

1 State of Arkansas *As Engrossed: H3/27/19 S4/3/19*

2 92nd General Assembly

A Bill

3 Regular Session, 2019

HOUSE BILL 1773

4

5 By: Representatives Clowney, Christiansen, A. Davis, Eaves, Love, McCollum, Wing, *C. Cooper, M.*

6 *Davis*

7 By: Senators J. Dismang, *Hill*

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For An Act To Be Entitled

10 AN ACT TO AMEND THE LAW CONCERNING PAID LEAVE FOR
11 FIREFIGHTERS WITH OCCUPATIONALLY CAUSED CANCER; AND
12 FOR OTHER PURPOSES.

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14

15

Subtitle

16

CRUMP'S LAW.

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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 21, Chapter 4, Subchapter 1, is amended
22 to add an additional section to read as follows:

23 21-4-107. Paid leave for firefighters with occupationally caused
24 cancer.

25 (a)(1) A paid firefighter for the state or any political subdivision
26 of the state who has completed five (5) or more years of employment as a paid
27 firefighter shall be granted a minimum of one thousand four hundred fifty-six
28 (1,456) hours of paid leave upon the initiation of treatment for an
29 occupationally caused cancer.

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

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

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

36 (C) May be transferred from a catastrophic leave bank of a



1 fire department that provides a catastrophic leave program if the
2 catastrophic leave program meets the requirements of this subdivision (a)(2).

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

5 (A) While in the official line of duty, was exposed to a
6 known carcinogen as determined by the Department of Health in consideration
7 with the findings of the International Agency for Research on Cancer; and

8 (B) Has a disability or an impairment of health as a
9 result of a diagnosis of a cancer listed in § 21-5-705(a)(3)(A)(i).

10 (4) A firefighter is not entitled to paid leave under
11 subdivision (a)(1) of this section if the firefighter's cancer:

12 (A)(i) Did not result from the firefighter's employment
13 with the state or political subdivision of the state.

14 (ii)(a) An occupationally caused cancer under this
15 section is presumed to result from a firefighter's employment if at the time
16 of employment the firefighter underwent a physical examination that did not
17 reveal substantial evidence that the occupationally caused cancer existed
18 before his or her employment as a firefighter.

19 (b) To rebut the presumption under subdivision
20 (a)(4)(A)(ii)(a) of this section, the employer shall prove by a preponderance
21 of the medical evidence that the occupationally caused cancer did not occur
22 as a result of employment in the official line of duty; or

23 (B) Did result from the firefighter's employment with the
24 state or political subdivision of the state, but workers' compensation is
25 provided for the occupationally caused cancer.

26 (b)(1)(A) A fire department may participate in a firefighter cancer
27 relief network created and governed by the Arkansas Association of Fire
28 Chiefs, the Arkansas Professional Fire Fighters Association, and the Arkansas
29 State Firefighters Association, Inc.

30 (B) A firefighter cancer relief network under subdivision
31 (b)(1)(A) of this section shall be established by September 1, 2019.

32 (2) A fire department that participates in a network under
33 subdivision (b)(1) of this section may provide a firefighter to a requesting
34 fire department to relieve a firefighter granted leave under this section and
35 employed by the requesting fire department, if:

36 (A) The fire department that provided the firefighter

1 continues to pay the firefighter's regular rate of pay and benefits,
2 including without limitation any overtime compensation;

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

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

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11 */s/Clowney*
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14 **APPROVED: 4/12/19**
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