

**ARKANSAS FORESTRY COMMISSION  
EMPLOYEE LEAVE  
POLICY & PROCEDURE  
§ 70**

**Required forms: A70.100, A70.200**

Policy

Eligible employees will earn, accrue, and be granted leave time within the provisions herein.

1. Annual Leave: Any employee who works a minimum of 1000 hours per year in a regular position will accrue annual leave. Full time employees accrue leave at the rates shown in the timetable listed below. Employees who work less than full time but more than 1000 hours 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.
2. Annual Leave Accrual Timetable.

<u>Years of Employment</u>	<u>Monthly</u>	<u>Annually</u>
Through 3 years completion	8 hrs	12 days
Employees must complete 3 full years of employment. Example: (adjusted hire date: 4/1/1994 – accrue 8 hrs/mo through 4/30/1997 – increase accrual to 10 hrs/mo in May 1997.		
4 through 5 completed years	10 hrs	15 days
6 through 12 completed years	12 hrs	18 days
13 through 20 completed years	14 hrs	21 days
Over 20 Years	15 hrs	22.5 days

3. Accrual rates change on the first day of the month **after** employee reaches higher accrual rate eligibility.
4. Annual leave is cumulative, but no employee may have over 30 days accumulated annual leave on December 31 of each year. Accrued leave may exceed 30 days during the calendar year, but those days in excess of 30 (240 hours) will be lost if not used by December 31.
5. Years of employment may be continuous state employment or an accumulation of service when the employee was out of state service for a time. After July 1, 1975, “prior service” is established in completed year’s service only. Before July 1, 1975 prior service is established in completed years and months of service.

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- Example 1: After July 1, 1975 an employee worked for the state for 2 years and 10 months before terminating employment. The “prior service” credit would be two years.
  - Example 2: Before July 1, 1975 an employee worked for the state for 2 years and 10 months. The “prior service” credit would be two years and ten months.
6. There is no time limit for reinstating prior service time. However, an employee with prior service time not reflected in the employee’s AFC personnel file must submit the information to Human Resources for verification. The AFC will credit the time for accrual purposes when the former state employer provides written verification of prior service time to AFC Human Resources.
  7. There is no retroactive computation for accrued leave before the current calendar year. For example, when an employee submits the information and it results in an accrual rate change in a previous calendar year, the AFC will calculate the new accrual rate beginning January 1 of the current calendar year. Subsequent accrual rate changes will occur on the date reflected by the total service time completed.
  8. An employee may not earn annual leave when on leave without pay for 10 or more days within a calendar month.
  9. Annual leave is deducted for work days only. Employee absence during non-work days, such as holidays and scheduled days off, are not charged as annual leave.
  10. Employees must earn annual leave before it can be used. Employees accrue one-half their monthly accrual of annual leave if employed on the first working day of the month and work through the 15<sup>th</sup> day of that month. Employees will accrue one-half their monthly accrual if employed on the 16<sup>th</sup> of the month and work through the last working day of that month. If the 16<sup>th</sup> falls on a weekend or holiday, accrual begins on the first working day after the 16<sup>th</sup>.
  11. The first-half month accrual may not be used until transferred on the last day of the calendar month.
  12. Employees will not borrow from anticipated future accruals; and may not use annual leave accrued by other employees except under the Catastrophic Leave guidelines (AFC § 71).
  13. Annual leave used for a Family Medical Leave Act (FMLA) (AFC § 72) qualifying event will be charged against the FMLA entitlement.

