

Department of Finance and Administration
Office of Personnel Management

Policy Title: **Employing Constitutional Officers and Spouses** Policy Number: **7**

Authority: **Ark. Code Ann. §§ 21-1-401 through 402 and 21-1-407**

Revised: **July 1, 2017**

No person elected to a constitutional office may, after being elected to the constitutional office, and during the term for which elected, enter into employment with any state agency unless the constitutional officer resigns prior to entering into the employment.

State agency: Every board, commission, department, division, institution, and other office of state government whether located within the legislative, executive, or judicial branch of government and including state-supported colleges and universities.

Constitutional officer: Governor, Lieutenant Governor, Secretary of State, Treasurer of State, Attorney General, Commissioner of State Lands, Auditor of State, member of the Arkansas House of Representatives, and member of the Arkansas Senate.

No Constitutional officer after being elected to a constitutional office, and during the term for which elected, may enter into employment with

1. Any State Agency;
2. Any public school district of in Arkansas in a noncertified position;
3. Any vocational education school funded by the state; or
4. Any education service cooperative.

A constitutional officer who was employed by one of the above and who receives prior approval of the Joint Budget Committee may

1. Transfer employment to or become reemployed by another state agency, public school district of this state, state-supported vocational education school, an educational service cooperative, or state-supported college or university;
2. Change positions under his or her current employer; or
3. Upon retirement from one of the above, enter into part-time or temporary employment with a state agency, public school district of this state, state-supported vocational education school, an educational cooperative, or a state-supported college or university.

Subject to any restriction or condition prescribed by the Arkansas Constitution, any constitutional officer who was employed by a state agency prior to being elected a constitutional officer may continue such employment but the employment shall not thereafter be reclassified unless it is the result of a general reclassification affecting all positions of the class and grade equally, nor shall the constitutional officer receive any pay increase for that employment other than the cost of living increases authorized by the General Assembly without the prior approval of the Joint budget Committee during legislative sessions, the Legislative Council between legislative sessions, and the Governor.

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No person whose spouse is elected to a constitutional office may, after the spouse is elected to the constitutional office and during the term for which the spouse is elected, enter into employment with any state agency without the prior approval of the Joint Budget Committee during legislative sessions, or the Legislative Council between legislative sessions, and the Governor.

This law does not prohibit the spouse of any constitutional officer from being elected and serving in an elected office or from being appointed to fill a vacancy in any elected office.

Any person who was employed by a state agency prior to the person's spouse being elected a constitutional officer and any person who entered into employment with a state agency during the spouse's service as a constitutional officer is subject to the following:

1. That position shall not thereafter be reclassified unless it is the result of a general reclassification affecting all positions of the class and grade equally, nor shall that person, while the spouse serves as a constitutional officer or within two (2) years after the spouse leaves office, be promoted or transferred without the prior approval of the Joint Budget Committee during legislative sessions, or the Legislative Council between legislative sessions, and the Governor; and
2. That person shall not receive any pay increase in excess of fifteen percent (15%) without the prior approval of the Joint Budget Committee during legislative sessions, or the Legislative Council between legislative sessions, and the Governor.
3. Former members of the General Assembly and their spouses shall not be eligible to be employed by any state agency within twenty-four (24) months after the member leaves office in any job or position that:
 - a. was newly created by legislative action within the twenty-four (24) months prior to the member leaving office; or
 - b. had a maximum salary level increase of more than fifteen percent (15%) authorized by legislative action within the twenty-four (24) months prior to the legislator leaving office.