

1 **State of Arkansas**
2 **79th General Assembly**
3 **Regular Session, 1993**
4 **By: Joint Budget Committee**

A Bill

SENATE BILL 297

For An Act To Be Entitled

8 "AN ACT TO MAKE AN APPROPRIATION FOR PERSONAL SERVICES AND
9 OPERATING EXPENSES FOR THE WORKERS COMPENSATION COMMISSION
10 FOR THE BIENNIAL PERIOD ENDING JUNE 30, 1995; AND FOR
11 OTHER PURPOSES."

Subtitle

14 "AN ACT FOR THE WORKERS COMPENSATION COMMISSION APPROPRIATION."

16 *BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:*

18 *SECTION 1. REGULAR SALARIES. There is hereby established for the Workers Compensation Commission for the*
19 *1993-95 biennium, the following maximum number of regular employees whose salaries shall be governed by the provisions of the Uniform*
20 *Classification and Compensation Act (Arkansas Code 5521-5-201 et seq.), or its successor, and all laws amendatory thereto. Provided,*
21 *however, that any position to which a specific maximum annual salary is set out herein in dollars, shall be exempt from the provisions of said*
22 *Uniform Classification and Compensation Act. All persons occupying positions authorized herein are hereby governed by the provisions of the*
23 *Regular Salaries Procedures and Restrictions Act (Arkansas Code 521-5-101), or its successor.*

Item Class	No. Code Title	Maximum Annual	
		Maximum	Salary Rate
	No. of	Fiscal Years	
	Employees	1993-94	1994-95
(1) 9997 WK COMP COMMISSION CHAIRMAN	1	\$ 72,512	\$ 75,049
(2) 9991 WK COMP COMMISSIONER	2	\$ 71,304	\$ 73,799
(3) 8909 WCC CHIEF EXEC OFFICER	1	\$ 65,000	\$ 67,275
(4) 9808 WCC CHIEF ADMIN LAW JUDGE	1	\$ 64,052	\$ 66,293
(5) 9801 WCC DIRECTOR	1	\$ 64,052	\$ 66,293
(6) 9750 ADMINISTRATIVE LAW JUDGE	13	\$ 59,217	\$ 61,289

1	(7) 1273 WCC DEPARTMENT HEAD	8	GRADE 26
2	R038 ATTORNEY SUPERVISOR	1	
3	(8) R170 ATTORNEY SPECIALIST	3	GRADE 25
4	(9) R036 ATTORNEY	13	GRADE 24
5	(10) 7663 WK COMP PROGRAM MANAGER	13	GRADE 23
6	D080 APPLICATIONS & SYSTEMS MANAGER	3	
7	(11) 9093 PROGRAM SUPPORT MANAGER	1	GRADE 22
8	R472 WORKERS COMP DEP EXEC DIRECTOR	4	
9	R484 WC CLAIMS MANAGER	1	
10	(12) A116 RATE ANALYST 999	2	GRADE 21
11	A251 SR AUDITOR	3	
12	D123 APPLICATIONS & SYSTEMS ANALYST	1	
13	R356 INDUSTRIAL CONSULTANT	9	
14	(13) M116 UTILIZATION REVIEW NURSE	5	GRADE 20
15	R266 MANAGEMENT PROJECT ANALYST 99	2	
16	X323 WC COMPLIANCE OFFICER	1	
17	A006 ACCOUNTING SUPERVISOR	2	
18	R133 AGENCY DIRECTOR RESEARCH & STATS	1	
19	(14) R043 HEARING REPORTER	3	GRADE 19
20	R030 ASST PERSONNEL MANAGER	1	
21	(15) A111 ACCOUNTANT	1	GRADE 18
22	R264 MANAGEMENT PROJECT ANALYST 9	2	
23	D129 DATA PROCESSING COORDINATOR	1	
24	R204 PARALEGAL/LEGAL ASST	1	
25	(16) R010 ADMINISTRATIVE ASSISTANT 99	7	GRADE 17
26	R402 WC SELF INSURERS PROGRAM COORD	1	
27	X361 INSURANCE INVESTIGATOR	8	
28	R162 STATISTICAL/ANALYST/STATISTICAL 99	2	
29	(17) R440 BUSINESS CONTROLLER 99	1	GRADE 16
30	(18) 9051 STOREROOM SUPERVISOR	1	GRADE 15
31	R011 ADMIN SUPPORT SUPERVISOR	2	
32	R009 ADMINISTRATIVE ASSISTANT 9	31	
33	(19) R041 EXECUTIVE SECY/ADMINISTRATIVE SECY	1	GRADE 14
34	R079 MICRO-PHOTOGRAPHER SUPERVISOR	1	
35	(20) D003 COMPUTER OPERATOR 9	5	GRADE 13

