

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

1 State of Arkansas
2 85th General Assembly
3 Regular Session, 2005
4

As Engrossed: H3/23/05

A Bill

HOUSE BILL 1190

5 By: Representative Sullivan
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For An Act To Be Entitled

9 AN ACT TO AMEND THE ARKANSAS PUBLIC EMPLOYEES'
10 RETIREMENT SYSTEM LAWS CONCERNING CERTAIN
11 DEPARTMENT OF CORRECTION EMPLOYEES WHO ARE
12 ELIGIBLE FOR HAZARDOUS DUTY PAY; AND FOR OTHER
13 PURPOSES.
14

Subtitle

15 TO AMEND THE ARKANSAS PUBLIC EMPLOYEES'
16 RETIREMENT SYSTEM LAWS CONCERNING
17 CERTAIN DEPARTMENT OF CORRECTION
18 EMPLOYEES WHO ARE ELIGIBLE FOR HAZARDOUS
19 DUTY PAY.
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23 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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25 SECTION 1. Arkansas Code Title 24, Chapter 4, Subchapter 7 is amended
26 to add an additional section to read as follows:

27 24-4-749. Eligibility for benefits – Certain Department of Correction
28 Employees.

29 (a) An employee of the Arkansas Department of Correction who is an
30 active member of the Arkansas Public Employees' Retirement System on or after
31 July 1, 2005, and whose position is classified as a:

32 (1) Correctional Officer I;

33 (2) Food Production Manager I;

34 (3) Officer II;

35 (4) Food Production Manager II;

36 (5) Sergeant;



- 1 (6) Officer III;
2 (7) Officer IV;
3 (8) Chief Security Officer;
4 (9) Assistant Warden; or
5 (10) Warden

6 may voluntarily retire after filing a written application with the Board of
7 Trustees of the Arkansas Public Employees' Retirement System stating the
8 date, not less than thirty (30) days nor more than ninety (90) days after
9 filing the application for retirement stating that the member desires to
10 retire, if that member has:

11 (A) Twenty-five (25) or more years of credited service
12 regardless of age;

13 (B) Attained or attains age sixty (60) and has twenty (20)
14 or more years of actual contributory service; or

15 (C) Attained or attains age sixty-five (65) and has five
16 (5) or more years of actual service.

17 (b)(1) The employees in subsection (a) of this section shall receive
18 credit for 13.44 months of service for every twelve (12) months of credited
19 service.

20 (2) The benefit payable by the Arkansas Public Employees'
21 Retirement System shall be based on credited service in the system and on the
22 final average compensation in the system. However, should a member have less
23 than four (4) years of credited service in the system, "final average
24 compensation" means the monthly average of pays to the member during his or
25 her total years of service in the system.

26 (c)(1) An annuity determination shall be made promptly by the Arkansas
27 Public Employees' Retirement System upon a member's filing a written
28 application for retirement in accordance with subsection (a) of this section.

29 (2) The determination shall include the member's total years of
30 credited service, the specific factors used to make the determination, the
31 base annuity payable to the member, and the amount of annuity payments, if
32 any, payable under the annuity options of § 24-4-606.

33 (3) If the member is not eligible for a retirement annuity, the
34 determination shall state the reasons for the determination.

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36 SECTION 2. Arkansas Code § 24-4-801(b), concerning participation in

1 the deferred retirement option plan, is amended to read as follows:

2 (b)(1) The conditions required for full participation in the plan are
3 that the member must have at least thirty (30) years of actual service in the
4 system.

5 (2) The conditions required for full participation in the plan
6 for members covered under § 24-4-749 are that the member must have at least
7 twenty-eight (28) years of actual service in the system.

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9 SECTION 3. EMERGENCY CLAUSE. It is found and determined by the
10 General Assembly of the State of Arkansas that the Department of Correction
11 needs incentives to retain employees in certain hazardous positions within
12 the department; that the turnover rate for these positions is extremely high;
13 the percentage of employees working in these hazardous positions for twenty
14 (20) years or more is very low; that the incentive of being able to retire
15 after twenty-five (25) years will retain more of these employees; and that
16 this act will accomplish that objective. Therefore, an emergency is declared
17 to exist and this act being necessary for the preservation of the public
18 peace, health, and safety shall become effective on July 1, 2005.

19 /s/ Sullivan
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