



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

**D**  
**OFFICE OF BUDGET**  
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August 12, 2022

Senator Jonathan Dismang, Co-Chair  
Representative Michelle Gray, Co-Chair  
Performance Evaluation & Expenditure Review Committee  
Arkansas Legislative Council  
State Capitol Building  
Little Rock, AR 72201

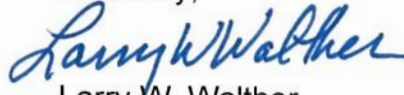
RE: FY 23 American Rescue Plan Act Request

Dear Co-Chairs:

Pursuant to Section 37 (02) of Act 199 of 2022, I am forwarding the attached American Rescue Plan Act request(s) that have received my approval as Chief Fiscal Officer of the State.

- Department of Parks, Heritage and Tourism – Division of State Parks –  
Amendment to previously approved detail plan \$0
- Arkansas Public Defender – Covid Relief Indigent Defense Program  
\$4,500,000
- Auditor of State – Deputy Prosecuting Attorneys – COVID Backlog Reduction  
Plan \$4,500,000

Sincerely,

  
Larry W. Walther  
Cabinet Secretary

LWW  
Attachment(s)

AMERICAN RESCUE PLAN ACT OF 2021 PROGRAM APPROPRIATION  
AND PERSONNEL AUTHORIZATION REQUEST  
SECTION 37 OF ACT 199 OF 2022

Agency: Arkansas Department of Parks, Heritage & Tourism Business Area Code: 0900

Program Title: Broadband infrastructure needs within Arkansas State Parks and Arkansas Welcome Centers

Granting Organization: American Rescue Plan Act of 2021 CFDA #: 21.027

Effective Date of Authorization: Beginning: 12/15/2021 Ending: 6/30/2023

Purpose of Grant / Reason for addition or change (include attachments as necessary to provide thorough information):  
Amendment to attached detail plan only.

D.1

American Rescue Plan Act Program Funding

Func. Area: REC Fund Code: FRP9002 Direct Funding: \_\_\_\_\_  
Funds Center: AP9 Internal Order/WBS Element: \_\_\_\_\_ Steering Comm. Approved: X  
Continuation: \_\_\_\_\_

	Program Funding Amount
Regular Salaries	
Extra Help	
Personal Services Matching	
Operating Expenses	
Conference & Travel Expenses	
Professional Fees	
Capital Outlay	
Data Processing	
Grants and Aid (CI: 04)	
Other:	
Other:	
Total	\$ -

Anticipated Duration of Federal Funds: 6/30/24

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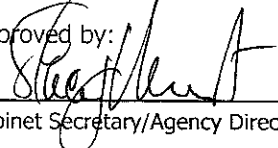
**DFA IGS State Technology Planning** **Date**  
Items requested for information technology must be in compliance with Technology Plans as submitted to DFA IGS State Technology Planning.

Positions to be established: (list each position separately)

\* unclassified positions only

Org Unit	Pers Area	Pers SubArea	Cost Center	Position Number	Cmnt Item	Position Title	Class Code	Grade	Line Item Maximum *

State funds will not be used to replace federal funds when such funds expire, unless appropriated by the General Assembly and authorized by the Governor.

Approved by:  7-26 Date  
Cabinet Secretary/Agency Director  
Robert Brech 07/26/22  
Office of Budget Date  
Office of Personnel Mgmt Date



Asa Hutchinson  
Governor  
Stacy Hurst  
Secretary

Business Area: 0900  
Fund Center: AP9  
Fund: FRP9002  
Functional Area: REC  
Commitment Item: 590:00:46  
RS

July 8, 2022

Mr. Larry W. Walther  
Secretary, Arkansas Department of Finance and Administration  
1509 West Seventh Street, Suite 401  
Little Rock, Arkansas 72201-3933

Dear Secretary Walther,

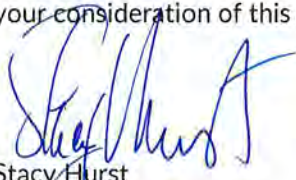
On December 13, 2021, the Arkansas Department of Parks, Heritage and Tourism received approval from the Arkansas American Rescue Plan Act Steering Committee for the use of \$2,483,890 in American Rescue Plan Act (ARPA) funds for implementation of broadband at 27 locations within Arkansas State Parks and Arkansas Welcome Centers. On December 17, 2021, the Arkansas Legislative Council approved use of the funds.

There are unused funds from the original request that was approved by the Arkansas American Rescue Plan Act Steering Committee and Arkansas Legislative Council because the construction cost for implementation of one of the broadband projects was less than the original bid. The project at Lake Catherine State Park was originally estimated to cost \$435,000. However, the project will cost approximately \$220,000 due to the provider obtaining easements that allowed for the use of a portion of existing conduit in the easement.

We are requesting the ability to use a portion of the \$215,000 in savings for other broadband projects within Arkansas State Parks. On June 13, 2022, the Arkansas Department of Parks, Heritage and Tourism presented and received approval from the Arkansas American Rescue Plan Act Steering Committee to use approximately \$6,000 of the above referenced funds on two additional broadband construction projects that were not included in the original request. These projects will benefit the state by providing service and safety to visitors, staff, and the surrounding communities. Below I have provided the project costs and locations of these two other projects.

State Park Location	City	Broadband Construction Cost
Region* Three Office	Wynne	\$3,000.00
Daisy State Park	Wynne	\$3,000.00
*There are 52 State Parks divided into six geographic regions throughout the state.		

Attached to this letter is a spreadsheet that shows the original approved project list and a status of each. Thank you for your consideration of this request.

  
Stacy Hurst  
Secretary  
State Historic Preservation Officer

LF

Attachment



**State Parks-ARPA Funded Broadband Projects**  
**Update, July 8, 2022**

Location	City	Estimated Cost	Actual Cost	Vendor	Fiber Speed	Status
Arkansas Post Museum	Gillett	\$4,500.00	\$4,500.00	CenturyLink	50M	Completed
Blytheville Welcome Center	Blytheville	\$0.00	\$0.00	Diamond State Networks	20M	Completed
Corning Welcome Center	Corning	\$0.00	\$0.00	Diamond State Networks	20M	Completed
Davidsonville Historic State Park	Pocahontas	\$5,000.00	\$5,000.00	Diamond State Networks	50M	Completed
Lake Charles State Park	Powhatan	\$7,500.00	\$7,500.00	Diamond State Networks	50M	Completed
Lake Fort Smith State Parks	Mountainburg	\$161,250.00	\$161,250.00	CenturyLink	100M	Completed
Lake Ouachita State Park	Mountain Pine	\$119,150.00	\$122,870.00	H&H Excavation	n/a	Completed
Lake Poinsett State Parks	Harrisburg	\$0.00	\$0.00	Diamond State Networks	50M	Completed
Lake Village Welcome Center	Lake Village	\$0.00	\$0.00	AT&T	20M	Completed
Parkin Archeological State Park	Parkin	\$0.00	\$0.00	Diamond State Networks	n/a	Completed
Prairie Grove Battlefield State Park	Prairie Grove	\$0.00	\$0.00	Cox	50M	Completed
Bentonville Welcome Center	Bella Vista	\$29,000.00		Diamond State Networks	20M	In Progress
Camp Ouachita	Perryville	\$83,579.00		Windstream	50M	Pending
Cosstatot State Park	Wickes	\$5,000.00		Diamond State Networks	50M	Pending
Crowley's Ridge State Park	Paragould	\$90,000.00		Diamond State Networks	n/a	Pending
Helena Welcome Center	Helena	\$25,040.00		Windstream	20M	In Progress
Lake Catherine State Park*	Hot Springs	\$435,079.11	\$169,795.61	AT&T	100M	In Progress
Lake Chicot State Park	Lake Village	\$79,068.70	\$79,188.32	Fleming Electric	n/a	Completed
Lake Sylvia	Perryville	\$30,204.79		Windstream	50M	Pending
Logoly State Park	McNeil	\$0.00		AT&T	20M	Pending
Mississippi River State Park Maintenance Shop	West Helena	\$688,000.00		Diamond State Networks	10M	Pending
Mount Magazine Lodge	Paris	\$400,000.00		Diamond State Networks	250M	In Progress
Mount Magazine Visitor Center					250M	
Red River Welcome Center	Texarkana	\$5,000.00		Diamond State Networks	20M	In Progress
Texarkana Welcome Center	Texarkana	\$21,517.68		Windstream	20M	Pending
Village Creek Pro Shop (The Ridges Golf Course)	Wynne	\$240,000.00		Diamond State Networks	50M	In Progress
Village Creek Visitor Center					50M	
White Oak Lake	Bluff City	\$55,000.00		Diamond State Networks	50M	Pending

\*AT&T provided the updated cost estimate, realizing substantial savings. Savings is from AT&T obtaining easements that allowed for the use of a portion of existing conduit in the easement.

