

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

State of Arkansas
90th General Assembly
Regular Session, 2015

As Engrossed: H3/13/15
A Bill

HOUSE BILL 1426

By: Representative Tucker

For An Act To Be Entitled

AN ACT TO PERMIT PAID MATERNITY LEAVE FOR STATE
EMPLOYEES; TO DECLARE AN EMERGENCY; AND FOR OTHER
PURPOSES.

Subtitle

TO PERMIT PAID MATERNITY LEAVE FOR STATE
EMPLOYEES; AND TO DECLARE AN EMERGENCY.

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 an additional subdivision to read as follows:

(18) "Paid maternity leave" means leave with pay for a female employee for the live birth of the employee's child.

SECTION 2. Arkansas Code § 21-4-209 is amended to read as follows:
21-4-209. Maternity leave.

(a)(1) An employee is eligible to obtain paid maternity leave if the employee has:

(A) Been appointed or employed in a position of state service by any of the following governmental entities for which she is compensated on a full-time basis and for which she has been continuously employed for more than one (1) year:

(i) The same state agency;

(ii) The General Assembly;

(iii) The Bureau of Legislative Research;



(iv) The Division of Legislative Audit;
(v) The Arkansas State Highway and Transportation Department;

(vi) The Arkansas State Game and Fish Commission;
(vii) The Supreme Court;
(viii) The Court of Appeals; or
(ix) A state constitutional officer, including
without limitation:

- (a) The Governor;
- (b) The Lieutenant Governor;
- (c) The Secretary of State;
- (d) The Attorney General;
- (e) The Auditor of State;
- (f) The Treasurer of State; and
- (g) The Commissioner of State Lands; and

(B) Applied in writing for paid maternity leave.

(2) An employee who is granted maternity leave under this section shall be paid her salary in an amount up to five hundred dollars (\$500) each week for six (6) consecutive weeks of maternity leave.

(b)(1) If paid maternity leave is granted to an employee under this section, the employee shall use the paid maternity leave before the employee uses the following:

- (A) Unpaid maternity leave;
- (B) Earned sick leave;
- (C) Earned annual leave;
- (D) Earned compensatory leave;
- (E) Catastrophic leave; and
- (F) Leave without pay.

(2) An employee eligible for paid maternity leave may choose not to use the paid maternity leave and may use other leave the employee is eligible to use under this subchapter.

(c) Paid maternity leave shall be used concurrently with any unpaid maternity leave that is granted under federal or state law.

(d)(1) A permanent employee who is granted paid maternity leave under this section shall continue in the service of the agency or other entity identified in subdivision (a)(1)(A) of this section for a period of time as

statutorily required or, in the absence of a specific law, at least four (4) times the length of her maternity leave.

(2)(A) A permanent employee shall pay to the agency or other entity identified in subdivision (a)(1)(A) of this section the cost of the paid maternity leave benefit in proportion to the amount of the unfulfilled obligation required under subdivision (d)(1) of this section if the employee voluntarily terminates the employment before fulfilling the obligations under subdivision (d)(1) of this section.

(B) A permanent employee is not liable for repayment if:

(i) The termination of employment was involuntary;

or

(ii) The termination resulted from:

(a) Circumstances beyond the employee's

control; or

(b) The continuation, recurrence, or onset of a serious health condition arising from the live birth; or

(c) A serious injury or illness that would otherwise entitle the employee to leave.

(C) A written contract shall be signed by the employee and the agency or other entity identified in subdivision (a)(1)(A) of this section setting forth all terms of the agreement before the benefit may be paid.

(e) Paid maternity leave under subsections (a)-(d) of this section does not apply to an institution of higher education.

(f)(1) ~~Maternity~~ Unpaid maternity leave shall be treated as any other leave for sickness or disability.

(2) Accumulated sick leave and annual leave, if requested by the employee, shall be granted for unpaid maternity use, after which leave without pay may be used.

SECTION 3. Arkansas Code § 21-4-210(c)(1)(A), concerning a state employee's leave of absence without pay, is amended to read as follows:

(c)(1)(A) Except in accordance with § 21-4-212 and in the case of unpaid maternity leave or paid maternity leave under § 21-4-209, leave of absence without pay shall not be granted until all of the employee's accumulated annual leave has been exhausted.

/s/Tucker