1	State of Arkansas	As Engrossed: H3/13/15		
2	90th General Assembly	A Bill		
3	Regular Session, 2015		HOUSE BILL 1426	
4				
5	By: Representative Tucker			
6				
7		For An Act To Be Entitled	l	
8	AN ACT TO PERMIT PAID MATERNITY LEAVE FOR STATE			
9	EMPLOYEES; TO DECLARE AN EMERGENCY; AND FOR OTHER			
10	PURPOSES.			
11				
12				
13		Subtitle		
14	TO PE	RMIT PAID MATERNITY LEAVE FOR	STATE	
15	EMPLO	YEES; AND TO DECLARE AN EMERGI	ENCY.	
16				
17				
18	BE IT ENACTED BY THE G	ENERAL ASSEMBLY OF THE STATE C	F ARKANSAS:	
19				
20	SECTION 1. Arkansas Code § 21-4-203, concerning the definitions used			
21	in the Uniform Attendance and Leave Policy Act, is amended to add an			
22	additional subdivision	to read as follows:		
23	<u>(18) "Paio</u>	d maternity leave" means leave	with pay for <i>a female</i>	
24	employee for the live l	birth of the employee's child.	<u>-</u>	
25				
26	SECTION 2. Arkar	nsas Code § 21-4-209 is amende	ed to read as follows:	
27	21-4-209. Materr	nity leave.		
28	(a)(1) An employ	yee is eligible to obtain paid	l maternity leave if the	
29	employee has:			
30	<u>(A)</u>	Been appointed or employed in	a position of state	
31	service by any of the following governmental entities for which she is			
32	compensated on a full-time basis and for which she has been continuously			
33	employed for more than one (1) year:			
34		(i) The same state agency;		
35	(ii) The General Assembly;			
36	(iii) The Bureau of Legislative Research;			

As Engrossed: H3/13/15 HB1426

1	(iv) The Division of Legislative Audit;	
2	(v) The Arkansas State Highway and Transportation	
3	Department;	
4	(vi) The Arkansas State Game and Fish Commission;	
5	<pre>(vii) The Supreme Court;</pre>	
6	(viii) The Court of Appeals; or	
7	(ix) A state constitutional officer, including	
8	without limitation:	
9	(a) The Governor;	
10	(b) The Lieutenant Governor;	
11	(c) The Secretary of State;	
12	(d) The Attorney General;	
13	(e) The Auditor of State;	
14	(f) The Treasurer of State; and	
15	(g) The Commissioner of State Lands; and	
16	(B) Applied in writing for paid maternity leave.	
17	(2) An employee who is granted maternity leave under this	
18	section shall be paid her salary in an amount up to five hundred dollars	
19	(\$500) each week for six (6) consecutive weeks of maternity leave.	
20	(b)(1) If paid maternity leave is granted to an employee under this	
21	section, the employee shall use the paid maternity leave before the employee	
22	uses the following:	
23	(A) Unpaid maternity leave;	
24	(B) Earned sick leave;	
25	(C) Earned annual leave;	
26	(D) Earned compensatory leave;	
27	(E) Catastrophic leave; and	
28	(F) Leave without pay.	
29	(2) An employee eligible for paid maternity leave may choose not	
30	to use the paid maternity leave and may use other leave the employee is	
31	eligible to use under this subchapter.	
32	(c) Paid maternity leave shall be used concurrently with any unpaid	
33	maternity leave that is granted under federal or state law.	
34	(d)(1) A permanent employee who is granted paid maternity leave under	
35	this section shall continue in the service of the agency or other entity	
36	identified in subdivision (a)(1)(A) of this section for a period of time as	

As Engrossed: H3/13/15 HB1426

1	statutorily required or, in the absence of a specific law, at least four (4)		
2	times the length of her maternity leave.		
3	(2)(A) A permanent employee shall pay to the agency or other		
4	entity identified in subdivision (a)(1)(A) of this section the cost of the		
5	paid maternity leave benefit in proportion to the amount of the unfulfilled		
6	obligation required under subdivision (d)(l) of this section if the employee		
7	voluntarily terminates the employment before fulfilling the obligations under		
8	subdivision (d)(1) of this section.		
9	(B) A permanent employee is not liable for repayment if:		
10	(i) The termination of employment was involuntary;		
11	<u>or</u>		
12	(ii) The termination resulted from:		
13	(a) Circumstances beyond the employee's		
14	<pre>control; or</pre>		
15	(b) The continuation, recurrence, or onset of		
16	a serious health condition arising from the live birth; or		
17	(c) A serious injury or illness that would		
18	otherwise entitle the employee to leave.		
19	(C) A written contract shall be signed by the employee and		
20	the agency or other entity identified in subdivision (a)(1)(A) of this		
21	section setting forth all terms of the agreement before the benefit may be		
22	paid.		
23	(e) Paid maternity leave under subsections (a)-(d) of this section		
24	does not apply to an institution of higher education.		
25	(f)(1) Maternity Unpaid maternity leave shall be treated as any other		
26	leave for sickness or disability.		
27	(2) Accumulated sick leave and annual leave, if requested by the		
28	employee, shall be granted for <u>unpaid</u> maternity use, after which leave		
29	without pay may be used.		
30			
31	SECTION 3. Arkansas Code § 21-4-210(c)(1)(A), concerning a state		
32	employee's leave of absence without pay, is amended to read as follows:		
33	(c)(1)(A) Except in accordance with § 21-4-212 and in the case of		
34	unpaid maternity leave or paid maternity leave under § 21-4-209, leave of		
35	absence without pay shall not be granted until all of the employee's		
36	accumulated annual leave has been exhausted.		

As Engrossed: H3/13/15 HB1426

1			
2	SECTION 4. EMERGENCY CLAUSE. It is found and determined by the		
3	General Assembly of the State of Arkansas that current state employees are		
4	not given paid leave for the birth of a child; that paid leave for the birth		
5	of a child is necessary to promote financially secure families, to allow a		
6	parent time to nurture a child, and to promote family values; and that this		
7	act is immediately necessary because the state needs to support state		
8	employees who need to take leave to nurture a young child, to encourage		
9	family values, and to encourage financial independence of a state employee		
10	who is also a parent. Therefore, an emergency is declared to exist, and this		
11	act being immediately necessary for the preservation of the public peace,		
12	health, and safety shall become effective on:		
13	(1) The date of its approval by the Governor;		
14	(2) If the bill is neither approved nor vetoed by the Governor,		
15	the expiration of the period of time during which the Governor may veto the		
16	bill; or		
17	(3) If the bill is vetoed by the Governor and the veto is		
18	overridden, the date the last house overrides the veto.		
19			
20	/s/Tucker		
21			
22			
23			
24			
25			
26			
27			
28			
29			
30			
31			
32			
33			
34			
35			
36			