

1 State of Arkansas
2 94th General Assembly
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4

As Engrossed: S4/25/24

A Bill

SENATE BILL 77

5 By: Senators B. Davis, F. Love
6 By: Representative Wooten
7

For An Act To Be Entitled

9 AN ACT TO AMEND THE UNIFORM CLASSIFICATION AND
10 COMPENSATION ACT; TO DECLARE AN EMERGENCY; AND FOR
11 OTHER PURPOSES.
12
13

Subtitle

15 TO AMEND THE UNIFORM CLASSIFICATION AND
16 COMPENSATION ACT; AND TO DECLARE AN
17 EMERGENCY.
18
19

20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
21

22 SECTION 1. TEMPORARY LANGUAGE. DO NOT CODIFY. MARKET ADJUSTMENT.

23 (a) An employee under the Uniform Classification and Compensation Act,
24 § 21-5-201 et seq., may receive a market adjustment to his or her base salary
25 that shall not exceed three percent (3%) of the employee's base salary.

26 (b) An employee shall not receive more than one (1) market adjustment
27 under this section.

28 (c) A market adjustment under this section may be awarded to an
29 employee whether or not the market adjustment would result in the salary for
30 the employee exceeding the maximum pay level for the grade assigned to the
31 employee's classification.

32 (d) This section is effective on and after July 1, 2024.

33 (e) This section expires June 30, 2025.
34

35 SECTION 2. Arkansas Code § 21-5-209(e), concerning the compensation
36 plan for state employees, is amended to read as follows:



1 (e)(1) The following grades and pay levels shall be authorized for the
 2 General Salaries pay table effective July 1, ~~2017~~ 2024, and thereafter, for
 3 the state service for all positions of state agencies covered by this
 4 subchapter to which a classification title and General Salaries salary grade
 5 have been assigned in accordance with this subchapter and the appropriation
 6 act of the state agency:

7

8 GENERAL SALARIES

9	GS1	\$22,880	<u>\$32,405</u>	\$27,390	<u>\$42,046</u>	\$31,900	<u>\$51,686</u>
10	GS2	\$23,335	<u>\$32,405</u>	\$28,585	<u>\$42,046</u>	\$33,836	<u>\$51,686</u>
11	GS3	\$26,034	<u>\$32,405</u>	\$31,892	<u>\$42,046</u>	\$37,749	<u>\$51,686</u>
12	GS4	\$29,046	<u>\$32,405</u>	\$35,581	<u>\$42,046</u>	\$42,117	<u>\$51,686</u>
13	GS5	\$32,405	<u>\$32,405</u>	\$39,696	<u>\$42,046</u>	\$46,987	<u>\$51,686</u>
14	GS6	\$36,155	\$44,290	<u>\$46,912</u>	\$52,425	<u>\$57,668</u>	
15	GS7	\$40,340	\$49,417	<u>\$52,342</u>	\$58,493	<u>\$64,343</u>	
16	GS8	\$45,010	\$55,137	<u>\$58,401</u>	\$65,265	<u>\$71,792</u>	
17	GS9	\$50,222	\$61,522	<u>\$65,164</u>	\$72,822	<u>\$80,105</u>	
18	GS10	\$56,039	\$68,648	<u>\$72,711</u>	\$81,257	<u>\$89,383</u>	
19	GS11	\$62,531	\$76,600	<u>\$81,134</u>	\$90,670	<u>\$99,737</u>	
20	GS12	\$69,776	\$85,476	<u>\$90,535</u>	\$101,175	<u>\$111,293</u>	
21	GS13	\$77,862	\$95,381	<u>\$101,026</u>	\$112,900	<u>\$124,190</u>	
22	GS14	\$86,887	\$106,437	<u>\$112,736</u>	\$125,986	<u>\$138,585</u>	
23	GS15	\$96,960	\$118,776	<u>\$125,806</u>	\$140,592	<u>\$154,652</u>	

