

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

A Bill

ACT 1318 OF 1993
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
15 APPROPRIATION."

17 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

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

			Maximum Annual	
			Maximum	Salary Rate
Item	Class		No. of	Fiscal Years
No.	Code	Title	Employees	1993-94 1994-95
35	(1)	9997 WK CMP COMMISSION CHAIRMAN	1	\$ 72,512 \$ 75,049
36	(2)	9991 WK CMP COMMISSIONER	2	\$ 71,304 \$ 73,799

1				
2	(3) 8909 WCC CHIEF EXEC OFFICER	1	\$ 65,000	\$ 67,275
3	(4) 9808 WCC CHIEF ADMIN LAW JUDGE	1	\$ 64,052	\$ 66,293
4	(5) 9801 WCC DIRECTOR	1	\$ 64,052	\$ 66,293
5	(6) 9750 ADMINISTRATIVE LAW JUDGE	13	\$ 59,217	\$ 61,289
6	(7) 127Z WCC DEPARTMENT HEAD	8		GRADE 26
7	R038 ATTORNEY SUPERVISOR	1		
8	(8) R170 ATTORNEY SPECIALIST	3		GRADE 25
9	(9) R036 ATTORNEY	13		GRADE 24
10	(10) 766Z WK CMP PROGRAM MANAGER	13		GRADE 23
11	D080 APPLICATIONS & SYSTEMS MANAGER	3		
12	(11) 909Z PROGRAM SUPPORT MANAGER	1		GRADE 22
13	R472 WORKERS COMP DEP EXEC DIRECTOR	4		
14	R484 WC CLAIMS MANAGER	1		
15	(12) A116 RATE ANALYST III	2		GRADE 21
16	A251 SR AUDITOR	3		
17	D123 APPLICATIONS & SYSTEMS ANALYST	1		
18	R356 INDUSTRIAL CONSULTANT	9		
19	(13) M116 UTILIZATION REVIEW NURSE	5		GRADE 20
20	R266 MANAGEMENT PROJECT ANALYST II	2		
21	X323 WC COMPLIANCE OFFICER	1		
22	A006 ACCOUNTING SUPV I	2		
23	R133 AGENCY DIRECTOR RESEARCH & STATS	1		
24	(14) K043 HEARING REPORTER	3		GRADE 19
25	R030 ASST PERSONNEL MANAGER	1		
26	(15) A111 ACCOUNTANT	1		GRADE 18
27	R264 MANAGEMENT PROJECT ANALYST I	2		
28	D129 DATA PROCESSING COORDINATOR	1		
29	R204 PARALEGAL/LEGAL ASST	1		
30	(16) R010 ADMINISTRATIVE ASSISTANT II	7		GRADE 17
31	R402 WC SELF INSURERS PROGRAM COORD	1		
32	X361 INSURANCE INVESTIGATOR	8		
33	R162 STATISTICIAN/STATISTICIAN II	2		
34	(17) R440 BUSINESS CONTROLLER II	1		GRADE 16
35	(18) V051 STOREROOM SUPV/STORE SUPV	1		GRADE 15

1	K011 ADMIN SUPPORT SUPERVISOR	2	
2	R009 ADMINISTRATIVE ASSISTANT I	31	
3	(19) K041 EXECUTIVE SECY/ADMINISTRATIVE SECY	1	GRADE 14
4	K079 MICRO-PHOTOGRAPHER SUPERVISOR	1	
5	(20) D003 COMPUTER OPERATOR I	5	GRADE 13
6	K153 SECRETARY II	12	
7	(21) K039 DOCUMENT EXAMINER II	2	GRADE 12
8	(22) K078 ARCHIVAL MICRO-PHOTOGRAPHER	1	GRADE 11
9	K155 SECRETARY I	1	
10	(23) K037 DOCUMENT EXAMINER I	5	GRADE 10
11	K023 CLERK TYPIST	1	
12	(24) K015 OFFICE CLERK	<u>2</u>	GRADE 07
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SECTION 2. APPROPRIATIONS - ADMINISTRATION. There is hereby appropriated, to the Workers' Compensation Commission, to be payable from the Workers' Compensation Fund, for personal services and operating expenses of the Workers' Compensation Commission for the biennial period ending June 30, 1995, the following:

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

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

6		FISCAL YEARS	
7 ITEM		1993-94	1994-95
8 NO.			
9 (01) CLAIMS		<u>\$ 4,162,813</u>	<u>\$ 4,862,813</u>

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

15		FISCAL YEARS	
16 ITEM		1993-94	1994-95
17 NO.			
18 (01) CLAIMS		<u>\$ 3,000,000</u>	<u>\$ 3,000,000</u>

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20 SECTION 5. APPROPRIATIONS. There is hereby appropriated, to the Workers
21 Compensation Commission, to be payable from the Death and Permanent Total
22 Disability Trust Fund, for the purchase of annuities to fund the financial
23 obligations of the Death and Total Disability Trust Fund for the biennial
24 ~~period ending June 30, 1995, the following:~~

25		FISCAL YEARS	
26 ITEM		1993-94	1994-95
27 NO.			
28 (01) PURCHASE ANNUITIES		<u>\$ 4,000,000</u>	<u>\$ 4,000,000</u>

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30 SECTION 6. No monies appropriated by this Act, or Act 1046 of 1987, or
31 any other Act shall be expended to fund preliminary conferences held pursuant
32 to Arkansas Code 11-9-102, 11-9-205, 11-9-501 - 503, 11-9-517, 11-9-521 -
33 522, 11-9-527, 11-9-701 - 704, 11-9-715, 11-9-802, 11-9-804 other than in the
34 county where the accident occurred, if the same occurred in this State, the
35 county of the claimant's residence, or such other county as agreed to by the

1 parties.

