

1 State of Arkansas
2 86th General Assembly
3 Regular Session, 2007
4

A Bill

HOUSE BILL 2687

5 By: Representatives Woods, Burris, Cornwell, Pennartz, Pierce
6
7

For An Act To Be Entitled

9 AN ACT CONCERNING CIVIL SERVICE EMPLOYEES AND
10 SUSPENSION, DISCHARGE, OR REDUCTION IN RANK OR
11 COMPENSATION; AND FOR OTHER PURPOSES.
12

Subtitle

13 CONCERNING CIVIL SERVICE EMPLOYEES AND
14 SUSPENSION, DISCHARGE, OR REDUCTION IN
15 RANK OR COMPENSATION.
16
17
18

19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
20

21 SECTION 1. Arkansas Code § 14-51-308 is amended to read as follows:

22 14-51-308. Suspension, discharge, or reduction in rank or
23 compensation.

24 (a)(1) No civil service employee shall be discharged, reduced in rank
25 or compensation, or suspended ~~for three (3) or more days~~ without being
26 notified in writing of the discharge, reduction in rank or compensation, or
27 the suspension ~~for three (3) or more days~~ and its cause.

28 (2) In case of suspension, discharge, or reduction, the affected
29 or accused person shall have written notice of the action at the time action
30 is taken.

31 (b)(1) Within ten (10) days after the notice in writing is served upon
32 the officer, private, or employee, the person may request a trial before the
33 board of civil service commissioners on the charges alleged as the grounds
34 for discharge, reduction, or suspension ~~for three (3) days or more~~ if he or
35 she so desires.

36 (2)(A) In the event a request for trial is made, the commission



1 shall fix a date for the trial not more than fifteen (15) days after the
2 request is made.

3 (B)(i) If the request for trial is not made within ten
4 (10) days from the date of service of notice, the discharge, reduction, or
5 suspension ~~for three (3) days or more~~ shall become final and no trial shall
6 be granted after that date.

7 (ii) The appeal shall be taken by filing a notice of
8 appeal with the ~~commission~~ board of civil service commissioners within thirty
9 (30) days from the date of the decision. The responsibility of filing an
10 appeal and paying for the transcript of the proceedings before the ~~municipal~~
11 ~~civil service commission~~ board of civil service commissioners shall be borne
12 by the party desiring to appeal the ~~commission's~~ decision of the board of
13 civil service commissioners.

14 (iii) The ~~commission~~ board of civil service
15 commissioners, upon receiving notice of an appeal, will prepare a written
16 order containing its decision and ensure that the transcript and evidence be
17 made available for filing in the circuit court once the appealing party has
18 paid the cost of preparing the transcript.

19 (iv) However, if the circuit court determines that
20 the party appealing the ~~commission's~~ decision of the board of civil service
21 commissioners took the appeal in good faith and with reasonable cause to
22 believe he or she would prevail, the ~~commission~~ board of civil service
23 commissioners shall reimburse the appealing party for the cost of the
24 transcript.

25 (c)(1) In the event of a trial, the officer, private, or employee
26 requesting the trial shall be notified of the date and place of the trial at
27 least ten (10) days prior to the date thereof.

28 (2) The officer, private, or employee shall have compulsory
29 process to have witnesses present at the trial.

30 (d)(1) The chair of the ~~commission~~ board of civil service
31 commissioners shall preside at all trials and shall determine and decide all
32 questions relative to pleadings and the admissibility of evidence.

33 (2) The decision of the ~~commission~~ board of civil service
34 commissioners shall be by a majority vote of the members of the commission.

35 (e)(1)(A) A right of appeal by the city or employee is given from any
36 decision of the ~~commission~~ board of civil service commissioners to the

1 circuit court within the jurisdiction of which the ~~commission~~ board of civil
2 service commissioners is situated.

3 (B)(i) The appeal shall be taken by filing with the
4 ~~commission~~ board of civil service commissioners, within thirty (30) days from
5 the date of the decision, a notice of appeal. The responsibility of filing an
6 appeal and paying for the transcript of the proceedings before the ~~municipal~~
7 ~~civil service commission~~ board of civil service commissioners shall be borne
8 by the party desiring to appeal the ~~commission's~~ decision of the board of
9 civil service commissioners.

10 (ii) The ~~commission~~ board of civil service
11 commissioners will upon receiving notice of an appeal prepare a written order
12 containing its decision and ensure that the transcript and evidence be made
13 available for filing in the circuit court once the appealing party has paid
14 the cost of preparing the transcript.

15 (iii) However, if the circuit court determines that
16 the party appealing the ~~commission's~~ decision of the board of civil service
17 commissioners took the appeal in good faith and with reasonable cause to
18 believe he or she would prevail, the ~~commission~~ board of civil service
19 commissioners shall reimburse the appealing party for the cost of the
20 transcript.

21 (C)(i) The court shall review the ~~commission's~~ decision of
22 the board of civil service commissioners on the record and may, in addition,
23 hear testimony or allow the introduction of any further evidence upon the
24 request of either the city or the employee.

25 (ii) The testimony or evidence must be competent and
26 otherwise admissible.

27 (2)(A) A right of appeal is also given from any action from the
28 circuit court to the Arkansas Supreme Court.

29 (B) The appeal shall be governed by the rules of procedure
30 provided by law for appeals from the circuit court to the Arkansas Supreme
31 Court.

32 (f) In the event that it is finally determined that there was a
33 wrongful suspension, discharge, or reduction in rank of any employee, the
34 employee shall be entitled to judgment against the city for whatever loss he
35 or she may have sustained by reason of his or her suspension, discharge, or
36 demotion, taking into consideration any remuneration which the officer,

1 private, or employee may have received from other sources pending the final
2 determination of his or her case.

3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36