AMERICAN RESCUE PLAN ACT OF 2021 PROGRAM APPROPRIATION  
AND PERSONNEL AUTHORIZATION REQUEST  
SECTION 37 OF ACT 199 OF 2022

D.2

Agency: Auditor of State - Deputy Prosecuting AttorneysBusiness Area Code: 0059

Program Title: Criminal Justice System COVID Backlog Reduction Plan

Granting Organization: American Rescue Plan Act 2021 AR Steering CommitteeCFDA #:

Effective Date of Authorization: Beginning: 08/01/2022Ending: 6/30/2023

Purpose of Grant / Reason for addition or change (include attachments as necessary to provide thorough information):

In response to the ongoing COVID-19 pandemic, the Supreme Court of Arkansas delivered a per curiam opinion on Mach 17, 2020 implementing emergency precautions to help the public from unnecessary risks. Even though the courts in the State of Arkansas suspended in person proceedings in all appellate, circuit, and district courts subject to certain exceptions, and judges and clerks were encouraged to use all available technology, and already crowded court docket in many jurisdictions became even more congested. This caused already large caseloads of Deputy Prosecuting Attorneys throughout the state to increase to unmanageable levels. Because of no in-person proceedings, criminal jury trials were suspended and negotiated pleas became non existent. Additional opinions extending the suspension of in-person proceedings led to increased backlog through May, 31, 2021. (See attached proposal)

American Rescue Plan Act Program Funding

Func. Area: CNSTFund Code: FRP0590Direct Funding:

Funds Center: AT6Internal Order/WBS Element: Steering Comm. Approved: xContinuation:

	Program Funding Amount
Regular Salaries	
Extra Help	
Personal Services Matching	
Operating Expenses	
Conference & Travel Expenses	
Professional Fees	
Capital Outlay	
Data Processing	
Grants and Aid (CI: 04)	
Other:	4500000
Other:	
Total	\$ 4500000

Anticipated Duration of Federal Funds: 12/31/2026

**DFA IGS State Technology Planning** **Date**  
Items requested for information technology must be in compliance with Technology Plans as submitted to DFA IGS State Technology Planning.

Positions to be established: (list each position separately)

Org Unit	Pers Area	Pers SubArea	Cost Center	Position Number	Cmnt Item	Position Title	Class Code	Grade	Line Item Maximum *

State funds will not be used to replace federal funds when such funds expire, unless appropriated by the General Assembly and authorized by the Governor.

Approved by: Bob McMahan8/10/22Robert Brech08/11/22

Cabinet Secretary/Agency Director DateOffice of Budget DateOffice of Personnel Mgmt Date

CAR

## State Fiscal Recovery Funds (SFRF) Proposal Application

Applicant Name Office of the Prosecutor Coordinator DUNS Number 07936083

Applicant Address 323 Center, Suite 750, Little Rock, AR 72201 TIN Number 71-0847446

Point of Contact Bob McMahan Authorized Person Bob McMahan

Address 323 Center, Suite 750, Little Rock, AR 72201

Phone number 501-682-3671

Email Address Bob.mcmahan@arkansas.gov

Amount of Request 4.5 Million

Project Title Criminal Justice System COVID Backlog Reduction Plan

Type of Proposal      Non-infrastructure ☒      Infrastructure ☐

## GENERAL QUESTIONS

1. **Executive Summary** - High-level overview of the applicant's intended and actual uses of funding including, but not limited to an applicant's plan for use of funds to promote a response to the pandemic and economic recovery. (50 to 250 words)

In response to the ongoing COVID-19 pandemic, the Supreme Court of Arkansas delivered a per curiam opinion on March 17, 2020 implementing emergency precautions to help the public from unnecessary risks. Even though the courts of the State of Arkansas suspended all in person proceedings in all appellate, circuit, and district courts subject to certain exceptions, and judges and clerks were encouraged to use all available technology, an already crowded court docket in many jurisdictions became even more congested. This caused already large caseloads of deputy prosecuting attorneys throughout the state to increase to unmanageable levels. Because of no in-person proceedings, criminal jury trials were suspended and negotiated pleas became non-existent. Additional per curiam opinions extending the suspension of in-person proceedings led to increased backlog through May 31, 2021.

As noted in the *Compliance and Reporting Guidance*, Appendix 2, evidence-based refers to interventions with strong or moderate levels of evidence.

- Strong evidence means the evidence base that can support causal conclusions for the specific program proposed by the applicant with the highest level of confidence. This consists of one or more well-designed and well-implemented experimental studies conducted on the proposed program with positive findings on one or more intended outcomes.
- Moderate evidence means that there is a reasonably developed evidence base that can support causal conclusions. The evidence base consists of one or more quasi-experimental studies with positive findings on one or more intended outcomes OR two or more nonexperimental studies with positive findings on one or more intended outcomes. Examples of research that meet the standards include well- designed and well-implemented quasi experimental studies that compare outcomes between the group receiving the intervention and a matched comparison group (i.e., a similar population that does not receive the intervention).
- Preliminary evidence means that the evidence base can support conclusions about the program's contribution to observed outcomes. The evidence base consists of at least one nonexperimental study. A study that demonstrates improvement in program beneficiaries over time on one or more intended outcomes OR an implementation (process evaluation) study used to learn and improve program operations would constitute preliminary evidence. Examples of research that meet the standards include: (1) outcome studies that track program beneficiaries through a service pipeline and measure beneficiaries' responses at the end of the program; and (2) pre- and post-test research that determines whether beneficiaries have improved on an intended outcomes.



2. Strategies for effective, efficient, and equitable outcomes – Describe any strategies employed to maximize programmatic impact and effective, efficient, and equitable outcomes. Given the broad eligible uses of funds, please explain how the funds would support communities, populations, or individuals. (50 to 250 words)

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Funding from state fiscal recovery funds will allow the State of Arkansas to hire additional licensed attorneys as Deputy Prosecuting Attorneys in Judicial Districts that continue to have a backlog of cases attributed to COVID-19. The Office of the Prosecutor Coordinator has surveyed all Elected Prosecutors in all 28 Judicial Districts to identify the need for additional deputies due to increased case filings and the failure to dispose of cases through trial or plea negotiations. The new Deputy Prosecuting Attorneys will focus their time and attention to cases specifically identified as COVID-19 caused backlog. (March 1, 2020, through May 31, 2021) The new positions will be assigned throughout the State of Arkansas as needed. Maintaining public safety is an important government service. These positions will be devoted to maintain public safety by addressing back-log in the criminal justice system. It is our intent to take violent individuals off the streets and therefore make our jurisdictions safer for our citizens.

The following questions should be answered based upon how you intend to verify/defend your answer above, in the event of an audit, regarding how your program is designed to promote equitable outcomes. Measurable goals will be included as part of the annual reporting requirements.

- 
- a. **Goals:** Are there particular historically underserved, marginalized, or adversely affected groups that you intend to serve within your jurisdiction? How will you measure equity regarding the number severed and equitable outcomes at the various stages of the program?

Prosecuting Attorneys and Deputy Prosecuting Attorneys represent the State of Arkansas and serve all victims of crime. All judicial districts showing increased caseloads due to COVID-19 backlog will benefit from this plan as well as victims in all jurisdictions by the increased numbers of prosecuting attorneys available to handle and prosecute their cases.

- b. **Awareness:** How equal and practical is the ability for residents or businesses to become aware of the services funded by the SFRF? How will you measure the way in which residents or businesses became aware of the service funded at the various stages of the program?



All victims of crime will have equal access to the benefits provided by the hiring of additional deputy prosecuting attorneys throughout the State of Arkansas. Every judicial district will have the same opportunity to request these additional positions.

**c. Access and Distribution:**

- a. Are there differences in levels of access to benefits and services across groups?

There should be no difference in levels of access to additional deputy prosecuting attorneys available to handle cases. The goal of prosecution is to seek justice for all victims of crime throughout the State of Arkansas.

- b. Are there administrative requirements that result in disparities in ability to complete applications or meet eligibility criteria?

There should be no disparities in the ability of crime victims in the State of Arkansas to receive assistance by the utilization of these additional positions to reduce the backlog in court dockets throughout the state.

- c. How do you intend to reach individuals without internet access?

