

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

State of Arkansas
91st General Assembly
Regular Session, 2017

As Engrossed: H4/3/17
A Bill

HOUSE BILL 1046

By: Representative Tucker

For An Act To Be Entitled

*AN ACT TO PERMIT PAID MATERNITY LEAVE AND PAID
ADOPTIVE AND FOSTER LEAVE FOR STATE EMPLOYEES.*

Subtitle

*TO PERMIT PAID MATERNITY LEAVE AND PAID
ADOPTIVE AND FOSTER LEAVE FOR STATE
EMPLOYEES.*

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

SECTION 1. DO NOT CODIFY. Legislative intent.

The General Assembly finds that:

- (1) Supporting strong families is a core value in Arkansas;
- (2) After giving birth, mothers require time to recover for the sake of their physical, mental, and emotional well-being, and both mothers and infants require time with each other for the optimal health and foundational development of the child;
- (3) Qualified and productive employees are critical to high-performing state government;
- (4) Female employees of the State of Arkansas should not be forced to choose between caring for a newborn baby and facing a family financial crisis;
- (5) Parents who take paid leave for the birth of a child are more likely to return to work and contribute to Arkansas's economy and less likely to require future dependence on government assistance; and
- (6) Giving a mother time to bond with her child in the weeks after birth not only benefits the mother, child, and family, but it also



benefits Arkansas as it strengthens the emotional, mental, and physical well-being of the parents and children who contribute so much to our state.

SECTION 2. Arkansas Code § 21-4-203, concerning definitions used in the Uniform Attendance and Leave Policy Act, is amended to add additional subdivisions to read as follows:

(18) "Paid adoptive and foster leave" means leave with pay for an employee as provided under § 21-4-209 for the:

(A) Employee's adoption of a child; or

(B) Placement of a foster child with an employee; and

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

SECTION 3. Arkansas Code § 21-4-209 is amended to read as follows:

21-4-209. Maternity leave and adoptive and foster leave.

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

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

(i) A state agency;

(ii) The General Assembly;

(iii) The Bureau of Legislative Research;

(iv) Arkansas Legislative Audit;

(v) The Arkansas Department of Transportation;

(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 or paid adoptive and foster leave.

(2)(A) An employee who is granted paid maternity leave or paid adoptive and foster leave under this section shall be paid in an amount equal to the employee's salary.

(B) An employee who is granted paid maternity leave under this section is eligible for six (6) weeks of paid maternity leave during the first twelve (12) weeks after the birth of the employee's child.

(C) An employee who is granted paid adoptive and foster leave under this section is eligible for:

(i) Six (6) weeks of paid adoptive and foster leave if the employee's child is less than twelve (12) weeks of age; or

(ii) Two (2) weeks of paid adoptive and foster leave if the employee's child is older than twelve (12) weeks of age.

(b)(1) If an employee is eligible for paid maternity leave or paid adoptive and foster leave under this section, the employee, at the employee's discretion and upon the employee's request, may use the paid maternity leave or the paid adoptive and foster leave before, after, or intermittently with the following types of leave for which the employee is otherwise eligible:

(A) Unpaid maternity leave;

(B) Earned sick leave;

(C) Earned annual leave;

(D) Earned compensatory leave;

(E) Catastrophic leave;

(F) Shared leave; and

(G) Leave without pay.

(2) An employee who is eligible for paid maternity leave or paid adoptive and foster leave under this section may:

(A) Choose to use all, part, or none of the paid maternity leave or paid adoptive and foster leave; and

(B) Use other leave the employee is eligible to use under this subchapter.

(3)(A) An employee who is granted paid maternity leave under

this section is not eligible to use any unexpended balance of the paid maternity leave after the conclusion of the first twelve (12) weeks after the birth of the employee's child.

(B) An employee who is granted paid adoptive and foster leave under this section is not eligible to use any unexpended balance of the paid adoptive and foster leave after the conclusion of the:

(i) Six (6) weeks of paid adoptive and foster leave if the employee's child is less than twelve (12) weeks of age; or

(ii) Two (2) weeks of paid adoptive and foster leave if the employee's child is older than twelve (12) weeks of age.

(c)(1) A permanent employee who is granted paid maternity leave or paid adoptive and foster leave under this section shall continue in the service of the state 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 the paid maternity leave or paid adoptive and foster leave.

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

(B) The employee is not liable for repayment if the termination of employment:

(i) Was involuntary; or

(ii) Resulted from:

(a) Circumstances beyond the employee's control;

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

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

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

paid.

(d)(1) Maternity Unpaid maternity leave and unpaid adoptive and foster 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~~ leave or unpaid adoptive and foster leave, after which leave without pay may be used.

/s/Tucker