 9 a catastrophic leave bank.

10 (c)(1) Catastrophic leave with pay may be granted to an employee when
 11 the employee is unable to perform his or her duties due to:

12 (A) ~~a~~ A catastrophic illness, including maternity
 13 purposes; ~~or~~

14 (B) The death of an immediate family member.

15 (2)(A) As used in this section, "immediate family member" means
 16 the father, mother, sister, brother, husband, wife, child, grandmother,
 17 grandfather, grandchild, in-laws, or any individual acting as parent or
 18 guardian of the employee.

19 (B) As used in subdivision (c)(2)(A) of this section,
 20 "child" means:

21 (i) A biological child;

22 (ii) An unborn child;

23 (iii) A stepchild;

24 (iv) An adoptive child; or

25 (v) A child in foster care who has been placed in
 26 the home of the employee.

27 (d) An employee may be eligible for catastrophic leave when:

28 (1)(A) The employee has been employed by the state for one (1)
 29 year or more or was previously employed by a public school district or state-
 30 supported institution of higher education for one (1) year or more.

31 (B) A person who was employed by a public school district
 32 or state-supported institution of higher education for less than one (1) year
 33 also is eligible for catastrophic leave if:

34 (i) The person's combined years of employment with
 35 the state and with a public school district or state-supported institution of
 36 higher education totals more than one (1) year; and

1 (ii) The lapse in the person's employment between the
2 state and a public school district or state-supported institution of higher
3 education is less than six (6) months;

4 (2) The employee is female, and the catastrophic leave is to be
5 used for maternity purposes after:

6 (A) The birth of the employee's biological child;

7 (B) The placement of an adoptive child under one (1) year
8 of age in the home of the employee; or

9 (C) The foster placement of an infant under one (1) year
10 of age;

11 (3)(A) At the onset of the illness or injury the employee had to
12 his or her credit at least eighty (80) hours of combined sick and annual
13 leave and has exhausted all such leave, unless the combined sick and annual
14 leave requirement is waived under subdivision (d)(3)(B) of this section.

15 (B) A state agency director or a president of an
16 institution of higher education may waive the minimum eighty-hour requirement
17 for combined sick and annual leave if the agency director determines that the
18 employee warrants eligibility because of extraordinary circumstances under
19 the standards and guidelines promulgated under subdivision ~~(g)(2)~~ (h)(2) of
20 this section;

21 (C)(i) An employee on catastrophic leave for maternity
22 purposes or for the death of an immediate family member is not required to
23 exhaust sick or annual leave before being granted catastrophic leave.

24 (ii) An employee on catastrophic leave for maternity
25 purposes or for the death of an immediate family member does not accrue any
26 leave;

27 (4) An acceptable medical certificate from ~~a~~ the treating
28 physician or acceptable documentation of the death of an immediate family
29 member supporting the continued absence is on file; and

30 (5) The employee has not been disciplined for any leave abuse
31 during the past year from the time of application.

32 (e)(1) Up to twelve (12) consecutive weeks of catastrophic leave with
33 full pay may be granted to an employee for maternity purposes.

34 (2) The employee shall be eligible for the leave only within the
35 first twelve (12) weeks after the birth, fostering, or adoption of a child.

36 (3) After the expiration of the twelve (12) weeks of leave under

1 subdivision (e)(1) of this section, maternity leave shall be treated as any
2 other leave for sickness or disability under § 21-4-209.

3 (4) Catastrophic leave for maternity purposes shall run
4 concurrently with the Family and Medical Leave Act of 1993, Pub. L. No. 103-
5 3.

6 (5) The employee shall not be eligible for an additional twelve
7 (12) weeks of leave for the adoption of a child if the employee took twelve
8 (12) weeks of leave after the initial foster placement of the same child into
9 the employee's home.

10 (f)(1)(A) If the administrator of a catastrophic leave program elects
11 to grant catastrophic leave to an employee under subsection (c)(1)(B) of this
12 section, the employee shall be eligible for up to forty (40) hours of
13 catastrophic leave with pay each calendar year for the death of an immediate
14 family member.

15 (B) An employee shall be eligible for leave under
16 subdivision (f)(1) of this section only within the first four (4) weeks after
17 the death of an immediate family member.

18 (C) After the expiration of the forty (40) hours of leave
19 under subdivision (f)(1) of this section, an employee may use his or her
20 accrued sick leave for the death of an immediate family member.

21 (2) Catastrophic leave for the death of an immediate family
22 member under subdivision (f)(1) of this section shall run concurrently with
23 leave under the Family and Medical Leave Act of 1993, Pub. L. No. 103-3, if
24 applicable.

25 (3)(A) Unused catastrophic leave granted under this subsection
26 shall not be carried over to the next calendar year.

27 (B) Upon termination or retirement, catastrophic leave
28 granted under this subsection is not compensable to the employee.

29 ~~(f)~~(g) If the illness or injury is that of an employee and is covered
30 by workers' compensation, the compensation based on catastrophic leave when
31 combined with the weekly workers' compensation benefit received by the
32 employee shall not exceed the compensation being received by the employee at
33 the onset of the illness or injury.

34 ~~(g)~~(h) The Secretary of the Department of Shared Administrative
35 Services, or the secretary's designee, shall establish policies and
36 procedures:

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(1) *As deemed necessary to carry out the provisions of this section; and*

(2) *To prescribe the standards and guidelines of the extraordinary circumstances that the state agency director or the president of an institution of higher education may use to waive the minimum requirement for combined sick and annual leave.*

/s/J. Scott

APPROVED: 4/18/25