

**Department of Finance and Administration
Office of Personnel Management**

Policy Title: **Leave Transfer and Leave Payout**

Policy Number: **54**

Authority: **Ark. Code Ann. §§ 21-4-204 through 207, 21-4-404, and 21-4-501 through 505**

Revised: **August 8, 2017**

Transfer of Leave

Employees transferring between state agencies are allowed to transfer their leave benefits when they move to another state agency.

Employees transferring without a break in service, between state agencies and/or state-supported institutions of higher education, which are covered by the Uniform Attendance and Leave Act, retain all accumulated annual leave upon transfer to their new agency or institution of higher education.

If an employee separates from a state agency and is paid for their annual leave upon separation, the employee is not allowed to return to state employment until he or she has exhausted the number of days for which they were paid annual leave. If the employee has been separated from state government for 30 working days or less, they have the option of purchasing their unexpired leave balance from the hiring state entity.

If an employee receives compensation for unused sick leave at retirement and returns to state employment, the employee is not required to wait until the expiration of the number of days for which he or she received additional compensation before returning to state employment or to repay the amount of the compensation.

When an employee is laid off because of budgetary reasons or curtailment of activities and he or she is reinstated within a period of 6 months, accumulated sick leave may be restored to his or her credit.

When an officer or employee of a state office or agency excluded from the provisions of the Uniform Attendance and Leave Act leaves employment of the excluded office or agency and becomes employed by an agency or institution which is subject to the Uniform Attendance and Leave Act, the period of employment with the excluded office or agency shall be included as state employee service for the purpose of determining the rate at which the employee earns paid annual leave.

Upon return to state employment, the hiring agency should request a Proof of Prior Service from each agency or institution of higher education where the employee has previously worked. The employee's rate of annual leave accrual is determined by considering all past state employment.

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When an employee separates employment from a state agency (whether by termination, resignation, death, retirement, or other way), the accrued, unused leave to his or her credit may be paid out as a lump sum according to the following:

Termination/Resignation

Annual leave

For a regular state employee, a maximum of 30 working days or 240 hours, including holidays and birthdays, is paid out. For a fire and emergency service employee, a maximum of 45 working days or 360 hours, including holidays and birthdays.

Sick leave

No sick leave is paid out.

Death

A voucher is prepared and payable to either the deceased's estate or designated beneficiary. No payment is made until it has been determined that the deceased employee was not indebted to the state.

Annual leave

A maximum of 480 hours or 60 working days, including holidays and birthdays.

Sick leave

An employee or beneficiary cannot receive an amount that exceeds \$7,500. The amount of sick leave paid out is calculated as follows:

1. If the employee has accumulated at least 50 days but fewer than 60 days of sick leave, the employee shall receive an amount equal to 50% of the number of accrued sick leave days rounded to the nearest day multiplied by 50% of the employee's daily salary;
2. If the employee has accumulated at least 60 days but fewer than 70 days of sick leave, the employee shall receive an amount equal to 60% of the number of accrued sick leave days rounded to the nearest day multiplied by 60% of the employee's daily salary;

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3. If the employee has accumulated at least 70 days but fewer than 80 days of sick leave, the employee shall receive an amount equal to 70% of the number of accrued sick days rounded to the nearest day multiplied by 70% of the employee's daily salary; and
4. If the employee has accumulated at least 80 or more days of sick leave, the employee shall receive an amount equal to 80% of the number of accrued sick leave days rounded to the nearest day multiplied by 80% of the employee's daily salary.

The daily salary is determined by dividing the annual salary by 260.

Paid sick leave taken under the Family and Medical Leave Act of 1993 will be added to the employee's final sick leave balance for the purpose of qualifying for the incentive payout; however, the amount paid out is based on the unused sick leave balance at the time of death.

Retirement

Annual leave

For a regular state employee, a maximum of 240 hours or 30 working days, including holidays and birthdays. For a fire and emergency service employee, a maximum of 360 hours or 45 working days, including holidays and birthdays.

Sick leave

An employee or beneficiary cannot receive an amount that exceeds \$7,500. The amount of sick leave paid out is calculated as follows:

1. If the employee has accumulated at least 50 days but fewer than 60 days of sick leave, the employee shall receive an amount equal to 50% of the number of accrued sick leave days rounded to the nearest day multiplied by 50% of the employee's daily salary;
2. If the employee has accumulated at least 60 days but fewer than 70 days of sick leave, the employee shall receive an amount equal to 60% of the number of accrued sick leave days rounded to the nearest day multiplied by 60% of the employee's daily salary;

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