

Stricken language would be deleted from and underlined language would be added to law as it existed prior to the 82nd General Assembly.

1 State of Arkansas  
2 82nd General Assembly  
3 Regular Session, 1999  
4

As Engrossed: S3/15/99

# A Bill

HOUSE BILL 2039

5 By: Representative Madison  
6 By: Senator Hill  
7  
8

## For An Act To Be Entitled

10 "AN ACT TO AMEND ARKANSAS CODE 6-63-601(1) AND 6-63-  
11 602 RELATING TO THE CATASTROPHIC LEAVE BANK PROGRAM  
12 *FOR BENEFITS-ELIGIBLE, FULL-TIME EMPLOYEES OF*  
13 *INSTITUTIONS OF HIGHER EDUCATION; TO AMEND ARKANSAS*  
14 *CODE 12-4-203(4) AND 12-4-214 RELATING TO THE*  
15 *CATASTROPHIC LEAVE BANK PROGRAM FOR EMPLOYEES OF*  
16 *PARTICIPATING STATE AGENCIES; AND FOR OTHER PURPOSES. "*  
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## Subtitle

18 "TO AMEND ARKANSAS CODE SECTIONS RELATING  
19 TO THE CATASTROPHIC LEAVE BANK PROGRAM  
20 FOR STATE AGENCY EMPLOYEES AND FOR *FULL-*  
21 *TIME EMPLOYEES OF* INSTITUTIONS OF HIGHER  
22 EDUCATION. "  
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26 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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28 SECTION 1. Arkansas Code 6-63-601(1) is amended to read as follows:

29 "(1) 'Catastrophic illness' means a medical condition of an employee or  
30 of the spouse or parent of the employee or of a child of the employee which  
31 may be claimed as a dependent under the Arkansas Income Tax Act of 1929, as  
32 certified by a physician that requires an employee's absence from duty for a  
33 prolonged period of time and which, except for the catastrophic leave program,  
34 would results result in a substantial loss of income to the employee because  
35 of the exhaustion of all earned sick and annual leave;"  
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1 SECTION 2. Arkansas Code 6-63-602 is amended to read as follows:

2 "6-63-602. Administration.

3 (a) The Department of Finance and Administration shall have  
4 administrative responsibility for developing, implementing, and maintaining a  
5 catastrophic leave bank program for nonfaculty ~~nonclassified personnel~~  
6 ~~employed by~~ benefits-eligible, full-time employees of the state institutions  
7 of higher education. Each state institution of higher education may  
8 participate in the catastrophic leave bank authorized by this subsection and  
9 administered by the Office of Personnel Management, or the institution may  
10 establish a catastrophic leave bank for its employees.

11 (b) Accrued annual leave and sick leave of employees may be donated to  
12 a catastrophic leave bank.

13 (c) Catastrophic leave with pay may be granted to an employee when such  
14 employee is ~~incapacitated from the performance of the employee's duties~~ unable  
15 to perform his or her duties due to a catastrophic illness.

16 (d) An employee may be eligible for catastrophic leave when:

17 (1) The employee has been employed by the state institution of  
18 higher education for more than two (2) years;

19 ~~(2) The employee has exhausted all earned sick and annual leave;~~

20 ~~(3) The illness or injury is not covered by workers' compensation~~  
21 ~~or such compensation benefit has been exhausted;~~

22 ~~(4)~~(2) An acceptable medical certificate from a physician  
23 supporting the continued absence is on file; and

24 ~~(5)~~(3) The employee has not been disciplined for any leave abuse  
25 during the past two (2) years.

26 (e) If the illness or injury is that of an employee and is covered by  
27 workers' compensation, the compensation based on catastrophic leave when  
28 combined with the weekly workers' compensation benefit received by the  
29 employee shall not exceed the compensation being received by the employee at  
30 the onset of the illness or injury.

31 ~~(e)~~(f) The Director of the Department of Finance and Administration or  
32 his designee shall promulgate necessary rules and regulations as deemed  
33 necessary to carry out the provisions of this section.

34 ~~(f)~~(g) Nothing in this subchapter shall be construed to repeal in any  
35 way the exclusion of nonclassified employees of state-supported institutions  
36 of higher learning under the Uniform Attendance and Leave Policy Act, § 21-4-

1 201 et seq."

