

EMPLOYMENT LAW SUMMARY

Arkansas: Employee Leave Laws – Overview



Employers have some flexibility when it comes to establishing or negotiating employee leave policies. As part of their overall compensation packages, employers may provide their employees with various types of paid or unpaid leave, including vacation time, personal leave and sick leave. However, Arkansas employers must provide their employees with leave mandated by state law.

Arkansas has employee leave laws regarding:

- Voting leave;
- Jury duty leave;
- Military leave;
- Victim leave;
- Adoptive parent leave;
- Bone marrow and organ donation leave; and
- Public service leave.

In addition, federal laws not addressed in this document, such as the federal Family and Medical Leave Act, require covered employers to provide employees with leave in certain circumstances.

The chart below provides a high-level overview of Arkansas' employee leave laws.

Overview of Employee Leave Laws

TYPE OF LEAVE	REQUIREMENTS
Voting Leave	Employers must schedule employee work hours on election day in a way that will allow employees the opportunity to vote. Employers are not required to pay employees for voting leave.
Jury Duty Leave	An employee may not be discharged, lose sick leave or vacation time or suffer any other form of penalty due to absence for jury duty. An employer is not required to pay an employee for jury duty leave.
Military Leave	In addition to the federal USERRA, Arkansas law provides similar job protections to members of the state armed forces, including the National Guard, a reserve component of the armed forces or militia. Employers must grant unpaid leave to state military members when called to active duty in the state as though they had been called to U.S. active duty. An employee must be reinstated to his or her original position upon being released from duty.
Victim Leave	An employer may not discharge or discipline a victim (or his or her representative) of any violent crime due to his or her: <ul style="list-style-type: none"> • Participation at the prosecuting attorney's request in preparation for a criminal proceeding; or • Attendance at a criminal proceeding, if reasonably necessary to protect the interests of the victim.
Adoptive Parent Leave	An employer who provides paternity or maternity leave to biological parents must allow paternity or maternity leave for adoptive parents upon placement of an adoptive child, if requested. An employer must grant leave to adoptive parents under the same policies and procedures established for biological parents after the birth of a child, including any benefits provided by the employer. This does not apply to an adoption of a person over 18 years of age by the spouse of a custodial parent, or an adoption of a foster child by the child's foster parents.
Bone Marrow or Organ Donation Leave	An employer must grant a leave of absence to an employee in order to serve as an organ or bone marrow donor, if requested by the employee in writing. Any leave granted is in addition to any medical, personal or other paid leave provided by the employer. Leave must be provided for up to 90 days, unless an employer agrees to a leave for longer than 90 days. Leave may be paid or unpaid, at the employer's discretion. If the employer pays the employee's regular salary or wages during the leave, the employer is entitled to a tax credit of 25 percent of the regular salary or wages paid to the employee while on leave for bone marrow or organ donation. While an employer may grant leave for a period of longer than 90 days, only the wages or salary paid during the first 90 days of the leave are eligible for credit. The credit must be taken within one year of the date the leave began. This leave is not required if the employee is eligible for leave under the federal Family and Medical Leave Act (FMLA).

TYPE OF LEAVE	REQUIREMENTS
<p>Public Service Leave</p>	<p>An employer must grant a leave of absence to an employee who is elected to a public office in Arkansas or appointed to a board or commission by the governor. The leave period must be the period of time the employee requests, up to the duration of the term of office. An employee who takes public service leave may not lose seniority rights.</p>

SPECIAL NOTE: Please note that the information in this chart focuses on statewide laws. Cities, towns and counties across the country have enacted local ordinances that also require employers to provide leave to employees. Employers must generally comply with all local and statewide laws that apply.

Contact Heffernan Insurance Brokers for more information about employee leave laws in Arkansas.

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