Prosecuting Attorneys and their support staff, particularly victim witness coordinators, communicate on a daily basis with crime victims without internet access. U.S. mail, phone calls and pre-printed forms are utilized throughout the state for victim notification.

- d. **Outcomes:** Are intended outcomes focused on closing gaps, reaching universal levels of service, or disaggregating progress by race, ethnicity, and other equity dimensions where relevant for the policy objective?

Intended outcomes will focus on delivering services for all victims of crime.

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3. **Other Funds** -Will other federal recovery funds be required to cover a part of the cost of the proposal? Yes No X

*Note: Applicants are responsible for ensuring a duplication of benefits does not occur when multiple sources of funds are being used.*

- a. If yes, what is the source of these funds and how will it be used to support this proposal? Not applicable

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4. **Public Health** – Please describe how these funds will be used to respond to COVID-19 and the broader health impacts of COVID-19 and the COVID-19 public health emergency.

These funds will allow for additional Deputy Prosecuting Attorneys to be assigned to dispose of cases attributed to the shutdown of in person court proceedings from March 1, 2020 to May 31, 2021. The goal would be to close cases by jury trial or plea negotiation.

5. **Negative Economic Impacts** – Please describe how these funds will be used to respond to the negative economic impacts of the Covid-19 public health emergency, including to household and small businesses.  
The utilization of these additional positions will hopefully free up county jail space by disposing of cases of defendants housed in local jails. Dispositions may lead to the recovery of restitution to victims in appropriate cases as well as the collection of fines, fees, and costs for local jurisdictions.
6. **Services to Disproportionately Impacted Communities** – Please describe how funds are being used to provide services to communities disproportionately impacted by the Covid-19 public health emergency.  
All communities in the State of Arkansas should benefit from the additional positions because victims in each judicial district will get the justice they deserve as cases are closed.
7. **Community Engagement** - Please describe how your planned or current use of funds incorporates written, oral, and other forms of input that capture diverse feedback from constituents, community-based organizations, and the communities themselves. Where relevant, this description must include how funds will build the capacity of community organizations to serve people with significant barriers to services, including people of color, people with low incomes, limited English proficient populations, and other traditionally underserved groups.  
Because prosecuting attorneys represent all victims of crime, all citizens of the State of Arkansas will benefit from these additional positions. This would include people of color, those with low incomes, and those traditionally underserved.
8. **Premium Pay** -Please describe the approach, goals, and sectors or occupations served in any premium pay program. Describe how your approach prioritized low-income workers. (if applicable)  
Not applicable to the purpose of this application.
9. **Water, sewer, and broadband infrastructure** -Describe the approach, goals, and types of projects being pursued, if pursuing. (if applicable)  
Not applicable to the purpose of this application.

### Expenditure Categories

#### Expenditure Categories –

The U.S. Treasury has developed a set of expenditure categories to be used. There is a total of seven (7) expenditure categories (EC) with multiple subcategories. Under each appropriate expenditure category, dollar amounts should be entered at the subcategory level. The totals entered in the subcategory level should equal the amount requested for this proposal. See Tables EC1-EC7.

The table below identifies the possible expenditure categories that can be used for both non-infrastructure and infrastructure proposals. Please refer to this table to make sure you have answered the correct

Expenditure Category Table

Expenditure Category	Non-Infrastructure Proposal	Infrastructure Proposal	Non-Entitlement Reporting
EC 1 Public Health	X		
EC 2 Negative Economic Impacts	X		
EC3 Services to Disproportionately Impacted Communities	X		
EC 4 Premium Pay	X		
EC 5 Infrastructure		X	
EC 6 Revenue Replacement (do not use)	X		
EC 7 Administration (do not use)			X

### Performance Indicators and Programmatic Questions

While recipients have discretion on the full suite of performance indicators to include within a proposal, a number of mandatory performance indicators and programmatic data must be included. These are necessary to allow Treasury to conduct oversight as well as understand and aggregate program outcomes across recipients.

This section provides an overview of the mandatory performance indicators and programmatic data for each Expenditure Category:

- a. Household Assistance (EC 2.2 & 2.5) and Housing Support (EC 3.10-3.12):
  - Number of people or households receiving eviction prevention services (including legal representation)
  - Number of affordable housing units preserved or developed
- b. Negative Economic Impacts (EC 2):
  - Number of workers enrolled in sectoral job training programs
  - Number of workers completing sectoral job training programs
  - Number of people participating in summer youth employment programs
- c. Education Assistance (EC 3.1-3.5):
  - Number of students participating in evidence-based tutoring programs<sup>25</sup>
- d. Healthy Childhood Environments (EC 3.6-3.9):
  - Number of children served by childcare and early learning (pre-school/pre-K/ages 3-5)
  - Number of families served by home visiting

### **Data Entry**

Under each expenditure category, dollar amounts should be entered at the subcategory level. The totals entered in the subcategory level should equal the amount requested for this proposal. The U.S. Treasury has issued mandatory questions that must be answered for expenditure categories and expenditure subcategories if an amount is assigned to that subcategory.



EXPENDITURE CATEGORY TABLE 1

Expend- iture Category	Description	Amount	Required Programmatic Data Question	Data
1.1	COVID-19 Vaccination^			
1.2	COVID-19 Testing^			
1.3	COVID-19 Contact Tracing			
1.4	Prevention in Congregate Settings (Nursing Homes, Prisons/Jails, Dense Work Sites, Schools, etc.) *			
1.5	Personal Protective Equipment			
1.6	Medical Expenses (including Alternative Care Facilities)			
1.7	Capital Investments or Physical Plant Changes to Public Facilities that respond to the COVID-19 public health emergency			
1.8	Other COVID-19 Public Health Expenses (including Communications, Enforcement, Isolation/Quarantine)			
1.9	Payroll Costs for Public Health, Safety, and Other Public Sector Staff Responding to COVID-19		Number of government FTEs responding to COVID-19 supported under this authority	
1.10	Mental Health Services*			
1.11	Substance Use Services*			
1.12	Other Public Health Service			

\*Denotes areas where recipients must identify the amount of the total funds that are allocated to evidence-based interventions (Proposal Guidance Page 15,6)

^Denotes areas where recipients must report on whether projects are primarily serving disadvantaged communities (Proposal Guidance Page 18, d)

**EXPENDITURE CATEGORY TABLE 2**

<b>Expend- iture Category</b>	<b>Description</b>	<b>Amount</b>	<b>Required Programmatic Data Question</b>	<b>Data</b>
2.1	Household Assistance: Food Programs ^ *		<b>Household Assistance (EC 2.1-2.5):</b> <ul style="list-style-type: none"> <li>• Brief description of structure and objectives of assistance program(s) (e.g., nutrition assistance for low-income households)</li> <li>• Number of individuals served (by program if recipient establishes multiple separate household assistance programs)</li> <li>• Brief description of recipient's approach to ensuring that aid to households responds to a negative economic impact of</li> </ul>	
2.2	Household Assistance: Rent, Mortgage, and Utility Aid ^ *			
2.3	Household Assistance: Cash Transfers ^ *			
2.4	Household Assistance: Internet Access Programs ^ *			

2.5	Household Assistance: Eviction Prevention ^ *	Covid-19, as described in the Interim Final Rule	
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2.6	Unemployment Benefits or Cash Assistance to Unemployed Workers *			
2.7	Job Training Assistance (e.g., Sectoral job-training, Subsidized Employment, Employment Supports or Incentives) ^ *			
2.8	Contributions to UI Trust Funds			
2.9	Small Business Economic Assistance (General) ^ *		<p><b>Small Business Economic Assistance (EC 2.9):</b></p> <ul style="list-style-type: none"> <li>• Brief description of the structure and objectives of assistance program(s) (e.g., grants for additional costs related to Covid-19 mitigation)</li> <li>• Number of small businesses served (by program if recipient establishes multiple separate small businesses assistance programs)</li> <li>• Brief description of recipient's approach to ensuring that aid to small businesses responds to a negative economic impact of COVID-19, as described in the Interim Final Rule</li> </ul>	
2.10	Aid to Nonprofit Organizations *			



2.11	Aid to Tourism, Travel, or Hospitality		<p>Aid to Travel, Tourism, and Hospitality or Other Impacted Industries (EC 2.11-2.12):</p> <ul style="list-style-type: none"> <li>• If aid is provided to industries other than travel, tourism, and hospitality (EC 2.12), a description of pandemic impact on the industry and rationale for providing aid to the industry</li> <li>• Brief narrative description of how the assistance provided responds to negative economic impacts of the COVID-19 pandemic</li> <li>• For each subaward: <ul style="list-style-type: none"> <li>o Sector of employer (Note: additional detail, including list of sectors to be provided in a users' guide)</li> <li>o Purpose of funds (e.g., payroll support, safety measure implementation)</li> </ul> </li> </ul>	
2.12	Aid to Other Impacted Industries			