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14. Annual leave is taken and recorded in increments of one-quarter (.25) hour, except leave taken in conjunction with worker's compensation, which is taken as a percentage.
15. Employees continue to earn annual leave at the normal accrual rate when on approved paid leave.
16. Employees transferring, without a break in service, between State agencies and/or State supported institutions of higher education which are covered by Ark Code Ann. § 21-4-205(3) will retain all accumulated annual leave.
17. Lump Sum Termination/Death in Service Pay: Upon termination, resignation, or retirement, the AFC will pay the employee accrued, unused annual leave in a lump sum. This lump sum will not exceed 30 days of annual, birthday and holiday leave.
18. No employee receiving such additional compensation will return to State employment until the number of days for which he/she received the additional compensation has expired. However, the employee may reimburse the AFC for the number of days paid but not yet expired and return to State employment. Such reimbursement will result in the appropriate number of days being reinstated to the employee's accrued annual leave.
19. If an AFC employee dies while actively employed by the AFC, the employee's estate or authorized beneficiary will receive payment for up to 60 days of unused annual, birthday and holiday leave accrued by the deceased at the time of death.
20. Sick Leave: Any employee who works a minimum of 1000 hours per year in a regular position accrues sick leave. Employees who work less than full time but more than 1000 hours per year accrue sick leave in the same proportion as time worked.
21. Employees accrue sick leave at the rate of one day for each complete month of service. One hundred-twenty days (960 hours) of sick leave may be carried forward to the succeeding calendar year.
22. Employees accrue one-half their monthly accrual of sick leave if employed on the first working day of the month and work through the 15th of that month. Employees accrue one-half their monthly accrual if employed on the 16th of the month and work through the last working day of that month. If the 16th falls on a weekend or holiday, accrual begins on the first working day after the 16<sup>th</sup>.
23. An employee may not accrue sick leave when on leave without pay of ten cumulative days within a calendar month.

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24. The first-half month accrual may not be used until transferred on the last day of the calendar month.
25. Sick leave may be used for only the following purposes. Sick leave used for any other reason is sick leave abuse.
  - A. when the employee is unable to work because of sickness or injury;
  - B. when the employee is receiving medical , dental, or optical treatment; or
  - C. for the death or serious illness of a member of the employee's immediate family. Immediate family is defined as the father, mother, sister, brother, spouse, child, grandparents, in-laws, or any individual acting as a parent or guardian of an employee. Serious illness is defined as illness, injury, or circumstances, which requires the employee to be present with the immediate family member to provide care.
26. Sick leave may be charged against FMLA entitlements.
27. Employees are not entitled to payment for accrued and unused sick leave when they terminate their employment, except as specified below:
28. Effective July 1,1999, upon retirement, any employee of any agency, as defined by these regulations, shall receive compensation for accumulated, unused sick leave as follows:
29. If the employee has accumulated at least fifty (50) days, but less than sixty (60) days of sick leave, the employee shall receive an amount equal to fifty percent (50%) of the number of accrued sick leave days (rounded to the nearest day) times fifty percent (50%) of the employee's daily salary.
30. If the employee has accumulated at least sixty (60) days, but less than seventy (70) days of sick leave, the employee shall receive an amount equal to sixty percent (60%) of the number of accrued sick leave days (rounded to the nearest day) times sixty percent (60%) of the employee's daily salary.
31. If the employee has accumulated at least seventy (70) days, but less than eighty (80) days of sick leave, the employee shall receive an amount equal to seventy percent (70%) of the number of accrued sick leave days (rounded to the nearest day) times seventy percent (70%) of the employee's daily salary.
32. If the employee has accumulated at least eighty (80) or more days of sick leave, the employee shall receive an amount equal to eighty percent (80%) of the number of accrued sick leave days (rounded to the nearest day) times eighty percent (80%) of the employee's daily salary. [For example: An employee retires with an accrued,

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unused sick leave balance of ninety (90) days and has a final daily salary of \$100. To calculate the sick leave incentive, multiply the ninety (90) days by eighty percent (80%) and multiply the result by \$80 (eighty percent (80%) of the \$100 final daily salary). Thus, the sick leave incentive in this example is \$5,760 (90 X .80 = 72; 72 X \$80 = \$5,760)].