24

25 (2) The following grades and pay levels shall be authorized for
 26 the Information Technology Salaries pay table, effective July 1, ~~2017~~ 2024,
 27 and thereafter, for the state service for all positions of state agencies
 28 covered by this subchapter to which a classification title and Information
 29 Technology Salaries salary grade have been assigned in accordance with this
 30 subchapter and the appropriation act of the state agency:

31

32 INFORMATION TECHNOLOGY SALARIES

33	IT1	\$33,403	\$40,919	<u>\$43,340</u>	\$48,434	<u>\$53,278</u>
34	IT2	\$37,266	\$45,651	<u>\$48,352</u>	\$54,035	<u>\$59,439</u>
35	IT3	\$41,578	\$50,933	<u>\$53,948</u>	\$60,288	<u>\$66,317</u>
36	IT4	\$46,391	\$56,829	<u>\$60,193</u>	\$67,267	<u>\$73,994</u>

1	IT5	\$51,762	\$63,408	<u>\$67,161</u>	\$75,054	<u>\$82,560</u>
2	IT6	\$57,755	\$70,750	<u>\$74,938</u>	\$83,745	<u>\$92,120</u>
3	IT7	\$64,445	\$78,945	<u>\$83,617</u>	\$93,445	<u>\$102,790</u>
4	IT8	\$71,704	\$87,837	<u>\$93,035</u>	\$103,970	<u>\$114,367</u>
5	IT9	\$80,242	\$98,297	<u>\$104,115</u>	\$116,351	<u>\$127,987</u>
6	IT10	\$89,541	\$109,688	<u>\$116,180</u>	\$129,835	<u>\$142,819</u>
7	IT11	\$99,920	\$122,402	<u>\$129,647</u>	\$144,884	<u>\$159,373</u>
8	IT12	\$111,504	\$136,592	<u>\$144,677</u>	\$161,681	<u>\$177,850</u>

9

10 (3) The following grades and pay levels shall be authorized for
 11 the Medical Professional Salaries pay table, effective July 1, ~~2017~~ 2024, and
 12 thereafter, for the state service for all positions of state agencies covered
 13 by this subchapter to which a classification title and Medical Professional
 14 Salaries salary grade have been assigned in accordance with this subchapter
 15 and the appropriation act of the state agency:

16

17 MEDICAL PROFESSIONAL SALARIES

18	MP1	\$63,830	\$75,958	<u>\$80,347</u>	\$88,058	<u>\$96,864</u>
19	MP2	\$71,403	\$85,683	<u>\$90,682</u>	\$99,964	<u>\$109,961</u>
20	MP3	\$79,879	\$96,654	<u>\$102,325</u>	\$113,428	<u>\$124,771</u>
21	MP4	\$89,368	\$109,029	<u>\$115,464</u>	\$128,690	<u>\$141,559</u>
22	MP5	\$99,991	\$122,989	<u>\$130,289</u>	\$145,987	<u>\$160,586</u>
23	MP6	\$111,884	\$138,736	<u>\$147,016</u>	\$165,588	<u>\$182,147</u>
24	MP7	\$125,200	\$156,500	<u>\$165,890</u>	\$187,800	<u>\$206,580</u>
25	MP8	\$140,109	\$176,537	<u>\$187,186</u>	\$212,966	<u>\$234,263</u>
26	MP9	\$156,804	\$199,140	<u>\$211,215</u>	\$241,478	<u>\$265,626</u>
27	MP10	\$175,620	\$224,033	<u>\$236,561</u>	\$270,455	<u>\$297,501</u>

28

29 (4) The following grades and pay levels shall be authorized for
 30 the Senior Executive Salaries pay table, effective July 1, ~~2017~~ 2024, and
 31 thereafter, for the state service for all positions of state agencies covered
 32 by this subchapter to which a classification title and Senior Executive
 33 Salaries salary grade have been assigned in accordance with this subchapter
 34 and the appropriation act of the state agency:

