

Military Leave for Public Employees in Arkansas

By First Lieutenant Tara Buckles, USMCR¹

1.8: USERRA and Other Laws

2.0: Paid Leave

Arkansas law provides as follows concerning military leave for employees of the state and its political subdivisions:

- (1) Employees who are members of the armed forces of this state or any other state, including without limitation the National Guard or a reserve component *or auxiliary* of the United States Armed Forces, shall be granted leave at the rate of fifteen (15) days per calendar year plus necessary travel time for annual training requirements or other duties performed in an official duty status.
- (2) To the extent this leave is not used in a calendar year, it will accumulate for use in the succeeding calendar year until it totals fifteen (15) days at the beginning of a calendar year.
- (3) The leave shall be granted without loss of pay and in addition to regular vacation time.
- (4) Each employee who requests military leave shall furnish a copy of his or her orders for his or her personnel file.

ARK. CODE ANN. 21-4-212(a) (2022) (emphasis added). The italicized words were added by amendment. The addition of “or auxiliary” was apparently enacted to cover the Coast Guard Auxiliary and the Civil Air Patrol. The next section of the law addresses longer-term activations.

- (1) An employee who is drafted or called to active duty in the United States Armed Forces or who volunteers for military service shall be placed on extended military leave without pay and upon application within ninety (90) days after the effective date of his or her release from active duty shall be reinstated to the position vacated or an equivalent position at no loss of seniority or any of the other benefits and privileges of employment.

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(2) The right of reemployment shall conform with all federal government rules and regulations.

ARK. CODE ANN. 21-4-212(b) (2022). The code then discusses emergency call-ups.

(1) Personnel called to duty in emergency situations by the Governor or the President of the United States shall be granted leave with pay not to exceed thirty (30) working days after which leave without pay will be granted. This leave shall be granted in addition to regular vacation time.

(2) As used in this section, “emergency situations” means:

- (A) Any case of invasion, disaster, insurrection, riot, breach of peace, or imminent danger thereof;
- (B) Threats to the public health or security; or
- (C) Threats to the maintenance of law and order.

ARK. CODE ANN. 21-4-212(c) (2022). The Arkansas statute also addresses employee benefits and other rights.

(1) During any military leave of absence, the employee shall preserve all seniority rights, efficiency or performance ratings, promotional status, retirement privileges, life and disability insurance benefits, and any other rights, privileges, and benefits to which the employee has become entitled.

(2) For purposes of computations to determine whether the person may be entitled to retirement benefits, the period of military service shall be deemed continuous service, and the employee shall not be required to make any contributions to any retirement fund.

(3) The state shall continue to contribute its portion of any life or disability insurance premiums during the leave of absence on behalf of the employee, if requested, so that continuous coverage may be maintained.

ARK. CODE ANN. 21-4-212(d) (2022). The final section of the statute provides yet more employee benefits.

(e) Whenever an employee as defined under § 21-4-203 or an employee of a political subdivision is granted military leave for a period of fifteen (15) days per calendar year or fiscal year under this section, the military leave shall accumulate for use in succeeding calendar years or fiscal years until it totals fifteen (15) days at the beginning of the calendar year or fiscal year, for a maximum number of thirty (30) military leave days available in any one (1) calendar year or fiscal year.

ARK. CODE ANN. 21-4-212(e) (2022).

Access the Arkansas Statute on Your Own

We do our best to keep these state law articles up-to-date and provide the most relevant sections of the applicable statute for you to review. Nonetheless, we still recommend you consult the most recent version of the law to make sure nothing has changed from what we discussed in this article. You can find a public version for yourself online, for free, at <https://advance.lexis.com/container?config=00JAA3ZTU0NTIzYy0zZDEyLTRhYmQtYmRmMS1iMWlxNDgxYWMxZTQKAFBvZENhdGFsb2cubRW4ifTiwi5vLw6cl1uX&crid=84825d79-7c79-4276-8233-9865587bc29a&prid=88e548c8-42d2-433f-8055-ee30de6f71d0>. When you click this link, you will be brought to free public access page on LexisNexis. If you are an attorney and already have access to LexisNexis, log out of your account and try clicking on the link again. Once you're on the page, select "Title 21 Public Officers and Employees" → "Chapter 4 Attendance and Leave" → "Subchapter 2 – Uniform Attendance and Leave Policy Act" → "Section 21-4-212 Military Leave – Definition" in order to read the code discussed in this article.

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