

**Arkansas Legislative Council Report
For Emergency Review of
Requests From the Arkansas Department of Environmental Quality
May 15, 2015**

On May 5, 2015 Representative David L. Branscum, Co-Chair, and Senator Bill Sample, Co-Chair of the Arkansas Legislative Council and Senator Uvalde Lindsey and Representative Lanny Fite, Co-Chairs of the Uniform Personnel Classification and Compensation Plan Subcommittee of the Arkansas Legislative Council, received written notification from Mr. Larry Walther, Chief Fiscal Officer of the State, that review of two requests from the Arkansas Department of Environmental Quality (ADEQ) required immediate action. The request from ADEQ was for the establishment of Special Entry Rates for two individuals to be hired as the ADEQ Air Division Manager and the ADEQ Assistant Air Division Manager. These Special Entry Rates will allow the agency to pay up to the maximum pay level for each classifications pay grade.

Under Rule 17 of the Rules of the Arkansas Legislative Council, the Co-Chairs of Legislative Council and the Co-Chairs of the Uniform Personnel Classification and Compensation Plan Subcommittee of the Arkansas Legislative Council unanimously determined that emergency review of the requests from the Arkansas Department of Environmental Quality are necessary to enable the agency to perform essential services.

The Co-Chair and Co-Vice Chair of the Arkansas Legislative Council and Co-Chairs of the Uniform Personnel Classification and Compensation Plan Subcommittee of the Arkansas Legislative Council may act on behalf of the Legislative Council in regard to this request, and state herein that this request shall be filed as reviewed and reported to the Legislative Council at the next regularly scheduled meeting with accordance with Rule 17.

Respectfully Submitted,

Representative David L. Branscum, Co-Chair
Arkansas Legislative Council

Senator Bill Sample, Co-Chair
Arkansas Legislative Council

Representative Lanny Fite, Co-Chair
Personnel Subcommittee

Senator Uvalde Lindsey, Co- Chair
Personnel Subcommittee

ARKANSAS LEGISLATIVE COUNCIL

Officers

Senator Bill Sample

Senate Co-Chair

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House Co-Chair

Senator Terry Rice

Senate Co-Vice Chair

Representative Mark Lowery

House Co-Vice Chair



**Room 315, State Capitol Building
Little Rock, AR 72201**

Marty Garrity
Executive Secretary

Tel: 501-682-1937
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May 6, 2015

Ms. Becky Keogh, Director
Arkansas Department of Environmental Quality
5301 Northshore Drive
North Little Rock, AR 72118-5317

Dear Ms. Keogh:

This is to notify you that your emergency request for the Arkansas Department of Environmental Quality (ADEQ) has been approved.

The request from ADEQ was for the establishment of Special Entry Rates for two individuals to be hired as the ADEQ Air Division Manager and the ADEQ Assistant Air Division Manager. These Special Entry Rates will allow the agency to pay up to the maximum pay level for each classifications pay grade.

The emergency request will be reported to the Uniform Personnel Classification and Compensation Plan Subcommittee of the Arkansas Legislative Council on Wednesday, May 13, 2015 and to the Arkansas Legislative Council on Friday, May 15, 2015.

Sincerely,

A handwritten signature in black ink, appearing to read "David L. Branscum", written over a horizontal line.

Representative David L. Branscum, Co-Chair
Arkansas Legislative Council

A handwritten signature in black ink, appearing to read "Bill Sample", written over a horizontal line.

Senator Bill Sample, Co-Chair
Arkansas Legislative Council

A handwritten signature in black ink, appearing to read "Lanny Fite", written over a horizontal line.

Representative Lanny Fite, Co-Chair
Personnel Subcommittee

A handwritten signature in black ink, appearing to read "Uvalde Lindsey", written over a horizontal line.

Senator Uvalde Lindsey, Co-Chair
Personnel Subcommittee

DLB/BS/LF/UL:vjf



STATE OF ARKANSAS
**Department of Finance
and Administration**

OFFICE OF PERSONNEL MANAGEMENT
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Post Office Box 3278
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Phone: (501) 682-1823
Fax: (501) 682-5104
<http://www.state.ar.us/dfa>

May 6, 2015

Senator Bill Sample, ALC Chairman
Representative David L. Branscum, ALC Co-Chairman
Senator Uvalde Lindsey, Co-Chairperson
Representative Lanny Fite, Co-Chairperson
Arkansas Legislative Council
State Capitol Building, Room 315
Little Rock, Arkansas 72201

Dear Co-Chairs:

This letter serves to amend the previous request letter from the Arkansas Department of Environmental Quality (ADEQ) and explain the nature of the emergency.