35

36 SENIOR EXECUTIVE SALARIES

1	SE1	\$108,110	\$127,655	<u>\$135,015</u>	\$147,200	<u>\$161,920</u>
2	SE2	\$120,543	\$138,822	<u>\$146,677</u>	\$157,100	<u>\$172,810</u>
3	SE3	\$134,406	\$150,703	<u>\$159,053</u>	\$167,000	<u>\$183,700</u>
4	SE4	\$149,862	\$165,681	<u>\$174,756</u>	\$181,500	<u>\$199,650</u>
5	SE5	\$167,096	\$184,398	<u>\$194,483</u>	\$201,700	<u>\$221,870</u>

6

7 SECTION 3. Arkansas Code § 21-5-214(d)(2), concerning compensation
8 plan provisions, is amended to read as follows:

9 (2)(A) An agency director may approve a special rate of pay under
10 subdivision (d)(1) of this section up to fifteen percent (15%) above the
11 entry pay level for the grade assigned to the classification and shall report
12 all actions under the office’s procedures.

13 (B) The office may approve a special rate of pay under
14 subdivision (d)(1) of this section above fifteen percent (15%) up to ~~thirty~~
15 ~~percent (30%)~~ forty percent (40%) above the entry pay level for the grade
16 assigned to the classification.

17 (C) The office may approve a special rate of pay pursuant to
18 subdivision (d)(1) of this section above ~~thirty percent (30%)~~ forty percent
19 (40%) up to the maximum pay level for the grade assigned to the
20 classification after review by the Legislative Council or, if the General
21 Assembly is in session, the Joint Budget Committee.

22

23 SECTION 4. Arkansas Code § 21-5-221(e), concerning compensation
24 differentials, is amended to read as follows:

25 (e) An additional ten percent (10%), but not to exceed a total of
26 twelve percent (12%), hazardous duty differential may be authorized for
27 employees occupying positions assigned to a maximum security unit or facility
28 if the ~~regularly assigned~~ work schedules expose employees ~~at least eighty-~~
29 ~~five percent (85%) of the work time~~ to clear, direct, and unavoidable hazards
30 from clients, inmates, or patients who are in units or facilities that are
31 classified as maximum security.

32

33 SECTION 5. Arkansas Code Title 21, Chapter 5, Subchapter 2, is amended
34 to add additional sections to read as follows:

35 21-5-227. Special compensation awards.

36 (a)(1) A state agency may provide a special compensation award to an

1 employee:

2 (A) To recognize the employee's outstanding performance in
3 successfully completing a significant project or job assignment or completing
4 a major project milestone; or

5 (B) Due to the assignment of temporary job
6 responsibilities for a period not to exceed six (6) months that:

7 (i) Are beyond the scope of work typically performed
8 by the employee; and

9 (ii) Have produced measurable results that enhance
10 the mission and goals of the state agency.

11 (2) The state agency shall determine whether to offer a special
12 compensation award and, if so, the type of special compensation award to
13 offer.

14 (b) A special compensation award may consist of:

15 (1) A lump-sum bonus payment not to exceed five thousand dollars
16 (\$5,000) per award;

17 (2)(A) Up to forty (40) hours of incentive leave that shall:

18 (i) Be used by the end of the calendar year
19 following the calendar year in which the award of incentive leave was made;
20 and

21 (ii) Not carry forward to the subsequent calendar
22 year.

23 (B) If an employee receives an award of incentive leave
24 under subdivision (b)(2)(A) of this section, the incentive leave shall:

25 (i) Expire if the employee resigns or is terminated
26 from employment before the end of the calendar year following the calendar
27 year in which the award of incentive leave was made; and

28 (ii) Not be liquidated by a lump-sum payment to the
29 employee when he or she separates from the state agency; or

30 (3)(A) A lump-sum payment of an employee's annual leave.

31 (B) A lump-sum payment under subdivision (b)(3)(A) of this
32 section shall:

33 (i) Not exceed forty (40) hours of annual leave;

34 (ii) Be paid at the employee's hourly rate; and

35 (iii) Not reduce the employee's combined balance of
36 annual leave, holiday leave, and birthday leave to less than eighty (80)

1 hours.

2 (c)(1)(A) A state agency wishing to provide special compensation
3 awards to employees shall prepare a written plan for administering special
4 compensation awards.

