



## Department of Transformation and Shared Services Office of Personnel Management

**Policy Title:** Sick Leave

**Policy Number:** 59

**Authority:** Ark. Code Ann. §§ 21-4-206 through 208; 21-4-501

**Revised:** December 11, 2017

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State employees who work in a regular salary position accrue paid sick leave at the rate of 1 day (8 hours) for each completed month of service. Sick leave with pay is allowed to permanent, probationary, provisional, and temporary employees who are working 1/2 time or more on a pro rata basis for each complete month of service.

Sick leave can only be used for the following purposes:

1. When the employee is unable to work because of sickness, injury or for medical, dental or optical treatment, but not including slight illnesses.
2. Death or serious illness of employee's immediate family member. Immediate family is defined as the father, mother, sister, brother, spouse, child, grandparents, grandchild, in-laws or any individual acting as a parent or guardian of an individual.

Sick leave accrued during a calendar month is not considered to be earned by an active employee until the last working day of the month, and the leave must be earned before it can be used. For accrual purposes only, employees will accrue half their monthly accrual of sick leave if employed on the first (1st) working day of the month and are in active status on the payroll through the 15th of that month. Employees will accrue half their monthly accrual if employed on the 16th of the month and are in active status on the payroll through the last working day of that month. (If the 16th falls on a weekend or holiday, accrual begins on the first (1st) working day thereafter.) Employees are prohibited from borrowing from anticipated future accruals.

Sick leave is approved on the basis of work days, not calendar days. Non-work days, such as holidays and weekends, are not charged as sick leave. The minimum sick leave amount an employee can use is 15 minutes. Absences due to sick leave, except in the case of maternity leave, shall be charged in the following order: (1) earned sick leave; (2) earned annual leave; (3) catastrophic leave; and (4) leave without pay. If an employee does not qualify for catastrophic leave, the employee may request leave without pay.

Employees who are on sick leave for 5 or more consecutive days must furnish a certificate of illness from an attending physician. An agency that has a written procedure to identify patterns of sick leave usage may require an employee to furnish a certificate from an attending physician for any use of sick leave. A certificate from a Christian Science practitioner listed in the Christian Science Journal may be submitted in lieu of a physician's certificate.



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Employees continue to earn sick leave at the normal accrual rate when they are on sick leave, but an employee may not earn sick leave when in a leave without pay status for 10 or more cumulative days within a calendar month.

No employee can carry over to the next calendar year more than 120 days, or 960 hours, of accumulated sick leave. Accrued leave may exceed 120 days during the calendar year, but days in excess of 120 days hours will be forfeited if not used by December 31st of each year. Employees who have a balance of over 120 days at the end of the calendar year may donate any time over 120 days to the OPM Catastrophic Leave Bank Program.

### **Leave Transfer and Payout**

Employees transferring without a break in service between state agencies that are covered by this policy will retain all accumulated sick leave.

If an employee is terminated due to a reduction in force, the employee will have all accrued sick leave restored if the employee returns to state employment within 6 months of termination.

Employees are not entitled to payment for accrued and unused sick leave when they terminate their employment; however, they may be eligible for a payment when they retire or die. See Policy #54 for more information about Leave Payout.

### **Employees who do not accrue sick leave**

1. Emergency, hourly, intermittent, extra help, and per diem employees;
2. The elected constitutional officers of the state and their employees;
3. The General Assembly and its employees, including employees of the Bureau of Legislative Research of the Arkansas Legislative Council and the Division of Legislative Audit;
4. Members of the Arkansas Supreme Court, Circuit and Chancery Courts, Prosecuting Attorneys and the Administrative Offices of the Courts;
5. Arkansas Highway and Transportation Department; and
6. All administrative, academic, or other non-classified employees of state supported institutions of higher education.



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### **Fire and Emergency Service Employees**

Each fire and emergency service employee of the State Military Department who works a regularly scheduled shift of more than 47 hours per week is entitled to sick leave with full pay computed on the basis of 1 day and 4 hours for each complete month of service. Fire and emergency service employees may accumulate 180 days of sick leave to carry over at the end of the calendar year. Employees who have a balance of over 180 days at the end of the calendar year may donate their time over 180 days to the OPM Catastrophic Leave Bank Program.