2.13	Other Economic Support ^ *			
2.14	Rehiring Public Sector Staff		Rehiring Public Sector Staff (EC 2.14): • Number of FTEs rehired by governments under this authority	

\*Denotes areas where recipients must identify the amount of the total funds that are allocated to evidence-based interventions (see Use of Evidence section above for details)

^Denotes areas where recipients must report on whether projects are primarily serving disadvantaged communities (see Project Demographic Distribution section above for details)

### EC3 - Services to Disproportionately Impacted Communities

EXPENDITURE CATEGORY TABLE 3

Expend- iture Category	Description	Amount	Required Programmatic Data Question	Data
3.1	Education Assistance: Early Learning ^ *		Education Assistance (EC 3.1-3.5): • The National Center for Education Statistics ("NCES") School ID or NCES District ID. List the School District if all schools within the school district received some funds. If not all schools within the school district received funds, list the School ID of the schools that received funds. These can allow evaluators to link data from the NCES to look at school-level demographics and, eventually, student performance. <sup>1</sup>	
3.2	Education Assistance: Aid to High-Poverty Districts ^ *			
3.3	Education Assistance: Academic Services ^ *			
3.4	Education Assistance: Social, Emotional, and Mental Health Services ^ *			
3.5	Education Assistance: Other ^ *			

<sup>1</sup> For more information on NCES identification numbers see <https://nces.ed.gov/ccd/districtsearch/> (districts) and <https://nces.ed.gov/ccd/schoolsearch/> (schools).

3.6	Healthy Childhood Environments: Child Care ^ *			
3.7	Healthy Childhood Environments: Home Visiting ^ *			
3.8	Healthy Childhood Environments: Services to Foster Youth or Families Involved in Child Welfare System ^ *			
3.9	Healthy Childhood Environments: Other ^ *			
3.10	Housing Support: Affordable Housing ^ *			
3.11	Housing Support: Services for Unhoused Persons ^ *			
3.12	Housing Support: Other Housing Assistance ^ *			
3.13	Social Determinants of Health: Other ^ *			
3.14	Social Determinants of Health: Community Health Workers or Benefits Navigators ^ *			
3.15	Social Determinants of Health: Lead Remediation ^			
3.16	Social Determinants of Health: Community Violence Interventions ^ *			

\*Denotes areas where recipients must identify the amount of the total funds that are allocated to evidence-based interventions (see Use of Evidence section above for details)

^Denotes areas where recipients must report on whether projects are primarily serving disadvantaged communities (see Project Demographic Distribution section above for details)

# **EC 4 - Premium Pay**

**EXPENDITURE CATEGORY TABLE 4**

Expend- iture Category	Description	Amount	Required Programmatic Data Question	Data
4.1	Public Sector Employees		<p>Premium Pay (both Public Sector EC 4.1 and Private Sector EC 4.2):</p> <ul style="list-style-type: none"> <li>• List of sectors designated as critical to the health and well-being of residents by the chief executive of the jurisdiction, if beyond those included in the Interim Final Rule (Note: a list of sectors will be provided in the forthcoming users' guide).</li> <li>• Number of workers to be served</li> <li>• Employer sector for all subawards to third-party employers (i.e., employers other than the State, local, or Tribal government) (Note: a list of sectors will be provided in the forthcoming users' guide).</li> <li>• For groups of workers (e.g., an operating unit, a classification of worker, etc.) or, to the extent applicable, individual workers, for whom premium pay would increase total pay above 150 percent of their residing State's average annual wage, or their residing county's</li> </ul>	
4.2	Private Sector: Grants to Other Employers			



			<p>average annual wage, whichever is higher, on an annual basis:</p> <ul style="list-style-type: none"> <li>o A brief written narrative justification of how the premium pay or grant is responsive to workers performing essential work during the public health emergency. This could include a description of the essential workers' duties, health or financial risks faced due to COVID-19, and why the recipient government determined that the premium pay was responsive to workers performing essential work during the pandemic. This description should not include personally identifiable information; when addressing individual workers, recipients should be careful not to include this information. Recipients may consider describing the workers' occupations and duties in a general manner as necessary to protect privacy</li> </ul>	
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\*Denotes areas where recipients must identify the amount of the total funds that are allocated to evidence-based interventions (see Use of Evidence section above for details)

^Denotes areas where recipients must report on whether projects are primarily serving disadvantaged communities (see Project Demographic Distribution section above for details)

## EC 5 - Infrastructure

Infrastructure projects have additional reporting and data gathering requirements.

Workforce practices on any infrastructure projects being pursued should provide information related to how are projects using strong labor standards to promote effective and efficient delivery of high-quality infrastructure projects while also supporting the economic recovery through strong employment opportunities for workers.

Please provide answers to the follow questions for all infrastructure projects:

- Projected/actual construction start date (month/year) \_\_\_\_\_
- Projected/actual initiation of operations date (month/year) \_\_\_\_\_
- Location (for broadband, geospatial location data) \_\_\_\_\_
- For projects over \$10 million:
  - a. A applicant may provide a Wage Reporting certification that, for the relevant project, all laborers and mechanics employed by contractors and subcontractors in the performance of such project are paid wages at rates not less than those prevailing, as determined by the U.S. Secretary of Labor in accordance with subchapter IV of chapter 31 of title 40, United States Code (commonly known as the "Davis-Bacon Act")<sup>2</sup>, for the corresponding classes of laborers and mechanics employed on projects of a character similar to the contract work in the civil subdivision of the State (or the District of Columbia) in which the work is to be performed, or by the appropriate State entity pursuant to a corollary State prevailing-wage-in-construction law (commonly known as "baby DavisBacon Acts").

Certification Provided Yes \_\_\_\_\_ or No \_\_\_\_\_

- b. If such certification is not provided, an applicant must provide a project employment and local impact report detailing:
  - Estimated number of employees of contractors and sub-contractors working on the project \_\_\_\_\_
  - Estimated number of employees on the project hired directly and hired through a third party \_\_\_\_\_
  - Wages and benefits of workers on the project by classification \_\_\_\_\_
  - Are those wages are at rates less than those prevailing \_\_\_\_\_

<sup>2</sup> Davis-Bacon and Related Acts | U.S. Department of Labor (dol.gov)

- c. An applicant may provide a certification that a project includes a project labor agreement, meaning a pre-hire collective bargaining agreement consistent with section 8(f) of the National Labor Relations Act (29 U.S.C. 158(f))<sup>3</sup>.

Certification Provided Yes \_\_\_\_\_ or No \_\_\_\_\_

- d. If the applicant does not provide such certification, the recipient must provide a project workforce continuity plan, detailing:

- How the applicant will ensure the project has ready access to a sufficient supply of appropriately skilled and unskilled labor to ensure high-quality construction throughout the life of the project? \_\_\_\_\_  
\_\_\_\_\_
- How the applicant will minimize risks of labor disputes and disruptions that would jeopardize timeliness and cost-effectiveness of the project? \_\_\_\_\_  
\_\_\_\_\_
- How the applicant will provide a safe and healthy workplace that avoids delays and costs associated with workplace illnesses, injuries, and fatalities? \_\_\_\_\_  
\_\_\_\_\_
- Will workers on the project receive wages and benefits that will secure an appropriately skilled workforce in the context of the local or regional labor market? \_\_\_\_\_  
\_\_\_\_\_
- Does the project have completed a project labor agreement? \_\_\_\_\_
- Does the project prioritize local hires? \_\_\_\_\_
- Does the project have a Community Benefit Agreement, with a description of any such agreement? \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

<sup>3</sup> National Labor Relations Act | National Labor Relations Board ([nlr.gov](http://nlr.gov))

# EXPENDITURE CATEGORY TABLE 5

Definitions for water and sewer Expenditure Categories can be found in the EPA's handbooks. For "clean water" expenditure category definitions, please see: <https://www.epa.gov/sites/production/files/2018-03/documents/cwdefinitions.pdf>. For "drinking water" expenditure category definitions, please see: <https://www.epa.gov/dwsrf/drinking-water-state-revolving-fund-national-information-management-system-reports>