5 (B) The written plan under this subsection shall include:

6 (i) An explanation of how the special compensation
7 awards will be implemented;

8 (ii) A list of the classifications eligible for
9 special compensation awards;

10 (iii) Objective, measurable standards for the
11 selection of employees within the listed classifications under subdivision
12 (c)(1)(B)(ii) of this section who are eligible for a special compensation
13 award; and

14 (iv) A description of the special compensation
15 awards that may be provided to employees.

16 (2) The written plan under this subsection shall be reviewed by
17 the Office of Personnel Management.

18 (3) When the office has completed its review of the written plan
19 under subdivision (c)(2) of this section, the office shall refer the written
20 plan to the Legislative Council or, if the General Assembly is in regular
21 session, fiscal session, or extraordinary session, the Joint Budget
22 Committee, for its approval.

23 (4) A state agency shall not provide a special compensation
24 award before the approval of the state agency's written plan for
25 administering special compensation awards under subdivision (c)(3) of this
26 section.

27 (5) If the state agency amends the written plan following its
28 approval under subdivision (c)(3) of this section, it shall:

29 (A) Submit the amended written plan for review by the
30 office and approval by Legislative Council or the Joint Budget Committee in
31 the same manner provided by subdivisions (c)((1)-(3) of this section; and

32 (B) Not provide a special compensation award under the
33 provisions of the amended written plan before the approval of the state
34 agency's amended written plan.

35 (d)(1) After a state agency's written plan for administering special
36 compensation awards has been approved under subdivision (c)(3) of this

1 section, the state agency may submit a request for a special compensation
2 award to the office for approval.

3 (2) A request under subdivision (a)(1)(A) of this section shall
4 include the following:

5 (A) A description of the project or assignment prompting
6 the special compensation award;

7 (B) A description of the work that was completed as part
8 of the project or assignment;

9 (C) The name or names of the employee or employees who
10 would receive the special compensation award;

11 (D) A description of how the employee or employees were
12 selected for the project or assignment that prompted the request for the
13 special compensation award; and

14 (E) A description of the special compensation award that
15 would be provided to the employee or employees.

16 (3) A request under subdivision (a)(1)(B) of this section shall
17 include the following:

18 (A) A list of the regularly assigned job responsibilities
19 of the employee or employees;

20 (B) A list of the temporary job responsibilities assigned
21 to the employee or employees;

22 (C) The name or names of the employee or employees who
23 would receive the special compensation award;

24 (D) A description of how the employee or employees were
25 selected for the temporary job responsibilities that prompted the request for
26 the special compensation award; and

27 (E) A description of the special compensation award that
28 would be provided to the employee or employees.

29 (4) A request for a special compensation award under this
30 subsection shall be consistent with the written plan for administering
31 special compensation awards of the state agency.

32 (5) A state agency shall not provide a special compensation
33 award before the approval of the special compensation award by the office
34 under this subsection.

35 (e) A lump-sum special compensation award under this section shall be:

36 (1) Subject to withholding of all applicable state and federal

1 taxes; and

2 (2) Included by retirement systems in determining retirement
3 benefits.

4 (f)(1)(A) An employee shall not receive a special compensation award
5 under this section more than two (2) times in a biennium.

6 (B) The total compensation received from lump-sum bonus
7 payments under subdivision (b)(1) of this section during a biennium shall not
8 exceed ten thousand dollars (\$10,000).

9 (2) A special compensation award under this section may be
10 awarded to an employee whether or not the special compensation award would
11 result in the salary for the employee exceeding the maximum pay level for the
12 grade assigned to the employee's classification.

13 (3) An employee may receive a special compensation award and a
14 merit increase under § 21-5-1101 in the same fiscal year.

15 (g)(1) A special compensation award under this section is subject to a
16 state agency's ability to certify funding for a special compensation award.

17 (2) A state agency shall:

18 (A) Use existing funding for a special compensation award
19 under this section; and

20 (B) Not access the Performance Fund to provide a special
21 compensation award under this section.