1	K153 SECRETARY 99	12		
2	(21) K039 DOCUMENT EXAMINER 99	2	GRADE 12	
3	(22) K078 ARCHIVAL MICRO-PHOTOGRAPHER	1	GRADE 11	
4	K155 SECRETARY 9	1		
5	433) K087 DOCUMENT EXAMINER 9	5	GRADE 10	
6	K023 CLERK TYPIST	1		
7	(24) K015 OFFICE CLERK	2	GRADE 07	
8	MAX NO. OF EMPLOYEES	184		

10 SECTION 2. APPROPRIATIONS - ADMINISTRATION. There is hereby appropriated, to the Workers' Compensation
 11 Commission, to be payable from the Workers' Compensation Fund, for personal services and operating expenses of the Workers' Compensation
 12 Commission for the biennial period ending June 30, 1995, the following:

14 ITEM	FISCAL YEARS	
15 NO.	1993-94	1994-95
16 (01) REGULAR SALARIES	\$ 5,532,931	\$ 5,675,200
17 (02) PERSONAL SERVICES MATCHING	1,521,630	1,557,508
18 (03) MAINT. & GEN. OPERATION		
19 (A) OPER. EXPENSES	\$1,600,784	\$1,600,784
20 (B) CONF. & TRAVEL	96,096	96,096
21 (C) PROF. FEES	1,172,071	1,172,071
22 (D) CAPITAL OUTLAY	81,000	10,000
23 (E) DATA PROCESSING	10,000	10,000
24 TOTAL MAINT. & GEN. OPER.	2,959,951	2,888,951
25 (04) COMPUTER SOFTWARE/HARDWARE	1,000,000	0
26 TOTAL AMOUNT APPROPRIATED	<u>\$ 11,014,512</u>	<u>\$ 10,121,659</u>

29 SECTION 3. APPROPRIATIONS - CLAIMS. There is hereby appropriated, to the Workers Compensation Commission,
 30 to be payable from the Death and Permanent Total Disability Trust Fund, for death and total disability claims allowed by the Workers
 31 Compensation Commission for the biennial period ending June 30, 1995, the following:

33 ITEM	FISCAL YEARS	
34 NO.	1993-94	1994-95
35 (01) CLAIMS	<u>\$ 4,162,813</u>	<u>\$ 4,862,813</u>

1

2 *SECTION 4. APPROPRIATIONS - SECOND INJURY CLAIMS.* There is hereby appropriated, to the Workers
3 Compensation Commission, to be payable from the Second Injury Trust Fund, for payment of second injury claims for the biennial period
4 ending June 30, 1995, the following:

5

6	<i>ITEM</i>	<i>FISCAL YEARS</i>	
7	<i>NO.</i>	<i>1993-94</i>	<i>1994-95</i>
8	<i>(01) CLAIMS</i>	<u><i>\$ 3,000,000</i></u>	<u><i>\$ 3,000,000</i></u>

9

10 *SECTION 5. APPROPRIATIONS.* There is hereby appropriated, to the Workers Compensation Commission, to be payable
11 from the Death and Permanent Total Disability Trust Fund, for the purchase of annuities to fund the financial obligations of the Death and
12 Total Disability Trust Fund for the biennial period ending June 30, 1995, the following:

13

14	<i>ITEM</i>	<i>FISCAL YEARS</i>	
15	<i>NO.</i>	<i>1993-94</i>	<i>1994-95</i>
16	<i>(01) PURCHASE ANNUITIES</i>	<u><i>\$ 4,000,000</i></u>	<u><i>\$ 4,000,000</i></u>

17

18 *SECTION 6.* No monies appropriated by this Act, or Act 1046 of 1987, or any other Act shall be expended to fund preliminary
19 conferences held pursuant to Arkansas Code 11-9-102, 11-9-205, 11-9-501 - 503, 11-9-517, 11-9-521 - 522, 11-9-527, 11-9-701 -
20 704, 11-9-715, 11-9-802, 11-9-804 other than in the county where the accident occurred, if the same occurred in this State, the county of
21 the claimant's residence, or such other county as agreed to by the parties.

