

1 State of Arkansas
2 92nd General Assembly
3 Regular Session, 2019
4
5 By: Senator K. Hammer
6

A Bill

SENATE BILL 236

For An Act To Be Entitled

8 AN ACT TO AMEND THE PUBLIC EMPLOYEES' POLITICAL
9 FREEDOM ACT OF 1999; AND FOR OTHER PURPOSES.

Subtitle

12 TO AMEND THE PUBLIC EMPLOYEES' POLITICAL
13 FREEDOM ACT OF 1999.

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

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19 SECTION 1. Arkansas Code § 21-1-503 is amended to read as follows:

20 21-1-503. ~~Employer~~ Public employer not to penalize public employee's
21 political activity.

22 (a) A public employee shall not be prohibited from communicating with
23 an elected public official or a member of the public concerning a matter
24 related to the public employee's job, except for a matter exempted under §
25 25-19-105 or prohibited by law from disclosure.

26 (b) A public employee shall not be prohibited from exercising a right
27 or privilege under the Freedom of Information Act of 1967, § 25-19-101 et
28 seq.

29 (c)(1) A public employee shall not be restricted or prohibited from
30 expressing his or her views or opinions related to:

31 (A) A matter of public concern;

32 (B) A matter of individual or private concern;

33 (C) The public employee's job; or

34 (D) The action of a public official.

35 (2) A reasonable time and place restrictions may be established
36 and apply to a public employee if the time and place restriction:



1 (A) Applies during the employee’s working hours;

2 (B) Applies while the public employee is located at the
3 public employee’s place of employment; and

4 (C) Is provided in writing no less than sixty (60) days in
5 advance of implementation.

6 ~~(e)(1)~~ (d)(1) It ~~shall be~~ is unlawful for any public employer to
7 discipline, to threaten to discipline, to reprimand either orally or in
8 writing, to place any notation in a public employee’s personnel file
9 disciplining or reprimanding the public employee, or to otherwise
10 discriminate against a public employee because the public employee exercised
11 the right to communicate with an elected public official, exercised the right
12 to communicate with a member of the public, or exercised a right or privilege
13 under the Freedom of Information Act of 1967, § 25-19-101 et seq., as granted
14 under this subchapter.

15 (2) A public employer ~~shall not be~~ is not prohibited from
16 disciplining a public employee who has intentionally made an untrue
17 allegation to an elected public official concerning a matter related to the
18 public employee’s job.

19 ~~(d)~~(e) Any person ~~willfully violating~~ who negligently violates a
20 provision of this subchapter ~~shall be~~ is guilty of a Class A misdemeanor.

21 (f)(1) A public employee may bring a civil action for injunctive
22 relief to restrain a violation of this subchapter.

23 (2) If the court finds that this subchapter has been violated,
24 the court shall restrain the violation by issuing:

25 (A) A temporary restraining order;

26 (B) After due notice and hearing, a temporary injunction;

27 and

28 (C) After a final trial, a permanent injunction.

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