Expenditure Category	Description	Amount	Required Programmatic Data Question	Data
5.1	Clean Water: Centralized Wastewater Treatment		Water and sewer projects (EC 5.1-5.15):  • National Pollutant Discharge Elimination System (NPDES) Permit Number (if applicable; for projects aligned with the Clean Water State Revolving Fund) • Public Water System (PWS) ID number (if applicable; for projects aligned with the Drinking Water State Revolving Fund)	
5.2	Clean Water: Centralized Wastewater Collection and Conveyance			
5.3	Clean Water: Decentralized Wastewater			
5.4	Clean Water: Combined Sewer Overflows			
5.5	Clean Water: Other Sewer Infrastructure			
5.6	Clean Water: Stormwater			
5.7	Clean Water: Energy Conservation			
5.8	Clean Water: Water Conservation			
5.9	Clean Water: Nonpoint Source			
5.1	Drinking water: Treatment			
5.11	Drinking water: Transmission & Distribution			
5.12	Drinking water: Transmission & Distribution: Lead Remediation			
5.13	Drinking water: Source			
5.14	Drinking water: Storage			



5.15	Drinking water: Other water infrastructure		
5.16	Broadband: "Last Mile" projects		<p>Broadband projects (EC 5.16-5.17):</p> <ul style="list-style-type: none"> <li>• Speeds/pricing tiers to be offered, including the speed/pricing of its affordability offering</li> <li>• Technology to be deployed</li> <li>• Miles of fiber</li> <li>• Cost per mile</li> <li>• Cost per passing</li> <li>• Number of households (broken out by households on Tribal lands and those not on Tribal lands) projected to have increased access to broadband meeting the minimum speed standards in areas that previously lacked access to service of at least 25 Mbps download and 3 Mbps upload</li> <li>• Number of households with access to minimum speed standard of reliable 100 Mbps symmetrical upload and download</li> <li>• Number of households with access to minimum speed standard of reliable 100 Mbps download and 20 Mbps upload</li> <li>• Number of institutions and businesses (broken out by institutions on Tribal lands and those not on Tribal lands) projected to have increased access to broadband meeting the minimum speed standards in areas that previously lacked access to service of at least 25 Mbps download and 3 Mbps upload, in each of the following categories: business, small business, elementary school, secondary school, higher education institution,</li> </ul>
5.17	Broadband: Other projects		

		library, healthcare facility, and public safety organization <ul style="list-style-type: none"> <li>Specify the number of each type of institution with access to the minimum speed standard of reliable 100 Mbps symmetrical upload and download; and o Specify the number of each type of institution with access to the minimum speed standard of reliable 100 Mbps download and 20 Mbps upload</li> </ul>	
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\*Denotes areas where recipients must identify the amount of the total funds that are allocated to evidence-based interventions (see Use of Evidence section above for details)

^Denotes areas where recipients must report on whether projects are primarily serving disadvantaged communities (see Project Demographic Distribution section above for details)

**EC 6 - Revenue Replacement (not to be used at this time)**

**EC 7 - Administrative DFA purposes only.**

Submitted by Bob McMahan, Prosecutor Coordinator

Printed Name and Title

Signature Bob McMahan

Date 4/28/22

AMERICAN RESCUE PLAN ACT OF 2021 PROGRAM APPROPRIATION  
AND PERSONNEL AUTHORIZATION REQUEST  
SECTION 37 OF ACT 199 OF 2022

D.3

Agency: Arkansas Public Defender Commission Business Area Code: 0324

Program Title: APDC Covid Relief Indigent Defense

Granting Organization: American Rescue Plan Act 221 of 2022 Section 2 CFDA #: \_\_\_\_\_

Effective Date of Authorization: \_\_\_\_\_ Beginning: 8/1/2022 Ending: 8/30/2023

Purpose of Grant / Reason for addition or change (include attachments as necessary to provide thorough information):

During the pandemic, by per curiam orders of the Arkansas Supreme Court, access to jury trials was suspended or extremely limited beginning on or about March 1, 2020 through May 31, 2021. Prior to this period of time, public defender caseloads across the state were already stretched beyond ethical standards. With access to in-person court proceedings, criminal jury trials were delayed and suspended. However, arrests for felony offenses continued on a daily basis, and in many areas across the state, violent felonies increased substantially. The limited number of public defender positions coupled with the staggering number of cases to which we are appointed and the inability to resolve cases through jury trial has resulted in full-time public defenders having anywhere from 300-400 active felony cases at any given time. Part-time public defenders are likewise carrying in excess of 150 felony cases. This unmanageable caseload creates hardships not only on the public defender and client, but also county budgets which fund the jails and court systems. See Attached Proposal

American Rescue Plan Act Program Funding

Func. Area: SFTY Fund Code: FRP3240 Direct Funding: \_\_\_\_\_

Funds Center: AT8 Internal Order/WBS Element: \_\_\_\_\_ Steering Comm. Approved: X

Continuation: \_\_\_\_\_

	Program Funding Amount
Regular Salaries	
Extra Help	
Personal Services Matching	
Operating Expenses	
Conference & Travel Expenses	
Professional Fees	
Capital Outlay	
Data Processing	
Grants and Aid (CI: 04)	
Other:	4,500,000
Other:	
Total	\$ 4,500,000

Anticipated Duration of Federal Funds: 12/30/2026


<b>DFA IGS State Technology Planning</b>	<b>Date</b>
Items requested for information technology must be in compliance with Technology Plans as submitted to DFA IGS State Technology Planning.	

Positions to be established: (list each position separately)

\* unclassified positions only

Org Unit	Pers Area	Pers SubArea	Cost Center	Position Number	Cmnt Item	Position Title	Class Code	Grade	Line Item Maximum *

State funds will not be used to replace federal funds when such funds expire, unless appropriated by the General Assembly and authorized by the Governor.

Approved by:  8/9/2022 Robert Brech 8/11/22

Cabinet Secretary/Agency Director Date Office of Budget Date Office of Personnel Management Date

K Bridges 08/10/22

# State Fiscal Recovery Funds (SFRF) Proposal Application

Applicant Name Arkansas Public Defender Commission\_\_\_\_\_DUNS Number\_\_\_\_\_

Applicant Address 101 E. Capitol Ave., Ste. 201, Little Rock, AR 72201\_\_\_\_\_TIN Number\_\_\_\_\_

Point of Contact \_\_\_\_Gregg E. Parrish\_\_\_\_\_Authorized Person\_\_Tracy Raney\_\_\_\_\_

Address \_\_\_\_\_Same as above\_\_\_\_\_Address \_\_Same as above\_\_\_\_\_

Phone number\_\_\_\_\_(501) 682-9070\_\_\_\_\_Phone Number\_\_\_\_\_

Email Address\_\_\_\_gregg.parrish@arkansas.gov\_\_\_\_\_Email Address\_\_tracy.raney@arkansas.gov\_\_\_\_\_

Amount of Request \_\_\_\_\_

Project Title \_\_\_\_Covid Relief Indigent Defense\_\_\_\_\_

Type of Proposal      Non-infrastructure\_\_\_\_\_Infrastructure\_\_\_\_\_

## GENERAL QUESTIONS

1. **Executive Summary** - High-level overview of the applicant's intended and actual uses of funding including, but not limited to an applicant's plan for use of funds to promote a response to the pandemic and economic recovery. *(50 to 250 words)*
- 

During the pandemic, by per curiam orders of the Arkansas Supreme Court, access to jury trials was suspended or extremely limited beginning on or about March 1, 2020 through May 31, 2021. Prior to this period of time, public defender caseloads across the state were already stretched beyond ethical standards. With access to in-person court proceedings, criminal jury trials were delayed and suspended. However, arrests for felony offenses continued on a daily basis, and in many areas across the state, violent felonies increased substantially. The limited number of public defender positions coupled with the staggering number of cases to which we are appointed and the inability to resolve cases through jury trial has resulted in full-time public defenders having anywhere from 300-400 active felony cases at any given time. Part-time public defenders are likewise carrying in excess of 150 felony cases. This unmanageable caseload creates hardships not only on the public defender and client, but also county budgets which fund the jails and court systems.

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These case numbers do not take into consideration the other court obligations of a public defender such as Probate Court (mental commitments, guardianships and APS cases), Juvenile Court (delinquencies and FINS cases), District Court (misdemeanor and traffic offenses which carry a possibility of incarceration), jail visitations (virtual), office consultations, pleadings practice, investigations, and travel from county to county. These added cases have likewise had a substantial impact on office staff who have time-sensitive obligations in assisting the attorneys.

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As noted in the *Compliance and Reporting Guidance*, Appendix 2, evidence-based refers to interventions with strong or moderate levels of evidence.

