

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

Act 220 of the Regular Session

1 State of Arkansas  
2 87th General Assembly  
3 Regular Session, 2009  
4

As Engrossed: S2/12/09

A Bill

HOUSE BILL 1024

5 By: Representative Abernathy  
6 By: Senator Broadway  
7

9 **For An Act To Be Entitled**

10 AN ACT TO ALLOW TWO-YEAR COLLEGES TO COMPENSATE  
11 NONCLASSIFIED EMPLOYEES FOR UNUSED SICK LEAVE AT  
12 RETIREMENT; AND FOR OTHER PURPOSES.  
13

14 **Subtitle**

15 TO ALLOW TWO-YEAR COLLEGES TO COMPENSATE  
16 NONCLASSIFIED EMPLOYEES FOR UNUSED SICK  
17 LEAVE AT RETIREMENT.  
18  
19

20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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22 SECTION 1. Arkansas Code § 21-4-503(a), concerning the applicability  
23 of financial incentives to decrease the use of sick leave, is amended to read  
24 as follows:

25 (a) The provisions of ~~this subchapter~~ § 21-4-501 and § 21-4-504 apply  
26 to:

27 (1) ~~employees~~ Employees of the Arkansas State Game and Fish  
28 Commission;

29 (2) Employees of the Arkansas State Highway and Transportation  
30 Department;

31 (3) ~~classified~~ Classified employees of state-supported  
32 institutions of higher ~~learning,~~ education; and

33 (4) Employees of all agencies of this state whether in the  
34 executive, legislative, or judicial branch of government.  
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1 SECTION 2. Arkansas Code Title 21, Chapter 4, Subchapter 5 is amended  
2 to add an additional section to read as follows:

3 21-4-505. Compensation for unused sick leave of nonclassified  
4 employees of two-year colleges.

5 (a) A two-year state-supported institution of higher education may, in  
6 its discretion, compensate a nonclassified employee of the institution for  
7 accumulated unused sick leave by providing to the nonclassified employee the  
8 same compensation for accumulated unused sick leave provided to a classified  
9 employee of the institution under § 21-4-501.

10 (b) Compensation for accumulated unused sick leave under this section  
11 shall not be used by the:

12 (1) Arkansas Teacher Retirement System in the calculation of  
13 final average salary under § 24-7-202; or

14 (2) Arkansas Public Employees' Retirement System in the  
15 calculation of final average compensation under § 24-4-101.

16  
17 SECTION 3. EMERGENCY CLAUSE. It is found and determined by the  
18 General Assembly of the State of Arkansas that some retiring classified and  
19 nonclassified employees of two-year colleges have not received the benefits  
20 intended by prior law; that this act clarifies the eligibility of  
21 nonclassified employees for these benefits; and that this act is immediately  
22 necessary to preserve that eligibility for those nonclassified employees of  
23 two-year colleges making retirement decisions before the end of the current  
24 semester. Therefore, an emergency is declared to exist and this act being  
25 necessary for the preservation of the public peace, health, and safety shall  
26 become effective on:

27 (1) The date of its approval by the Governor;

28 (2) If the bill is neither approved nor vetoed by the Governor,  
29 the expiration of the period of time during which the Governor may veto the  
30 bill; or

31 (3) If the bill is vetoed by the Governor and the veto is  
32 overridden, the date the last house overrides the veto.

33  
34 /s/ Abernathy

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36 **APPROVED: 2/25/2009**