

As Engrossed: 3/15/91

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

A Bill

HOUSE BILL 1521

For An Act To Be Entitled

8 "AN ACT TO AMEND VARIOUS PROVISIONS OF THE ARKANSAS CODE
9 TO CLARIFY THE PROTECTION OF RIGHTS, PRIVILEGES AND
10 BENEFITS DURING MILITARY LEAVE FOR TEACHERS,
11 ADMINISTRATORS, NON-CERTIFIED PERSONNEL, STATE EMPLOYEES
12 AND OTHER PERSONNEL EMPLOYED BY THE PUBLIC; AND FOR OTHER
13 PURPOSES."

14
15 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

16
17 SECTION 1. Arkansas Code Annotated §6-17-306 is amended to read as
18 follows:

19 "6-17-306. Leaves of absence.

20 (a) All teachers, administrators, and non-certified personnel employed
21 by any public school in this state who desire to take a leave of absence for
22 the purpose of participating in military training programs or other official
23 duties made available by the National Guard or of the reserve branches of the
24 armed forces and all teachers and administrators employed by a public school
25 who desire to take a leave of absence for the purpose of participating in the
26 civil defense and public health training programs made available by the United
27 States Public Health Services shall be entitled to such a leave of absence for
28 a period of fifteen (15) days, plus necessary travel time, in any fiscal year.
29 To the extent this leave is not used in a fiscal year, it will accumulate for
30 use in the succeeding fiscal year until it totals fifteen (15) days at the
31 beginning of a fiscal year.

32 (b) (1) Whenever any teacher, administrator, or non-certified employee
33 is granted a leave of absence under the provisions of this section, he shall
34 be entitled to his regular salary during the time he is away from his duties
35 during such leave of absence.

1 (2) The teacher or administrator will be responsible for paying
2 for the cost of any substitute employed in the teacher's or administrator's
3 absence.

4 (3) Such leave of absence shall be in addition to the regular
5 vacation time allowed the employee.

6 (c) Teachers, administrators, and non-certified personnel called to
7 duty in emergency situations by the Governor or by the President shall be
8 granted leave with pay not to exceed thirty (30) working days after which
9 leave without pay will be granted. This leave shall be granted in addition to
10 all other leave to which the teacher, administrator or non-certified person
11 shall be entitled to. "Emergency situations" shall have the same meaning as it
12 is defined in §21-4-212.

13 (d)(1) During a leave of absence teachers, administrators, and non-
14 certified persons shall be entitled to preserve all seniority rights,
15 efficiency or performance ratings, promotional status, retirement privileges,
16 life and disability insurance benefits, and any other rights, privileges and
17 benefits to which they have become entitled.

18 (2) The period of military service shall, for purposes of
19 computations to determine whether such persons may be entitled to retirement
20 under the laws of the State of Arkansas, be deemed continuous service, and the
21 teacher, administrator, or non-certified employee shall not be required to
22 make contributions to any retirement fund.

23 (3) The school district shall continue to contribute their
24 portion of any life and disability insurance premiums during the leave of
25 absence on behalf of the teacher, administrator, or non-certified employee, if
26 requested, so that continuous coverage may be maintained.

27 (e) For the purpose of this section "fiscal year" shall be the fiscal
28 year now established for the United States Government."

29

30 SECTION 2. Arkansas Code Annotated §21-4-102 is amended to read as
31 follows:

32 "21-4-102. Leave of absence for certain training programs.

33 (a) All employees of the state, *as defined in Arkansas Code 21-4-203,*
34 or any of its political subdivisions who desire to take a leave of absence for
35 the purpose of participating in the military training programs made available

1 by the National Guard or any of the reserve branches of the armed forces and
2 all state employees who are members of the Reserve Corps of the Public Health
3 Service who desire to take a leave of absence for the purpose of participating
4 in the civil defense and public health training programs made available by the
5 United States Public Health Service shall be entitled to such a leave of
6 absence for a period of fifteen (15) days plus necessary travel time for
7 annual training requirements or other duties performed in an official duty
8 status in any one (1) calendar year. To the extent this leave is not used in a
9 calendar year, it will accumulate for use in the succeeding calendar year
10 until it totals fifteen (15) days at the beginning of the calendar year.

