

Office of Personnel Management

Policy

Policy Title: Employee Leave	Policy Number: 50.06
Citation: Arkansas Code Annotated §§ 21-4-201 through 203; § 21-4-217	Forms: Employee Leave Request http://www.dfa.arkansas.gov/offices/personnelManagement/Pages/forms.aspx

Purpose

This policy applies to all state employees except emergency, hourly, intermittent, extra help, per diem employees and those employed by the following agencies:

1. The elected constitutional officers of the State and their employees;
2. 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;
3. Members of the Arkansas Supreme Court, Circuit and Chancery Courts, Prosecuting Attorneys and the Administrative Office of the Courts;
4. Arkansas Highway and Transportation Department; and
5. All administrative, academic, or other non-classified employees of the state supported institutions of higher education.

The establishment of leave records and internal procedures, such as requesting leave, approving leave, and leave use, are the responsibility of each agency and institution. All employees shall be informed of statewide policy as well as any internal policy and procedures.

When an officer or employee of an excluded office or agency listed above leaves employment of the excluded office or agency and becomes employed by an agency or institution that is subject to the Statewide Employee Leave Policy, the period of employment with the excluded office or agency shall be included as state employee service for the purpose of determining the career service date and the rate at which the employee earns paid annual leave. For annual leave accrual rate purposes only, this provision applies to annual leave earned after March 27, 1997.

Definitions

Agency head or agency director: The executive head of all agencies, departments, boards, commissions, bureaus, councils, or other agencies of the state.

Annual leave: Vacation time with pay but shall not include compensatory time.

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Catastrophic illness: A medical condition, as certified by a physician, of an employee, the spouse or parent of the employee, or a child of the employee that may be claimed as a dependent under the Arkansas Income Tax Law, which requires an employee's absence from duty for a prolonged period of time and which, except for the catastrophic leave program, would result in a substantial loss of income to the employee because of the exhaustion of all earned sick and annual leave.

Catastrophic leave: Leave granted to an employee as a result of a catastrophic illness, after the employee has exhausted all sick and annual leave pay.

Catastrophic leave bank: A pool of accrued annual leave donated by employees.

Compensatory time: Time off in lieu of payment for overtime hours.

Educational leave: Any period of out-service training during which time the employee pursues a regular full-time course of instruction to acquire a specific skill or skills needed.

Employee: A person regularly appointed or employed in a position of state service by a state agency, for which he or she is compensated on a full-time basis.

Immediate family member: An employee's father, mother, sister, brother, spouse, child, grandmother, grandfather, grandchild, in-laws, or an individual acting as a parent or guardian of an employee.

Probationary employee: A person certified from a list of qualified candidates or employed through a work test appointment and serving a probationary period.

Provisional employee: A person who has been appointed to fill a position pending the establishment of a register for such position.

Severe illness: A medical condition of an employee or an employee's immediate family member:

1. Which is catastrophic in nature;
2. Which could not be anticipated;
3. That requires continuous in-patient or out-patient medical treatment; and
4. That causes an employee or the employee's immediate family member to be absent from duty for a prolonged period of time.

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Shared leave: The donation of an employee’s earned sick leave or earned annual leave to another employee who: (a) is suffering from a severe illness; or (b) has an immediate family member suffering from a severe illness.

State agencies: All agencies, departments, boards, commissions, bureaus, councils, state-supported institutions of higher education, or other agencies except the following excluded agencies or positions within agencies:

1. The elected constitutional officers of this state and their employees;
2. The General Assembly and its employees, including employees of the Bureau of Legislative Research and the Division of Legislative Audit;
3. Members and employees of the Supreme Court, the Court of Appeals, circuit courts, the Administrative Office of the Courts; and prosecuting attorneys, but not including deputy prosecuting attorneys;
4. The Arkansas State Highway and Transportation Department; and
5. All administrative, academic, or other non-classified employees of the state-supported institutions of higher education.

Temporary employee: A person who has been appointed from a register for a period of time not to exceed six (6) months.

Working day: All regularly prescribed days of employment in which the employee performs those duties for which he or she was hired. A working day shall consist of eight (8) hours.

Years of service: The total number of years of employment with all agencies of state government whether such employment is continuous or not.