22 (h) The office shall file monthly reports of special compensation
23 awards issued under this section with the Legislative Council or, if the
24 General Assembly is in regular session, fiscal session, or extraordinary
25 session, the Joint Budget Committee.

26 (i)(1) It is both necessary and appropriate that the General Assembly
27 maintain oversight by requiring prior approval of the Legislative Council or,
28 if the General Assembly is in regular session, fiscal session, or
29 extraordinary session, the Joint Budget Committee, as provided by this
30 section.

31 (2)(A) The requirement of approval by the Legislative Council or
32 the Joint Budget Committee under this section is not a severable part of this
33 section.

34 (B) If the requirement of approval by the Legislative
35 Council or the Joint Budget Committee under this section is found
36 unconstitutional by a court of competent jurisdiction, the entire section is

1 void.

2
3 21-5-228. Recruitment incentives.

4 (a)(1) A state agency may offer a recruitment incentive in connection
5 with an offer of employment to a prospective employee to assist with
6 recruitment efforts.

7 (2) The state agency shall determine whether to offer a
8 recruitment incentive and, if so, the type of incentive to offer.

9 (b) A recruitment incentive may consist of:

10 (1)(A) A bonus payment not to exceed five thousand dollars
11 (\$5,000).

12 (B) A bonus payment under subdivision (b)(1)(A) of this
13 section may be paid:

14 (i) In full to a prospective employee at the
15 beginning of his or her employment; or

16 (ii) In installments during the prospective
17 employee's required period of employment under subdivision (d)(1) of this
18 section; or

19 (2) Up to forty (40) hours of incentive leave that:

20 (A) Shall be used by the end of the calendar year
21 following the calendar year in which the prospective employee begins
22 employment with the state agency; and

23 (B) Shall not carry over to the subsequent calendar year.

24 (c) A person employed by the executive branch at the time of the offer
25 of employment is not eligible for a recruitment incentive under this section.

26 (d)(1) A person receiving a recruitment incentive under this section
27 shall commit to a required period of employment with the state agency.

28 (2) If the employee receives a recruitment incentive under this
29 section and voluntarily resigns or is terminated from employment with the
30 state agency before completing the required period of employment under
31 subdivision (d)(1) of this section, the following shall apply:

32 (A) If the employee received a bonus payment in full at
33 the beginning of his or her employment under subdivision (b)(1)(C)(i) of this
34 section, the employee shall repay the bonus payment to the state agency;

35 (B) If the employee is scheduled to receive a bonus
36 payment in installments under subdivision (b)(1)(C)(ii) of this section, the

1 employee shall:

2 (i) Repay to the state agency any installment
3 payments received before the date that the employee resigns or is terminated
4 from employment; and

5 (ii) Not receive the value of any installment
6 payments scheduled on or after the date the employee resigns or is terminated
7 from employment; and

8 (C) If the employee received an award of incentive leave
9 under subdivision (b)(2) of this section, the incentive leave shall:

10 (i) Expire when the employee resigns or is
11 terminated from employment; and

12 (ii) Not be liquidated by a lump-sum payment to the
13 employee when he or she separates from the state agency.

14 (3) If the employee does not repay a bonus payment under
15 subdivisions (d)(2)(A) or (d)(2)(B)(i) of this section within one hundred
16 eighty days (180) from the date the employee resigns or is terminated from
17 employment, the Revenue Division of the Department of Finance and
18 Administration may set off any refunds due the employee from the division by
19 the sum certified by the Office of Personnel Management as due and owing
20 under § 26-36-301 et seq.

21 (e)(1)(A) A state agency wishing to provide recruitment incentives to
22 prospective employees shall prepare a written plan for administering
23 recruitment incentives.

24 (B) The written plan under this subsection shall include:

25 (i) An explanation of how the recruitment incentives
26 will be implemented;

27 (ii) A list of the classifications eligible for
28 recruitment incentives; and

29 (iii) A description of the recruitment incentives
30 that may be provided to prospective employees.

