

1 State of Arkansas
2 90th General Assembly
3 Regular Session, 2015
4

A Bill

SENATE BILL 930

5 By: Senator L. Chesterfield
6

For An Act To Be Entitled

8 AN ACT TO ESTABLISH THE FAIR DISMISSAL ACT FOR
9 EMPLOYEES AT STATE-SUPPORTED INSTITUTIONS OF HIGHER
10 EDUCATION; AND FOR OTHER PURPOSES.
11

Subtitle

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13 TO ESTABLISH THE FAIR DISMISSAL ACT FOR
14 EMPLOYEES AT STATE-SUPPORTED INSTITUTIONS
15 OF HIGHER EDUCATION.
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19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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21 SECTION 1. Arkansas Code Title 6, Chapter 63, is amended to add an
22 additional subchapter to read as follows:

23 Subchapter 7 - Fair Dismissal Act for Employees of State-Supported
24 Institutions of Higher Education.
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26 6-63-701. Title.

27 This subchapter shall be referred to and may be cited as the "Fair
28 Dismissal Act for Employees of State-Supported Institutions of Higher
29 Education".
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31 6-63-702. Definitions.

32 As used in this subchapter, "employee" means a person employed under
33 contract by a state-supported institution of higher education as a full-time
34 employee.
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36 6-63-703. Notice of termination.



1 (a) An employee may be terminated during the term of a contract for
2 cause.

3 (b) The head of the department in which the employee works shall
4 notify the employee of the termination.

5 (c)(1) An employee shall be provided notice of the termination which
6 shall include the specific grounds in separately numbered paragraphs so that
7 the employee can prepare a defense.

8 (2) Notice shall be delivered to the employee in person or sent
9 by registered or certified mail to the employee at the employee's residential
10 address as reflected in the employee's personnel file.

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12 6-63-704. Notice of nonrenewal.

13 (a) By March 15 of the current contract year, an employee shall be
14 notified if the employee's contract is not recommended for renewal.

15 (b)(1) An employee shall be provided notice of nonrenewal which shall
16 include the specific grounds in separately numbered paragraphs so that the
17 employee can prepare a defense.

18 (2) Notice shall be delivered to the employee in person or sent
19 by registered or certified mail to the employee at the employee's residential
20 address as reflected in the employee's personnel file.

21 (c)(1) The lack of funding or a reduction in force are reasons for
22 nonrenewal.

23 (2) If an employee's contract is not renewed due to a reduction
24 in force, any recall of employees shall be done by seniority in the affected
25 department for a period of up to twenty-four (24) months.

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27 6-63-705. Hearing.

28 (a) An employee who receives a notice of termination or nonrenewal may
29 file a written request with the president or chancellor at the state-
30 supported institution of higher education for a hearing.

31 (b) A written request for a hearing shall be sent by certified or
32 registered mail to the president or chancellor at the state-supported
33 institution of higher education, with a copy to the board of trustees of the
34 state-supported institution of higher education, within thirty (30) calendar
35 days after the notice of termination or nonrenewal is received by the
36 employee.

1 (c) Upon receipt of a request for a hearing, the president or
2 chancellor of the state-supported institution of higher education shall grant
3 a hearing in accordance with the following provisions:

4 (1) The hearing shall take place at a time agreed upon in
5 writing by the parties, but if no time can be agreed upon, then the hearing
6 shall be no less than five (5) calendar days and no more than twenty (20)
7 calendar days after the written request was received;

8 (2) The hearing shall be private unless the employee requests
9 that the hearing be public;

10 (3) The employee and the state-supported institution of higher
11 education may be represented by counsel of their choice;

12 (4) A full record of the proceedings at the hearing is not
13 required to be made or preserved unless:

14 (A) The state-supported institution of higher education
15 elects to make and preserve a record of the hearing at its own expense, in
16 which case a copy shall be provided to the employee upon request; or

17 (B) A written request is filed with the state-supported
18 institution of higher education by the employee at least twenty-four (24)
19 hours before the hearing; and

20 (5) The president or chancellor of the state-supported
21 institution of higher education shall not consider at the hearing any new
22 reasons for termination or nonrenewal that are not included in the notice
23 provided to the employee.

24 (d)(1) The president or chancellor of the state-supported institution
25 of higher education shall uphold or reject the recommendation for termination
26 or nonrenewal within five (5) calendar days of the hearing.

27 (2) The decision of the president or chancellor of the state-
28 supported institution of higher education shall be provided to the employee
29 in writing personally or sent by registered or certified mail to the employee
30 at the employee's residential address as reflected in the employee's
31 personnel file.

32 (e) The decision of the president or chancellor of the state-supported
33 institution of higher education may be appealed to the board of trustees of
34 the state-supported institution of higher education by the employee within
35 ten (10) calendar days after receiving notification of the decision.

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