

1 **State of Arkansas**  
2 **79th General Assembly**  
3 **Regular Session, 1993**

# A Bill

**ACT 441 OF 1993**  
**HOUSE BILL 1454**

4 **By: Representatives Stephens and Wren**

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## **For An Act To Be Entitled**

8 "AN ACT AUTHORIZING A STATE INSTITUTION OF HIGHER  
9 EDUCATION TO PARTICIPATE IN A CATASTROPHIC LEAVE BANK  
10 PROGRAM FOR NONFACULTY NONCLASSIFIED EMPLOYEES OF STATE  
11 INSTITUTIONS OF HIGHER EDUCATION ESTABLISHED AND  
12 ADMINISTERED BY THE DEPARTMENT OF FINANCE AND  
13 ADMINISTRATION OR TO ESTABLISH A CATASTROPHIC LEAVE BANK  
14 PROGRAM FOR ITS NONFACULTY NONCLASSIFIED EMPLOYEES; AND  
15 FOR OTHER PURPOSES."

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## **Subtitle**

18 "AUTHORIZING DFA AND INSTITUTIONS OF HIGHER EDUCATION TO  
19 ESTABLISH CATASTROPHIC LEAVE BANKS FOR NONFACULTY  
20 NONCLASSIFIED EMPLOYEES."

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

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24 SECTION 1. DEFINITIONS. As used in this act, unless the context  
25 otherwise requires:

26 (1) "Catastrophic illness" means a medical condition of an employee as  
27 certified by a physician that requires an employee\_s absence from duty for a  
28 prolonged period of time and which results in a substantial loss of income to  
29 the employee because of the exhaustion of all earned sick and annual leave;

30 (2) "Catastrophic leave" means leave granted to an employee as a result  
31 of a catastrophic illness, upon the employee exhausting all sick and annual  
32 leave;

33 (3) "Catastrophic leave bank" means a pool of accrued annual leave  
34 donated by employees; and

35 (4) "Employees" means nonfaculty nonclassified personnel employed by a  
36 state institution of higher education.

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2 SECTION 2. (a) The Department of Finance and Administration shall have  
3 administrative responsibility for developing, implementing, and maintaining a  
4 catastrophic leave bank program for nonfaculty nonclassified personnel  
5 employed by the state institutions of higher education. Each state  
6 institution of higher education may participate in the catastrophic leave bank  
7 authorized by this subsection and administered by the Office of Personnel  
8 Management of the Department of Finance and Administration, or the institution  
9 may establish a catastrophic leave bank for its employees.

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

12 (c) Catastrophic leave with pay may be granted to an employee when such  
13 employee is incapacitated for the performance of the employee\_s duties due to  
14 a catastrophic illness.

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

16 (1) The employee has been employed by the state institution of  
17 higher education for more than two (2) years;

18 (2) The employee has exhausted all earned sick and annual leave;

19 (3) The illness or injury is not covered by Workers Compensation  
20 or such compensation benefit has been exhausted;

21 (4) An acceptable medical certificate from a physician supporting  
22 the continued absence is on file; and

23 (5) The employee has not been disciplined for any leave abuse  
24 during the past two (2) years.

25 (e) The Director of the Department of Finance and Administration, or  
26 his designee, shall promulgate necessary rules and regulations as deemed  
27 necessary to carry out the provisions of this section.

28 (f) Nothing in this act shall be construed to repeal in any way the  
29 exclusion of nonclassified employees of state-supported institutions of higher  
30 learning under the Uniform Attendance and Leave Policy Act, Arkansas Code §  
31 21-4-201 et seq.

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33 SECTION 3. All provisions of this act of a general and permanent nature  
34 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code  
35 Revision Commission shall incorporate the same in the Code.

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SECTION 4. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared to be severable.

SECTION 5. All laws and parts of laws in conflict with this act are hereby repealed.

APPROVED: 03/10/93

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