

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 88th General Assembly
3 Regular Session, 2011

A Bill

HOUSE BILL 1024

4
5 By: Representative English

For An Act To Be Entitled

8 AN ACT RELATING TO THE LEAVES OF ABSENCE AND
9 REEMPLOYMENT OF MILITARY PERSONNEL CALLED TO ACTIVE
10 DUTY; AND FOR OTHER PURPOSES.

Subtitle

14 RELATING TO THE LEAVES OF ABSENCE AND
15 REEMPLOYMENT OF MILITARY PERSONNEL CALLED
16 TO ACTIVE DUTY.

17
18
19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

20
21 SECTION 1. Arkansas Code § 6-17-306(a), regarding leaves of absence
22 for school personnel, is amended to read as follows:

23 (a)(1) ~~All teachers, administrators, and noncertified personnel~~ A
24 teacher, administrator, or noncertified personnel who is employed by ~~any a~~
25 public school in this state ~~who desire to take~~ is entitled to a leave of
26 absence for fifteen (15) days plus necessary travel time in any fiscal year
27 for the purpose of participating in:

28 (A) ~~military~~ Military training programs or other official
29 duties made available by the ~~Arkansas National Guard or of the reserve~~
30 ~~branches of the~~ armed forces of this state or any other state, including
31 without limitation the National Guard or a reserve component of the armed
32 forces; and all teachers and administrators employed by a public school who
33 ~~desire to take a leave of absence for the purpose of participating in the; or~~

34 (B) The civil defense and public health training programs
35 made available by the United States Public Health Service ~~shall be entitled~~
36 ~~to such a leave of absence for a period of fifteen (15) days, plus necessary~~



1 ~~travel time, in any fiscal year.~~

2 (2) To the extent that this leave is not used in a fiscal year,
3 it will accumulate for use in the succeeding fiscal year until it totals
4 fifteen (15) days at the beginning of a fiscal year.

5
6 SECTION 2. Arkansas Code § 12-62-413 is amended to read as follows:

7 12-62-413. Employment protection for members of ~~National Guard or~~
8 militia armed forces.

9 (a) ~~Any~~ A person who ~~shall be~~ is called by the Governor to active
10 state duty as a member of the ~~Arkansas armed forces of this state or any~~
11 other state, including without limitation the National Guard, a reserve
12 component of the armed forces, or as a member or of the militia, shall be is
13 afforded such employment and reemployment rights, privileges, benefits, and
14 protections in employment as though that person had been called to active
15 duty in the service of the United States and shall not be denied hiring,
16 retention in employment, promotion, or other incidents or advantages of
17 employment because of any obligation as a member of the ~~Arkansas National~~
18 Guard or the militia armed forces.

19 (b) In any civil action to enforce the provisions of this section, the
20 prevailing party may be allowed a reasonable attorney's fee to be assessed by
21 the court and collected as costs.

22
23 SECTION 3. Arkansas Code § 21-4-212 is amended to read as follows:

24 21-4-212. Military leave.

25 (a)(1) Employees who are members of ~~the National Guard or any of the~~
26 ~~reserve branches of~~ the armed forces of this state or any other state,
27 including without limitation the National Guard or a reserve component of the
28 armed forces, shall be granted leave at the rate of fifteen (15) days per
29 calendar year, plus necessary travel time for annual training requirements or
30 other duties performed in an official duty status.

31 (2) To the extent this leave is not used in a calendar year, it
32 will accumulate for use in the succeeding calendar year until it totals
33 fifteen (15) days at the beginning of a calendar year.

34 (3) The leave shall be granted without loss of pay and in
35 addition to regular vacation time.

36 (4) Each employee who requests military leave shall furnish a

1 copy of his or her orders for his or her personnel file.

2 (b)(1) An employee who is drafted or called to active duty in the
 3 armed forces of the United States or who volunteers for military service
 4 shall be placed on extended military leave without pay and upon application
 5 within ninety (90) days after the effective date of his or her release from
 6 active duty shall be reinstated to the position vacated or an equivalent
 7 position at no loss of seniority or any of the other benefits and privileges
 8 of employment.

9 (2) The right of reemployment shall conform with all federal
 10 government rules and regulations.

11 ~~(c)(1) Any employee who enlists or reenlists for a second consecutive~~
 12 ~~tour of military duty shall be deemed to have forfeited his or her~~
 13 ~~reemployment rights.~~

14 ~~(d)(1)~~ Personnel called to duty in emergency situations by the
 15 Governor or the President shall be granted leave with pay not to exceed
 16 thirty (30) working days after which leave without pay will be granted. This
 17 leave shall be granted in addition to regular vacation time.

18 (2) As used in this section, "Emergency emergency situations"
 19 means:

20 (A) ~~any~~ Any case of invasion, disaster, insurrection,
 21 riot, breach of peace, or imminent danger thereof;

22 (B) ~~threats~~ Threats to the public health or security; or

23 (C) ~~threats~~ Threats to the maintenance of law and order.

24 ~~(e)(1)~~ (d)(1) During any military leave of absence, the employee shall
 25 ~~be entitled to~~ preserve all seniority rights, efficiency or performance
 26 ratings, promotional status, retirement privileges, life and disability
 27 insurance benefits, and any other rights, privileges, and benefits to which
 28 the employee has become entitled.

29 ~~The period of military service shall, for~~ For purposes of
 30 computations to determine whether ~~such~~ the person may be entitled to
 31 retirement benefits, the period of military service shall be deemed
 32 continuous service, and the employee shall not be required to make any
 33 contributions to any retirement fund.

34 (3) The state shall continue to contribute its portion of any
 35 life or disability insurance premiums during the leave of absence on behalf
 36 of the employee, if requested, so that continuous coverage may be maintained.

1 ~~(f)~~ (e) Whenever ~~any state~~ an employee as defined ~~by~~ under § 21-4-203
2 or ~~any~~ an employee of a political subdivision is granted military leave for a
3 period of fifteen (15) days per calendar year or fiscal year, ~~under the~~
4 ~~provisions of~~ this section, the military leave ~~will~~ shall accumulate for use
5 in succeeding calendar years or fiscal years until it totals fifteen (15)
6 days at the beginning of the calendar year or fiscal year, for a maximum
7 number of thirty (30) military leave days available in any one (1) calendar
8 year or fiscal year ~~to be thirty (30) days.~~

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