33. For purposes of this section of the regulations, the employee's daily salary shall be determined by dividing the employee's base annual salary by two hundred and sixty (260).
34. In no event shall an employee receive a sick leave incentive amount that exceeds seven thousand five hundred dollars (\$7,500), upon retirement, as specified in Section 1 (e) of Act 1127 of 1999.
35. For purposes of this section of the regulations, during the time of employment with the state, paid sick leave used by an employee in accordance with the provisions of the Family and Medical Leave Act of 1993 (FMLA) shall not be charged against the employee's sick leave balance; provided, however, this subsection shall not change the manner in which paid sick leave used as FMLA leave is charged against the employee's sick leave balance for other purposes.
36. Effective July 1, 1999, upon retirement, employees who receive sick leave incentive payments as authorized by Act 1127 of 1999, may donate any remaining accumulated, unused sick leave to an agency's catastrophic leave bank program. Such sick leave donations at retirement to a catastrophic leave bank program shall be prorated amounts not to exceed the employee's accumulated unused sick leave balance reduced by the sick leave incentive amount received. To determine the prorated amount, the sick leave incentive amount received shall be converted into days/hours by dividing the retiring employee's sick leave incentive payment amount by, the retiring employee's final regular daily/hourly salary and subtracting the resulting amount from the employee's accumulated, unused sick leave balance.
37. Employees continue to earn sick leave at the normal accrual rate when they are on approved paid leave.
38. Sick leave is deducted for workdays, not calendar days. Non-work days, such as holidays and scheduled days off are not charged as sick leave.
39. Sick leave must be earned before it can be used. Employees may not use sick leave accrued by other employees except under the Catastrophic Leave guidelines (AFC Policy § 71). Sick leave is taken and recorded in increments of one-quarter (.25) hour, except leave taken in conjunction with worker's compensation, which is taken as a percentage.

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40. Absences due to sick leave except in the case of maternity leave will be charged in the following order: (1) earned sick leave, (2) earned annual leave, (3) leave without pay.
41. Employees who are on sick leave for five or more consecutive days (40 consecutive hours) must furnish a certificate of illness from an attending physician. This applies for both employee illness and illness of a family member. The employee must provide the certificate to the supervisor the first day the employee works after the absence. The supervisor may require a physician's certificate of illness from employees on sick leave for less than five days. An employee may submit a certificate from a Christian Science practitioner listed in The Christian Science Journal instead of a physician's certificate.
42. Requests to use sick leave for purposes of medical examinations, hospital stays, funerals, *et cetera*, should be made in advance.
43. The employee will give to his or her supervisor notice of absence due to illness when possible on the first day of absence.
44. Application for sick leave will be listed on the reverse side of employee's time sheet when the employee returns to work.
45. If an employee fails to make proper notification for use of sick leave as provided herein, such absences may be charged to annual leave or leave without pay. Such determination will be made at the supervisor's discretion.
46. Employees transferring, without a break in service, between State agencies and/or State supported institutions of higher education, that is covered by Ark. Code Ann. § 21-4-205(3) will retain all accumulated sick leave.
47. The AFC will restore accrued sick leave to an employee's credit if he or she returns to AFC employment within six months of termination if the employee was terminated due to budgetary reasons or curtailment of work activities.
48. When a health care provider authorizes an employee to return to work (temporary or permanent) on a limited or light duty status, the supervisor and Human Resources Administrator will determine if the AFC can make an accommodation for returning the employee to light duty.
49. Maternity/Paternity Leave: The AFC treats Maternity/Paternity leave for the birth of a child as any other leave for sickness or disability. The employee on maternity/paternity leave may take leave of absence without pay and without

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exhausting accumulated annual and sick leave. However, the employee is responsible for payment of his/her entire insurance premium, which includes AFC matching.

50. Workers' Compensation: Employees who are absent from work due to a temporary occupational injury or illness and who are entitled to Workers' Compensation benefits will use their accrued sick and annual leave as a supplement to such benefits.
51. The combination of Workers' Compensation benefits and leave pay will not exceed the employee's normal pay period salary.
52. Employees receiving Workers' Compensation benefits for permanent disability are eligible for full pay from both sources.
53. Leave Without Pay (LWOP): Employees may not take LWOP until they have exhausted all their annual leave, except in the cases of maternity/paternity leave and disciplinary LWOP. For maternity/paternity leave, an employee may take LWOP without exhausting accumulated annual and sick leave. In cases of disciplinary LWOP, the AFC may place an employee in LWOP status according to AFC disciplinary personnel policies.
54. The State Forester may grant continuous LWOP for a period, which will not exceed six months.
55. An employee who accumulates ten consecutive or non-consecutive days of LWOP during any one calendar month loses the leave accrual (annual and sick) for that month only. The annual leave that is lost due to LWOP is based on the rate of accrual authorized for that employee.
56. Employees may continue to participate in group insurance programs during the period of LWOP. Employees who choose this option must pay the total cost (employee deduction and employer matching) of the coverage.
57. The AFC will fully reinstate employees in insurance programs when they return to duty.
58. Employees on Workers' Compensation may continue their group insurance during the period of LWOP by paying employee premium. The AFC pays the matching premium.
59. The AFC will reinstate the employee with full rights when returning from LWOP. An employee who is on LWOP and returns within the required six months

