

State of Arkansas  
92nd General Assembly  
Regular Session, 2019

As Engrossed: H3/28/19

# A Bill

SENATE BILL 455

By: Senators T. Garner, Hill

By: Representative Wooten

## For An Act To Be Entitled

AN ACT TO AMEND THE LAW CONCERNING CATASTROPHIC LEAVE  
FOR MUNICIPAL EMPLOYEES; AND FOR OTHER PURPOSES.

### Subtitle

TO AMEND THE LAW CONCERNING CATASTROPHIC  
LEAVE FOR MUNICIPAL EMPLOYEES.

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

SECTION 1. Arkansas Code Title 14, Chapter 42, Subchapter 1, is amended to add an additional section to read as follows:

14-42-122. Uniform catastrophic leave program.

(a) As used in this section, "municipality" means a city of the first class, a city of the second class, or an incorporated town.

(b)(1) A municipality may develop, implement, and maintain a catastrophic leave program by ordinance.

(2) A municipal employee may irrevocably donate his or her accrued leave to a catastrophic leave program at the option of the municipal employee.

(3) A municipality may create a "presumptive illness list" of illnesses that are presumed to qualify for catastrophic leave, if the municipality creates the list based on peer-reviewed scientific data.

(c) Catastrophic leave with pay may be granted to a municipal employee if the municipal employee is unable to perform his or her duties due to a catastrophic illness and is, or is reasonably expected to be, on leave without pay as a result of the need for catastrophic leave.



(d) A municipal employee may be eligible for catastrophic leave under this section if the municipal employee:

(1) Works full time;

(2) Has been employed by the municipality for the immediately preceding five (5) consecutive years or more in a full-time position, unless the municipality determines a shorter term of years is appropriate;

(3) Has exhausted all available leave time;

(4)(A) An acceptable medical certificate from a physician supporting the continuing absence is on file and includes without limitation an approximate date of return.

(B) A municipality may require a municipal employee to receive more than one (1) physician opinion; and

(5) Has not been disciplined or counseled for an abuse of leave during the immediately preceding five (5) years.

(e) Unless the municipality determines otherwise, catastrophic leave is not available to a municipal employee under this section if the municipal employee has applied for catastrophic leave as a result of an illness or injury that is covered by workers' compensation benefits under applicable law.

(f) Catastrophic leave under this section shall:

(1) Run concurrently with the Family and Medical Leave Act of 1993, Pub. L. No. 103-3;

(2) Be donated and taken in one-hour increments and donated or applied for on approved forms;

(3) Not be awarded retroactively; and

(4) Be awarded only if catastrophic leave is available in the municipality's catastrophic leave program.

SECTION 2. Arkansas Code § 14-52-107, concerning uniform sick leave for municipal police departments, is amended to add an additional subsection to read as follows:

(d)(1) A city of the first class, a city of the second class, and an incorporated town may adopt a catastrophic leave program by ordinance under § 14-42-122 to include a "presumptive illness list for municipal police department" under this section.

(2) As used in this section, a "presumptive illness list for

municipal police department" means an illness that is chronic or fatal.

SECTION 3. Arkansas Code § 14-53-108, concerning uniform sick leave for municipal fire departments, is amended to add an additional subsection to read as follows:

(e)(1) A city of the first class, a city of the second class, and an incorporated town may adopt a catastrophic leave program by ordinance under § 14-42-122 to include a "presumptive illness list for municipal fire department" under this section.

(2) As used in this section, a "presumptive illness list for municipal fire department" means an illness that is chronic or fatal.

*/s/T. Garner*

**APPROVED: 4/11/19**