Annual Leave Accrual

Except for the employees of the fire and emergency services with the State Military Department, any employee who works in a regular salary position shall accrue annual leave as defined in this policy. Full-time employees accrue leave at the rates shown in the timetable listed below. Employees who work less than full-time per year accrue annual leave in the same proportion as time worked. For example, employees who work half time would receive half of the annual leave accrual.

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Years of Employment	Monthly	Annually
Through 3 years	1 Day	12 Days
4 through 5 years	1 Day, 2 Hours	15 Days
6 through 12 years	1 Day, 4 Hours	18 Days
13 through 20 years	1 Day, 6 Hours	21 Days
Over 20 years	1 Day, 7 Hours	22.5 Days

Annual leave is granted on the basis of work days, not calendar days. Non-work days, such as holidays and weekends, are not charged as annual leave.

Annual leave shall be granted to permanent, probationary, provisional, and temporary employees who are working one-half time on a pro rata basis. Annual leave shall not be granted to emergency, hourly, intermittent, or per diem employees. Any employee who works a minimum of 1000 hours per year in a regular salary position shall accrue annual leave. Employees who work less than full-time, but more than 1000 hours per year, accrue annual leave in the same proportion as time worked. Extra-help employees are not eligible for annual leave but are eligible for holiday pay.

Annual 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 annual 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 working day thereafter.

Accrual rates will change on the first day of the month following eligibility for the next higher accrual rate.

Except for fire and emergency service employees with the State Military Department, all Annual Leave is cumulative; however, no employee shall have over 30 days accumulated on December 31st of each year. Accrued leave may exceed 30 days during the calendar year, but those days in excess of 30 will be forfeited if not used by December 31st of each year.

An employee may not earn annual leave when on leave without pay for ten (10) or more cumulative days within a calendar month. Employees continue to earn annual leave at their normal accrual rate when on annual or sick leave.

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Employees shall not borrow from anticipated future accruals and may not use annual leave accrued by other employees, unless approved as shared leave. The minimum annual leave an employee can use is fifteen (15) minutes.

All compensatory time should be used before the use of annual leave.

Years of employment may be continuous state employment or an accumulation of years of service when the employee was out of state service for a time. Effective July 1, 1975, prior service is established on completed years of service only. Service prior to July 1, 1975, shall be established in completed years and months of service.

Each fire and emergency service employee of the State Military Department who works a regularly scheduled shift of more than forty-seven (47) hours per week is entitled to annual leave with full pay computed on the basis of the following schedule for each complete month of service with the department:

- (a) Through 3 years: 1 day and 4 hours per month;
- (b) 4 through 5 years: 1 day and 7 hours per month;
- (c) 6 through 12 years: 2 days per month;
- (d) 13 through 20 years: 2 days and 3 hours per month; and,
- (e) Over 20 years: 2 days and 5 hours per month.

No fire or emergency service employee of the State Military Department shall carry over more than forty-five (45) days of annual leave at the end of each calendar year, except that the 45-day maximum of cumulative annual leave may exceed forty-five days during the calendar year. Those days in excess of 45 will be forfeited if not used by December 31st of each year.

When an employee leaves state service their accrual rate will remain the same upon returning to state service.

Sick Leave Accrual

An employee who works in a regular salary position shall accrue sick leave in the same proportion as time worked. An employee who works a minimum of 1000 hours per year in a regular salary position shall accrue sick leave. Employees who work less than full-time, but more than 1000 hours per year, accrue sick leave in the same proportion as time worked.

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Except for fire and emergency employees of the State Military Department, employees accrue sick leave at the rate of one (1) day for each completed month of service; however, no employee shall have over 120 days accumulated on December 31st of each year. Accrued leave may exceed 120 days during the calendar year, but those days in excess of 120 will be forfeited if not used by December 31st of each year.

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 shall not borrow from anticipated future accruals.

Sick leave for non-classified employees at institutions of higher education shall accrue at the same rate for classified employees for the purpose of calculations of compensation for accumulated unused sick leave. If non-classified employees accrue sick leave at a different rate than classified employees at institutions of higher education, the non-classified employees shall not be able to use their sick leave balance to calculate a payout at time of retirement. All institutions of higher education must submit a plan to the Office of Personnel Management on the sick leave accrual rate for the non-classified employees on their campuses.

Employees continue to earn sick leave at the normal accrual rate when they are on sick leave or annual leave.

Sick leave is granted on the basis of work days, not calendar days. Non-work days, such as holidays and weekends, are not charged as sick leave.

Revised March 1, 2016