

1 State of Arkansas
2 89th General Assembly
3 Regular Session, 2013
4

As Engrossed: S3/27/13
A Bill

HOUSE BILL 1895

5 By: Representative Catlett
6 *By: Senator G. Stubblefield*
7

8 **For An Act To Be Entitled**

9 AN ACT TO ALLOW CERTAIN EMPLOYEES TO DONATE ACCRUED
10 SICK LEAVE OR ACCRUED ANNUAL LEAVE TO ANOTHER
11 EMPLOYEE WHO IS EMPLOYED BY THE SAME STATE EMPLOYER
12 AND HAS A SEVERE ILLNESS OR HAS AN IMMEDIATE FAMILY
13 MEMBER WHO IS SEVERELY ILL; AND FOR OTHER PURPOSES.
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16 **Subtitle**

17 TO ALLOW CERTAIN EMPLOYEES TO DONATE
18 ACCRUED SICK LEAVE OR ACCRUED ANNUAL
19 LEAVE TO ANOTHER EMPLOYEE WHO IS EMPLOYED
20 BY THE SAME STATE EMPLOYER AND HAS A
21 SEVERE ILLNESS OR HAS AN IMMEDIATE FAMILY
22 MEMBER WHO IS SEVERELY ILL.
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25 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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27 SECTION 1. Arkansas Code § 21-4-203, concerning the definitions used
28 in the Uniform Attendance and Leave Policy Act, is amended to add additional
29 subdivisions to read as follows:

30 (15) "Immediate family member" means:

31 (A) An employee's father, mother, sister, brother,
32 husband, wife, child, grandmother, grandfather, grandchild, in-laws; and

33 (B) An individual acting as parent or guardian of an
34 employee;

35 (16) "Severe illness" means a medical condition of an employee
36 or an employee's immediate family member:



- 1 (A) Which is catastrophic in nature;
- 2 (B) Which could not be anticipated;
- 3 (C) That requires continuous in-patient or out-patient
- 4 medical treatment; and
- 5 (D) That causes an employee or the employee's immediate
- 6 family member to be absent from duty for a prolonged period of time;
- 7 (17) "Shared leave" means the donation of an employee's earned
- 8 sick leave or earned annual leave to another employee who:
- 9 (A) Is suffering from a severe illness; or
- 10 (B) Has an immediate family member suffering from a severe
- 11 illness.

13 SECTION 2. Arkansas Code § 21-4-207(f)(1), concerning absences due to
14 sick leave, is amended to read as follows:

15 (f)(1) Except in the case of maternity leave, absences due to sick
16 leave shall be charged in the following order:

- 17 (A) Earned sick leave;
- 18 (B) Earned annual leave;
- 19 (C) Shared leave, when authorized;
- 20 ~~(G)~~(D) Catastrophic leave, when authorized; and
- 21 ~~(D)~~(E) Leave without pay, when authorized.

23 SECTION 3. Arkansas Code Title 21, Chapter 4, Subchapter 2, is amended
24 to add an additional section to read as follows:

25 21-4-217. Shared leave.

26 (a) As used in this section, "employee" means a person regularly
27 appointed or employed in a position of state service by a governmental entity
28 listed in subdivision (b)(1) of this section for which he or she is
29 compensated on a full-time basis.

30 (b) An employee is eligible to obtain shared leave if the employee
31 has:

- 32 (1) Been continuously employed for more than one (1) year by
- 33 the:
- 34 (A) Same state agency;
- 35 (B) General Assembly;
- 36 (C) Bureau of Legislative Research;

1 (D) Division of Legislative Audit; or
2 (E) Arkansas State Highway and Transportation Department;
3 (2) Applied in writing for shared leave; and
4 (3) Received written approval for shared leave from his or her
5 employer.

6 (c) If shared leave is granted to an employee under this section, the
7 employee shall use the shared leave after the employee uses the following:

8 (A) Earned sick leave;

9 (B) Earned annual leave; and

10 (C) Earned compensatory leave.

11 (d)(1) An employee is eligible as a donor of shared leave when the
12 employee:

13 (A) Is employed by the same employer as the employee
14 receiving shared leave;

15 (B) Has cumulative earned sick leave and earned annual
16 leave in excess of eighty (80) hours; and

17 (C) Has not been disciplined by a governmental entity
18 listed in subdivision (b)(1) of this section for an abuse of leave in the
19 past two (2) calendar years.

20 (2) A donation of leave as shared leave must be approved in
21 writing by the:

22 (A) Donating employee's employer; and

23 (B)(i) Chief Fiscal Officer of the State.

24 (ii) The Chief Fiscal Officer of the State shall
25 determine whether the employer of the employee who would donate shared leave
26 has sufficient funds in its budget to grant the shared leave.

27 (3) An employee donating shared leave may donate only the amount
28 of earned sick leave or earned annual leave that will not cause the donating
29 employee's cumulative earned sick leave and earned annual leave to be less
30 than eighty (80) hours.

31 (4) An employee may receive a maximum of two thousand eighty
32 (2080) hours of combined shared leave and catastrophic leave in a calendar
33 year.

34 (e) An employee who is granted shared leave shall provide his or her
35 employer an acceptable medical certificate from a healthcare provider
36 documenting the severe illness that made the employee eligible for shared

1 leave.

2 (f) Shared leave that is donated to an employee and is not used by the
3 employee shall be converted to the catastrophic leave program as described
4 under § 21-4-214.

5 (g) The Office of Personnel Management of the Division of Management
6 Services of the Department of Finance and Administration shall establish
7 procedures and guidelines to implement this section.

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/s/Catlett

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APPROVED: 04/08/2013

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