

1 State of Arkansas  
2 94th General Assembly  
3 Regular Session, 2023  
4

# A Bill

HOUSE BILL 1358

5 By: Representative L. Johnson  
6 By: Senator K. Hammer  
7

## For An Act To Be Entitled

9 AN ACT TO AMEND THE LAW CONCERNING THE RULES AND  
10 REGULATIONS THAT MUST BE ADOPTED FOR MUNICIPAL FIRE  
11 AND POLICE DEPARTMENTS; TO AMEND THE MAXIMUM AGE  
12 LIMIT FOR APPOINTMENT TO A POSITION WITH A MUNICIPAL  
13 FIRE DEPARTMENT; TO AMEND THE LAW CONCERNING THE  
14 FILLING OF ENTRY-LEVEL POSITIONS FOR FIREFIGHTERS; TO  
15 AMEND THE LAW CONCERNING THE PROBATION PERIOD FOR  
16 POTENTIAL MUNICIPAL FIRE DEPARTMENT APPOINTEES; TO  
17 AMEND THE LAW CONCERNING APPOINTMENTS AND PROMOTIONS  
18 FOR MUNICIPAL FIRE AND POLICE DEPARTMENTS; AND FOR  
19 OTHER PURPOSES.  
20  
21

## Subtitle

22 TO AMEND THE LAW CONCERNING THE RULES AND  
23 REGULATIONS THAT MUST BE ADOPTED FOR  
24 MUNICIPAL FIRE AND POLICE DEPARTMENTS.  
25  
26  
27

28 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
29

30 SECTION 1. Arkansas Code § 14-51-301(b)(1)(C)(i), concerning  
31 exceptions to the maximum age limit for appointment to a position with a  
32 municipal fire department, is amended to read as follows:

33 (i) Any person who has at least two (2) years of  
34 previous experience as a paid firefighter with another fire department and  
35 whose years of experience as a paid firefighter when subtracted from the  
36 person's age leaves a remainder of not more than ~~thirty-two (32)~~ thirty-five



1 (35) years;

2  
3 SECTION 2. Arkansas Code § 14-51-301(b)(4)(A)(ii), concerning the  
4 creation and maintenance of current eligibles lists for the ranks of  
5 employment in municipal fire and police departments, is amended to add an  
6 additional subdivision to read as follows:

7 (d) When there is a current eligibles list for  
8 entry-level firefighters, positions shall be filled within six (6) months of  
9 a vacancy created by death, termination, resignation, demotion, retirement,  
10 or promotion unless the position is determined to be eliminated or not funded  
11 by the governing body of the city, except to the extent necessary to comply  
12 with the Uniformed Services Employment and Reemployment Rights Act of 1994,  
13 20 C.F.R. Part 1002, as it existed on January 1, 2015.

14  
15 SECTION 3. Arkansas Code § 14-51-301(b)(6), concerning the rules and  
16 regulations that must be established for municipal fire and police  
17 departments, is amended to read as follows:

18 (6) Certification to the department head of the ~~three (3)~~  
19 ~~standing highest on the~~ eligibility list for appointment for that rank of  
20 service, and for the department head to select for appointment one (1) of the  
21 five (5) standing highest certified to him or her or for promotion one (1) of  
22 the three (3) standing highest certified to him or her and notify the  
23 commission thereof;

24  
25 SECTION 4. Arkansas Code § 14-51-301(b)(7)(A), concerning the rules  
26 and regulations that must be established for municipal fire and police  
27 departments, is amended to read as follows:

28 (7)(A) A period of probation not to exceed ~~twelve (12)~~ eighteen  
29 (18) months for potential fire department appointees and at least one (1)  
30 year but no longer than two (2) years for potential law enforcement  
31 appointees before any appointment is complete and six (6) months before any  
32 promotion is complete.

33  
34 SECTION 5. Arkansas Code § 14-51-301(b)(8)(B)(ii), concerning the  
35 rules and regulations that must be established for municipal fire and police  
36 departments regarding temporary promotions and appointments, is amended to

1 read as follows:

2 (ii) Except as provided in subdivision  
3 (b)(8)(B)(iii) of this section, in the absence of a current eligibles list, a  
4 temporary promotion or appointment may be allowed for a vacancy created by  
5 death, termination, resignation, demotion, retirement, or promotion until an  
6 eligibles list is certified unless the position is determined to be  
7 eliminated or not funded by the governing body of the city. ~~A temporary~~  
8 ~~promotion for a vacancy created by death, termination, resignation, demotion,~~  
9 ~~retirement, or promotion shall not last longer than sixty (60) days, except~~  
10 ~~to the extent necessary to comply with the Uniformed Services Employment and~~  
11 ~~Reemployment Rights Act of 1994, 20 C.F.R. Part 1002, as in effect on January~~  
12 ~~1, 2015.~~

13  
14 SECTION 6. Arkansas Code § 14-51-301(b)(9)(A)(v)(b), concerning the  
15 rules and regulations that must be established for municipal fire and police  
16 departments concerning eligibility lists for promotion based on open  
17 competitive examinations, is amended to read as follows:

18 (b) Promotions When there is a current  
19 eligibles list, promotions shall be made within sixty (60) calendar days of a  
20 vacancy created by death, termination, resignation, demotion, retirement, or  
21 promotion unless the position is determined to be eliminated, except to the  
22 extent necessary to comply with regulations under the Uniformed Services  
23 Employment and Reemployment Rights Act of 1994, 20 C.F.R. Part 1002, as in  
24 effect on January 1, 2015.

25  
26  
27 **APPROVED: 4/4/23**  
28  
29  
30  
31  
32  
33  
34  
35  
36