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3 SECTION 3. Arkansas Code 21-4-203(4) is amended to read as follows:

4 "(4) 'Catastrophic illness' means a medical condition of an employee or  
5 of the spouse or parent of the employee or of a child of the employee which  
6 may be claimed as a dependent under the Arkansas Income Tax Act of 1929, as  
7 certified by a physician that requires an employee's absence from duty for a  
8 prolonged period of time and which, except for the catastrophic leave program,  
9 would results result in a substantial loss of income to the employee because  
10 of the exhaustion of all earned sick and annual leave;"

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12 SECTION 4. Arkansas Code 21-4-214 is amended to read as follows:

13 "21-4-214. Catastrophic leave program.

14 (a)(1) The Department of Finance and Administration shall have  
15 administrative responsibility for developing, implementing, and maintaining a  
16 catastrophic leave bank program.

17 (2) Each state agency approved by the Department of Finance and  
18 Administration to participate in the catastrophic leave bank program may  
19 establish a catastrophic leave bank for its employees, or the state agency may  
20 participate in a catastrophic leave bank to be administered by the Office of  
21 Personnel Management of the Department of Finance and Administration.

22 (b) Accrued annual leave and sick leave of employees may be donated to  
23 a catastrophic leave bank.

24 (c) Catastrophic leave with pay may be granted to an employee when such  
25 employee is ~~incapacitated for the performance of the employee's duties~~ unable  
26 to perform his or her duties due to a catastrophic illness.

27 (d) An employee may be eligible for catastrophic leave when:

28 (1) The employee has been employed by the state for more than two

29 (2) years;

30 (2) The employee, at the onset of the illness or injury, had to  
31 his or her credit at least eighty (80) hours of combined sick and annual leave  
32 and has exhausted all earned sick and annual such leave;

33 ~~(3) The illness or injury is not covered by workers' compensation~~  
34 ~~or such compensation benefit has been exhausted;~~

35 ~~(4)~~(3) An acceptable medical certificate from a physician  
36 supporting the continued absence is on file; and

1           ~~(5)~~(4) The employee has not been disciplined for any leave abuse  
2 during the past two (2) years.

3           (e) If the illness or injury is that of an employee and is covered by  
4 workers' compensation, the compensation based on catastrophic leave when  
5 combined with the weekly workers' compensation benefit received by the  
6 employee shall not exceed the compensation being received by the employee at  
7 the onset of the illness or injury.

8           ~~(e)~~(f) The Director of the Department of Finance and Administration, or  
9 his designee, shall promulgate necessary rules and regulations as deemed  
10 necessary to carry out the provisions of this section."  
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12           SECTION 5. All provisions of this act of a general and permanent nature  
13 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code  
14 Revision Commission shall incorporate the same in the Code.  
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16           SECTION 6. If any provision of this act or the application thereof to  
17 any person or circumstance is held invalid, such invalidity shall not affect  
18 other provisions or applications of the act which can be given effect without  
19 the invalid provision or application, and to this end the provisions of this  
20 act are declared to be severable.  
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22           SECTION 7. All laws and parts of laws in conflict with this act are  
23 hereby repealed.  
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25           SECTION 8. EMERGENCY CLAUSE. It is hereby found and determined by the  
26 Eighty-second General Assembly that under the current law relating to the  
27 catastrophic leave program for state agency employees and for full-time  
28 employees of state institutions of higher education, catastrophic illness is  
29 defined as a medical condition of an employee only and does not include  
30 medical conditions of members of the employee's immediate family; that many  
31 times it is necessary that an employee miss work to care for a seriously ill  
32 member of the employee's immediate family; that if the employee has exhausted  
33 his or her accrued annual and sick leave and is not permitted to benefit from  
34 the catastrophic leave program he or she may suffer a substantial loss of  
35 income and serious hardship; that this act is designed to expand the term  
36 "catastrophic illness" as used in the law which establishes the catastrophic

1 leave bank program to include catastrophic illness of a spouse or parent of an  
2 employee or of a child of the employee which may be claimed as a dependent  
3 under the Arkansas Income Tax Act of 1929 and should be given effect  
4 immediately to avoid serious hardship to certain employees of state agencies  
5 and of state-supported institutions of higher education. Therefore, an  
6 emergency is declared to exist and this act being immediately necessary for  
7 the preservation of the public peace, health and safety shall become effective  
8 on the date of its approval by the Governor. If the bill is neither approved  
9 nor vetoed by the Governor, it shall become effective on the expiration of the  
10 period of time during which the Governor may veto the bill. If the bill is  
11 vetoed by the Governor and the veto is overridden, it shall become effective  
12 on the date the last house overrides the veto.

13 /s/ Madison  
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