

1 State of Arkansas
2 90th General Assembly
3 Regular Session, 2015
4

As Engrossed: H3/13/15

A Bill

HOUSE BILL 1426

5 By: Representative Tucker
6

For An Act To Be Entitled

8 AN ACT TO PERMIT PAID MATERNITY LEAVE FOR STATE
9 EMPLOYEES; TO DECLARE AN EMERGENCY; AND FOR OTHER
10 PURPOSES.
11

Subtitle

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14 TO PERMIT PAID MATERNITY LEAVE FOR STATE
15 EMPLOYEES; AND TO DECLARE AN EMERGENCY.
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18 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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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 (18) "Paid maternity leave" means leave with pay for a female
24 employee for the live birth of the employee's child.
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26 SECTION 2. Arkansas Code § 21-4-209 is amended to read as follows:
27 21-4-209. Maternity leave.

28 (a)(1) An employee is eligible to obtain paid maternity leave if the
29 employee has:

30 (A) 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;



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 (vii) The Supreme Court;
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

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)(1) 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 or

12 (ii) The termination resulted from:

13 (a) Circumstances beyond the employee's
14 control; or

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 unpaid maternity use, after which leave
29 without pay may be used.

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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.

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/s/Tucker