

State of Arkansas

77th General Assembly

Regular Session, 1989

A Bill

SENATE BILL

269

By: Senator Russ

For An Act To Be Entitled

"AN ACT TO AMEND ARKANSAS CODE 21-4-206 (b) TO CLARIFY SICK LEAVE GRANTED STATE EMPLOYEES DUE TO DEATH OR SERIOUS ILLNESS OF A MEMBER OF THE EMPLOYEE'S IMMEDIATE FAMILY; TO AMEND ARKANSAS CODE 21-4-207 RELATING TO THE ACCRUAL AND USE OF SICK LEAVE BY STATE EMPLOYEES; TO PROVIDE THAT WHEN A STATE EMPLOYEE APPLIES FOR RETIREMENT BENEFITS UNDER A STATE SUPPORTED RETIREMENT SYSTEM ALL UNUSED SICK LEAVE OF THE EMPLOYEE SHALL BE ADDED TO THE EMPLOYEE'S CREDITED SERVICE FOR PURPOSES OF CALCULATING RETIREMENT BENEFITS; TO PROVIDE THAT ANY STATE EMPLOYEE WHO ON JULY 1 OF ANY YEAR HAS ACCUMULATED NINETY OR MORE DAYS OF SICK LEAVE MAY ELECT TO BE PAID FOR UP TO TEN DAYS OF SUCH SICK LEAVE AT THE RATE OF SEVENTY-FIVE PERCENT OF THE SALARY SUCH EMPLOYEE WAS RECEIVING ON THE PRECEDING JUNE 30; AND FOR OTHER PURPOSES."

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

SECTION 1. Arkansas Code 21-4-206 (b) is hereby amended to read as follows:

"(b) Sick leave may also be granted to employees due to the death or serious illness of a member of the employee's immediate family. For the purposes of the act, 'immediate family' shall mean the father, mother, sister, brother, husband, wife, child, grandmother, grandfather, in-laws, grandchildren or any individual acting as parent or guardian of an employee."

SECTION 2. Arkansas Code 21-4-207 is hereby amended to read as follows:

"21-4-207. Sick leave - Accrual and use.

(a) After the completion of six (6) months accumulated service, each permanent or probationary employee shall be credited with sick leave with full

pay computed on the basis of one (1) day (8 hours) for each complete month of service. At the completion of six (6) months accumulated service, an employee shall be credited with six (6) days (48 hours) sick leave. Such sick leave shall be cumulative for not more than 90 days. Pay not to exceed one (1) day (8 hours) per month of accumulated service may be granted to an employee who is incapacitated for the performance of their duties during the first six (6) months of accumulated service when the employee furnishes a certificate from an attending physician. Failure to provide a doctor's statement during the first six (6) months of employment shall result in the agency deducting the time from the employee's salary. At the completion of six (6) months accumulated service, the time paid under this provision shall be deducted from the first six (6) days (48 hours) of sick leave to be credited to the employee.

(1) Such sick leave shall be cumulative for not more than ninety (90) days.

(2) An employee shall be required to furnish a certificate from an attending physician for five (5) or more consecutive days of sick leave and for any paid sick leave used during the first six (6) months of employment. An agency which has a written procedure to identify patterns of sick leave usage may require an employee to furnish a certificate from an attending physician for any use of sick leave.

(b) Sick leave with pay shall not be granted to emergency, hourly, intermittent, or per diem employees.

(c) Sick leave with pay shall be allowed to provisional and temporary employees on the basis of one (1) day (8 hours) for each complete month of service after the completion of six (6) months of accumulated service.

(d) Sick leave with pay shall be allowed to permanent, probationary, provisional, hourly and temporary employees who are working one-half time computed on the basis of one-half the rate of the schedule for full-time employees for each complete month of service after the completion of six (6) months of service.

(e) (1) Sick leave may not be accumulated during a period of leave without pay when such leave is for more than ten (10) days within a calendar month.

(2) Saturdays, Sundays, holidays, and nonworking days within a period of sick leave shall not be charged as sick leave. Sick leave granted shall be

based on working days.

(3) Employees transferring between state agencies without a break in service shall, at the time of transfer, retain all accumulated sick leave credits.

(4) Whenever an employee is laid off because of budgetary reasons or curtailment of activities and he is reinstated within a period of six (6) months, accumulated sick leave may be restored to his credit.

(f) (1) An employee who is receiving Workers' Compensation benefits and who has used all accrued sick leave may elect to be placed on leave without pay before using annual leave. Absences due to sick leave, except in the case of workers compensation or maternity leave, shall be charged in the following order:

(A) Earned sick leave;

(B) Earned annual leave;

(C) Leave without pay.

(2) Requests for sick leave shall be applied for in advance.

(A) If the nature of the sickness makes this impossible, notification of absence on account of sickness shall be given as soon as possible on the first day of absence to the head of the department or the person in charge of the office, and application for sick leave shall be filed within two (2) days after return to duty.

(B) If notification is not made in accordance with the procedure herein, the absence shall be charged to annual leave or leave without pay, at the discretion of the agency director.

(3) The minimum charge for absence on account of sickness shall be one (1) hour.

(g) When an employee who will immediately receive benefits from a state supported retirement system applies for retirement, all unused sick leave of that employee shall be added to the employee's credited service for purposes of computing the employee's retirement benefits.

(h) Any employee who on July 1 of any year has accumulated ninety (90) or more days of sick leave may elect to be paid for up to ten (10) days of such sick leave at the rate of seventy-five percent (75%) of the salary the employee was receiving on the preceding June 30. Compensation received by an employee for such sick leave, when added to the regular salary received by the employee during any year, shall not be deemed to render such employee's salary

in excess of the maximum salary prescribed by law."

SECTION 3. All provisions of this act of a general and permanent nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code Revision Commission shall incorporate the same in the Code.

SECTION 4. All laws and parts of laws in conflict with this act are hereby repealed.

SECTION 5. EMERGENCY. It is hereby found and determined by the General Assembly that the current laws relating to accrual and use of sick leave by state employees permits the use of sick leave in case of the death or serious illness of a grandparent but not a grandchild; that such laws permit not only the accumulation of sick leave but the use of paid sick leave during the first six months of service and that this should be corrected to permit accumulation but to permit use thereof only under limited circumstances; that there are currently no real incentives in the law to encourage state employees to use sick leave only when they are so sick as to be unable to perform their duties, and that such laws should be amended to provide such incentive; that this act is designed to accomplish these worthy purposes and should be given effect immediately. Therefore, an emergency is hereby declared to exist and this Act being necessary for the preservation of the public peace, health and safety shall be in full force and effect from and after its passage and approval.