

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

1 State of Arkansas
2 92nd General Assembly
3 Second Extraordinary Session, 2020
4

A Bill

DRAFT MBM/MBM
SENATE BILL

5 By: Senator K. Hammer
6

For An Act To Be Entitled

8 AN ACT TO AMEND THE UNIFORM ATTENDANCE AND LEAVE
9 POLICY ACT; TO ALLOW CRITICAL-NEED EMPLOYEES TO
10 RECEIVE PAYMENTS FOR CERTAIN ACCRUED ANNUAL LEAVE
11 WHEN DENIED USE OF THAT LEAVE; TO REQUIRE THAT
12 CERTAIN ANNUAL LEAVE ACCUMULATED IN EXCESS OF THE
13 AMOUNT ALLOWED AT THE END OF A CALENDAR YEAR BE
14 DEPOSITED INTO THE CATASTROPHIC LEAVE BANK; AND FOR
15 OTHER PURPOSES.
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Subtitle

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18 AN ACT TO AMEND THE UNIFORM ATTENDANCE
19 AND LEAVE POLICY ACT.
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23 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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25 SECTION 1. Arkansas Code § 21-4-203, concerning definitions applicable
26 to the Uniform Attendance and Leave Policy Act, § 21-4-201 et seq., is
27 amended to add an additional subdivision to read as follows:

28 (15) "Critical-need employee" means a person employed by any of
29 the following state agencies in a position or classification that is required
30 to be staffed by the state agency twenty-four (24) hours a day and seven (7)
31 days a week, as determined by rule of the Office of Personnel Management:

- 32 (A) The Department of Corrections;
- 33 (B) The Department of Health;
- 34 (C) The Department of Human Services;
- 35 (D) The Division of Emergency Management;
- 36 (E) The Division of Arkansas State Police; or

1 (F) The Department of Veterans Affairs.

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3 SECTION 2. Arkansas Code § 21-4-204(e), concerning the accrual and use
4 of annual leave by state employees, is amended to read as follows:

5 (e)(1)(A) Annual leave shall be cumulative. ~~No~~ An employee shall not
6 have more than thirty (30) days of annual leave accumulated at the end of
7 each calendar year. However, the thirty-day accumulative annual leave may
8 exceed thirty (30) days prior to the end of the calendar year.

9 (B) ~~No fire or emergency service employee under~~
10 ~~subdivision (a)(2) of this section~~ The following employees shall not
11 accumulate annual leave in excess of forty-five (45) days at the end of each
12 calendar year, except that the forty-five-day maximum of cumulative annual
13 leave may exceed forty-five (45) days during the calendar year:

14 (i) A fire and emergency service employee under
15 subdivision (a)(2) of this section; and

16 (ii) A critical-need employee.

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18 SECTION 3. Arkansas Code § 21-4-204 is amended to add an additional
19 subsection to read as follows:

20 (g)(1) At the end of the calendar year and except as provided in § 21-
21 4-205(c), an employee's accumulated annual leave that exceeds the maximum
22 allowed under subsection (e) of this section shall be deposited into the
23 catastrophic leave bank administered by the Office of Personnel Management.

24 (2) If an employee does not want his or her accumulated annual
25 leave that exceeds the maximum allowed under subsection (e) of this section
26 to be deposited into the catastrophic leave bank under subdivision (g)(1) of
27 this section, he or she shall submit a written request to the Office of
28 Personnel Management that the accumulated annual leave in question be
29 forfeited in lieu of being deposited into the catastrophic leave bank.

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31 SECTION 4. Arkansas Code § 21-4-205 is amended to read as follows:
32 21-4-205. Annual leave – Unused leave.

33 (a)(1) Except as provided in subdivision (a)(2) of this section,
34 whenever an employee is separated from the state agency by reason of
35 resignation, layoff, termination of appointment, or dismissal, the unused
36 annual leave to his or her credit as of his or her last duty date shall be

1 liquidated by a lump-sum payment, not to exceed thirty (30) working days,
2 inclusive of holidays.

3 (2) Unused annual leave to the credit of ~~a fire and emergency~~
4 ~~service employee under § 21-4-204(a)(2)~~ the following shall be liquidated by
5 a lump-sum payment, not to exceed forty-five (45) working days, inclusive of
6 holidays:

7 (A) A fire and emergency service employee under § 21-4-
8 204(a)(2); and

9 (B) A critical-need employee.

10 (b)(1) Unused accumulated annual leave of a deceased employee, not to
11 exceed thirty (30) days, shall be payable either to the estate of the
12 deceased or to an individual authorized to receive such payment.

13 (2) Payment for services of an employee on leave with pay status
14 at the time of death shall continue through close of business on the day of
15 demise.

16 (3) No payment shall be made in any case until it shall have
17 been determined that the deceased was not indebted to the agency.

18 (4) A voucher shall be prepared for the money due to be made
19 payable either to the estate of the deceased or to an individual authorized
20 to receive such payment.

21 (c)(1) If at the end of a calendar year the cumulative annual leave of
22 a critical-need employee exceeds forty-five (45) days and one (1) or more
23 requests by the critical-need employee to use annual leave were denied due to
24 the staffing needs of the state agency employing the critical-need employee,
25 then the amount of the annual leave that was requested by the critical-need
26 employee but denied shall be liquidated by a lump-sum payment to the
27 critical-need employee.

28 (2) The total amount of the lump-sum payment to a critical-need
29 employee under subdivision (c)(1) of this section shall not exceed the value
30 of the cumulative annual leave exceeding forty-five (45) days at the end of
31 the calendar year.

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