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Department of Transformation and Shared Services

Governor Asa Hutchinson

Secretary Amy Fecher

Director Kay Barnhill

August 18, 2020

The Honorable David Wallace, Co-Chairperson  
The Honorable Jim Wooten, Co-Chairperson  
Uniform Personnel Classification and  
Compensation Plan Subcommittee  
Arkansas Legislative Council  
State Capitol Building, Room 315  
Little Rock, Arkansas 72201

Dear Senator Wallace and Representative Wooten:

The Office of Personnel Management (OPM) submits a request authorize a hazardous duty differential in accordance with Ark. Code Ann. §21-5-221(c)(1). The requested differential will be utilized to address COVID-related conditions in the following locations:

Conway Human Development Center  
Boonville Human Development Center  
Jonesboro Human Development Center  
Arkadelphia Human Development Center  
Southeast Arkansas Human Development Center

Previously, these facilities were afforded extra payments under the CARES Act. However, there were no active cases until June 2020, at which point the funding under the CARES Act ended. Since the beginning of FY21, there has been an increase of 57% in positive cases and a 55% in quarantined staff and patients at the Conway Human Development Center alone. The department has sought to fill vacancies with contract workers, but vendors cannot provide the facilities with enough employees due to the shortage of healthcare workers. The department will only utilize this differential to pay staff who work shifts in which they provide direct care to COVID-positive patients. In the last 60 days, there have been 463 staff members at the human development centers that have been personally affected by COVID. As of July 31, there were 107 patients quarantined and 52 patients with active cases.

Although there is no way to project which facilities will have positive cases or how many employees will be quarantined, the department's maximum anticipated cost for this differential is \$318,000 per pay period, or \$8,268,000 annually, if applied to all five human development centers.

Office of Personnel Management

1509 West 7th Street, Suite 201 \* Little Rock, AR 72201 \* 501.682.1823

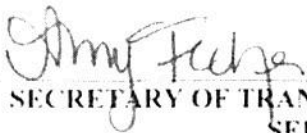
The Honorable David Wallace, Co-Chairperson  
The Honorable Jim Wooten, Co-Chairperson  
August 18, 2020  
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After review of the request, OPM **recommends** the approval of a hazardous duty differential for COVID-related purposes at the human development centers. OPM anticipates that this differential will end once the current public health emergency is over. Your consideration of this request is greatly appreciated.

Sincerely,



Kay Barnhill, Director  
Office of Personnel Management



SECRETARY OF TRANSFORMATION & SHARED  
SERVICES

08/04/2020  
DATE

KB'sd 1-2



## Office of Human Resources

P.O. Box 1437, Slot W301 · Little Rock, AR 72203-1437  
501-682-6455 · Fax: 501- 682-6553



August 4, 2020

Kay Barnhill, State Personnel Director  
Department of Finance and Administration  
Office of Personnel Management  
1509 West 7<sup>th</sup> Street  
Little Rock, Arkansas 72203

RE: Establishment of Hazardous Duty Differential for FY 2021

Ms. Barnhill:

In accordance with Act 981 of the 2019 Regular Session, section 21-5-221, the Department of Human Services is requesting permission to establish its use of Hazardous Duty Pay Differentials at the five Human Development Centers (Conway Human Development Center (CHDC), Booneville Human Development Center (BHDC), Jonesboro Human Development Center (JHDC), Arkadelphia Human Development Center (AHDC) and Southeast Arkansas Human Development Center (SEAHDC)) due to the increased cases of COVID positive or quarantined staff and clients.

Hazardous duty pay established for staff at the five Human Development Centers (HDC) pursuant to ACA 21-5-22 (c) (1) which states:

*Hazardous duty differential of up to ten percent (10%) may be authorized for the increased risk of personal physical injury for an employee occupying a certain identified high-risk position if the:*

- (A) Position classification is determined to be physically hazardous due to location; facility services provided, or other factors directly related to the duty assignment of the positions; and*
- (B) Employee's regularly assigned work schedule exposes him or her to clear, direct, and unavoidable hazards during at least fifty percent (50%) of the work time and the employee is not compensated for the hazardous exposure.*

In the last 60 days, there has been 463 staff at the HDC's that have been personally affected by COVID, either positive or quarantined. As of July 31, there are currently 107 patients quarantined and 52 patients with active cases. Since June 17, CHDC has had a 57% total increase in total positive COVID-19 cases and a 55% increase in total quarantined. This breakdown includes a 62% increase in employee positives; a 67% increase in employees quarantined; a 55% increase in resident positives and a 53% increase in residents quarantined. As public intermediate care facilities, there are federal regulations which specify minimum coverage ratios that must be maintained to ensure the health and safety of clients. These individuals are selflessly serving at increased risk to their own health.

