

1 State of Arkansas  
2 81st General Assembly  
3 Regular Session, 1997

# A Bill

HOUSE BILL 2141

4  
5 By: Representative Vess

## For An Act To Be Entitled

9 "AN ACT TO AMEND ARKANSAS CODE ANNOTATED § 6-63-602 TO  
10 PROVIDE THAT AN EMPLOYEE SHALL BE ELIGIBLE FOR  
11 CATASTROPHIC LEAVE ONLY IF THE EMPLOYEE HAS ELECTED TO BE  
12 A PARTICIPANT IN THE PROGRAM AND AGREED TO DONATE AT LEAST  
13 TWO DAYS TO THE PROGRAM EACH YEAR; TO PROVIDE THAT AN  
14 EMPLOYEE WHO DONATES ANNUAL OR SICK LEAVE TO THE STATE  
15 CATASTROPHIC LEAVE PLAN SHALL BE ENTITLED TO A TAX  
16 DEDUCTION ON STATE INCOME TAXES EQUAL TO HIS OR HER DAILY  
17 SALARY EQUIVALENT FOR A MAXIMUM OF TWO DAYS EACH YEAR; AND  
18 FOR OTHER PURPOSES."

## Subtitle

21 "RELATING TO STATE EMPLOYEES  
22 PARTICIPATION IN STATE CATASTROPHIC  
23 LEAVE PLAN"

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

27 SECTION 1. Arkansas Code Annotated § 6-63-602 is amended to read as  
28 follows:

29 "6-63-602. Administration.

30 (a) The Department of Finance and Administration shall have  
31 administrative responsibility for developing, implementing, and maintaining a  
32 catastrophic leave bank program for nonfaculty nonclassified personnel  
33 employed by the state institutions of higher education. Each state institution  
34 of higher education may participate in the catastrophic leave bank authorized  
35 by this subsection and administered by the Office of Personnel Management, or  
36 the institution may establish a catastrophic leave bank for its employees. In

1 either case, each employee of an agency establishing or participating in a  
 2 catastrophic leave bank shall have the option to participate in the bank. An  
 3 employee may elect to participate by filing a written election to do so and by  
 4 signing an agreement to donate at least two (2) days of annual or sick leave  
 5 to the bank each year.

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

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

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

12 (1) The employee has been employed by the state institution of  
 13 higher education for more than two (2) years and has exercised the option to  
 14 participate in the plan and agreed to donate at least two (2) days of annual  
 15 leave to the plan each year, and has fulfilled such agreement through the last  
 16 preceding calendar year;

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

18 (3) The illness or injury is not covered by workers' compensation  
 19 or such compensation benefit has been exhausted;

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

22 (5) The employee has not ~~been disciplined for any leave abuse had~~  
 23 a written warning for verified misuse of sick leave during the past two (2)  
 24 years.

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

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

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33 SECTION 2. Each state employee who participates in a catastrophic leave  
 34 program established by the Department of Finance and Administration pursuant  
 35 to Arkansas Code Annotated § 6-63-602 shall be entitled to take a deduction  
 36 from income in computing state income taxes in an amount equal to his or her

1 daily salary equivalent for each day donated to the program bank, for a  
2 maximum of two (2) days per year.

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

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

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

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