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continues to accumulate service toward the next rate in the leave accrual schedule just as the employee who had never gone on LWOP. A returning employee's leave accrual rate will not be affected by periods of LWOP, nor will the time of entitlement to a change in leave accrual rate be adjusted because of LWOP. If the position the employee left is no longer available due to a budgetary reduction in staff, the employee will have no rights and cannot be reinstated.

60. The employee's eligibility date will not change. Any raise in pay can be delayed beyond the anniversary date for a like period.
61. The AFC may dismiss employees if they fail to report to work promptly at the expiration of the period of LWOP. However, the AFC may accept satisfactory reasons provided by the employee before the date to return to work and extend the leave period accordingly.
62. Military Leave and Re-employment of Veterans: A regular full time employee who is drafted or called to active duty in the Armed Forces of the United States or who volunteers for military service will be placed on extended military LWOP. The AFC will reinstate all unused sick leave when employee returns to work. All unused annual leave must be paid to the employee before starting LWOP unless the employee is returning to active duty for specialized training as specified in paragraph 55.
63. Active Duty for the Purpose of Specialized Training: In cases where an employee volunteers or is ordered to active duty for the purpose of basic training and/or special training or any other combination of training deemed necessary by the military, the employee may be placed on LWOP during training unless the employee elects to use his or her accrued annual leave. The AFC gives this leave in addition to the 15 working days for annual military training. The employee retains eligibility rights, including accumulated annual leave (unless the above option has been exercised), and any sick leave during LWOP. The annual leave accrual rate will be calculated as though there had been no period of absence.
64. Regular full time employees who are members of the National Guard or any of the reserve branches of the U.S. Armed Forces will be granted 15 working days per calendar year for annual (summer) training requirements or other duties performed in an official duty status in any one year, plus necessary travel time. However, if travel is on a non-work day for which the employee is normally not paid, no additional compensation will be made. Travel time, if not clearly stated in the employee's military active duty orders, will be the actual travel time used based upon a copy of the travel voucher filed by the employee with the military, a copy of which the employee will furnish to his or her supervisor upon return to work. Other

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than specified above, or in paragraph 74, no absence from normal work time may be charged as Military Leave.

EXAMPLE

State employee uses eleven (11) days military leave during calendar year 1998, and is ordered by the military to report to official duty status for 30 days in 1999. The employee may be paid for 19 days during 1999 and placed on LWOP or annual leave for the remainder of the 30 days.

In the above example, the employee accumulated four days of unused military leave and those days were added to the fifteen days eligibility for 1999 for a total of nineteen days available for use in calendar year 1999.

65. The employee must attach a copy of his or her orders to each request for military leave.
66. The employee's position is protected for as long as the employee is required to remain on active duty. The AFC will reinstate him, to the position vacated or an equivalent position, if the employee returns to the AFC within:
  - 8 hours after discharge if served for fewer than 31 days,
  - 14 days after discharge if served more than 30 but less than 181 days, or
  - 90 days after discharge if served more than 180 days.
67. Time spent on military duty will count a time worked toward length of service, eligibility for career service recognition payments, and annual leave accrual rate for annual leave.
68. Annual and sick leave will not accrue while employee is on military leave.
69. At the request of the employee, the employee may continue their health and life insurance by paying premiums by the due date. Contact AFC Human Resources Office. Employees who discontinue their health insurance while on military leave may re-enroll upon return to work with no waiting period or pre-existing conditions.
70. For retirement benefit purposes, the period of military leave will count the same as active service. Upon return to state employment, the AFC will contribute its portion of the employee's salary to the retirement system.
71. Effective August 12, 2005, employees that have a service-connected disability verified by the U.S. Department of Veterans Affairs and are required by that agency to be reexamined or treated for the disability are eligible for a paid leave of absence not to exceed six days during any one calendar year.