31 (2) The written plan under this subsection shall be reviewed by
32 the office.

33 (3) When the office has completed its review of the written plan
34 under subdivision (e)(2) of this section, the office shall refer the written
35 plan to the Legislative Council or, if the General Assembly is in regular
36 session, fiscal session, or extraordinary session, the Joint Budget

1 Committee, for its approval.

2 (4) A state agency shall not provide a recruitment incentive
3 under this section before the approval of the state agency's written plan for
4 administering recruitment incentives under subdivision (e)(3) of this
5 section.

6 (5) If the state agency amends the written plan following its
7 approval under subdivision (e)(3) of this section, it shall:

8 (A) Submit the amended written plan for review by the
9 office and approval by Legislative Council or the Joint Budget Committee in
10 the same manner provided by subdivisions (e)((1)-(3) of this section; and

11 (B) Not provide a recruitment incentive under the
12 provisions of the amended written plan before the approval of the state
13 agency's amended written plan.

14 (f)(1) After a state agency's written plan for administering
15 recruitment incentives has been approved under subdivision (e)(3) of this
16 section, the state agency may submit a request for a recruitment incentive to
17 the office for approval.

18 (2) The request under subdivision (f)(1) of this section shall
19 include:

20 (A) The name of the prospective employee;

21 (B) A description of the position the prospective employee
22 would fill and his or her qualifications for the position;

23 (C) A description of the recruitment incentive that would
24 be provided to the prospective employee; and

25 (D) A specification of the required period of employment
26 for the prospective employee to retain the recruitment incentive.

27 (3) A request for a recruitment incentive under this subsection
28 shall be consistent with the written plan for administering recruitment
29 incentives of the state agency.

30 (4) A state agency shall not provide a recruitment incentive
31 before the approval of the recruitment incentive by the office under this
32 subsection.

33 (g) A bonus payment recruitment incentive under this section shall be:

34 (1) Subject to withholding of all applicable state and federal
35 taxes; and

36 (2) Included by retirement systems in determining retirement

1 benefits.

2 (h) A recruitment incentive under this section may be awarded to a
3 prospective employee whether or not the recruitment incentive would result in
4 the salary for the employee exceeding the maximum pay level for the grade
5 assigned to the employee's classification.

6 (i)(1) A recruitment incentive under this section is subject to a
7 state agency's ability to certify funding for a recruitment incentive.

8 (2) A state agency shall:

9 (A) Use existing funding for a recruitment incentive under
10 this section; and

11 (B) Not access the Performance Fund to provide a
12 recruitment incentive.

13 (j) The office shall file monthly reports of recruitment incentives
14 provided under this section with the Legislative Council or, if the General
15 Assembly is in regular session, fiscal session, or extraordinary session, the
16 Joint Budget Committee.

17 (k)(1) It is both necessary and appropriate that the General Assembly
18 maintain oversight by requiring prior approval of the Legislative Council or,
19 if the General Assembly is in regular session, fiscal session, or
20 extraordinary session, the Joint Budget Committee, as provided by this
21 section.

22 (2)(A) The requirement of approval by the Legislative Council or
23 the Joint Budget Committee under this section is not a severable part of this
24 section.

25 (B) If the requirement of approval by the Legislative
26 Council or the Joint Budget Committee under this section is found
27 unconstitutional by a court of competent jurisdiction, the entire section is
28 void.

29

30 SECTION 6. Arkansas Code § 21-5-1101 is amended to read as follows:

31 21-5-1101. Merit increase pay system – Definition.

32 (a)(1) The Department of Transformation and Shared Services is
33 authorized to develop and establish a merit increase pay system in accordance
34 with the performance evaluation process under § 21-5-1001 et seq. for
35 employees of all state agencies, boards, and commissions covered by the
36 Uniform Classification and Compensation Act, § 21-5-201 et seq.

1 (2)(A) The merit increase pay system shall be reviewed by the
2 Legislative Council or, if the General Assembly is in session, the Joint
3 Budget Committee.

