For An Act To Be Entitled
AN ACT TO AMEND THE LAW CONCERNING PAID LEAVE FOR
FIREFIGHTERS WITH OCCUPATIONALLY CAUSED CANCER; AND
FOR OTHER PURPOSES.

Subtitle
CRUMP’S LAW.

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

SECTION 1. Arkansas Code Title 21, Chapter 4, Subchapter 1, is amended to add an additional section to read as follows:

21-4-107. Paid leave for firefighters with occupationally caused cancer.

(a)(1) A paid firefighter for the state or any political subdivision of the state who has completed five (5) or more years of employment as a paid firefighter shall be granted a minimum of one thousand four hundred fifty-six (1,456) hours of paid leave upon the initiation of treatment for an occupationally caused cancer.

(2) Paid leave for occupationally caused cancer under subdivision (a)(1) of this section:

(A) Does not reduce the accrued sick leave or annual vacation leave of the firefighter;

(B) Does not impact any other employment benefit of the firefighter; and

(C) May be transferred from a catastrophic leave bank of a
fire department that provides a catastrophic leave program if the

catastrophic leave program meets the requirements of this subdivision (a)(2).

(3) A firefighter is considered to have an occupationally caused
cancer if the firefighter:

(A) While in the official line of duty, was exposed to a

known carcinogen as determined by the Department of Health in consideration

with the findings of the International Agency for Research on Cancer; and

(B) Has a disability or an impairment of health as a


(4) A firefighter is not entitled to paid leave under

subdivision (a)(1) of this section if the firefighter’s cancer:

(A)(i) Did not result from the firefighter’s employment

with the state or political subdivision of the state.

(ii)(a) An occupationally caused cancer under this

section is presumed to result from a firefighter’s employment if at the time

of employment the firefighter underwent a physical examination that did not

reveal substantial evidence that the occupationally caused cancer existed

before his or her employment as a firefighter.

(b) To rebut the presumption under subdivision

(a)(4)(A)(ii)(a) of this section, the employer shall prove by a preponderance

of the medical evidence that the occupationally caused cancer did not occur

as a result of employment in the official line of duty; or

(B) Did result from the firefighter’s employment with the

state or political subdivision of the state, but workers’ compensation is

provided for the occupationally caused cancer.

(b)(1)(A) A fire department may participate in a firefighter cancer

relief network created and governed by the Arkansas Association of Fire

Chiefs, the Arkansas Professional Fire Fighters Association, and the Arkansas

State Firefighters Association, Inc.

(B) A firefighter cancer relief network under subdivision

(b)(1)(A) of this section shall be established by September 1, 2019.

(2) A fire department that participates in a network under

subdivision (b)(1) of this section may provide a firefighter to a requesting

fire department to relieve a firefighter granted leave under this section and

employed by the requesting fire department, if:

(A) The fire department that provided the firefighter
continues to pay the firefighter’s regular rate of pay and benefits, including without limitation any overtime compensation;

(B) The firefighter provided by the fire department continues to be covered by all applicable laws; and

(C) The fire department that requested the firefighter provides evidence to the fire department that provided the firefighter of substantial adverse budgetary impact without relief as the result of granting paid leave under this section.

/s/Clowney

APPROVED: 4/12/19