



Department of Transformation and Shared Services Office of Personnel Management

Policy Title: Employing Constitutional Officers and Spouses

Policy Number: 7

Authority: Ark. Code Ann. § 21-1-401 *et seq.*

Revised: July 1, 2024

Arkansas law prohibits certain state employment for Constitutional Officers and their spouses.

State Agency: A 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.

A Constitutional Officer, after being elected to the constitutional office, and during the term for which elected, shall not enter employment with any of the following entities unless the Constitutional Officer resigns prior to entering the employment:

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

A Constitutional Officer employed by one of the entities listed above, and who receives prior approval by the Joint Budget Committee during a legislative session or the Legislative Council between legislative sessions, and the Governor, 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 listed entities, enter 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.

A Constitutional Officer who is credentialed as a tutor, teacher, professor, or adjunct professor is not prohibited from being employed as such with a public school district, educational service cooperative, state-supported vocational education school, or state-supported college or university in this state.

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. 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. The Constitutional Officer shall also not receive any pay increase for that employment, other than any 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 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 unless the spouse's salary will not exceed the entry level of a GS06, \$36,155.

The spouse of any constitutional officer is not prohibited 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 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 more than 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.

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:

1. Was newly created by legislative action within the twenty-four (24) months prior to the member leaving office; or
2. 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 member leaving office.

Former members of the General Assembly and their spouses shall not take the following actions until two (2) years after the expiration of the term of office for which he or she was elected:

1. Register as a lobbyist under § 21-8-601 *et seq.*; or
2. Enter employment as the director of a) an educational cooperative under the Public School Educational Cooperative Act of 1981 or b) an area agency on aging.

A Constitutional Officer or an employee within their office is not eligible to be registered as a lobbyist under § 21-8-601 *et seq.* until one (1) year after the expiration of their term of office or employment in that office.