11 (b) Whenever any employee is granted a leave of absence under the
12 provisions of this section, he shall be entitled to his regular salary during
13 the time he is away from his duties during such leave of absence.

14 (c) Such leave of absence shall be in addition to the regular vacation
15 time allowed to the employee.

16 (d) Employees called to duty in emergency situations by the Governor or
17 by the President shall be granted leave with pay not to exceed thirty (30)
18 working days after which leave without pay will be granted. This leave shall
19 be granted in addition to all other leave the employee shall be entitled to.
20 "Emergency situations" shall have the same meaning as it is defined in §21-4-
21 212.

22 (e) (1) During a leave of absence, the employee shall be entitled to
23 preserve all seniority rights, efficiency or performance ratings, promotional
24 status, retirement privileges, life and disability insurance benefits, and any
25 other rights, privileges and benefits to which they have become entitled.

26 (2) The period of military service shall, for purposes of
27 computations to determine whether such person may be entitled to retirement
28 benefits, be deemed continuous service and the employee shall not be required
29 to make contributions to any retirement fund.

30 (3) The state or political subdivision shall continue to
31 contribute their portion of any life or disability insurance premiums during
32 the leave of absence on behalf of the employee, if requested, so that
33 continuous coverage may be maintained."

34

35 SECTION 3. Arkansas Code Annotated §21-4-212 is amended to read as

1 follows:

2 "21-4-212. Military leave.

3 (a) Employees who are members of the National Guard or any of the
4 reserve branches of the armed forces shall be granted leave at the rate of
5 fifteen (15) days per calendar year, plus necessary travel time for annual
6 training requirements or other duties performed in an official duty status. To
7 the extent this leave is not used in a calendar year, it will accumulate for
8 use in the succeeding calendar year until it totals fifteen (15) days at the
9 beginning of a calendar year. The leave shall be granted without loss of pay
10 and in addition to regular vacation time. Each employee who requests military
11 leave shall furnish a copy of his orders for his personnel file.

12 (b) An employee who is drafted or called to active duty in the armed
13 forces of the United States or who volunteers for military service shall be
14 placed on extended military leave without pay and upon application within
15 ninety (90) days after the effective date of his release from active duty
16 shall be reinstated to the position vacated or an equivalent position at no
17 loss of seniority or any of the other benefits and privileges of employment.
18 The right of reemployment shall conform with all federal government rules and
19 regulations.

20 (c) Any employee who enlists or reenlists for a second consecutive tour
21 of military duty shall be deemed to have forfeited his reemployment rights.

22 (d) Personnel called to duty in emergency situations by the Governor or
23 the President shall be granted leave with pay not to exceed thirty (30)
24 working days after which leave without pay will be granted. This leave shall
25 be granted in addition to regular vacation time.

26 (e) "Emergency situations" means any case of invasion, disaster,
27 insurrection, riot, breach of peace, or imminent danger thereof, threats to
28 the public health or security, or threats to the maintenance of law and order.

29 (f) (1) During any military leave of absence, the employee shall be
30 entitled to preserve all seniority rights, efficiency or performance ratings,
31 promotional status, retirement privileges, life and disability insurance
32 benefits, and any other rights, privileges and benefits to which they have
33 become entitled.

34 (2) The period of military service shall, for purposes of
35 computations to determine whether such person may be entitled to retirement

1 benefits, be deemed continuous service and the employee shall not be required
2 to make any contributions to any retirement fund.

3 (3) The state shall continue to contribute its portion of any life
4 or disability insurance premiums during the leave of absence on behalf of the
5 employee, if requested, so that continuous coverage may be maintained."
6

7 SECTION 4. All provisions of this act of a general and permanent nature
8 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
9 Revision Commission shall incorporate the same in the Code.
10

11 SECTION 5. If any provision of this act or the application thereof to
12 any person or circumstance is held invalid, such invalidity shall not affect
13 other provisions or applications of the act which can be given effect without
14 the invalid provision or application, and to this end the provisions of this
15 act are declared to be severable.
16

17 SECTION 6. All laws and parts of laws in conflict with this act are
18 hereby repealed.
19

20 /s/B. Wood
21
22
23
24
25
26
27
28
29
30