

1 State of Arkansas
2 90th General Assembly
3 Regular Session, 2015
4

A Bill

HOUSE BILL 1418

5 By: Representative D. Whitaker
6

For An Act To Be Entitled

8 AN ACT TO AMEND CIVIL SERVICE LAW WITH REGARD TO THE
9 UNIFORMED SERVICES EMPLOYMENT AND REEMPLOYMENT RIGHTS
10 ACT; AND FOR OTHER PURPOSES.
11

Subtitle

12
13 TO AMEND CIVIL SERVICE LAW WITH REGARD TO
14 THE UNIFORMED SERVICES EMPLOYMENT AND
15 REEMPLOYMENT RIGHTS ACT.
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19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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21 SECTION 1. Arkansas Code § 14-51-301(b)(8) and (9), concerning rules
22 and regulations for the civil service system generally, are amended to read
23 as follows:

24 (8)(A) Temporary employees without examination with the consent
25 of the commission, in cases of emergency, and pending appointment from the
26 eligibles list.

27 (B)(i) Except as provided in subdivision (b)(8)(B)(iii) of
28 this section, a temporary promotion or appointment for a vacancy created by
29 death, termination, resignation, demotion, retirement, or promotion shall not
30 be made for longer than sixty (60) days when there is a current eligibles
31 list, except to the extent necessary to comply with the Uniformed Services
32 Employment and Reemployment Rights Act of 1994, 20 C.F.R. Part 1002, as in
33 effect on January 1, 2015.

34 (ii) Except as provided in subdivision
35 (b)(8)(B)(iii) of this section, in the absence of a current eligibles list, a
36 temporary promotion or appointment may be allowed for a vacancy created by



1 death, termination, resignation, demotion, retirement, or promotion until an
2 eligibles list is certified unless the position is determined to be
3 eliminated or not funded by the governing body of the city. A temporary
4 promotion for a vacancy created by death, termination, resignation, demotion,
5 retirement, or promotion shall not last longer than sixty (60) days, except
6 to the extent necessary to comply with the Uniformed Services Employment and
7 Reemployment Rights Act of 1994, 20 C.F.R. Part 1002, as in effect on January
8 1, 2015.

9 (iii) If an appeal is filed in connection with a
10 vacancy that is created by a termination or demotion, the vacancy may be
11 filled by a temporary promotion until all appeals in connection with the
12 termination or demotion are exhausted.

13 (C) A vacancy that is created by vacation, bereavement
14 leave, medical leave, military leave, or suspension on a day-to-day basis may
15 be filled by a temporary promotion on a day-to-day basis as vacancies occur.

16 (D) An increase in salary beyond the limits fixed for the
17 grade by the rules of the commission may be allowed while an employee is
18 working outside of his or her grade while temporarily promoted to fill a
19 vacancy under this subdivision (b)(8) ~~of this section~~;

20 (9)(A)(i) Establishing eligibility lists for promotion based
21 upon open competitive examinations.

22 (ii) The examinations are to be protected from
23 disclosure and copying, except that the civil service commission shall
24 designate a period of time following the conclusion of testing in which an
25 employee taking an examination shall be entitled to review his or her own
26 test results.

27 (iii) During the employee review process, the
28 employee may not copy test questions in any form whatsoever.

29 (iv) The exams may include a rating of applicants
30 based on results of written, oral, or practical examinations, length of
31 service, efficiency ratings, and educational or vocational qualifications.

32 (v)(a) Lists shall be created for each rank of
33 service and promotions made from the lists as provided in this section.

34 (b) Promotions shall be made within sixty (60)
35 calendar days of a vacancy created by death, termination, resignation,
36 demotion, retirement, or promotion unless the position is determined to be

1 eliminated, except to the extent necessary to comply with the Uniformed
2 Services Employment and Reemployment Rights Act of 1994, 20 C.F.R. Part 1002,
3 as in effect on January 1, 2015.

4 (B) Advancement in rank or increase in salary beyond the
5 limits fixed for the grade by the rules of the commission shall constitute a
6 promotion;

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