



Department of Transformation and Shared Services Office of Personnel Management

Policy Title: Sick Leave

Policy Number: 59

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

Effective Date: August 1, 2023

A state employee who works in a regular salary position accrues paid sick leave at the rate of 1 day (8 hours) for each completed month of service. Employees in a regular salary position who work less than full-time will accrue sick leave on a pro rata basis for each completed month of service.

Employees Excluded from the Uniform Attendance and Leave Act

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.

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; or
2. Death or serious illness of employee's immediate family member. Immediate family means father, mother, sister, brother, spouse, child, grandparents, grandchild, in-laws or any individual acting as a parent or guardian of an individual. A child includes a child in foster care who has been placed in the employee's home.

The minimum sick leave amount an employee can use is 15 minutes. Sick leave is approved based on workdays, not calendar days. Non-workdays, such as holidays and weekends, are not charged as sick leave.

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.

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.



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An employee who is 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.

An employee continues to earn sick leave at their normal accrual rate when they are on paid leave. An employee does not earn sick leave when in a leave without pay status for 10 or more cumulative days within a calendar month.

An employee cannot carry over to the next calendar year more than 120 days, or 960 hours, of accumulated sick leave. Accrued sick leave may exceed 120 days during the calendar year, but any time over that will be forfeited if not used by December 31st of each year. Employees with a balance over 120 days at the end of the calendar year may donate the excess time 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 a payout for accrued and unused sick leave when they terminate their employment; however, they may be eligible for a payout upon retirement or death. Refer to [Policy #54 Leave Transfer and Leave Payout](#) for more information.

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.