

State of Arkansas
91st General Assembly
Regular Session, 2017

A Bill

HOUSE BILL 1359

By: Representative Shepherd

By: Senator Rapert

For An Act To Be Entitled

AN ACT TO MAKE TECHNICAL CORRECTIONS TO TITLE 21 OF
THE ARKANSAS CODE CONCERNING PUBLIC OFFICERS AND
EMPLOYEES; AND FOR OTHER PURPOSES.

Subtitle

TO MAKE TECHNICAL CORRECTIONS TO TITLE 21
OF THE ARKANSAS CODE CONCERNING PUBLIC
OFFICERS AND EMPLOYEES.

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

SECTION 1. Arkansas Code § 21-4-203 is amended to make technical corrections and alphabetize the defined terms in the section to read as follows:

21-4-203. Definitions.

As used in this subchapter:

(1) "Agency head" or "agency director" means the executive head of ~~all agencies, departments, boards, commissions, bureaus, councils, or other agencies~~ an agency, department, board, commission, bureau, council, or other entity of the state;

(2) "Annual leave" means vacation time with pay but ~~shall not~~ does not include compensatory time;

(3) "Catastrophic illness" means a medical condition, as certified by a physician, of an employee ~~or~~ or of the spouse or parent of the employee or of a child of the employee ~~that~~ who may be claimed as a dependent under the Income Tax Act of 1929, ~~§ 26-51-101 et seq.,~~ which requires ~~an~~ the



employee's absence from duty for a prolonged period of time and which, except for the catastrophic leave program, would result in a substantial loss of income to the employee because of the exhaustion of all earned sick and annual leave;

(4) "Catastrophic leave" means leave granted to an employee as a result of a catastrophic illness, upon the employee's exhausting all sick and annual leave;

(5) "Catastrophic leave bank" means a pool of accrued annual leave donated by employees;

(6) "Compensatory time" means time off in lieu of payment for overtime hours;

(7) "Educational leave" means any period of out-service training during which time the employee pursues a regular full-time course of instruction to acquire a specific skill or skills needed;

(8) "Employee" means a person regularly appointed or employed in a position of state service by a state agency, as defined in subdivision ~~(11)~~ (14) of this section, for which he or she is compensated on a full-time basis;

(9) "Immediate family member" means:

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

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

~~(9)~~(10) "Probationary employee" means a person certified from a list of eligibles or employed through a work test appointment and serving a probationary period;

~~(10)~~(11) "Provisional employee" means a person who has been appointed to fill a position pending the establishment of a register for such a position;

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

(A) Is catastrophic in nature;

(B) Could not be anticipated;

(C) Requires continuous in-patient or out-patient medical treatment; and

(D) Causes an employee or the employee's immediate family

member to be absent from duty for a prolonged period of time;

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

(A) Has a severe illness;

(B) Has an immediate family member with a severe illness;

or

(C) Has approved paternity leave or approved maternity leave after:

(i) The birth of a biological child;

(ii) The placement of an adoptive child in the adoptive home of the employee; or

(iii) The placement of a foster child in the foster home of the employee for an appropriate transition period that is in the best interest of the foster child as determined by the Division of Children and Family Services of the Department of Human Services;

~~(11)~~(14) "State agencies" means all agencies, departments, boards, commissions, bureaus, councils, state-supported institutions of higher learning, or other agencies except the following excluded agencies or positions within agencies:

(A) The elected constitutional officers of this state and their employees;

(B) The General Assembly and its employees, including employees of the Bureau of Legislative Research and Arkansas Legislative Audit;

(C) Members of the Supreme Court, members of the Court of Appeals, the Administrative Office of the Courts, circuit courts, and prosecuting attorneys, but not including deputy prosecuting attorneys;

(D) The Arkansas State Highway and Transportation Department; and

(E) All administrative, academic, or other nonclassified employees of the state-supported institutions of higher learning;

~~(12)~~(15) "Temporary employee" means a person who has been appointed from a register for a period of time not to exceed six (6) months;

~~(13)~~(16)(A) "Working day" means all regularly prescribed days of employment in which the employee performs those duties for which he or she was hired.

(B) For the purposes of this subchapter, a working day ~~shall consist~~ consists of eight (8) hours; and

~~(14)~~(17) “Years of service” includes the total number of years of employment with all agencies of Arkansas state government whether such employment is continuous or not;.

~~(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; and~~

- ~~(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;~~

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

- ~~(C) Has approved paternity leave or approved maternity leave after:~~

- ~~(i) The birth of a biological child;~~

- ~~(ii) The placement of an adoptive child in the adoptive home of the employee; or~~

- ~~(iii) The placement of a foster child in the foster home of the employee for an appropriate transition period that is in the best interest of the foster child as determined by the Division of Children and Family Services of the Department of Human Services.~~

SECTION 2. DO NOT CODIFY. CONSTRUCTION AND LEGISLATIVE INTENT.

It is the intent of the General Assembly that:

(1) The enactment and adoption of this act shall not expressly

or impliedly repeal an act passed during the regular session of the Ninety-First General Assembly;

(2) To the extent that a conflict exists between an act of the regular session of the Ninety-First General Assembly and this act:

(A) The act of the regular session of the Ninety-First General Assembly shall be treated as a subsequent act passed by the General Assembly for the purpose of:

(i) Giving the act of the regular session of the Ninety-First General Assembly its full force and effect; and

(ii) Amending or repealing the appropriate parts of the Arkansas Code of 1987; and

(B) Section 1-2-107 shall not apply; and

(3) This act shall make only technical, not substantive, changes to the Arkansas Code of 1987.

APPROVED: 02/21/2017