

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

State of Arkansas
90th General Assembly
Regular Session, 2015

A Bill

SENATE BILL 930

By: Senator L. Chesterfield

For An Act To Be Entitled

AN ACT TO ESTABLISH THE FAIR DISMISSAL ACT FOR
EMPLOYEES AT STATE-SUPPORTED INSTITUTIONS OF HIGHER
EDUCATION; AND FOR OTHER PURPOSES.

Subtitle

TO ESTABLISH THE FAIR DISMISSAL ACT FOR
EMPLOYEES AT STATE-SUPPORTED INSTITUTIONS
OF HIGHER EDUCATION.

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

SECTION 1. Arkansas Code Title 6, Chapter 63, is amended to add an additional subchapter to read as follows:

Subchapter 7 - Fair Dismissal Act for Employees of State-Supported
Institutions of Higher Education.

6-63-701. Title.

This subchapter shall be referred to and may be cited as the "Fair
Dismissal Act for Employees of State-Supported Institutions of Higher
Education".

6-63-702. Definitions.

As used in this subchapter, "employee" means a person employed under
contract by a state-supported institution of higher education as a full-time
employee.

6-63-703. Notice of termination.



(a) An employee may be terminated during the term of a contract for cause.

(b) The head of the department in which the employee works shall notify the employee of the termination.

(c)(1) An employee shall be provided notice of the termination which shall include the specific grounds in separately numbered paragraphs so that the employee can prepare a defense.

(2) Notice shall be delivered to the employee in person or sent by registered or certified mail to the employee at the employee's residential address as reflected in the employee's personnel file.

6-63-704. Notice of nonrenewal.

(a) By March 15 of the current contract year, an employee shall be notified if the employee's contract is not recommended for renewal.

(b)(1) An employee shall be provided notice of nonrenewal which shall include the specific grounds in separately numbered paragraphs so that the employee can prepare a defense.

(2) Notice shall be delivered to the employee in person or sent by registered or certified mail to the employee at the employee's residential address as reflected in the employee's personnel file.

(c)(1) The lack of funding or a reduction in force are reasons for nonrenewal.

(2) If an employee's contract is not renewed due to a reduction in force, any recall of employees shall be done by seniority in the affected department for a period of up to twenty-four (24) months.

6-63-705. Hearing.

(a) An employee who receives a notice of termination or nonrenewal may file a written request with the president or chancellor at the state-supported institution of higher education for a hearing.

(b) A written request for a hearing shall be sent by certified or registered mail to the president or chancellor at the state-supported institution of higher education, with a copy to the board of trustees of the state-supported institution of higher education, within thirty (30) calendar days after the notice of termination or nonrenewal is received by the employee.

(c) Upon receipt of a request for a hearing, the president or chancellor of the state-supported institution of higher education shall grant a hearing in accordance with the following provisions:

(1) The hearing shall take place at a time agreed upon in writing by the parties, but if no time can be agreed upon, then the hearing shall be no less than five (5) calendar days and no more than twenty (20) calendar days after the written request was received;

(2) The hearing shall be private unless the employee requests that the hearing be public;

(3) The employee and the state-supported institution of higher education may be represented by counsel of their choice;

(4) A full record of the proceedings at the hearing is not required to be made or preserved unless:

(A) The state-supported institution of higher education elects to make and preserve a record of the hearing at its own expense, in which case a copy shall be provided to the employee upon request; or

(B) A written request is filed with the state-supported institution of higher education by the employee at least twenty-four (24) hours before the hearing; and

(5) The president or chancellor of the state-supported institution of higher education shall not consider at the hearing any new reasons for termination or nonrenewal that are not included in the notice provided to the employee.

(d)(1) The president or chancellor of the state-supported institution of higher education shall uphold or reject the recommendation for termination or nonrenewal within five (5) calendar days of the hearing.

(2) The decision of the president or chancellor of the state-supported institution of higher education shall be provided to the employee in writing personally or sent by registered or certified mail to the employee at the employee's residential address as reflected in the employee's personnel file.

(e) The decision of the president or chancellor of the state-supported institution of higher education may be appealed to the board of trustees of the state-supported institution of higher education by the employee within ten (10) calendar days after receiving notification of the decision.