



## Department of Transformation and Shared Services Office of Personnel Management

**Policy Title:** Annual Leave

**Policy Number:** 45

**Authority:** Ark. Code Ann. § 21-4-203, § 21-4-204, and § 21-4-205

**Effective Date:** September 10, 2021

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Annual leave means vacation time with pay but does not include compensatory time. A state employee who works a minimum of 1,500 hours per year in a regular salary position accrues annual leave every month.

The following employees do not accrue annual leave:

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.

### Accrual Rates

Full-time employees accrue leave at the rates shown in the timetable listed below. Employees who work less than full-time per year accrue annual leave in the same proportion as time worked. For example, employees who work half-time would receive half of the annual leave accrual shown on the timetable. Employees must have completed full years of employment before movement to the next higher accrual rate. For example, an employee would not move to the second level of annual leave accrual rate until they had completed three (3) full years of employment and were starting their 4th year.

Years of Employment	Monthly	Annually
Through 3 years (1 through 36 months)	1 Day (8 hours)	12 Days
4 through 5 years (37 through 60 months)	1 Day, 2 Hours (10 hours)	15 Days
6 through 12 years (61 through 144 months)	1 Day, 4 Hours (12 hours)	18 Days
13 through 20 years (145 through 240 months)	1 Day, 6 Hours (14 hours)	21 Days
Over 20 years (241+ months)	1 Day, 7 Hours (15 hours)	22.5 Days

Annual leave accrued during a calendar month is not earned by an employee in active pay status 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 annual leave if employed on the first 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 working day thereafter.)



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Annual leave is approved on the basis of workdays, not calendar days. Non-workdays, such as holidays and weekends, are not charged against an employee as annual leave. The minimum annual leave amount an employee can use is 15 minutes. An employee may request to use accrued annual leave at any time and the agency may grant the leave request at such time that will cause the least disruption to the efficient operation of the agency. Each agency is responsible for establishing leave records and internal procedures, including how to request leave, how leave is approved, and how leave can be used. All employees shall be informed of statewide policy as well as any internal policy and procedures.

Employees continue to earn annual leave at their normal accrual rate when they are on paid leave. An employee will not earn annual leave when in a leave without pay status for 10 or more cumulative days (80 or more hours) within a calendar month.

An employee, except for a critical-need employee or a fire and emergency service employee, is prohibited from carrying over to the next calendar year more than 30 days (240 hours) of annual leave. However, accrued annual leave may exceed 30 days during the calendar year. Accrued birthday and holiday leave balances are not included in the total annual leave calendar year carryover.

### **Critical-need Employee**

A critical-need employee is a person employed by one of the following state agencies in a position or classification that is required to be staffed by the agency 24 hours a day, 7 days a week:

1. Department of Corrections
2. Department of Health
3. Department of Human Services
4. Division of Emergency Management
5. Division of Arkansas State Police
6. Department of Veterans Affairs, or
7. Department of Agriculture.

It is the responsibility of the agency to designate an employee as critical-need and notify the Office of Personnel Management (OPM) of the designation.

A critical-need employee is prohibited from carrying over to the next calendar year more than 45 days (360 hours) of annual leave. Accrued annual leave may exceed 45 days during the calendar year. Accrued Birthday and Holiday leave balances are not included in the annual leave calendar year carryover.

### **Fire and Emergency Service Employee**

A 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 annual leave with full pay computed on the basis of the following



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schedule for each complete year of service with the department (Employees must have completed full years of employment before movement to the next higher accrual rate):

Years of Employment	Monthly	Annually
Through 3 years (1 through 36 months)	1 Day, 4 hours (12 hours)	18 Days
4 through 5 years (37 through 60 months)	1 Day, 7 Hours (15 hours)	22.5 Days
6 through 12 years (61 through 144 months)	2 Days (16 hours)	24 Days
13 through 20 years (145 through 240 months)	2 Days, 3 Hours (19 hours)	28.5Days
Over 20 years (241+ months)	2 Day, 5 Hours (21 hours)	31.5 Days

A fire or emergency service employee of the State Military Department is prohibited from carrying over to the next calendar year more than 45 days (360 hours) of annual leave. Annual leave may exceed 45 days during the calendar year.

**Excess Annual Leave**

Any annual leave in excess of the allowable carryover amount at the end of the calendar year will be deposited into the OPM Catastrophic Leave Bank unless the employee submits a written request to his or her HR Office requesting to have the excess annual leave forfeited in lieu of it being deposited into the OPM Catastrophic Leave Bank.

For critical-need employees only: Agencies are responsible for monitoring the annual leave balance for critical-need employees. An agency may request a critical-need employee to use annual leave to avoid the balance exceeding 45 days. The agency may designate one or more specified dates for the employee to use annual leave, and the employee shall be notified at least 14 days before the specified date.

If the annual leave balance exceeds 45 days at the end of the calendar year, and the employee’s written or electronic requests to use annual leave were denied in writing due to staffing needs of the agency, the annual leave that was denied shall be paid as a lump sum. The lump sum total cannot exceed the value of the cumulative annual leave that exceeds 45 days at the end of the calendar year.

**Leave Transfer and Payout**

Employees transferring without a break in service between state agencies that are covered by this policy will retain all accumulated annual leave.

When an employee terminates employment, they are eligible to receive a payout of their annual leave balances up to 30 days, inclusive of birthday and holiday leave balances. The payout for fire and emergency service employees and critical-need employees cannot exceed 45 days, inclusive of birthday and holiday leave



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balances. A department may have special language in their appropriation act that allows for other leave payout amounts. Refer to [OPM Policy #54](#) for more information about leave transfer and leave payout.