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72. Former employees returning to the AFC after military service, but who extended their enlistment or re-enlisted for additional military service beyond the initial period for more than a period of four years (or five, when re-enlistment was at the request of the military) will lose all reinstatement rights and will be considered a rehire.
73. Regular full-time employees who are called to active duty in emergencies as declared by the Governor or President will be granted leave with pay. The period of leave with pay will not exceed thirty working days. Periods beyond the thirty-day limit may be charged to annual leave at employee's option and, if necessary, leave without pay.
74. Military leave for emergencies is granted in addition to annual military leave for training purposes and normal vacation time.
75. The Veterans Benefits Improvement Act of 2004, Public Law 108-454, was signed by President George W. Bush on December 10, 2004. It provides for the following:
- Modification of the entitlement charge for military members pursuing training under On the Job or Apprenticeship program. Entitlements will now be charged proportionately based on the monthly benefit rate amount paid rather than one full month for each month of training.
  - Temporary increase for military members in the benefit payable in an On the Job or Apprenticeship program. The monthly benefit has been increased by 10%
  - Extends the Educational Assistance eligibility period from 10 to 20 years for surviving spouses of military members who die on active duty
  - Allows military to use their benefits to cover the amount charged for college entrance exams.
  - Extends the maximum coverage of employer-sponsored health care for military members called to active duty from 18 to 24 months. This will only apply if the military member has chosen to continue their employer-sponsored health care program for any of their dependents during the period of time they are on active duty. The maximum amount that an employee who elects to continue health care coverage can be charged is 102% of the full premium under the plan. Employees absent for less than 31 days cannot be charged more than the employee's share of the cost.

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- Requires employers to provide employees with notice of their rights, benefits and obligations by posting the notice of USERRA rights in an area where other employee notices are posted.
76. Court and Jury Leave: An employee who serves as a juror or is subpoenaed as a witness to give a deposition in a court or hearing, not involving personal litigation or service as a paid expert witness outside the scope of state employment, is entitled to receive full compensation for time spent in the actual court process. If the employee provides reasonable notice to the AFC of the required proceedings, the employee will not be subject to discharge from employment, loss of annual or sick leave days or accrual rates, or any other form of penalty. (Arkansas Code Annotated §§ 21-4-213 & 21-5-104) amended 7/1/2003).
77. Court and jury leave will not be considered annual leave.
78. Educational Leave: A regular employee who is given out service training may be granted educational leave by the State Forester on the following conditions:
- A. The employee agrees to continue in the service of the AFC for a period at least twice the length of his/her course of training.
  - B. Any employee who does not fulfill these obligations will be required to pay the AFC the total cost, or a proportionate share of the cost, of the out-service training and compensation paid during the training period.
  - C. The employee and the State Forester will sign a written contract setting forth all terms of the agreement.
  - D. The employee will retain all rights in the position held at the time when leave was granted or in one of comparable pay.
  - E. The amount of the salary paid during the training period will be as agreed on by the employee and the State Forester. The salary may not exceed the regular salary paid to the employee.
  - F. Any training program entered into will be directly job related and a specific need identified within the AFC in which the incumbent must possess the educational requirements designated.
  - G. Request for educational leave will be evaluated on an individual basis and will be determined by the State Forester.
  - H. Out-service training is defined as being enrolled as a full-time student by the cooperating educational institution's definition of full time student.
79. Compensatory Time Leave: The AFC retains all rights established by the Fair Labor Standards Act. Compensatory time leave is defined as time earned for work performed in excess of forty hours in the workweek. Compensatory time leave may not be earned in less than fifteen-minute increments.

