

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

State of Arkansas
92nd General Assembly
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As Engrossed: H3/27/19 S4/3/19

A Bill

HOUSE BILL 1773

By: Representatives Clowney, Christiansen, A. Davis, Eaves, Love, McCollum, Wing, *C. Cooper, M. Davis*

By: Senators J. Dismang, *Hill*

For An Act To Be Entitled

AN ACT TO AMEND THE LAW CONCERNING PAID LEAVE FOR
FIREFIGHTERS WITH OCCUPATIONALLY CAUSED CANCER; AND
FOR OTHER PURPOSES.

Subtitle

CRUMP'S LAW.

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

SECTION 1. Arkansas Code Title 21, Chapter 4, Subchapter 1, is amended to add an additional section to read as follows:

21-4-107. Paid leave for firefighters with occupationally caused cancer.

(a)(1) A paid firefighter for the state or any political subdivision of the state who has completed five (5) or more years of employment as a paid firefighter shall be granted a minimum of one thousand four hundred fifty-six (1,456) hours of paid leave upon the initiation of treatment for an occupationally caused cancer.

(2) Paid leave for occupationally caused cancer under subdivision (a)(1) of this section:

(A) Does not reduce the accrued sick leave or annual vacation leave of the firefighter;

(B) Does not impact any other employment benefit of the firefighter; and

(C) May be transferred from a catastrophic leave bank of a



fire department that provides a catastrophic leave program if the catastrophic leave program meets the requirements of this subdivision (a)(2).

(3) A firefighter is considered to have an occupationally caused cancer if the firefighter:

(A) While in the official line of duty, was exposed to a known carcinogen as determined by the Department of Health in consideration with the findings of the International Agency for Research on Cancer; and

(B) Has a disability or an impairment of health as a result of a diagnosis of a cancer listed in § 21-5-705(a)(3)(A)(i).

(4) A firefighter is not entitled to paid leave under subdivision (a)(1) of this section if the firefighter's cancer:

(A)(i) Did not result from the firefighter's employment with the state or political subdivision of the state.

(ii)(a) An occupationally caused cancer under this section is presumed to result from a firefighter's employment if at the time of employment the firefighter underwent a physical examination that did not reveal substantial evidence that the occupationally caused cancer existed before his or her employment as a firefighter.

(b) To rebut the presumption under subdivision (a)(4)(A)(ii)(a) of this section, the employer shall prove by a preponderance of the medical evidence that the occupationally caused cancer did not occur as a result of employment in the official line of duty; or

(B) Did result from the firefighter's employment with the state or political subdivision of the state, but workers' compensation is provided for the occupationally caused cancer.

(b)(1)(A) A fire department may participate in a firefighter cancer relief network created and governed by the Arkansas Association of Fire Chiefs, the Arkansas Professional Fire Fighters Association, and the Arkansas State Firefighters Association, Inc.

(B) A firefighter cancer relief network under subdivision (b)(1)(A) of this section shall be established by September 1, 2019.

(2) A fire department that participates in a network under subdivision (b)(1) of this section may provide a firefighter to a requesting fire department to relieve a firefighter granted leave under this section and employed by the requesting fire department, if:

(A) The fire department that provided the firefighter

continues to pay the firefighter's regular rate of pay and benefits, including without limitation any overtime compensation;

(B) The firefighter provided by the fire department continues to be covered by all applicable laws; and

(C) The fire department that requested the firefighter provides evidence to the fire department that provided the firefighter of substantial adverse budgetary impact without relief as the result of granting paid leave under this section.

/s/Clowney