The five HDC's are requesting, as needed, to pay staff who work shifts in which they are providing direct care to COVID positive patients up to ten percent (10%) for hazardous exposure. This would be

implemented just at facilities where there is a need. The maximum anticipated cost to the agency if 10% was applied to all 5 HDC's would be \$318,000 per pay period. Due to the present emergency, we request favorable approval.

Should further information be required, please contact me at (501) 320-6250.

Sincerely

A handwritten signature in blue ink that reads "Damian Hicks". The signature is written in a cursive style with a large initial "D".

Damian Hicks  
DHS Chief Human Resources Officer





Department of Transformation and Shared Services

Governor Asa Hutchinson

Secretary Amy Fecher

Director Kay Barnhill

August 18, 2020

The Honorable David Wallace, Co-Chairperson  
The Honorable Jim Wooten, Co-Chairperson  
Uniform Personnel Classification and  
Compensation Plan Subcommittee  
Arkansas Legislative Council  
State Capitol Building, Room 315  
Little Rock, Arkansas 72201

Dear Senator Wallace and Representative Wooten:

The Office of Personnel Management (OPM) submits a request authorize a hazardous duty differential in accordance with Ark. Code Ann. §21-5-221(c)(1). The requested differential will be utilized to address COVID-related conditions at the Arkansas State Hospital (ASH).

Previously, this facility was afforded extra payments under the CARES Act; CARES Act funding ended June 30, 2020. In the last 60 days, there have been 122 staff members that have been affected by COVID, either positive or quarantined. As of July 30, there were 45 patients quarantined and 18 patients with active cases. As a public health facility, there are federal regulations that specify minimum coverage ratios that must be maintained. The department has sought to fill vacancies with contract workers, but vendors cannot provide the facilities with enough employees due to the shortage of healthcare workers. The department will only utilize this differential to pay staff who work shifts providing direct care to COVID-positive patients. The department's maximum anticipated cost for this differential is \$23,567 per pay period, or \$612,742 annually, if applied to every position at ASH.

After review of the request, OPM **recommends** the approval of a hazardous duty differential for COVID-related purposes. OPM anticipates that this differential will end once the current public health emergency is over. Your consideration of this request is greatly appreciated.

Sincerely,

Handwritten signature of Kay Barnhill in black ink.

Kay Barnhill, Director  
Office of Personnel Management

Handwritten signature of Amy Fecher in black ink.

SECRETARY OF TRANSFORMATION & SHARED  
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August 4, 2020

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Department of Finance and Administration  
Office of Personnel Management  
1509 West 7<sup>th</sup> Street  
Little Rock, Arkansas 72203

RE: Establishment of Hazardous Duty Differential for FY 2021

Ms. Barnhill:

In accordance with Act 981 of the 2019 Regular Session, section 21-5-221, the Department of Human Services is requesting permission to establish its use of Hazardous Duty Pay Differentials at the Arkansas State Hospital due to the increased cases of COVID positive or quarantined staff and clients.

Hazardous duty pay established for the Arkansas State Hospital pursuant to ACA 21-5-22 (c) (1) which states:

*Hazardous duty differential of up to ten percent (10%) may be authorized for the increased risk of personal physical injury for an employee occupying a certain identified high-risk position if the:*

- (A) Position classification is determined to be physically hazardous due to location; facility services provided, or other factors directly related to the duty assignment of the positions; and*
- (B) Employee's regularly assigned work schedule exposes him or her to clear, direct, and unavoidable hazards during at least fifty percent (50%) of the work time and the employee is not compensated for the hazardous exposure.*

In the last 60 days, there has been 122 staff that have been personally affected by COVID, either positive or quarantined. As of July 30, there are currently 45 patients quarantined and 18 patients with active cases. As a public care facility, there are federal regulations which specify minimum coverage ratios that must be maintained to ensure the health and safety of clients. These individuals are selflessly serving at increased risk to their own health.

The Arkansas State Hospital is requesting, as needed, to pay staff 5.5% for hazardous exposure. Due to the present emergency, we request your favorable approval. Based on payroll, the anticipated cost could roughly be \$23,566.86 a pay period. There is no way to anticipate the overall cost due to the spread of this virus and how it will continue to affect these facilities.

Should further information be required, please contact me at (501) 320-6250.

Sincerely

A handwritten signature in blue ink that reads "Damian Hicks".

Damian Hicks  
DHS Chief Human Resources Officer