

1 State of Arkansas
2 91st General Assembly
3 Regular Session, 2017
4

A Bill

HOUSE BILL 1046

5 By: Representative Tucker
6

For An Act To Be Entitled

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

Subtitle

11 TO PERMIT PAID MATERNITY LEAVE FOR STATE
12 EMPLOYEES.
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17 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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19 SECTION 1. DO NOT CODIFY. Legislative intent.

20 The General Assembly finds that:

21 (1) Supporting strong families is a core value in Arkansas;

22 (2) After giving birth, mothers require time to recover for the
23 sake of their physical, mental, and emotional well-being, and both mothers
24 and infants require time with each other for the optimal health and
25 foundational development of the child;

26 (3) Qualified and productive employees are critical to high-
27 performing state government;

28 (4) Female employees of the State of Arkansas should not be
29 forced to choose between caring for a newborn baby and facing a family
30 financial crisis;

31 (5) Parents who take paid leave for the birth of a child are
32 more likely to return to work and contribute to Arkansas's economy and less
33 likely to require future dependence on government assistance; and

34 (6) Giving a mother time to bond with her child in the weeks
35 after birth not only benefits the mother, child, and family, but it also
36 benefits Arkansas as it strengthens the emotional, mental, and physical well-



1 being of the parents and children who contribute so much to our state.

2
 3 SECTION 2. Arkansas Code § 21-4-203, concerning the definitions used
 4 in the Uniform Attendance and Leave Policy Act, is amended to add an
 5 additional subdivision to read as follows:

6 (18)(A) "Paid maternity leave" means leave with pay for a female
 7 employee for the birth of the employee's child.

8 (B) As used in subdivision (18)(A) of this section, "birth
 9 of the employee's child" does not include the birth of an adoptive or foster
 10 child.

11
 12 SECTION 3. Arkansas Code § 21-4-209 is amended to read as follows:
 13 21-4-209. Maternity leave.

14 (a)(1) An employee is eligible to obtain paid maternity leave if she
 15 has:

16 (A) Been appointed or employed in a position of state
 17 service by any of the following governmental entities or any combination of
 18 the following governmental entities for which she is compensated on a full-
 19 time or part-time basis and for which she has been continuously employed for
 20 more than one (1) year:

- 21 (i) A state agency;
- 22 (ii) The General Assembly;
- 23 (iii) The Bureau of Legislative Research;
- 24 (iv) Arkansas Legislative Audit;
- 25 (v) The Arkansas State Highway and Transportation
- 26 Department;
- 27 (vi) The Arkansas State Game and Fish Commission;
- 28 (vii) The Supreme Court;
- 29 (viii) The Court of Appeals; or
- 30 (ix) A state constitutional officer, including

31 without limitation:

- 32 (a) The Governor;
- 33 (b) The Lieutenant Governor;
- 34 (c) The Secretary of State;
- 35 (d) The Attorney General;
- 36 (e) The Auditor of State;

1 (f) The Treasurer of State; and

2 (g) The Commissioner of State Lands; and

3 (B) Applied in writing for paid maternity leave.

4 (2) An employee who is granted maternity leave under this
 5 section shall be paid her salary in an amount up to five hundred dollars
 6 (\$500) each week for up to six (6) weeks of maternity leave.

7 (b)(1) If an employee is eligible for paid maternity leave under this
 8 section, the employee, at the employee's discretion and upon the employee's
 9 request, may use the paid maternity leave before, after, or intermittent with
 10 the following types of leave for which the employee is otherwise eligible:

11 (A) Unpaid maternity leave;

12 (B) Earned sick leave;

13 (C) Earned annual leave;

14 (D) Earned compensatory leave;

15 (E) Catastrophic leave; and

16 (F) Leave without pay.

17 (2) An employee eligible for paid maternity leave may:

18 (A) Choose to use all, part, or none of the paid maternity
 19 leave; and

20 (B) Use other leave the employee is eligible to use under
 21 this subchapter.

22 (3)(A) Whether or not an employee uses all or part of the paid
 23 maternity leave granted under this section, the employee shall be eligible
 24 for the paid maternity leave only within the first twelve (12) weeks after
 25 the birth of the employee's child.

26 (B) The employee is not eligible to use any unexpended
 27 balance of the paid maternity leave after the conclusion of the first twelve
 28 (12) weeks after the birth of the employee's child.

29 (c) Paid maternity leave shall be used concurrently with any unpaid
 30 maternity leave that is granted under federal or state law.

31 (d)(1) A permanent employee who is granted paid maternity leave under
 32 this section shall continue in the service of the state agency or other
 33 entity identified in subdivision (a)(1)(A) of this section for a period of
 34 time as statutorily required or, in the absence of a specific law, at least
 35 four (4) times the length of her paid maternity leave.

36 (2)(A) A permanent employee shall pay to the state agency or

1 other entity identified in subdivision (a)(1)(A) of this section the cost of
 2 the paid maternity leave benefit in proportion to the amount of the
 3 unfulfilled obligation required under subdivision (d)(1) of this section if
 4 the employee voluntarily terminates the employment before fulfilling the
 5 obligations under subdivision (d)(1) of this section.

6 (B) A permanent employee is not liable for repayment if:

7 (i) The termination of employment was involuntary;

8 or

9 (ii) The termination resulted from:

10 (a) Circumstances beyond the employee's
 11 control;

12 (b) The continuation, recurrence, or onset of
 13 a serious health condition arising from the live birth; or

14 (c) A serious injury or illness that would
 15 otherwise entitle the employee to terminate employment.

16 (C) A written contract shall be signed by the employee and
 17 the state agency or other entity identified in subdivision (a)(1)(A) of this
 18 section setting forth all terms of the agreement before the benefit may be
 19 paid.

20 (e) Paid maternity leave under subsections (a)-(d) of this section
 21 does not apply to an institution of higher education.

22 (f)(1) Maternity Unpaid maternity leave shall be treated as any other
 23 leave for sickness or disability.

24 (2) Accumulated sick leave and annual leave, if requested by the
 25 employee, shall be granted for unpaid maternity use, after which leave
 26 without pay may be used.

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 28 SECTION 4. Arkansas Code § 21-4-210(c)(1)(A), concerning a state
 29 employee's leave of absence without pay, is amended to read as follows:

30 (c)(1)(A) Except in accordance with § 21-4-212 and in the case of
 31 unpaid maternity leave or paid maternity leave under § 21-4-209, leave of
 32 absence without pay shall not be granted until all of the employee's
 33 accumulated annual leave has been exhausted.