4 (B) If the department amends the merit increase pay system
5 following its review under subdivision (a)(2)(A) of this section, it shall
6 submit the amended merit increase pay system for approval by the Legislative
7 Council or the Joint Budget Committee in the same manner provided by
8 subdivision (a)(2)(A) of this section.

9 (C) The department shall not implement an amended merit
10 increase pay system prior to the approval of the amended merit increase pay
11 system under subdivision (a)(2)(B) of this section.

12 (b) For the purpose of this subchapter, “merit increase pay system”
13 means a merit-based pay system that incorporates pay and performance
14 evaluation standards according to § 21-5-1001 et seq. and establishes
15 criteria for payments for employees who meet requisite performance
16 categories.

17 (c) Merit payments may be awarded to employees who satisfy performance
18 evaluation-based criteria developed by agencies in accordance with procedures
19 and policies developed and approved by the Office of Personnel Management
20 after review by the Legislative Council.

21 (d)~~(1)~~ A merit payment under this section may be awarded to an
22 employee whose salary is equal to or above the maximum pay level for the
23 grade assigned to the classification, resulting in the salary for the
24 employee exceeding the maximum pay level for the grade assigned to the
25 classification, if the merit payment resulting in an increase above the
26 maximum pay level is approved by the:

27 ~~(A)(1)~~ Legislative Council; or

28 ~~(B)(2)~~ Joint Budget Committee, if the General Assembly is
29 in regular, fiscal, or extraordinary session.

30 ~~(2)(A) It is both necessary and appropriate that each time a~~
31 ~~merit payment is provided to an employee whose salary is equal to or above~~
32 ~~the maximum pay level for the grade assigned to the classification, the~~
33 ~~General Assembly shall maintain oversight of those salary increases by~~
34 ~~requiring prior approval of the Legislative Council or, if the General~~
35 ~~Assembly is in regular, fiscal, or extraordinary session, the Joint Budget~~
36 ~~Committee.~~

1 ~~(B) The requirement of approval by the Legislative Council~~
2 ~~or the Joint Budget Committee is not a severable part of this subsection.~~

3 ~~(C) If the requirement of approval by the Legislative~~
4 ~~Council or the Joint Budget Committee is found unconstitutional by a court of~~
5 ~~competent jurisdiction, this subsection shall be void.~~

6 (e)(1) It is both necessary and appropriate that the General Assembly
7 maintain oversight by requiring prior approval of the Legislative Council or,
8 if the General Assembly is in regular session, fiscal session, or
9 extraordinary session, the Joint Budget Committee, as provided by this
10 section.

11 (2)(A) The requirement of approval by the Legislative Council or
12 the Joint Budget Committee under this section is not a severable part of this
13 section.

14 (B) If the requirement of approval by the Legislative
15 Council or the Joint Budget Committee under this section is found
16 unconstitutional by a court of competent jurisdiction, the entire section is
17 void.

18
19 SECTION 7. Arkansas Code § 26-36-303(2)(F), concerning the definition
20 of "debt", is amended to read as follows:

21 (F) Money owed to a claimant agency for all costs
22 resulting from an overpayment of wages or salaries, including without
23 limitation a lump-sum payment or the repayment of a bonus payment under § 21-
24 5-228(d)(2)(A) or § 21-5-228(d)(2)(B)(i);

25
26 SECTION 8. EMERGENCY CLAUSE. It is found and determined by the
27 General Assembly of the State of Arkansas that employees of the State of
28 Arkansas provide critical services necessary to preserve the public peace,
29 health, and safety; that the provisions of this act are necessary to ensure
30 the continued services and operations of the state and to ensure that
31 necessary services and operations are provided to the citizens of the state;
32 that the next fiscal year of the State of Arkansas begins on July 1, 2024,
33 and operative appropriations will become effective on that date; and that it
34 is necessary for the continued provision of essential state services and
35 operations that this act become effective at the beginning of the forthcoming
36 fiscal year. Therefore, an emergency is declared to exist, and this act

1 being necessary for the preservation of the public peace, health, and safety
2 shall become effective on July 1, 2024.

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/s/B. Davis