

1 State of Arkansas  
2 92nd General Assembly  
3 Regular Session, 2019  
4

# A Bill

SENATE BILL 455

5 By: Senators T. Garner, Hill  
6 By: Representative Wooten  
7

## For An Act To Be Entitled

9 AN ACT TO AMEND THE LAW CONCERNING CATASTROPHIC LEAVE  
10 FOR MUNICIPAL EMPLOYEES; AND FOR OTHER PURPOSES.  
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## Subtitle

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14 TO AMEND THE LAW CONCERNING CATASTROPHIC  
15 LEAVE FOR MUNICIPAL EMPLOYEES.  
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18 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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20 SECTION 1. Arkansas Code Title 14, Chapter 42, Subchapter 1, is  
21 amended to add an additional section to read as follows:

22 14-42-122. Uniform catastrophic leave program.

23 (a) As used in this section, "municipality" means a city of the first  
24 class, a city of the second class, or an incorporated town.

25 (b)(1) A municipality may develop, implement, and maintain a  
26 catastrophic leave program by ordinance.

27 (2) A municipal employee may irrevocably donate his or her  
28 accrued leave to a catastrophic leave program at the option of the municipal  
29 employee.

30 (3) A municipality may create a "presumptive illness list" of  
31 illnesses that are presumed to qualify for catastrophic leave, if the  
32 municipality creates the list based on peer-reviewed scientific data.

33 (c) Catastrophic leave with pay may be granted to a municipal employee  
34 if the municipal employee is unable to perform his or her duties due to a  
35 catastrophic illness and is, or is reasonably expected to be, on leave  
36 without pay as a result of the need for catastrophic leave.



1       (d) A municipal employee may be eligible for catastrophic leave under  
2 this section if the municipal employee:

3               (1) Works full time;

4               (2) Has been employed by the municipality for the immediately  
5 preceding five (5) consecutive years or more in a full-time position;

6               (3) Has exhausted all available leave time;

7               (4)(A) An acceptable medical certificate from a physician  
8 supporting the continuing absence is on file and includes without limitation  
9 an approximate date of return.

10               (B) A municipality may require a municipal employee to  
11 receive more than one (1) physician opinion; and

12               (5) Has not been disciplined or counseled for an abuse of leave  
13 during the immediately preceding five (5) years.

14       (e) Catastrophic leave is not available to a municipal employee under  
15 this section if the municipal employee has applied for catastrophic leave as  
16 a result of an illness or injury that is covered by workers' compensation  
17 benefits under applicable law.

18       (f) Catastrophic leave under this section shall:

19               (1) Run concurrently with the Family and Medical Leave Act of  
20 1993, Pub. L. No. 103-3;

21               (2) Be donated and taken in one-hour increments and donated or  
22 applied for on approved forms;

23               (3) Not be awarded retroactively; and

24               (4) Be awarded only if catastrophic leave is available in the  
25 municipality's catastrophic leave program.

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27       SECTION 2. Arkansas Code § 14-52-107, concerning uniform sick leave  
28 for municipal police departments, is amended to add an additional subsection  
29 to read as follows:

30       (d)(1) A city of the first class, a city of the second class, and an  
31 incorporated town may adopt a catastrophic leave program by ordinance under §  
32 14-42-122 to include a "presumptive illness list for municipal police  
33 department" under this section.

34               (2) As used in this section, a "presumptive illness list for  
35 municipal police department" means an illness that is chronic or fatal.

1 SECTION 3. Arkansas Code § 14-53-108, concerning uniform sick leave  
2 for municipal fire departments, is amended to add an additional subsection to  
3 read as follows:

4 (e)(1) A city of the first class, a city of the second class, and an  
5 incorporated town may adopt a catastrophic leave program by ordinance under §  
6 14-42-122 to include a "presumptive illness list for municipal fire  
7 department" under this section.

8 (2) As used in this section, a "presumptive illness list for  
9 municipal fire department" means an illness that is chronic or fatal.

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