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3 SECTION 7. REGULAR SALARIES. There is hereby established for the
 4 Workers' Compensation Commission for the 1991-93 biennium, the following
 5 maximum number of regular employees whose salaries shall be governed by the
 6 provisions of the Uniform Classification and Compensation Act (Arkansas Code
 7 §§21-5-201 et seq.), or its successor, and all laws amendatory thereto, and
 8 which shall be supplemental and in addition to other regular employees
 9 previously approved by the 78th General Assembly by Section 2 of Act 1060 of
 10 1991. Provided, however, that any position to which a specific maximum annual
 11 salary is set out herein in dollars, shall be exempt from the provisions of
 12 said Uniform Classification and Compensation Act. All persons occupying
 13 positions authorized herein are hereby governed by the provisions of the
 14 Regular Salaries Procedures and Restrictions Act (Arkansas Code §21-5-101), or
 15 ~~its successor.~~

			Maximum Annual	
			Maximum	Salary Rate
Item	Class		No. of	Fiscal Years
No.	Code	Title	Employees	1992-1993
20	(1) 8909	WCC CHIEF EXEC OFFICER	1	\$67,275
21	(2) 127Z	WCC DEPARTMENT HEAD	1	GRADE 26
22	(3) R036	ATTORNEY	2	GRADE 24
23	(4) M116	UTILIZATION REVIEW NURSE	2	GRADE 20
24	(5) R009	ADMINISTRATIVE ASSIST I	<u>1</u>	GRADE 15
25		MAX NO. OF EMPLOYEES	7	

26

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

ITEM	FISCAL YEARS	
<u>NO.</u>	<u>1991-92</u>	<u>1992-93</u>

1	(01)	REGULAR SALARIES	\$	0	\$	60,000
2	(02)	PERSONAL SERVICES MATCHING			0	13,000
3	(03)	MAINT. & GEN. OPERATION				
4	(A)	OPER. EXPENSE	\$	0	\$	0
5	(B)	CONF. & TRVL.		0		0
6	(C)	PROF. FEES			200,000	
7	(D)	CAP. OUTLAY			5,000	
8	(E)	DATA PROC.		<u>0</u>	<u>0</u>	
9		TOTAL MAINT. & GEN. OPER.			0	205,000
10	(04)	COMPUTER SOFTWARE/HARDWARE			<u>0</u>	<u>300,000</u>
11		TOTAL AMOUNT APPROPRIATED	\$	<u>0</u>	\$	<u>578,000</u>

12

13 SECTION 9. CARRY FORWARD. Any unexpended balance of appropriation
14 approved for the purchase of computer software and hardware by Item (04) in
15 Section 2 of this Act, which remains at the close of the fiscal year ending
16 June 30, 1994, shall be carried forward and made available for the same
17 purpose for the fiscal year ending June 30, 1995. In addition, any unexpended
18 balance of appropriation approved for the same purposes in Item (04) in
19 Section 8 of this Act which remains at the close of the fiscal year ending
20 June 30, 1993, shall be carried forward and made available for the same
21 purpose for the fiscal year ending June 30, 1994.

22

THE FOLLOWING SECTION WAS DISAPPROVED BY THE GOVERNOR

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

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- 30 ~~127Z WCC DEPARTMENT HEAD~~
- 31 ~~R170 ATTORNEY SPECIALIST~~
- 32 ~~766Z WK CMP PROGRAM MANAGER~~
- 33 ~~R472 WORKERS COMP DEP EXEC DIRECTOR~~
- 34 ~~D123 APPLICATIONS & SYSTEMS ANALYST~~
- 35 ~~M116 UTILIZATION REVIEW NURSE~~

1 ~~_____X361 INSURANCE INVESTIGATOR~~

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

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

27

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

32

33 SECTION 14. COMPLIANCE WITH OTHER LAWS. Disbursement of funds
34 authorized by this Act shall be limited to the appropriation for such agency
35 and funds made available by law for the support of such appropriations; and

1 the restrictions of the State Purchasing Law, the General Accounting and
2 Budgetary Procedures Law, the Revenue Stabilization Law, the Regular Salary
3 Procedures and Restrictions Act, or their successors, and other fiscal control
4 laws of this State, where applicable, and regulations promulgated by the
5 Department of Finance and Administration, as authorized by law, shall be
6 strictly complied with in disbursement of said funds.

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8 SECTION 15. LEGISLATIVE INTENT. It is the intent of the General
9 Assembly that any funds disbursed under the authority of the appropriations
10 contained in this Act shall be in compliance with the stated reasons for which
11 this Act was adopted, as evidenced by the Agency Requests, Executive
12 Recommendations and Legislative Recommendations contained in the budget
13 manuals prepared by the Department of Finance and Administration, letters, or
14 summarized oral testimony in the official minutes of the Arkansas Legislative
15 Council or Joint Budget Committee which relate to its passage and adoption.

16

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

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

26

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

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30 SECTION 19. EMERGENCY CLAUSE. *It is hereby found and determined by the*
31 *Seventy-Ninth General Assembly, that the Workers' Compensation System is in*
32 *dire need of change which will require budgetary increases to the Arkansas*
33 *Workers' Compensation Commission to effectively manage the changes to the*
34 *workers' compensation law. An emergency is hereby declared to exist and this*
35 *Act being necessary for the immediate preservation of the public peace, health*

1 and safety shall be in full force and effect upon approval and signature by
2 the Governor.

3 /s/ Senator Russ

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5 APPROVED: 4/20/93

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