22

23 *SECTION 7. REGULAR SALARIES.* There is hereby established for the Workers' Compensation Commission for the 1991-93
24 ~~biennium, the following maximum number of regular employees whose salaries shall be governed by the provisions of the Uniform Classification~~
25 ~~and Compensation Act (Arkansas Code 5521-5-201 et seq.), or its successor, and all laws amendatory thereto, and which shall be~~
26 ~~supplemental and in addition to other regular employees previously approved by the 78th General Assembly by Section 2 of Act 1060 of 1991.~~
27 *Provided, however, that any position to which a specific maximum annual salary is set out herein in dollars, shall be exempt from the provisions*
28 *of said Uniform Classification and Compensation Act. All persons occupying positions authorized herein are hereby governed by the provisions*
29 *of the Regular Salaries Procedures and Restrictions Act (Arkansas Code 521-5-101), or its successor.*

30

31			<i>Maximum Annual</i>	
32			<i>Maximum</i>	<i>Salary Rate</i>
33	<i>Item Class</i>	<i>No. of</i>	<i>Fiscal Years</i>	
34	<i>No. Code Title</i>	<i>Employees</i>	<i>1992-1993</i>	
35	<i>(1) 8909 WCC CHIEF EXEC OFFICER</i>	<i>1</i>	<i>\$67,275</i>	
	<i>(2) 1273 WCC DEPARTMENT HEAD</i>	<i>1</i>	<i>GRADE 26</i>	

1	(3) R036 ATTORNEY	2	GRADE 24
2	(4) M116 UTILIZATION REVIEW NURSE	2	GRADE 20
3	(5) R009 ADMINISTRATIVE ASSISTANT	<u>1</u>	GRADE 15
4	MAX NO. OF EMPLOYEES	7	

6 SECTION 8. SUPPLEMENTAL APPROPRIATIONS - ADMINISTRATION. There is hereby appropriated
7 supplemental and in addition to previous appropriations authorized by the 78th General Assembly in Section 3 of Act 1060 of 1991, to the
8 Workers' Compensation Commission, to be payable from the Workers' Compensation Fund, for personal services and operating expenses of the
9 Workers' Compensation Commission for the biennial period ending June 30, 1993, the following:

10	ITEM	FISCAL YEARS	
11	<u>NO.</u>	<u>1991-92</u>	<u>1992-93</u>
12	(01) REGULAR SALARIES	\$ 0	\$ 60,000
13	(02) PERSONAL SERVICES MATCHING	0	13,000
14	(03) MAINT. & GEN. OPERATION		
15	(A) OPER. EXPENSE	\$ 0	\$ 0
16	(B) CONF. & TRVL.	0	0
17	(C) PROF. FEES	200,000	
18	(D) CAP. OUTLAY	5,000	
19	(E) DATA PROC.	<u>0</u>	<u>0</u>
20	TOTAL MAINT. & GEN. OPER.	0	205,000
21	(04) COMPUTER SOFTWARE/HARDWARE	<u>0</u>	<u>300,000</u>
22	TOTAL AMOUNT APPROPRIATED	<u>\$ 0</u>	<u>\$ 578,000</u>

24 SECTION 9. CARRY FORWARD. Any unexpended balance of appropriation approved for the purchase of computer software
25 and hardware by Item (04) in Section 2 of this Act, which remains at the close of the fiscal year ending June 30, 1994, shall be carried
26 forward and made available for the same purpose for the fiscal year ending June 30, 1995. In addition, any unexpended balance of
27 appropriation approved for the same purposes in Item (04) in Section 8 of this Act which remains at the close of the fiscal year ending June
28 30, 1993, shall be carried forward and made available for the same purpose for the fiscal year ending June 30, 1994.

30 SECTION 10. SPECIAL RATES OF PAY. Due to inability to attract and retain experienced professionals in the various
31 fields of workers' compensation law and insurance, the Workers' Compensation Commission is authorized to pay up to the maximum authorized
32 for the grade assigned for the classifications of positions listed below. This authority shall begin with approval of this Act by the Governor and
33 continue until June 30, 1995.