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80. All employees performing qualifying non-exempt work within a workweek will accrue compensatory time leave at the rate of one and one-half times the number of hours worked in excess of 40 hours.
81. Compensatory time leave must be earned before an employee can use it. Employees may use compensatory time in increments of one-quarter (.25) hours.
82. An employee on compensatory time leave will be paid at his/her current base rate.
83. Compensatory time leave may be used instead of annual leave or sick leave.
84. Employees will request to use earned compensatory time leave by completing a request for leave form.
85. The supervisor may grant the leave request at such time or times as will least interfere with the efficient operation of the AFC. Compensatory leave may be used in conjunction with Workers' Compensation after all sick leave has been used.
86. Children's Educational Activity Leave: Employees are entitled to eight hours of children's educational activity leave per calendar year for the purpose of engaging in and traveling to and from the educational activities or interscholastic activities of child, regardless the number of children. Any unused leave *may not* be carried over to the next calendar year and *is not* compensable at retirement or resignation.
87. A Child is a person enrolled in pre-kindergarten through grade 12, including a home-schooled student.
88. Employees eligible for Children's Educational Activity Leave are those employees with a natural child, adopted child, stepchild, foster child, grandchild, ward of the state employee by virtue of the state employee's having been appointed the person's legal guardian or custodian, or any other legal capacity where the state employee is acting as a parent for the child.
89. A Child includes a person who meets the criteria above this section but is over eighteen (18) years of age, declared legally incompetent, or has a developmental disability.
90. Developmental Disability is a person that (A)(1) is attributable to mental retardation, cerebral palsy, spina bifida, down syndrome, epilepsy, or autism; (2)

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is attributable to any other condition of a person found to be closely related to mental retardation because the condition results in an impairment of general intellectual functioning or adaptive behavior similar to that of a person with mental retardation or requires treatment and services similar to that required for a person with mental retardation; or (3) is attributable to dyslexia resulting from a disability described in (A)(1) or (A)(2); (B) originates before the person attains the age of twenty-two (22) years; (C) has continued or can be expected to continue indefinitely; and (D) constitutes a substantial handicap to the person's ability to function without appropriate support services, including, but not limited to, planned recreational activities, medical services such as physical therapy and speech therapy, and possibilities for sheltered employment or job training.

91. Educational activity means any school-sponsored activity which includes:
- A. Attending a parent-teacher conference
  - B. Participation in school-sponsored tutoring of the child
  - C. Participation in a volunteer program sponsored by the school in which the child is enrolled
  - D. Attending a field trip with the child
  - E. Attending a school-sponsored program or ceremony in which the child is participating
  - F. Attending a graduation or homecoming ceremony in which the child is participating
  - G. Attending an awards or scholarship presentation in which the child is participating
  - H. Attending a parents' or grandparents' breakfast in which the child is participating
  - I. Attending a classroom party in which the child is participating
  - J. Attending a school committee meeting of the school in which the child is enrolled
  - K. Attending an academic competition in which the child is participating
  - L. Attending an athletic, music, or theater program in which the child is enrolled
  - M. Engaging in any of the activities listed above that are connected with a pre-kindergarten program
92. Home-schooled student: A student legally enrolled in an Arkansas home school.
93. Interscholastic activity: An activity between schools subject to regulations of the Arkansas Activities Association that is outside the regular curriculum of a school

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district, including without limitation an athletic activity, a fine arts program, or a special interest club or group; and taught by an individual with a minimum of a high school diploma.

94. Prekindergarten: means an educational and child development program that is designed to prepare children who are at least three (3) years of age for an academic kindergarten program.
95. Resident School: The school to which the student would be assigned by the resident school district in which the home-schooled student's parent resides.
96. State Agency: An agency, bureau, board or commission of any branch of state government and all state-supported institutions of higher education.
97. State Employee: A full-time employee of the State of Arkansas or any branch, department, board, bureau, commission, or state-supported institution of higher education.
98. A home-schooled student shall not participate in interscholastic activities at a public school other than the student's resident school.
99. Procedure: Form A70.100 is copied to reverse side of all AFC Time Sheets and all leave must be listed and approved by supervisor.
100. AFC Timekeepers are responsible for balancing any time entry discrepancies to balance employee leave monthly. Form A70.200 may be used to facilitate this procedure.
101. Repeal: This revised Employee Leave Policy § 70 supersedes all earlier versions of AFC § 70 and interpretive memoranda, which are hereby repealed.