- Strong evidence means the evidence base that can support causal conclusions for the specific program proposed by the applicant with the highest level of confidence. This consists of one or more well-designed and well-implemented experimental studies conducted on the proposed program with positive findings on one or more intended outcomes.
- Moderate evidence means that there is a reasonably developed evidence base that can support causal conclusions. The evidence base consists of one or more quasi-experimental studies with positive findings on one or more intended outcomes OR two or more nonexperimental studies with positive findings on one or more intended outcomes. Examples of research that meet the standards include well- designed and well-implemented quasi experimental studies that compare outcomes between the group receiving the intervention and a matched comparison group (i.e., a similar population that does not receive the intervention).
- Preliminary evidence means that the evidence base can support conclusions about the program’s contribution to observed outcomes. The evidence base consists of at least one nonexperimental study. A study that demonstrates improvement in program beneficiaries over time on one or more intended outcomes OR an implementation (process evaluation) study used to learn and improve program operations would constitute preliminary evidence. Examples of research that meet the standards include: (1) outcome studies that track program beneficiaries through a service pipeline and measure beneficiaries’ responses at the end of the program; and (2) pre- and post-test research that determines whether beneficiaries have improved on an intended outcomes.

2. **Strategies for effective, efficient, and equitable outcomes** – Describe any strategies employed to maximize programmatic impact and effective, efficient, and equitable outcomes. Given the broad eligible uses of funds, please explain how the funds would support communities, populations, or individuals. (50 to 250 words)

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Funding would be used to acquire the assistance of licensed attorneys and qualified staff in either resolving the large number of cases either through plea, trial or dismissal with an emphasis being placed first on those defendants who are in custody. If an attorney is able to concentrate on cases where one is incarcerated, it is a great benefit to the local detention center who has daily costs associated with housing and medical care which comes from taxpayer dollars. Studies show the daily cost to house one inmate in a local facility range from \$35.00 to \$55.00 or higher. Having the ability to resolve even one case thirty (30) days earlier has a financial savings to a detention facility of anywhere from \$1,000 to \$1500. Multiply this amount by five (5) inmates, and now the savings range from \$5,000 to \$7500 on a monthly basis. Less money spent housing an inmate has a significant impact on county budgets.

Presently, public defenders are rarely able to resolve as many cases on a monthly basis compared to the number they are appointed to handle. It is not from lack of work, but due to the volume coming in and the number of attorney and staff positions which are allotted by the Arkansas Legislature.

The following questions should be answered based upon how you intend to verify/defend your answer above, in the event of an audit, regarding how your program is designed to promote equitable outcomes. Measurable goals will be included as part of the annual reporting requirements.

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- a. **Goals:** Are there particular historically underserved, marginalized, or adversely affected groups that you intend to serve within your jurisdiction? How will you measure equity regarding the number served and equitable outcomes at the various stages of the program?

The groups represented by the Arkansas Public Defender Commission are poor, often referred to as indigent. Many have physical or mental impairments and are dependent upon the government for their necessities in life. The Arkansas and U.S. Constitution guarantee a 6<sup>th</sup> Amendment right to counsel for someone who lacks the ability to retain one. Assuring the right to an attorney for a class of people who lack the funds to retain counsel is equitable in nature

- b. **Awareness:** How equal and practical is the ability for residents or businesses to become aware of the services funded by the SFRF? How will you measure the way in which residents or businesses became aware of the service funded at the various stages of the program?

Before one is appointed an attorney from the Arkansas Public Defender Commission, the charged offense must have the potential for a jail sentence. Then, a judge must review the sworn affidavit of the individual seeking legal assistance and make a determination that he/she lacks the resources to retain legal counsel.

- c. **Access and Distribution:**

- a. Are there differences in levels of access to benefits and services across groups?

There are no differences in levels of access to appointment of counsel. The only difference which could exist from person to person is the nature of the crime for which he/she is charged and the possible punishment. The level of zealous and ethical representation will remain the same despite the nature of the criminal charge.



Are there administrative requirements that result in disparities in ability to complete applications or meet eligibility criteria?

Education and the inability to speak the English language are impediments to some who seek appointed counsel, but they are not obstacles. Courts as well as public defender offices provide interpreters and assistance in completing the paperwork seeking the assistance of an attorney. However, timely improvement can be drastically made with the provision of addition funds for staff who can assist those with limitations who may be incarcerated. Funds for the use of interpreters will also expedite proceedings

b. How do you intend to reach individuals without internet access?

The Arkansas Public Defender Commission still relies heavily on the U.S. Mail as many of the clients to which we are appointed do not have internet access. Information as to one's right to counsel is also provided at an initial court appearance, called an 8.1 hearing. At every stage of a proceeding, contact information is confirmed with our clients and a message phone number is requested as it is very common for a client to run out of minutes on his/her prepaid phone. Pre-printed forms are also commonly used as a means of providing information to the general public about his/her right to court-appointed counsel.

**Outcomes:** Are intended outcomes focused on closing gaps, reaching universal levels of service, or disaggregating progress by race, ethnicity, and other equity dimensions where relevant for the policy objective?

The hopeful outcomes will be both closing gaps and reaching universal levels of service. However, progress on achieving these goals will never be accomplished without additional funds for adding attorney, staff, investigator and mental health assistance

**3. Other Funds** -Will other federal recovery funds be required to cover a part of the cost of the proposal? Yes\_\_\_\_\_ No\_\_\_\_x\_\_\_\_\_

*Note: Applicants are responsible for ensuring a duplication of benefits does not occur when multiple sources of funds are being used.*

a. If yes, what is the source of these funds and how will it be used to support this proposal?

\_\_\_\_\_  
\_\_\_\_\_

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4. **Public Health** – Please describe how these funds will be used to respond to COVID-19 and the broader health impacts of COVID-19 and the COVID-19 public health emergency.

Please see the description of use found in (1) Executive Summary, (2) Strategies for effective, efficient, and equitable outcomes and 2(d) Outcomes. Without funds to acquire additional assistance of attorneys, paralegals, and investigators, the delay in addressing the backlog of cases resulting from the pandemic will not be resolved for years.

5. **Negative Economic Impacts** – Please describe how these funds will be used to respond to the negative economic impacts of the Covid-19 public health emergency, including to household and small businesses.

As described herein, the ability to engage additional attorneys, staff and investigators to handle the criminal backlog of cases resulting from the pandemic will have a tremendous benefit to local government. We will have the ability to concentrate on cases in which the defendant remains incarcerated in a local detention facility which will have a financial benefit to the local government having to appropriate less moneys for the operation of the jail. It will allow the governing body to use those savings in other areas of county government which might not ordinarily receive the attention deserved

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6. **Services to Disproportionately Impacted Communities** – Please describe how funds are being used to provide services to communities disproportionately impacted by the Covid-19 public health emergency.

The funds will be used on a state-wide basis. The criminal justice system has been impacted in every county within the State of Arkansas, and no community should be neglected in this endeavor.

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7. **Community Engagement** - Please describe how your planned or current use of funds incorporates written, oral, and other forms of input that capture diverse feedback from constituents, community-based organizations, and the communities themselves. Where relevant, this description must include how funds will build the capacity of community organizations to serve people with significant barriers to services, including people of color, people with low incomes, limited English proficient populations, and other traditionally underserved groups.

As stated earlier herein, the Arkansas Public Defender Commission serves the groups noted herein. We daily represent people of color in all 75 counties, and by law, our clientele must qualify for our services which is based upon his/her assets and income. Those who do not meet

the statutorily required criteria of low or limited income and/or assets are not appointed to receive our services. Our state has a vast number of individuals who do not have English as their first language. We encounter large numbers of individuals in northwest, central and south Arkansas whose primary language is Spanish. Additionally, in northwest Arkansas, the Marshallese culture is prominent, and the Arkansas Public Defender Commission is appointed to represent clients daily. It is important to note there are two (2) dialects to the Marshallese language, and presently, we must use interpreters who are located outside the State of Arkansas.

There are several other dialects of individuals we are appointed to represent throughout the state including, but not limited to Vietnamese, Lao, Karen and sign. Funds will be used for attorney and interpreter services to expedite judicial proceedings as it is not unusual for an individual who does not speak English to remain incarcerated, unable to make bond

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8. **Premium Pay** -Please describe the approach, goals, and sectors or occupations served in any premium pay program. Describe how your approach prioritized low-income workers. (if applicable)

Preparer does not feel this information request is applicable to the Arkansas Public Defender Commission

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9. **Water, sewer, and broadband infrastructure** -Describe the approach, goals, and types of projects being pursued, if pursuing. (if applicable)

Preparer does not feel this information request is applicable to the Arkansas Public Defender Commission

### Expenditure Categories

Expenditure Categories –

The U.S. Treasury has developed a set of expenditure categories to be used. There is a total of seven (7) expenditure categories (EC) with multiple subcategories. Under each appropriate expenditure category, dollar amounts should be entered at the subcategory level. The totals entered in the subcategory level should equal the amount requested for this proposal. See Tables EC1-EC7.

