

1 **State of Arkansas**
2 **78th General Assembly**
3 **Regular Session, 1991**
4 **By: Representative McCoy**

A Bill

HOUSE BILL

For An Act To Be Entitled

8 "AN ACT TO AMEND ARKANSAS CODE, TITLE 21, CHAPTER 4,
9 SUBCHAPTER 2, TO PROVIDE FOR A CATASTROPHIC LEAVE BANK
10 PROGRAM; TO AUTHORIZE THE USE AND CHARGING OF CATASTROPHIC
11 LEAVE; AND FOR OTHER PURPOSES."

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

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15 SECTION 1. Definitions. In this Act:

16 (1) "Catastrophic illness" means a medical condition of an employee as
17 certified by a physician that requires an employee's absence from duty for a
18 prolonged period of time and which results in a substantial loss of income to
19 the employee because of the exhaustion of all earned sick and annual leave.

20 (2) "Catastrophic leave" means leave granted to an employee as a result
21 of a catastrophic illness, upon the employee exhausting all earned sick and
22 annual leave.

23 (3) "Catastrophic leave bank" means a pool of accrued annual leave
24 donated by employees.

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26 SECTION 2. Arkansas Code, Title 21, Chapter 4, Subchapter 2 is hereby
27 amended to add the following new section:

28 "21-4-214. Catastrophic Leave Program.

29 (a) The Department of Finance and Administration shall have
30 administrative responsibility for developing, implementing and maintaining a
31 catastrophic leave bank program. Each agency approved by the Department of
32 Finance and Administration to participate in the catastrophic leave bank
33 program may establish a catastrophic leave bank for its employees or the
34 agency may participate in a catastrophic leave bank to be administered by the
35 Office of Personnel Management of the Department of Finance and

1 Administration. The Director of the Department of Finance and Administration,
2 or his designee shall promulgate necessary rules and regulations as deemed
3 necessary to carry out the provisions of this act.

4 (b) Only accrued annual leave of employees may be donated to a
5 catastrophic leave bank.

6 (c) Catastrophic leave with pay may be granted to an employee when such
7 employee is incapacitated for the performance of the employee's duties due to
8 a catastrophic illness.

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

10 (1) The employee has been employed by the state for more than two
11 (2) years.

12 (2) The employee has exhausted all earned sick and annual leave.

13 (3) The illness or injury is not covered by Workers' Compensation
14 and/or such compensation benefit has been exhausted.

15 (4) An acceptable medical certificate from a physician supporting
16 the continued absence is on file.

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

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20 SECTION 3. ARKANSAS CODE 21-4-207(f) (1) is hereby amended to read as
21 follows:

22 "(f) (1) Absences due to sick leave, except in the case of maternity
23 leave shall be charged in the following order:

24 (A) Earned sick leave.

25 (B) Earned annual leave.

26 (C) Catastrophic leave, when authorized.

27 (D) Leave without pay, when authorized."

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29 SECTION 4. All provisions of this Act of a general and permanent nature
30 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
31 Revision Commission shall incorporate the same in the Code.

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33 SECTION 5. If any provision of this Act or the application thereof to
34 any person or circumstance is held invalid, such invalidity shall not affect
35 other provisions or applications of the Act which can be given effect without

1 the invalid provision or application, and to this end the provisions of this
2 Act are declared to be severable.

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4 SECTION 6. All laws and parts of laws in conflict with this Act are
5 hereby repealed.

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