

Stricken language would be deleted from and underlined language would be added to present law.

Act 885 of the Regular Session

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State of Arkansas

As Engrossed: S3/17/25 H4/3/25

95th General Assembly

A Bill

Regular Session, 2025

SENATE BILL 241

By: Senator J. Scott

By: Representatives Pilkington, Clowney, Wooldridge

For An Act To Be Entitled

AN ACT TO AMEND THE UNIFORM ATTENDANCE AND LEAVE POLICY ACT; TO GRANT PAID LEAVE TO PUBLIC EMPLOYEES IN THE EVENT OF THE DEATH OF A PUBLIC EMPLOYEE'S FAMILY MEMBER OR CHILD; AND FOR OTHER PURPOSES.

Subtitle

TO AMEND THE UNIFORM ATTENDANCE AND LEAVE POLICY ACT; AND TO GRANT PAID LEAVE TO PUBLIC EMPLOYEES IN THE EVENT OF THE DEATH OF A PUBLIC EMPLOYEE'S FAMILY MEMBER OR CHILD.

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

SECTION 1. Arkansas Code § 21-5-214, as amended by Acts 2025, No. 205, is amended to read as follows:

21-4-214. Catastrophic leave program – Definition.

(a)(1) The Department of Shared Administrative Services shall have administrative responsibility for developing, implementing, and maintaining the statewide catastrophic leave bank program.

(2)(A) Each state agency shall participate in a catastrophic leave bank to be administered by the Office of Personnel Management.

(B) The following governmental entities may establish a catastrophic leave bank for the governmental entities' employees:

(i) The General Assembly;

(ii) The Bureau of Legislative Research;

(iii) Arkansas Legislative Audit;



- (iv) *The Arkansas Department of Transportation;*
- (v) *The Arkansas State Game and Fish Commission;*
- (vi) *The Supreme Court;*
- (vii) *The Court of Appeals;*
- (viii) *The Administrative Office of the Courts;*
- (ix) *A constitutional office; and*
- (x) *An institution of higher education.*

(b) *Accrued annual leave and sick leave of employees may be donated to a catastrophic leave bank.*

(c)(1) *Catastrophic leave with pay may be granted to an employee when the employee is unable to perform his or her duties due to:*

(A) *a catastrophic illness, including maternity purposes;* or

(B) *The death of an immediate family member.*

(2)(A) *As used in this section, "immediate family member" means the father, mother, sister, brother, husband, wife, child, grandmother, grandfather, grandchild, in-laws, or any individual acting as parent or guardian of the employee.*

(B) *As used in subdivision (c)(2)(A) of this section, "child" means:*

(i) *A biological child;*

(ii) *An unborn child;*

(iii) *A stepchild;*

(iv) *An adoptive child; or*

(v) *A child in foster care who has been placed in the home of the employee.*

(d) *An employee may be eligible for catastrophic leave when:*

(1)(A) *The employee has been employed by the state for one (1) year or more or was previously employed by a public school district or state-supported institution of higher education for one (1) year or more.*

(B) *A person who was employed by a public school district or state-supported institution of higher education for less than one (1) year also is eligible for catastrophic leave if:*

(i) *The person's combined years of employment with the state and with a public school district or state-supported institution of higher education totals more than one (1) year; and*

(ii) The lapse in the person's employment between the state and a public school district or state-supported institution of higher education is less than six (6) months;

(2) The employee is female, and the catastrophic leave is to be used for maternity purposes after:

(A) The birth of the employee's biological child;

(B) The placement of an adoptive child under one (1) year of age in the home of the employee; or

(C) The foster placement of an infant under one (1) year of age;

(3)(A) At the onset of the illness or injury the employee had to his or her credit at least eighty (80) hours of combined sick and annual leave and has exhausted all such leave, unless the combined sick and annual leave requirement is waived under subdivision (d)(3)(B) of this section.

(B) A state agency director or a president of an institution of higher education may waive the minimum eighty-hour requirement for combined sick and annual leave if the agency director determines that the employee warrants eligibility because of extraordinary circumstances under the standards and guidelines promulgated under subdivision ~~(g)(2)~~ (h)(2) of this section;

(C)(i) An employee on catastrophic leave for maternity purposes or for the death of an immediate family member is not required to exhaust sick or annual leave before being granted catastrophic leave.

(ii) An employee on catastrophic leave for maternity purposes or for the death of an immediate family member does not accrue any leave;

(4) An acceptable medical certificate from ~~a~~ the treating physician or acceptable documentation of the death of an immediate family member supporting the continued absence is on file; and

(5) The employee has not been disciplined for any leave abuse during the past year from the time of application.

(e)(1) Up to twelve (12) consecutive weeks of catastrophic leave with full pay may be granted to an employee for maternity purposes.

(2) The employee shall be eligible for the leave only within the first twelve (12) weeks after the birth, fostering, or adoption of a child.

(3) After the expiration of the twelve (12) weeks of leave under

subdivision (e)(1) of this section, maternity leave shall be treated as any other leave for sickness or disability under § 21-4-209.

(4) Catastrophic leave for maternity purposes shall run concurrently with the Family and Medical Leave Act of 1993, Pub. L. No. 103-3.

(5) The employee shall not be eligible for an additional twelve (12) weeks of leave for the adoption of a child if the employee took twelve (12) weeks of leave after the initial foster placement of the same child into the employee's home.

(f)(1)(A) If the administrator of a catastrophic leave program elects to grant catastrophic leave to an employee under subsection (c)(1)(B) of this section, the employee shall be eligible for up to forty (40) hours of catastrophic leave with pay each calendar year for the death of an immediate family member.

(B) An employee shall be eligible for leave under subdivision (f)(1) of this section only within the first four (4) weeks after the death of an immediate family member.

(C) After the expiration of the forty (40) hours of leave under subdivision (f)(1) of this section, an employee may use his or her accrued sick leave for the death of an immediate family member.

(2) Catastrophic leave for the death of an immediate family member under subdivision (f)(1) of this section shall run concurrently with leave under the Family and Medical Leave Act of 1993, Pub. L. No. 103-3, if applicable.

(3)(A) Unused catastrophic leave granted under this subsection shall not be carried over to the next calendar year.

(B) Upon termination or retirement, catastrophic leave granted under this subsection is not compensable to the employee.

~~(f)~~(g) If the illness or injury is that of an employee and is covered by workers' compensation, the compensation based on catastrophic leave when combined with the weekly workers' compensation benefit received by the employee shall not exceed the compensation being received by the employee at the onset of the illness or injury.

~~(g)~~(h) The Secretary of the Department of Shared Administrative Services, or the secretary's designee, shall establish policies and procedures:

(1) *As deemed necessary to carry out the provisions of this section; and*

(2) *To prescribe the standards and guidelines of the extraordinary circumstances that the state agency director or the president of an institution of higher education may use to waive the minimum requirement for combined sick and annual leave.*

/s/J. Scott

APPROVED: 4/18/25