

STATE OF ARKANSAS
DEPARTMENT OF VETERANS AFFAIRS

SICK LEAVE INCENTIVE PROGRAM

Any employee who works in a regular salary position shall accrue sick leave in the same proportion as time worked.

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 work through the 15th of that month. Employees will accrue half their monthly accrual if employed on the 16th of the month and work 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 will not borrow from anticipated future accruals.

Sick leave may be used for only the following purposes:

1. When the employee is unable to work because of sickness or injury; or for medical, dental or optical treatment.
2. Death or serious illness of a member of the employee's immediate family. 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 employee. The use of sick leave is contingent upon the occurrence of one of the events listed above. If the event never occurs, the employee is not entitled to the sick leave benefits.

Employees are not entitled to payment for accrued and unused sick leave when they terminate their employment except as follows:

Upon retirement or death, any employee, or beneficiary of any employee, of any agency of the State of Arkansas and classified employees of state-supported institutions of higher learning shall receive compensation for accumulated unused sick leave or Sick Leave Incentive Payout as follows:

1. If the employee has accumulated at least fifty (50) days, but less than sixty (60) days of sick leave, the employee shall receive an amount equal to fifty percent

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

For purposes of this section, the employee's daily salary shall be determined by dividing the annual salary by two hundred and sixty (260).

Upon retirement or death, if the balance of the employee's sick leave does not reach the criteria for a Sick Leave incentive Payout, the employee or their beneficiary may donate their sick leave to the Catastrophic Leave Program. Employees who receive a Sick Leave Incentive Payout and still have sick days remaining, cannot not contribute the balance of their sick leave to the Catastrophic Leave Program.

In no event shall an employee, or beneficiary, receive an amount that exceeds seven thousand five hundred dollars (\$7,500) upon retirement, or death of an employee, due to the provisions of this Section.

If an employee receives compensation for unused sick leave at retirement and returns to state employment, the employee shall not be 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.

At the institution's discretion, an institution of higher education may compensate a nonclassified employee of the institution of higher education for accumulated unused sick leave by providing to the nonclassified employee the same compensation for accumulated unused sick leave provided to all classified employees of the institution.

Unused sick leave for nonclassified employees of state-supported institutions of higher education shall accrue at the same rate as unused sick leave accrues for classified employees for calculations made in this law.

Compensation for accumulated unused sick leave under this section shall not be used by the Arkansas Teacher Retirement System in the calculation of final average salary when calculating retirement rates.

For the purposes of calculating sick leave incentive pay for retirees, paid sick leave taken under the Family and Medical Leave Act of 1993 will be added to the retiring employee's final sick leave balance.

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.

The minimum sick leave amount an employee can use is fifteen (15) minutes. No smaller amount shall be authorized or used.

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) shared leave; (4) catastrophic leave; and (5) leave without pay.

Employees who are on sick leave for five (5) or more consecutive days must furnish a certificate of illness from an attending physician. An agency or institution which 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.

Accrued sick leave will be restored to an employee's credit if he returns to State employment within six (6) months of termination. This provision shall apply only if the employee was terminated due to budgetary reasons or curtailment of work activities.

Requests to use sick leave for purposes of medical, dental or optical examinations, hospital stays, funerals, etc. should be made in advance.

Notification of absence due to illness shall be given as soon as possible on the first day of absence to the employee's supervisor.

Application for sick leave is to be filed within two (2) days after the employee's return to work.

If an employee fails to make proper notification for use of sick leave as provided herein, such absences shall be charged to annual leave or leave without pay. Such determination shall be made at the Agency Director's or Institution Head's discretion.

Employees transferring without a break in service between State agencies and/or State supported institutions of higher education which are covered by these policies shall retain all accumulated sick leave.

Employees of a school district, an educational cooperative, a state education agency, or a two year college who leave the school district, educational cooperative, state education agency, or two year college and accept employment in another school district, an educational cooperative, a state education agency, or a two year college shall be granted credit by the new school district, education cooperative, state education agency, or two year college for any unused sick leave accumulated by the employee while employed by the former employer, but not to exceed a maximum of ninety (90) days. The accumulated and unused sick leave credit shall be granted to the employee upon furnishing proof in writing from the former employer of the employee. The provisions of this section shall apply to employment with another school district, educational cooperative, state education agency, or two year college on or after July 1, 1997.

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 sick leave with full pay computed on the basis of one (1) day and four (4) hours for each complete month of service with the department. Such fire and emergency service employees may accumulate one hundred and eighty (180) days of sick leave to carry over at the end of the calendar year, but those days in excess of 120 will be forfeited if not used by December 31st of each year.