

State of Arkansas
92nd General Assembly
Regular Session, 2019

A Bill

SENATE BILL 369

By: Senator Rapert
By: Representative Gazaway

For An Act To Be Entitled

AN ACT TO MAKE TECHNICAL CORRECTIONS TO TITLE 21 OF
THE ARKANSAS CODE CONCERNING PUBLIC OFFICERS AND
EMPLOYEES.

Subtitle

TO MAKE TECHNICAL CORRECTIONS TO TITLE 21
OF THE ARKANSAS CODE CONCERNING PUBLIC
OFFICERS AND EMPLOYEES.

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

SECTION 1. Arkansas Code § 21-4-214(d)(1)(A), concerning employee eligibility for catastrophic leave, is amended to read as follows to close an unintended gap in eligibility:

(1)(A) The employee has been employed by the state for ~~more than~~ one (1) year or more or was previously employed by a public school district or state-supported institution of higher education for ~~more than two (2) years~~ one (1) year or more.

SECTION 2. Arkansas Code § 21-4-214(d)(2), concerning employee eligibility for catastrophic leave, is amended to read as follows to make the language consistently parallel throughout the subsection:

(2) ~~Catastrophic leave for maternity purposes may be granted to a female employee~~ 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; or



(B) The placement of an adoptive child in the home of the employee;

SECTION 3. Arkansas Code § 21-5-101 is amended to read as follows to reconcile the language of the section with language that is also codified as § 19-4-1601:

21-5-101. Regular Salary Procedures and Restrictions Act.

(a) This section and § 19-4-1601 shall be known as and may be cited as the "Regular Salary Procedures and Restrictions Act".

(b) Arkansas Constitution, Article 16, § 4, provides: "The Except as provided in Arkansas Constitution, Article 19, § 31, the General Assembly shall fix the salaries and fees of all officers in the State; and no greater salary or fee than that fixed by law shall be paid to any officer, employee, or other person, or at any rate other than par value; and the number and salaries of the clerks and employees of the different departments of the State shall be fixed by law." Therefore, the following provisions shall be applicable to all authorized regular salary positions in appropriation acts unless specific exception is made otherwise by law:

(1) For any position authorized by the General Assembly ~~of the State of Arkansas~~ for the benefit of any department, agency, board, commission, institution, or program for which the provisions of the Uniform Classification and Compensation Act, § 21-5-201 et seq., are to be applicable, it is declared to be the intent of the General Assembly that the Uniform Classification and Compensation Act, § 21-5-201 et seq., shall govern with respect to:

(A) The entrance ~~salary~~ pay level;

(B) The ~~frequency with~~ procedures by which salary increases may be granted; and

(C) The maximum ~~annual salary~~ pay level that may be paid for the grade assigned each employee under the provisions of the Uniform Classification and Compensation Act, § 21-5-201 et seq.;

(2) For any position authorized by the General Assembly for the benefit of any department, agency, board, commission, institution, or program for which a maximum ~~annual salary~~ pay level is set out in dollars, it is the intent of the General Assembly that the position is to be paid at a rate of pay not to exceed the maximum established for the position during any one (1)

fiscal year and that the maximum ~~annual salary~~ pay level authorized is for full-time employment;

(3)(A) For all positions authorized by the General Assembly for any department, agency, board, commission, institution, or program, it is the intent of the General Assembly that in determining the annual salaries of ~~such~~ these employees, the administrative head of the department, agency, board, commission, institution, or program shall take into consideration ability of the employee and length of service.

(B) It is not the intent of the General Assembly that the maximum ~~annual salaries~~ pay level as authorized in the appropriation act, or ~~step~~ any increases established for the various grades under the provisions of the Uniform Classification and Compensation Act, § 21-5-201 et seq., be paid unless the ~~employee possesses such~~ qualifications are complied with and then only within the limitations of the appropriations and funds available for ~~that~~ this purpose.

(C) ~~No~~ An employee authorized by the General Assembly shall not receive from appropriated or cash funds, either from state, federal, or other sources, compensation in an amount greater than that established by the General Assembly as the maximum ~~annual salary~~ pay level for the employee, unless specific provisions are made therefor by law; and

(4) ~~No~~ An employee of the State of Arkansas shall not be paid any additional cash allowances, including, ~~but not limited to,~~ without limitation uniform allowance, clothing allowance, motor vehicle depreciation or replacement allowance, fixed transportation allowance, ~~or~~ and meals and lodging allowance, other than for reimbursement for costs actually incurred by the employee unless the allowances are specifically set out by law as to eligibility of employees to receive the allowances, and the maximum amount of ~~such~~ the allowances are established by law for each employee or for each class of employees eligible to receive the allowances.

SECTION 4. DO NOT CODIFY. CONSTRUCTION AND LEGISLATIVE INTENT.

It is the intent of the General Assembly that:

(1) The enactment and adoption of this act shall not expressly or impliedly repeal an act passed during the regular session of the Ninety-Second General Assembly;

(2) To the extent that a conflict exists between an act of the

regular session of the Ninety-Second General Assembly and this act:

(A) The act of the regular session of the Ninety-Second General Assembly shall be treated as a subsequent act passed by the General Assembly for the purpose of:

(i) Giving the act of the regular session of the Ninety-Second General Assembly its full force and effect; and

(ii) Amending or repealing the appropriate parts of the Arkansas Code of 1987; and

(B) Section 1-2-107 shall not apply; and

(3) This act shall make only technical, not substantive, changes to the Arkansas Code of 1987.