

1 INTERIM STUDY PROPOSAL 2021-098

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3 REQUESTING THAT THE LEGISLATIVE COUNCIL REFER TO THE HOUSE
4 JUDICIARY COMMITTEE A STUDY CONCERNING PUBLIC SAFETY MEMBER
5 CREDIT OFFERED UNDER THE ARKANSAS PUBLIC EMPLOYEES' RETIREMENT
6 SYSTEM.

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8 WHEREAS, Arkansas Code § 24-4-1004 provides that all credited service,
9 whenever earned, of persons employed as civilian firefighters of the State
10 Military Department or Department of the Military as of July 1, 1997, and of
11 persons thereafter employed in those positions shall be treated as public
12 safety member service if the position is one hundred percent (100%) federally
13 funded; and

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15 WHEREAS, Arkansas Code § 24-4-1004 provides that employment as a public
16 safety member shall be credited at one and one-half (1½) times the regular
17 rate for crediting service; and

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19 WHEREAS, Arkansas Code § 24-4-521 provides that noncontributory or
20 contributory employment service by a person who qualifies as a public safety
21 member under § 24-4-1004 shall be credited at one and one-half (1½) times the
22 regular rate for crediting service; and

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24 WHEREAS, Arkansas Code § 24-4-521 provides that noncontributory
25 employment service by a person who was employed before July 1, 1997, as a
26 public safety member shall be credited at one and one-half (1½) times the
27 regular rate for crediting service; and

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29 WHEREAS, Arkansas Code § 24-4-101 provides that "public safety member"
30 means, except for public safety members covered under § 24-4-1004, a member
31 whose covered employment began before July 1, 1997, and is for personal
32 services as a police officer or firefighter; and

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34 WHEREAS, Arkansas Code § 24-4-101 provides that "public safety member"
35 shall not include a member whose employment as a police officer or

1 firefighter commenced on or after July 1, 1997, except as provided for public
2 safety members covered under § 24-4-1004; and

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4 WHEREAS, Arkansas Code § 24-4-101 provides that “police officer” means
5 a permanent employee, including a probationary officer, whose primary duty is
6 law enforcement of a municipal police department, a county sheriff’s office,
7 or the Division of Arkansas State Police; and

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9 WHEREAS, Arkansas Code § 24-4-101 provides that “police officer”
10 includes a wildlife officer of the Arkansas State Game and Fish Commission, a
11 drug enforcement officer of a judicial drug taskforce, a civilian firefighter
12 of the Department of the Military covered under § 24-4-1004, and all officers
13 and the Chief of the State Capitol Police within the office of the Secretary
14 of State; and

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16 WHEREAS, Arkansas Code § 24-4-101 provides that “police officer” does
17 not include a person who has not satisfied the training requirements to be a
18 police officer established by the Arkansas Commission on Law Enforcement
19 Standards and Training under § 12-9-106, a civilian employee of a police
20 department, or a person temporarily employed as a police officer during an
21 emergency; and

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23 WHEREAS, Arkansas Code § 24-4-101 provides that a police officer who,
24 although assigned to administrative duties, is still subject to call for
25 service at patrol duty or duty in the field, or is subject to call for duties
26 in emergency situations requiring the officer to be armed with a firearm
27 shall be considered to have the primary duty of law enforcement for the
28 purpose of meeting the definition of a police officer under § 24-4-101; and

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30 WHEREAS, there are veteran law enforcement officers in Arkansas who may
31 be unable to take advantage of the public safety member credit offered under
32 the Arkansas Public Employees’ Retirement System as a result of the current
33 law in Arkansas concerning public safety member credit,

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35 NOW THEREFORE,

1 BE IT PROPOSED BY THE LEGISLATIVE COUNCIL OF THE NINETY-THIRD GENERAL
2 ASSEMBLY OF THE STATE OF ARKANSAS:

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4 THAT the Legislative Council refer to the House Judiciary Committee a
5 study concerning public safety member credit offered under the Arkansas
6 Public Employees' Retirement System.

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8 Respectfully submitted,

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12 Representative DeAnn Vaught

13 District 4

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16 Prepared by: JNL/JNL

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