

1 State of Arkansas  
2 91st General Assembly  
3 Regular Session, 2017  
4

# A Bill

HOUSE BILL 1359

5 By: Representative Shepherd  
6 By: Senator Rapert  
7

## For An Act To Be Entitled

9 AN ACT TO MAKE TECHNICAL CORRECTIONS TO TITLE 21 OF  
10 THE ARKANSAS CODE CONCERNING PUBLIC OFFICERS AND  
11 EMPLOYEES; AND FOR OTHER PURPOSES.  
12  
13

## Subtitle

15 TO MAKE TECHNICAL CORRECTIONS TO TITLE 21  
16 OF THE ARKANSAS CODE CONCERNING PUBLIC  
17 OFFICERS AND EMPLOYEES.  
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20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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22 SECTION 1. Arkansas Code § 21-4-203 is amended to make technical  
23 corrections and alphabetize the defined terms in the section to read as  
24 follows:

25 21-4-203. Definitions.

26 As used in this subchapter:

27 (1) "Agency head" or "agency director" means the executive head  
28 of ~~all agencies, departments, boards, commissions, bureaus, councils, or~~  
29 ~~other agencies~~ an agency, department, board, commission, bureau, council, or  
30 other entity of the state;

31 (2) "Annual leave" means vacation time with pay but ~~shall not~~  
32 does not include compensatory time;

33 (3) "Catastrophic illness" means a medical condition, as  
34 certified by a physician, of an employee ~~or~~ or of the spouse or parent of the  
35 employee or of a child of the employee ~~that~~ who may be claimed as a dependent  
36 under the Income Tax Act of 1929, ~~§ 26-51-101 et seq.,~~ which requires ~~an~~ the



1 employee's absence from duty for a prolonged period of time and which, except  
 2 for the catastrophic leave program, would result in a substantial loss of  
 3 income to the employee because of the exhaustion of all earned sick and  
 4 annual leave;

5 (4) "Catastrophic leave" means leave granted to an employee as a  
 6 result of a catastrophic illness, upon the employee's exhausting all sick and  
 7 annual leave;

8 (5) "Catastrophic leave bank" means a pool of accrued annual  
 9 leave donated by employees;

10 (6) "Compensatory time" means time off in lieu of payment for  
 11 overtime hours;

12 (7) "Educational leave" means any period of out-service training  
 13 during which time the employee pursues a regular full-time course of  
 14 instruction to acquire a specific skill or skills needed;

15 (8) "Employee" means a person regularly appointed or employed in  
 16 a position of state service by a state agency, as defined in subdivision ~~(11)~~  
 17 (14) of this section, for which he or she is compensated on a full-time  
 18 basis;

19 (9) "Immediate family member" means:

20 (A) An employee's father, mother, sister, brother,  
 21 husband, wife, child, grandmother, grandfather, grandchild, or in-law; and

22 (B) An individual acting as parent or guardian of an  
 23 employee;

24 ~~(9)~~(10) "Probationary employee" means a person certified from a  
 25 list of eligibles or employed through a work test appointment and serving a  
 26 probationary period;

27 ~~(10)~~(11) "Provisional employee" means a person who has been  
 28 appointed to fill a position pending the establishment of a register for such  
 29 a position;

30 (12) "Severe illness" means a medical condition of an employee  
 31 or an employee's immediate family member that:

32 (A) Is catastrophic in nature;

33 (B) Could not be anticipated;

34 (C) Requires continuous in-patient or out-patient medical  
 35 treatment; and

36 (D) Causes an employee or the employee's immediate family

1 member to be absent from duty for a prolonged period of time;

2 (13) "Shared leave" means the donation of an employee's earned  
 3 sick leave or earned annual leave to another employee who:

4 (A) Has a severe illness;

5 (B) Has an immediate family member with a severe illness;

6 or

7 (C) Has approved paternity leave or approved maternity  
 8 leave after:

9 (i) The birth of a biological child;

10 (ii) The placement of an adoptive child in the  
 11 adoptive home of the employee; or

