

State of Arkansas
90th General Assembly
Regular Session, 2015

A Bill

HOUSE BILL 1418

By: Representative D. Whitaker

For An Act To Be Entitled

AN ACT TO AMEND CIVIL SERVICE LAW WITH REGARD TO THE
UNIFORMED SERVICES EMPLOYMENT AND REEMPLOYMENT RIGHTS
ACT; AND FOR OTHER PURPOSES.

Subtitle

TO AMEND CIVIL SERVICE LAW WITH REGARD TO
THE UNIFORMED SERVICES EMPLOYMENT AND
REEMPLOYMENT RIGHTS ACT.

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

SECTION 1. Arkansas Code § 14-51-301(b)(8) and (9), concerning rules and regulations for the civil service system generally, are amended to read as follows:

(8)(A) Temporary employees without examination with the consent of the commission, in cases of emergency, and pending appointment from the eligibles list.

(B)(i) Except as provided in subdivision (b)(8)(B)(iii) of this section, a temporary promotion or appointment for a vacancy created by death, termination, resignation, demotion, retirement, or promotion shall not be made for longer than sixty (60) days when there is a current eligibles list, except to the extent necessary to comply with the Uniformed Services Employment and Reemployment Rights Act of 1994, 20 C.F.R. Part 1002, as in effect on January 1, 2015.

(ii) Except as provided in subdivision (b)(8)(B)(iii) of this section, in the absence of a current eligibles list, a temporary promotion or appointment may be allowed for a vacancy created by



death, termination, resignation, demotion, retirement, or promotion until an eligibles list is certified unless the position is determined to be eliminated or not funded by the governing body of the city. A temporary promotion for a vacancy created by death, termination, resignation, demotion, retirement, or promotion shall not last longer than sixty (60) days, except to the extent necessary to comply with the Uniformed Services Employment and Reemployment Rights Act of 1994, 20 C.F.R. Part 1002, as in effect on January 1, 2015.

(iii) If an appeal is filed in connection with a vacancy that is created by a termination or demotion, the vacancy may be filled by a temporary promotion until all appeals in connection with the termination or demotion are exhausted.

(C) A vacancy that is created by vacation, bereavement leave, medical leave, military leave, or suspension on a day-to-day basis may be filled by a temporary promotion on a day-to-day basis as vacancies occur.

(D) An increase in salary beyond the limits fixed for the grade by the rules of the commission may be allowed while an employee is working outside of his or her grade while temporarily promoted to fill a vacancy under this subdivision (b)(8) ~~of this section~~;

(9)(A)(i) Establishing eligibility lists for promotion based upon open competitive examinations.

(ii) The examinations are to be protected from disclosure and copying, except that the civil service commission shall designate a period of time following the conclusion of testing in which an employee taking an examination shall be entitled to review his or her own test results.

(iii) During the employee review process, the employee may not copy test questions in any form whatsoever.

(iv) The exams may include a rating of applicants based on results of written, oral, or practical examinations, length of service, efficiency ratings, and educational or vocational qualifications.

(v)(a) Lists shall be created for each rank of service and promotions made from the lists as provided in this section.

(b) Promotions shall be made within sixty (60) calendar days of a vacancy created by death, termination, resignation, demotion, retirement, or promotion unless the position is determined to be

eliminated, except to the extent necessary to comply with the Uniformed Services Employment and Reemployment Rights Act of 1994, 20 C.F.R. Part 1002, as in effect on January 1, 2015.

(B) Advancement in rank or increase in salary beyond the limits fixed for the grade by the rules of the commission shall constitute a promotion;

APPROVED: 03/20/2015