

State of Arkansas  
94th General Assembly  
Regular Session, 2023

# A Bill

HOUSE BILL 1358

By: Representative L. Johnson

By: Senator K. Hammer

## For An Act To Be Entitled

AN ACT TO AMEND THE LAW CONCERNING THE RULES AND REGULATIONS THAT MUST BE ADOPTED FOR MUNICIPAL FIRE AND POLICE DEPARTMENTS; TO AMEND THE MAXIMUM AGE LIMIT FOR APPOINTMENT TO A POSITION WITH A MUNICIPAL FIRE DEPARTMENT; TO AMEND THE LAW CONCERNING THE FILLING OF ENTRY-LEVEL POSITIONS FOR FIREFIGHTERS; TO AMEND THE LAW CONCERNING THE PROBATION PERIOD FOR POTENTIAL MUNICIPAL FIRE DEPARTMENT APPOINTEES; TO AMEND THE LAW CONCERNING APPOINTMENTS AND PROMOTIONS FOR MUNICIPAL FIRE AND POLICE DEPARTMENTS; AND FOR OTHER PURPOSES.

## Subtitle

TO AMEND THE LAW CONCERNING THE RULES AND REGULATIONS THAT MUST BE ADOPTED FOR MUNICIPAL FIRE AND POLICE DEPARTMENTS.

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

SECTION 1. Arkansas Code § 14-51-301(b)(1)(C)(i), concerning exceptions to the maximum age limit for appointment to a position with a municipal fire department, is amended to read as follows:

(i) Any person who has at least two (2) years of previous experience as a paid firefighter with another fire department and whose years of experience as a paid firefighter when subtracted from the person's age leaves a remainder of not more than ~~thirty-two (32)~~ thirty-five



(35) years;

SECTION 2. Arkansas Code § 14-51-301(b)(4)(A)(ii), concerning the creation and maintenance of current eligibles lists for the ranks of employment in municipal fire and police departments, is amended to add an additional subdivision to read as follows:

(d) When there is a current eligibles list for entry-level firefighters, positions shall be filled within six (6) months of a vacancy created by death, termination, resignation, demotion, retirement, or promotion unless the position is determined to be eliminated or not funded by the governing body of the city, except to the extent necessary to comply with the Uniformed Services Employment and Reemployment Rights Act of 1994, 20 C.F.R. Part 1002, as it existed on January 1, 2015.

SECTION 3. Arkansas Code § 14-51-301(b)(6), concerning the rules and regulations that must be established for municipal fire and police departments, is amended to read as follows:

(6) Certification to the department head of the ~~three (3) standing highest on the~~ eligibility list for appointment for that rank of service, and for the department head to select for appointment one (1) of the five (5) standing highest certified to him or her or for promotion one (1) of the three (3) standing highest certified to him or her and notify the commission thereof;

SECTION 4. Arkansas Code § 14-51-301(b)(7)(A), concerning the rules and regulations that must be established for municipal fire and police departments, is amended to read as follows:

(7)(A) A period of probation not to exceed ~~twelve (12)~~ eighteen (18) months for potential fire department appointees and at least one (1) year but no longer than two (2) years for potential law enforcement appointees before any appointment is complete and six (6) months before any promotion is complete.

SECTION 5. Arkansas Code § 14-51-301(b)(8)(B)(ii), concerning the rules and regulations that must be established for municipal fire and police departments regarding temporary promotions and appointments, is amended to

read as follows:

(ii) Except as provided in subdivision (b)(8)(B)(iii) of this section, in the absence of a current eligibles list, a temporary promotion or appointment may be allowed for a vacancy created by death, termination, resignation, demotion, retirement, or promotion until an eligibles list is certified unless the position is determined to be eliminated or not funded by the governing body of the city. ~~A temporary promotion for a vacancy created by death, termination, resignation, demotion, retirement, or promotion shall not last longer than sixty (60) days, except to the extent necessary to comply with the Uniformed Services Employment and Reemployment Rights Act of 1994, 20 C.F.R. Part 1002, as in effect on January 1, 2015.~~

SECTION 6. Arkansas Code § 14-51-301(b)(9)(A)(v)(b), concerning the rules and regulations that must be established for municipal fire and police departments concerning eligibility lists for promotion based on open competitive examinations, is amended to read as follows:

(b) ~~Promotions~~ When there is a current eligibles list, promotions shall be made within sixty (60) calendar days of a vacancy created by death, termination, resignation, demotion, retirement, or promotion unless the position is determined to be eliminated, except to the extent necessary to comply with regulations under the Uniformed Services Employment and Reemployment Rights Act of 1994, 20 C.F.R. Part 1002, as in effect on January 1, 2015.