The table below identifies the possible expenditure categories that can be used for both non-infrastructure and infrastructure proposals. Please refer to this table to make sure you have answered the correct

Expenditure Category Table

Expenditure Category	Non-Infrastructure Proposal	Infrastructure Proposal	Non-Entitlement Reporting
EC 1 Public Health	X		
EC 2 Negative Economic Impacts	X		
EC3 Services to Disproportionately Impacted Communities	X		
EC 4 Premium Pay	X		
EC 5 Infrastructure		X	
EC 6 Revenue Replacement (do not use)	X		
EC 7 Administration (do not use)			X

## **Performance Indicators and Programmatic Questions**

While recipients have discretion on the full suite of performance indicators to include within a proposal, a number of mandatory performance indicators and programmatic data must be included. These are necessary to allow Treasury to conduct oversight as well as understand and aggregate program outcomes across recipients.

This section provides an overview of the mandatory performance indicators and programmatic data for each Expenditure Category:

- a. Household Assistance (EC 2.2 & 2.5) and Housing Support (EC 3.10-3.12):
  - Number of people or households receiving eviction prevention services (including legal representation)
  - Number of affordable housing units preserved or developed
- b. Negative Economic Impacts (EC 2):
  - Number of workers enrolled in sectoral job training programs
  - Number of workers completing sectoral job training programs
  - Number of people participating in summer youth employment programs
- c. Education Assistance (EC 3.1-3.5):
  - Number of students participating in evidence-based tutoring programs<sup>25</sup>
- d. Healthy Childhood Environments (EC 3.6-3.9):
  - Number of children served by childcare and early learning (pre-school/pre-K/ages 3-5)
  - Number of families served by home visiting

## **Data Entry**

Under each expenditure category, dollar amounts should be entered at the subcategory level. The totals entered in the subcategory level should equal the amount requested for this proposal. The U.S. Treasury has issued mandatory questions that must be answered for expenditure categories and expenditure subcategories if an amount is assigned to that subcategory.

EXPENDITURE CATEGORY TABLE 1

Expend- iture Category	Description	Amount	Required Programmatic Data Question	Data
1.1	COVID-19 Vaccination^			
1.2	COVID-19 Testing^			
1.3	COVID-19 Contact Tracing			
1.4	Prevention in Congregate Settings (Nursing Homes, Prisons/Jails, Dense Work Sites, Schools, etc.) *			
1.5	Personal Protective Equipment			
1.6	Medical Expenses (including Alternative Care Facilities)			
1.7	Capital Investments or Physical Plant Changes to Public Facilities that respond to the COVID-19 public health emergency			
1.8	Other COVID-19 Public Health Expenses (including Communications, Enforcement, Isolation/Quarantine)			
1.9	Payroll Costs for Public Health, Safety, and Other Public Sector Staff Responding to COVID-19		Number of government FTEs responding to COVID-19 supported under this authority	
1.10	Mental Health Services*			
1.11	Substance Use Services*			
1.12	Other Public Health Service			

\*Denotes areas where recipients must identify the amount of the total funds that are allocated to evidence-based interventions (Proposal Guidance Page 15,6)

^Denotes areas where recipients must report on whether projects are primarily serving disadvantaged communities (Proposal Guidance Page 18, d)

EXPENDITURE CATEGORY TABLE 2

Expend- iture Category	Description	Amount	Required Programmatic Data Question	Data
2.1	Household Assistance: Food Programs ^ *		<b>Household Assistance (EC 2.1-2.5):</b> <ul style="list-style-type: none"> <li>• Brief description of structure and objectives of assistance program(s) (e.g., nutrition assistance for low-income households)</li> <li>• Number of individuals served (by program if recipient establishes multiple separate household assistance programs)</li> <li>• Brief description of recipient's approach to ensuring that aid to households responds to a negative economic impact of</li> </ul>	
2.2	Household Assistance: Rent, Mortgage, and Utility Aid ^ *			
2.3	Household Assistance: Cash Transfers ^ *			
2.4	Household Assistance: Internet Access Programs ^ *			



2.5	Household Assistance: Eviction Prevention ^ *	Covid-19, as described in the Interim Final Rule	
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2.6	Unemployment Benefits or Cash Assistance to Unemployed Workers *			
2.7	Job Training Assistance (e.g., Sectoral job-training, Subsidized Employment, Employment Supports or Incentives) ^ *			
2.8	Contributions to UI Trust Funds			
2.9	Small Business Economic Assistance (General) ^ *		<p>Small Business Economic Assistance (EC 2.9):</p> <ul style="list-style-type: none"> <li>• Brief description of the structure and objectives of assistance program(s) (e.g., grants for additional costs related to Covid-19 mitigation)</li> <li>• Number of small businesses served (by program if recipient establishes multiple separate small businesses assistance programs)</li> <li>• Brief description of recipient's approach to ensuring that aid to small businesses responds to a negative economic impact of COVID-19, as described in the Interim Final Rule</li> </ul>	
2.10	Aid to Nonprofit Organizations *			

2.11	Aid to Tourism, Travel, or Hospitality		<p>Aid to Travel, Tourism, and Hospitality or Other Impacted Industries (EC 2.11-2.12):</p> <ul style="list-style-type: none"> <li>• If aid is provided to industries other than travel, tourism, and hospitality (EC 2.12), a description of pandemic impact on the industry and rationale for providing aid to the industry</li> <li>• Brief narrative description of how the assistance provided responds to negative economic impacts of the COVID-19 pandemic</li> <li>• For each subaward: <ul style="list-style-type: none"> <li>o Sector of employer (Note: additional detail, including list of sectors to be provided in a users' guide)</li> <li>o Purpose of funds (e.g., payroll support, safety measure implementation)</li> </ul> </li> </ul>	
2.12	Aid to Other Impacted Industries			

2.13	Other Economic Support ^ *			
2.14	Rehiring Public Sector Staff		Rehiring Public Sector Staff (EC 2.14): • Number of FTEs rehired by governments under this authority	

\*Denotes areas where recipients must identify the amount of the total funds that are allocated to evidence-based interventions (see Use of Evidence section above for details)

^Denotes areas where recipients must report on whether projects are primarily serving disadvantaged communities (see Project Demographic Distribution section above for details)

### EC3 - Services to Disproportionately Impacted Communities

EXPENDITURE CATEGORY TABLE 3

Expend- iture Category	Description	Amount	Required Programmatic Data Question	Data
3.1	Education Assistance: Early Learning ^ *		Education Assistance (EC 3.1-3.5): • The National Center for Education Statistics (“NCES”) School ID or NCES District ID. List the School District if all schools within the school district received some funds. If not all schools within the school district received funds, list the School ID of the schools that received funds. These can allow evaluators to link data from the NCES to look at school-level demographics and, eventually, student performance. <sup>1</sup>	
3.2	Education Assistance: Aid to High-Poverty Districts ^ *			
3.3	Education Assistance: Academic Services ^ *			
3.4	Education Assistance: Social, Emotional, and Mental Health Services ^ *			
3.5	Education Assistance: Other ^ *			

<sup>1</sup> For more information on NCES identification numbers see <https://nces.ed.gov/ccd/districtsearch/> (districts) and <https://nces.ed.gov/ccd/schoolsearch/> (schools).