35 1273 WCC DEPARTMENT HEAD

- 1 *R170 ATTORNEY SPECIALIST*
- 2 *7663 WK COMP PROGRAM MANAGER*
- 3 *R472 WORKERS COMP DEP EXEC DIRECTOR*
- 4 *D123 APPLICATIONS & SYSTEMS ANALYST*
- 5 *M116 UTILIZATION REVIEW NURSE*
- 6 *X361 INSURANCE INVESTIGATOR*

7

8 *SECTION 11. FUND TRANSFER TO SUPPORT WORKERS' COMPENSATION FRAUD UNIT OF THE*
9 *STATE INSURANCE DEPARTMENT. One month before the beginning of any fiscal quarter, the Arkansas Insurance Commissioner*
10 *shall provide to the Arkansas Workers' Compensation Commission, the estimated funding need of the Workers' Compensation Fraud Unit of the*
11 *Insurance Department for the ensuing quarter. Such provided certification shall itemize each position to be utilized in the Fraud Unit and*
12 *funded by the Arkansas Workers' Compensation Commission and make estimates of all other budgetary line items necessary to provide support*
13 *to the Fraud Unit. This certification must deduct unexpended and unencumbered balances of the Workers' Compensation Fraud Unit from the*
14 *previous quarter, so that only the current need, excluding unexpended and unencumbered funds, is certified for fund transfer authorized herein.*
15 *On or before the first day of each fiscal quarter, the Arkansas Workers' Compensation Commission shall certify to the Chief Fiscal Officer of*
16 *the State that funds are available for transfer, upon which certification the Chief Fiscal Officer, the Arkansas State Treasurer and the*
17 *Auditor of State shall transfer those funds from the Workers' Compensation Fund of the Arkansas Workers' Compensation Commission to the*
18 *Fund Account used for the maintenance, operation, and support of the State Insurance Department Workers' Compensation Fraud Unit. The*
19 *sum of the four quarterly transfers in each fiscal year ending June 30 cannot exceed \$600,000.*

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21 *SECTION 12. Subsection (d) of Arkansas Code Annotated Section 11-9-305 is hereby repealed.*

22

23 *SECTION 13. The Workers' Compensation Commission shall contract with the Arkansas Department of Labor for the purpose of*
24 *providing Safety and Health Consultation and Training for Arkansas employers and employees from the appropriations provided in Section 2*
25 *Item 3(C) of this Act."*

26

27 *SECTION 14. COMPLIANCE WITH OTHER LAWS. Disbursement of funds authorized by this Act shall be limited to*
28 *the appropriation for such agency and funds made available by law for the support of such appropriations; and the restrictions of the State*
29 *Purchasing Law, the General Accounting and Budgetary Procedures Law, the Revenue Stabilization Law, the Regular Salary Procedures*
30 *and Restrictions Act, or their successors, and other fiscal control laws of this State, where applicable, and regulations promulgated by the*
31 *Department of Finance and Administration, as authorized by law, shall be strictly complied with in disbursement of said funds.*

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33 *SECTION 15. LEGISLATIVE INTENT. It is the intent of the General Assembly that any funds disbursed under the*
34 *authority of the appropriations contained in this Act shall be in compliance with the stated reasons for which this Act was adopted, as evidenced*
35 *by the Agency Requests, Executive Recommendations and Legislative Recommendations contained in the budget manuals prepared by the*

1 *Department of Finance and Administration, letters, or summarized oral testimony in the official minutes of the Arkansas Legislative Council or*
2 *Joint Budget Committee which relate to its passage and adoption.*

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4 *SECTION 16. CODE. All provisions of this Act of a general and permanent nature are amendatory to the Arkansas Code of*
5 *1987 Annotated and the Arkansas Code Revision Commission shall incorporate the same in the Code.*

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7 *SECTION 17. SEVERABILITY. If any provision of this Act or the application thereof to any person or circumstance is held*
8 *invalid, such invalidity shall not affect other provisions or applications of the Act which can be given effect without the invalid provision or*
9 *application, and to this end the provisions of this Act are declared to be severable.*

10

11 *SECTION 18. GENERAL REPEALER. All laws and parts of laws in conflict with this Act are hereby repealed.*

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13 *SECTION 19. EMERGENCY CLAUSE. It is hereby found and determined by the Seventy-Ninth General Assembly, that*
14 *the Workers' Compensation System is in dire need of change which will require budgetary increases to the Arkansas Workers' Compensation*
15 *Commission to effectively manage the changes to the workers' compensation law. An emergency is hereby declared to exist and this Act being*
16 *necessary for the immediate preservation of the public peace, health and safety shall be in full force and effect upon approval and signature by*
17 *the Governor.*

18

/s/ Senator Russ

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