12 (iii) The placement of a foster child in the foster  
 13 home of the employee for an appropriate transition period that is in the best  
 14 interest of the foster child as determined by the Division of Children and  
 15 Family Services of the Department of Human Services;

16 ~~(11)~~(14) "State agencies" means all agencies, departments,  
 17 boards, commissions, bureaus, councils, state-supported institutions of  
 18 higher learning, or other agencies except the following excluded agencies or  
 19 positions within agencies:

20 (A) The elected constitutional officers of this state and  
 21 their employees;

22 (B) The General Assembly and its employees, including  
 23 employees of the Bureau of Legislative Research and Arkansas Legislative  
 24 Audit;

25 (C) Members of the Supreme Court, members of the Court of  
 26 Appeals, the Administrative Office of the Courts, circuit courts, and  
 27 prosecuting attorneys, but not including deputy prosecuting attorneys;

28 (D) The Arkansas State Highway and Transportation  
 29 Department; and

30 (E) All administrative, academic, or other nonclassified  
 31 employees of the state-supported institutions of higher learning;

32 ~~(12)~~(15) "Temporary employee" means a person who has been  
 33 appointed from a register for a period of time not to exceed six (6) months;

34 ~~(13)~~(16)(A) "Working day" means all regularly prescribed days of  
 35 employment in which the employee performs those duties for which he or she  
 36 was hired.

1 (B) For the purposes of this subchapter, a working day  
 2 ~~shall consist~~ consists of eight (8) hours; and

3 ~~(14)~~(17) “Years of service” includes the total number of years  
 4 of employment with all agencies of Arkansas state government whether such  
 5 employment is continuous or not;.

6 ~~(15) “Immediate family member” means:~~

7 - ~~(A) An employee’s father, mother, sister, brother,  
 8 husband, wife, child, grandmother, grandfather, grandchild, in laws; and~~

9 - ~~(B) An individual acting as parent or guardian of an  
 10 employee;~~

11 - ~~(16) “Severe illness” means a medical condition of an employee  
 12 or an employee’s immediate family member:~~

13 - ~~(A) Which is catastrophic in nature;~~

14 - ~~(B) Which could not be anticipated;~~

15 - ~~(C) That requires continuous in-patient or out-patient  
 16 medical treatment; and~~

17 - ~~(D) That causes an employee or the employee’s immediate  
 18 family member to be absent from duty for a prolonged period of time; and~~

19 - ~~(17) “Shared leave” means the donation of an employee’s earned  
 20 sick leave or earned annual leave to another employee who:~~

21 - ~~(A) Is suffering from a severe illness;~~

22 - ~~(B) Has an immediate family member suffering from a severe  
 23 illness; or~~

24 - ~~(C) Has approved paternity leave or approved maternity  
 25 leave after:~~

26 - - ~~(i) The birth of a biological child;~~

27 - - ~~(ii) The placement of an adoptive child in the  
 28 adoptive home of the employee; or~~

29 - - ~~(iii) The placement of a foster child in the foster  
 30 home of the employee for an appropriate transition period that is in the best  
 31 interest of the foster child as determined by the Division of Children and  
 32 Family Services of the Department of Human Services.~~

33  
 34 SECTION 2. DO NOT CODIFY. CONSTRUCTION AND LEGISLATIVE INTENT.

35 It is the intent of the General Assembly that:

36 (1) The enactment and adoption of this act shall not expressly

1 or impliedly repeal an act passed during the regular session of the Ninety-  
 2 First General Assembly;

3 (2) To the extent that a conflict exists between an act of the  
 4 regular session of the Ninety-First General Assembly and this act:

5 (A) The act of the regular session of the Ninety-First  
 6 General Assembly shall be treated as a subsequent act passed by the General  
 7 Assembly for the purpose of:

8 (i) Giving the act of the regular session of the  
 9 Ninety-First General Assembly its full force and effect; and

10 (ii) Amending or repealing the appropriate parts of  
 11 the Arkansas Code of 1987; and

12 (B) Section 1-2-107 shall not apply; and

13 (3) This act shall make only technical, not substantive, changes  
 14 to the Arkansas Code of 1987.

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