3.6	Healthy Childhood Environments: Child Care ^ *			
3.7	Healthy Childhood Environments: Home Visiting ^ *			
3.8	Healthy Childhood Environments: Services to Foster Youth or Families Involved in Child Welfare System ^ *			
3.9	Healthy Childhood Environments: Other ^ *			
3.10	Housing Support: Affordable Housing ^ *			
3.11	Housing Support: Services for Unhoused Persons ^ *			
3.12	Housing Support: Other Housing Assistance ^ *			
3.13	Social Determinants of Health: Other ^ *			
3.14	Social Determinants of Health: Community Health Workers or Benefits Navigators ^ *			
3.15	Social Determinants of Health: Lead Remediation ^			
3.16	Social Determinants of Health: Community Violence Interventions ^ *			

\*Denotes areas where recipients must identify the amount of the total funds that are allocated to evidence-based interventions (see Use of Evidence section above for details)

^Denotes areas where recipients must report on whether projects are primarily serving disadvantaged communities (see Project Demographic Distribution section above for details)

## EC 4 - Premium Pay

EXPENDITURE CATEGORY TABLE 4

Expend- iture Category	Description	Amount	Required Programmatic Data Question	Data
4.1	Public Sector Employees		<p>Premium Pay (both Public Sector EC 4.1 and Private Sector EC 4.2): • List of sectors designated as critical to the health and well-being of residents by the chief executive of the jurisdiction, if beyond those included in the Interim Final Rule (Note: a list of sectors will be provided in the forthcoming users' guide).</p> <ul style="list-style-type: none"> <li>• Number of workers to be served</li> <li>• Employer sector for all subawards to third-party employers (i.e., employers other than the State, local, or Tribal government) (Note: a list of sectors will be provided in the forthcoming users' guide).</li> <li>• For groups of workers (e.g., an operating unit, a classification of worker, etc.) or, to the extent applicable, individual workers, for whom premium pay would increase total pay above 150 percent of their residing State's average annual wage, or their residing county's</li> </ul>	
4.2	Private Sector: Grants to Other Employers			

			<p>average annual wage, whichever is higher, on an annual basis:</p> <ul style="list-style-type: none"> <li>o A brief written narrative justification of how the premium pay or grant is responsive to workers performing essential work during the public health emergency. This could include a description of the essential workers' duties, health or financial risks faced due to COVID-19, and why the recipient government determined that the premium pay was responsive to workers performing essential work during the pandemic. This description should not include personally identifiable information; when addressing individual workers, recipients should be careful not to include this information. Recipients may consider describing the workers' occupations and duties in a general manner as necessary to protect privacy</li> </ul>	
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\*Denotes areas where recipients must identify the amount of the total funds that are allocated to evidence-based interventions (see Use of Evidence section above for details)

^Denotes areas where recipients must report on whether projects are primarily serving disadvantaged communities (see Project Demographic Distribution section above for details)



## EC 5 - Infrastructure

Infrastructure projects have additional reporting and data gathering requirements.

Workforce practices on any infrastructure projects being pursued should provide information related to how are projects using strong labor standards to promote effective and efficient delivery of high-quality infrastructure projects while also supporting the economic recovery through strong employment opportunities for workers.

Please provide answers to the follow questions for all infrastructure projects:

- Projected/actual construction start date (month/year) \_\_\_\_\_
- Projected/actual initiation of operations date (month/year) \_\_\_\_\_
- Location (for broadband, geospatial location data) \_\_\_\_\_
- For projects over \$10 million:
  - a. A applicant may provide a Wage Reporting certification that, for the relevant project, all laborers and mechanics employed by contractors and subcontractors in the performance of such project are paid wages at rates not less than those prevailing, as determined by the U.S. Secretary of Labor in accordance with subchapter IV of chapter 31 of title 40, United States Code (commonly known as the “Davis-Bacon Act”)<sup>2</sup>, for the corresponding classes of laborers and mechanics employed on projects of a character similar to the contract work in the civil subdivision of the State (or the District of Columbia) in which the work is to be performed, or by the appropriate State entity pursuant to a corollary State prevailing-wage-in-construction law (commonly known as “baby DavisBacon Acts”).

Certification Provided Yes \_\_\_\_\_ or No \_\_\_\_\_

- b. If such certification is not provided, an applicant must provide a project employment and local impact report detailing:
  - Estimated number of employees of contractors and sub-contractors working on the project \_\_\_\_\_
  - Estimated number of employees on the project hired directly and hired through a third party \_\_\_\_\_
  - Wages and benefits of workers on the project by classification \_\_\_\_\_
  - Are those wages are at rates less than those prevailing \_\_\_\_\_

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<sup>2</sup> [Davis-Bacon and Related Acts | U.S. Department of Labor \(dol.gov\)](https://www.dol.gov/eis/whys/whys-davis-bacon-act)

- c. An applicant may provide a certification that a project includes a project labor agreement, meaning a pre-hire collective bargaining agreement consistent with section 8(f) of the National Labor Relations Act (29 U.S.C. 158(f))<sup>3</sup>.

Certification Provided Yes \_\_\_\_\_ or No \_\_\_\_\_

- d. If the applicant does not provide such certification, the recipient must provide a project workforce continuity plan, detailing:

- How the applicant will ensure the project has ready access to a sufficient supply of appropriately skilled and unskilled labor to ensure high-quality construction throughout the life of the project? \_\_\_\_\_  
\_\_\_\_\_
- How the applicant will minimize risks of labor disputes and disruptions that would jeopardize timeliness and cost-effectiveness of the project? \_\_\_\_\_  
\_\_\_\_\_
- How the applicant will provide a safe and healthy workplace that avoids delays and costs associated with workplace illnesses, injuries, and fatalities? \_\_\_\_\_  
\_\_\_\_\_
- Will workers on the project receive wages and benefits that will secure an appropriately skilled workforce in the context of the local or regional labor market? \_\_\_\_\_  
\_\_\_\_\_
- Does the project have completed a project labor agreement? \_\_\_\_\_
- Does the project prioritize local hires? \_\_\_\_\_
- Does the project have a Community Benefit Agreement, with a description of any such agreement? \_\_\_\_\_  
\_\_\_\_\_

<sup>3</sup> [National Labor Relations Act | National Labor Relations Board \(nlrb.gov\)](https://www.nlrb.gov)

# EXPENDITURE CATEGORY TABLE 5

Definitions for water and sewer Expenditure Categories can be found in the EPA’s handbooks. For “clean water” expenditure category definitions, please see: <https://www.epa.gov/sites/production/files/2018-03/documents/cwdefinitions.pdf>. For “drinking water” expenditure category definitions, please see: <https://www.epa.gov/dwsrf/drinking-water-staterevolving-fund-national-information-management-system-reports>

Expend- iture Category	Description	Amount	Required Programmatic Data Question	Data
5.1	Clean Water: Centralized Wastewater Treatment		Water and sewer projects (EC 5.1-5.15):  • National Pollutant Discharge Elimination System (NPDES) Permit Number (if applicable; for projects aligned with the Clean Water State Revolving Fund) • Public Water System (PWS) ID number (if applicable; for projects aligned with the Drinking Water State Revolving Fund)	
5.2	Clean Water: Centralized Wastewater Collection and Conveyance			
5.3	Clean Water: Decentralized Wastewater			
5.4	Clean Water: Combined Sewer Overflows			
5.5	Clean Water: Other Sewer Infrastructure			
5.6	Clean Water: Stormwater			
5.7	Clean Water: Energy Conservation			
5.8	Clean Water: Water Conservation			
5.9	Clean Water: Nonpoint Source			
5.1	Drinking water: Treatment			
5.11	Drinking water: Transmission & Distribution			
5.12	Drinking water: Transmission & Distribution: Lead Remediation			
5.13	Drinking water: Source			
5.14	Drinking water: Storage			

5.15	Drinking water: Other water infrastructure			
5.16	Broadband: “Last Mile” projects		<p>Broadband projects (EC 5.16-5.17):</p> <ul style="list-style-type: none"> <li>• Speeds/pricing tiers to be offered, including the speed/pricing of its affordability offering</li> <li>• Technology to be deployed</li> <li>• Miles of fiber</li> <li>• Cost per mile</li> <li>• Cost per passing</li> <li>• Number of households (broken out by households on Tribal lands and those not on Tribal lands) projected to have increased access to broadband meeting the minimum speed standards in areas that previously lacked access to service of at least 25 Mbps download and 3 Mbps upload</li> <li>• Number of households with access to minimum speed standard of reliable 100 Mbps symmetrical upload and download</li> <li>• Number of households with access to minimum speed standard of reliable 100 Mbps download and 20 Mbps upload</li> <li>• Number of institutions and businesses (broken out by institutions on Tribal lands and those not on Tribal lands) projected to have increased access to broadband meeting the minimum speed standards in areas that previously lacked access to service of at least 25 Mbps download and 3 Mbps upload, in each of the following categories: business, small business, elementary school, secondary school, higher education institution,</li> </ul>	
5.17	Broadband: Other projects			

			library, healthcare facility, and public safety organization <ul style="list-style-type: none"> <li>Specify the number of each type of institution with access to the minimum speed standard of reliable 100 Mbps symmetrical upload and download; and o Specify the number of each type of institution with access to the minimum speed standard of reliable 100 Mbps download and 20 Mbps upload</li> </ul>	
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^Denotes areas where recipients must report on whether projects are primarily serving disadvantaged communities (see Project Demographic Distribution section above for details)

**EC 6 - Revenue Replacement (not to be used at this time)**

**EC 7 - Administrative DFA purposes only.**

Submitted by \_\_\_\_\_

Printed Name and Title

Signature \_\_\_\_\_

Date \_\_\_\_\_