The Director of ADEQ is seeking emergency approval of the exceptionally well qualified special entry rate requests for Stuart Spencer, ADEQ Air Chief, grade C129, annual salary of \$86,072 and Timothy Cain, ADEQ Assistant Air/Water Division Manager, grade C127, annual salary of \$80,300 in which the two leadership roles in the Air Division are due to unprecedented federal requirements, including the April 4, 2015 issuance of the Federal Implementation Rule for Regional Haze, as well as proposed EPA actions. These include the revised Ozone Standards, Clean Power Plan rules, and SO2 non-attainment proposals for two counties in Arkansas. Timely and appropriate response to the Federal Rule (which has a 60 day comment period), as well as other proposed federal actions, will be critical to environmental and economic impact to citizens of Arkansas. Immediate action to fill these positions is also critical in order to increase effectiveness, productivity, and certainty in permitting actions important to the economic development goals of the state of Arkansas.

Approval of these requests would be greatly appreciated.

Sincerely,

Larry W. Walther
Director



STATE OF ARKANSAS
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and Administration**

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May 4, 2015

Senator Uvalde Lindsey, Co-Chairperson
Representative Lanny Fite, Co-Chairperson
Senator Bill Sample, Ex Officio
Representative David L. Branscum, Ex Officio
Arkansas Legislative Council
State Capitol Building, Room 315
Little Rock, Arkansas 72201

Dear Co-Chairs:

The Office of Personnel Management (OPM) is requesting emergency approval from the appropriate legislative committees for two requests received from the Arkansas Department of Environmental Quality (ADEQ) for a special entry rates for Mr. Tim Cain and Mr. Stuart Spencer.

ADEQ requests a special entry rate of \$80,300, which is the maximum of grade C127, on behalf of an exceptionally well-qualified applicant in the classification of G034C, ADEQ Assistant Air/Water Division Manager. Timothy Cain's background includes a bachelor's degree in chemical engineering, a professional engineer's license, and over 21 years of experience. This position is responsible for assisting the ADEQ Air Division Manager, concentrating in air permitting and overseeing inspections. It is also responsible for helping develop new policies regarding air permitting as it related to new rules and regulations created by the state and the Environmental Protection Agency. Mr. Cain has worked as a liaison with ADEQ for most of his career and has extensive experience in environmental engineering. His current annual salary is \$80,100.

Statewide, there is currently only one employee classified as ADEQ Assistant Air/Water Division Manager assigned to the Water Division. That employee has an annual salary of \$83,759 and 24.6 years of state service.

ADEQ has also requested a special entry rate of \$86,072, which is the maximum of grade C129, on behalf of an exceptionally well-qualified applicant in the classification of X004C, ADEQ Air Division Manager. Stuart Spencer's background includes a juris doctorate in law, licenses to practice law in Arkansas and New York, a bachelor's degree in political science, and over 14 years of experience in the legal sector, of which four years were spent working exclusively with the Air Division at ADEQ. This position is responsible for directly supervising 16 employees, planning, developing, coordinating, and directing the operations of the Air Division. Recently, the Environmental Protection Agency has proposed numerous new rules and regulations that will affect a large portion of the state either in permitting actions or with increased consumer pricing as a result of the increased cost to the industry. Mr. Spencer has worked exclusively with the Air

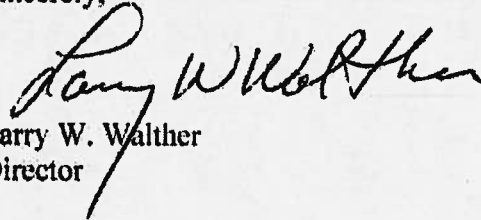
Senator Uvalde Lindsey, Co-Chairperson
Representative Lanny Fite, Co-Chairperson
Senator Bill Sample, Ex Officio
Representative David L. Branscum, Ex Officio
May 4, 2015
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Division for over four years in the legal department at ADEQ. His current annual salary is \$57,695.

Statewide, there are no employees classified as ADEQ Air Division Manager. The most recent employee in this classification retired on 02/07/2015 and had an annual salary of \$92,958 and 35.6 years of state service.

Approval of these requests would be greatly appreciated.

Sincerely,

A handwritten signature in black ink, appearing to read "Larry W. Walther". The signature is fluid and cursive, with a long horizontal stroke at the end.

Larry W. Walther
Director