

Office of Personnel Management

Policy

Policy Title: Deceased Employees Payment for Accrued Leave	Policy Number: 20.20
Citation: Arkansas Code Annotated §§ 21-4-402 through 404; §§ 21-4-501 and 503 through 505	Forms: Proof of Prior Service

Purpose

Arkansas law allows for agencies and institutions to compensate employees upon their death for any annual or sick leave they are eligible for under the law.

Specific Provisions

This is applicable to employees of the Arkansas State Game and Fish Commission; Arkansas State Highway and Transportation Department; state-supported institutions of higher education; and all agencies of this state whether in the executive, legislative, or judicial branch of government.

Immediately upon the death of an employee of a state agency, department, commission, or board of the State of Arkansas, the officer in charge shall prepare a voucher or other document which shall direct the payment of accrued vacation by multiplying the number of unused accrued vacation days by the daily rate of pay which was being paid to such deceased employees as of the date of his or her death.

Annual Leave

When a person dies while actively employed by any agency of the State of Arkansas, the deceased's estate or the designated beneficiary shall receive payment from the state agency for all unused annual leave and holidays which accrued to the deceased at the time of death. The total number of annual days shall not exceed sixty (60) days.

Sick Leave

When a person dies while actively employed by an agency, the Arkansas Game and Fish Commission, the Arkansas State Highway and Transportation Department, as a classified employee of state-supported institutions of higher education or an employee

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in the executive, legislative and judicial branches, the deceased's estate or designated beneficiary shall receive compensation for accumulated unused sick leave as follows:

- 1) If the employee has accumulated at least fifty (50) days but fewer than sixty (60) days of sick leave, the deceased's estate or the designated beneficiary shall receive an amount equal to fifty percent (50%) of the number of accrued sick leave days rounded to the nearest day multiplied by fifty percent (50%) of the employee's daily salary.
- 2) If the employee has accumulated at least sixty (60) days but fewer than seventy (70) days of sick leave, the deceased's estate or the designated beneficiary shall receive an amount equal to sixty percent (60%) of the number of accrued sick leave days rounded to the nearest day multiplied by sixty percent (60%) of the employee's daily salary.
- 3) If the employee has accumulated at least seventy (70) days but fewer than eighty (80) days of sick leave, the deceased's estate or the designated beneficiary shall receive an amount equal to seventy percent (70%) of the number of accrued sick days rounded to the nearest day multiplied by eighty percent (70%) of the employee's daily salary.
- 4) If the employee has accumulated at least eighty (80) days or more of sick leave, the deceased's estate or the designated beneficiary shall receive an amount equal to eighty percent (80%) of the number of accrued sick leave days rounded to the nearest day multiplied by eighty percent (80%) of the employee's daily salary.

The employee's daily salary shall be determined by dividing the annual salary by two hundred sixty (260). In no event shall the receive an amount that exceeds seven thousand five hundred dollars (\$7,500) upon death.

If the balance of the employee's sick leave does not reach the criteria for a Sick Leave Incentive Payout, the deceased's estate or designated beneficiary may donate the sick leave to the catastrophic leave bank. When a deceased's estate or designated beneficiary receives a payout for unused sick leave at death, hours used to calculate the maximum payout of \$7,500 cannot be donated to the catastrophic leave bank. Once the calculation of the number of accrued hours needed to receive a full payout of \$7,500 has been made, any remaining hours may be donated to the agency's shared leave program or the catastrophic leave bank.

Revised August 28, 2014