

State of Arkansas
89th General Assembly
Regular Session, 2013

As Engrossed: S3/27/13
A Bill

HOUSE BILL 1895

By: Representative Catlett
By: Senator G. Stubblefield

For An Act To Be Entitled

AN ACT TO ALLOW CERTAIN EMPLOYEES TO DONATE ACCRUED SICK LEAVE OR ACCRUED ANNUAL LEAVE TO ANOTHER EMPLOYEE WHO IS EMPLOYED BY THE SAME STATE EMPLOYER AND HAS A SEVERE ILLNESS OR HAS AN IMMEDIATE FAMILY MEMBER WHO IS SEVERELY ILL; AND FOR OTHER PURPOSES.

Subtitle

TO ALLOW CERTAIN EMPLOYEES TO DONATE ACCRUED SICK LEAVE OR ACCRUED ANNUAL LEAVE TO ANOTHER EMPLOYEE WHO IS EMPLOYED BY THE SAME STATE EMPLOYER AND HAS A SEVERE ILLNESS OR HAS AN IMMEDIATE FAMILY MEMBER WHO IS SEVERELY ILL.

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

SECTION 1. Arkansas Code § 21-4-203, concerning the definitions used in the Uniform Attendance and Leave Policy Act, is amended to add additional subdivisions to read as follows:

(15) "Immediate family member" means:

(A) An employee's father, mother, sister, brother, husband, wife, child, grandmother, grandfather, grandchild, in-laws; and

(B) An individual acting as parent or guardian of an employee;

(16) "Severe illness" means a medical condition of an employee or an employee's immediate family member:



- (A) Which is catastrophic in nature;
- (B) Which could not be anticipated;
- (C) That requires continuous in-patient or out-patient medical treatment; and

(D) That causes an employee or the employee's immediate family member to be absent from duty for a prolonged period of time;

(17) "Shared leave" means the donation of an employee's earned sick leave or earned annual leave to another employee who:

- (A) Is suffering from a severe illness; or
- (B) Has an immediate family member suffering from a severe illness.

SECTION 2. Arkansas Code § 21-4-207(f)(1), concerning absences due to sick leave, is amended to read as follows:

(f)(1) Except in the case of maternity leave, absences due to sick leave shall be charged in the following order:

- (A) Earned sick leave;
- (B) Earned annual leave;
- (C) Shared leave, when authorized;
- ~~(G)~~(D) Catastrophic leave, when authorized; and
- ~~(D)~~(E) Leave without pay, when authorized.

SECTION 3. Arkansas Code Title 21, Chapter 4, Subchapter 2, is amended to add an additional section to read as follows:

21-4-217. Shared leave.

(a) As used in this section, "employee" means a person regularly appointed or employed in a position of state service by a governmental entity listed in subdivision (b)(1) of this section for which he or she is compensated on a full-time basis.

(b) An employee is eligible to obtain shared leave if the employee has:

(1) Been continuously employed for more than one (1) year by the:

- (A) Same state agency;
- (B) General Assembly;
- (C) Bureau of Legislative Research;

(D) Division of Legislative Audit; or
(E) Arkansas State Highway and Transportation Department;
(2) Applied in writing for shared leave; and
(3) Received written approval for shared leave from his or her employer.

(c) If shared leave is granted to an employee under this section, the employee shall use the shared leave after the employee uses the following:

- (A) Earned sick leave;
- (B) Earned annual leave; and
- (C) Earned compensatory leave.

(d)(1) An employee is eligible as a donor of shared leave when the employee:

- (A) Is employed by the same employer as the employee receiving shared leave;
- (B) Has cumulative earned sick leave and earned annual leave in excess of eighty (80) hours; and
- (C) Has not been disciplined by a governmental entity listed in subdivision (b)(1) of this section for an abuse of leave in the past two (2) calendar years.

(2) A donation of leave as shared leave must be approved in writing by the:

- (A) Donating employee's employer; and
- (B)(i) Chief Fiscal Officer of the State.
 - (ii) The Chief Fiscal Officer of the State shall determine whether the employer of the employee who would donate shared leave has sufficient funds in its budget to grant the shared leave.

(3) An employee donating shared leave may donate only the amount of earned sick leave or earned annual leave that will not cause the donating employee's cumulative earned sick leave and earned annual leave to be less than eighty (80) hours.

(4) An employee may receive a maximum of two thousand eighty (2080) hours of combined shared leave and catastrophic leave in a calendar year.

(e) An employee who is granted shared leave shall provide his or her employer an acceptable medical certificate from a healthcare provider documenting the severe illness that made the employee eligible for shared

leave.

(f) Shared leave that is donated to an employee and is not used by the employee shall be converted to the catastrophic leave program as described under § 21-4-214.

(g) The Office of Personnel Management of the Division of Management Services of the Department of Finance and Administration shall establish procedures and guidelines to implement this section.

/s/Catlett

APPROVED: 04/08/2013