

# Arkansas Municipal League

## **Uniformed Personnel Leave for Arkansas Municipalities**



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# Table of Contents

|   |          |
|---|----------|
| <b>Introduction .....</b>               | <b>4</b> |
| <b>Fire Department Leave.....</b>       | <b>5</b> |
| Legal Holidays .....                    | .5       |
| Sick Leave.....                         | .5       |
| Vacation Leave .....                    | .5       |
| <b>Police Departments.....</b>          | <b>6</b> |
| Who is a Law Enforcement Officer? ..... | .6       |
| Legal Holidays .....                    | .6       |
| Sick Leave.....                         | .6       |
| Vacation .....                          | .6       |

# Introduction<sup>1</sup>

In this publication, we will discuss sick leave, vacation time, and legal holidays for fire fighters and police officers. Normally, municipal employee's leave and other fringe benefits are generally governed by state law. Ark. Code Ann. § 14-43-601(a)(1).

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<sup>1</sup> This informational document is provided to members of the Arkansas Municipal League and is in no way to be considered legal advice. This is an educational document only.

# Fire Department Leave

## Legal Holidays

All fire fighters employed by cities of the first or second class or incorporated towns shall be compensated for all legal holidays established by the governing body of the municipality. Ark. Code Ann. § 14-53-106(a). Compensation is based on the firefighter's daily rate of pay and in addition to the regular pay schedule. Ark. Code Ann. § 14-53-106(b). Compensation can be included in the firefighter's base pay. Ark. Code Ann. § 14-53-106(c). The compensation should be prorated and paid during the regular payroll periods or in one lump sum each year on a date in December picked by the municipality. Ark. Code Ann. § 14-53-106(d).

## Sick Leave

All fire fighters employed by first and second-class cities should accumulate sick leave of at least ten working days per year but no more than twenty working days per year, beginning one year after employment. Ark. Code Ann. § 14-53-108(a)(1)(A).

All municipalities may provide sick leave for firefighters to accumulate at a rate of fifteen (15) twenty-four-hour working days per year beginning on the date of employment and the decrease to twelve (12) twenty-four-hour working days, beginning at year four. Ark. Code Ann. § 14-53-108(d)(1). Unused sick leave accrued in this manner can only be accumulated up to one hundred (100) twenty-four-hour working days. Ark. Code Ann. § 14-53-108(d)(2).

The statute requires sick leave for all firefighters "employed" by a city. Ark. Code Ann. § 14-53-108(a)(1)(A). According to the attorney general, this means that "sick leave accumulates for any firefighter who has an employment relationship with a city, regardless of whether he is working or able to work." Op. Att'y Gen. No. 2012-095.

Sick leave should only be used on days the firefighter is scheduled to work. Ark. Code Ann. § 14-53-108(b)(3). Working day means the "period of time a firefighter is on duty within a twenty-four-hour period." Ark. Code Ann. § 14-53-108(a)(1)(B). So, if a firefighter works for twelve (12) or more hours in a twenty-four-hour period, a working day will be considered no less than twelve (12) hours but not more than twenty-four hours. *Id.*

If sick leave goes unused, sick leave can accumulate to a maximum of 1,440 hours unless a city ordinance allows greater accumulation, not exceeding 2,160 hours. Ark. Code Ann. § 14-53-108(a)(2)(A). In any city with a sick leave provision in its ordinances, the total sick leave accumulated should be credited to him or her until the maximum allowed amount. Ark. Code Ann. § 14-53-108(b)(1). If the city later reduces the amount of sick leave, the previously acquired sick leave will not be reduced in value. Ark. Code Ann. § 14-53-108(b)(2).

At the end of the firefighter's term of service, through retirement or death, whichever occurs first, if a firefighter has unused accumulated sick leave, he or she will be paid for the sick leave at the regular rate of pay in effect at the time of retirement or death. Ark. Code Ann. § 14-53-108(c)(1). Payment upon retirement or death should not exceed three months' salary unless the city ordinance authorizes a larger amount; a city ordinance cannot authorize an amount over four and a half months' salary. Ark. Code Ann. § 14-53-108(c)(2).

## Vacation Leave

The chief of a fire department must arrange that each department employee receives at least fifteen (15) days of annual vacation days with full pay each year. Ark. Code Ann. § 14-53-107. According to the attorney general, the term "day" in this statute should be construed to "mean an eight-hour day." Ark. Op. Att'y Gen. No. 94-227 (Aug. 31, 1994).

# Police Departments

## Who is a Law Enforcement Officer?

The term “law enforcement officer” means any appointed law enforcement officer who is responsible for the prevention and detection of crime and the enforcement of the criminal, traffic, or highway laws of this state. Ark. Code Ann. § 12-9-102(2). Law enforcement officer does not mean radio dispatchers or jailers, whose duties do not include the investigation, prevention, detection of crime, or writing criminal or traffic citations. *City of Pocahontas v. Huddleston*, 309 Ark. 353, 358 (1992).

## Legal Holidays

All law enforcement officers, regardless of their titles (e.g. city marshal) and employed by cities of the first or second class or incorporated towns shall be compensated for all legal holidays established by the governing body of the municipality. Ark. Code Ann. § 14-52-105(a). Compensation will be based on the law enforcement officer’s daily rate of pay and in addition to the regular pay schedule. Ark. Code Ann. § 14-52-105(b). Compensation can be included in the officer’s base pay. Ark. Code Ann. § 14-52-105(c). Compensation shall be prorated and paid during the regular payroll periods or paid in one lump sum each year on a date in December decided by the municipality. Ark. Code Ann. § 14-52-105(d).

## Sick Leave

Law enforcement officers, regardless of titles and employed by any municipality shall accumulate sick leave at the rate of 20 working days per year beginning one year after the date of employment. Ark. Code Ann. § 14-52-107(a)(1).

If an officer is still employed by the police department, the officer entitled to sick leave even if the officer is unable to work for several months. Op. Att’y Gen. 2008-094.

If unused, sick leave shall accumulate to a maximum of sixty (60) days unless the city or town allows a greater amount by ordinance not to exceed ninety (90) days, except to compute years of service for retirement purposes. Ark. Code Ann. § 14-52-107(a)(2). In cities with sick leave provisions through a city ordinance, the total sick leave accumulated by an officer shall be credited to him or her and new days accumulated under the provisions of this section until the maximum prescribed in the previous section. Ark. Code Ann. § 14-52-107(b)(1).

Time off for an illness or injury may be charged against accumulated sick leave only on days the officer is scheduled to work. Ark. Code Ann. § 14-52-107(b)(2).

Upon death or retirement, whichever happens first, any police officer who has unused accumulated sick leave shall be paid for the sick leave at the regular rate of pay in effect at the time of retirement or death. Ark. Code Ann. § 14-52-107(c). Payment for unused sick leave upon death or retirement shall not exceed sixty (60) days’ salary unless the city authorizes a greater amount, not to exceed ninety (90) days’ salary. *Id.* Officers who leave employment for any reason other than retirement or death will forfeit their unused sick leave. Op. Att’y Gen. 98-182.

## Vacation

The head or chief of each police department shall arrange that each department employee shall be granted an annual vacation of not less than fifteen (15) working days with full pay. Ark. Code Ann. § 14-52-106. According to the attorney general, “the statute means that these officers must receive the equivalent of 15 ‘8-hour periods’ of vacation, which amounts to 120 hours of leave per year.” Ark. Op. Att’y Gen. No. 2012-078 (July 25, 2012).





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