

Stricken language would be deleted from present law. Underlined language would be added to present law.

1 State of Arkansas
2 81st General Assembly
3 Regular Session, 1997
4

As Engrossed: S3/13/97 S3/21/97

A Bill

ACT 975 OF 1997
SENATE BILL 98

5 By: Joint Budget Committee
6
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For An Act To Be Entitled

9 "AN ACT TO MAKE AN APPROPRIATION FOR PERSONAL SERVICES AND
10 OPERATING EXPENSES FOR THE WORKERS' COMPENSATION
11 COMMISSION FOR THE BIENNIAL PERIOD ENDING JUNE 30, 1999;
12 AND FOR OTHER PURPOSES."

Subtitle

15 "AN ACT FOR THE WORKERS' COMPENSATION
16 COMMISSION APPROPRIATION FOR THE 1997-99
17 BIENNIUM."
18

19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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21 SECTION 1. REGULAR SALARIES. There is hereby established for the
22 Workers' Compensation Commission for the 1997-99 biennium, the following
23 maximum number of regular employees whose salaries shall be governed by the
24 provisions of the Uniform Classification and Compensation Act (Arkansas Code
25 §§21-5-201 et seq.), or its successor, and all laws amendatory thereto.
26 Provided, however, that any position to which a specific maximum annual salary
27 is set out herein in dollars, shall be exempt from the provisions of said
28 Uniform Classification and Compensation Act. All persons occupying positions
29 authorized herein are hereby governed by the provisions of the Regular
30 Salaries Procedures and Restrictions Act (Arkansas Code §21-5-101), or its
31 successor.
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Item	Class	No. of	Maximum Annual
		Employees	Salary Rate
			Fiscal Years
No.	Code	Title	1997-98 1998-99

1	(1)	9997 WK CMP COMMISSION CHAIRMAN	1	\$ 84,822	\$ 87,197
2	(2)	9991 WK CMP COMMISSIONER	2	\$ 83,408	\$ 85,743
3	(3)	9912 WRKS COMP CHIEF EXEC OFFICER	1	\$ 82,995	\$ 85,318
4	(4)	8921 WCC ASST CHIEF ADMIN OFFICER	1	\$ 74,927	\$ 77,024
5	(5)	8919 WCC SELF INSURED ADMINISTRATOR	1	\$ 74,927	\$ 77,024
6	(6)	9808 WCC CHIEF ADMIN LAW JUDGE	1	\$ 74,926	\$ 77,023
7	(7)	9750 ADMINISTRATIVE LAW JUDGE	13	\$ 69,270	\$ 71,209
8	(8)	6606 WRK COMP PHYSICIAN SPECIALIST	1	\$115,677	\$118,915
9	(9)	127Z WRKS COMP DEPARTMENT HEAD	10		GRADE 26
10		R038 ATTORNEY SUPERVISOR	1		
11	(10)	R170 ATTORNEY SPECIALIST	3		GRADE 25
12		A022 CERTIFIED FINANCIAL EXAMINER	1		
13	(11)	R036 ATTORNEY	13		GRADE 24
14	(12)	766Z WRKS COMP PROGRAM MANAGER	9		GRADE 23
15		D080 APPLICATIONS & SYSTEMS MANAGER	3		
16	(13)	909Z PROGRAM SUPPORT MANAGER	1		GRADE 22
17		R472 WRKS COMP DEPUTY EXEC DIRECTOR	4		
18		R484 WRKS COMP CLAIMS MANAGER	2		
19	(14)	A116 RATE ANALYST III	1		GRADE 21
20		A251 SR AUDITOR	2		
21		R356 INDUSTRIAL CONSULTANT	9		
22	(15)	X323 WRKS COMP COMPLIANCE OFFICER	1		GRADE 20
23		R266 MANAGEMENT PROJECT ANALYST II	2		
24		M116 UTILIZATION REVIEW NURSE	2		
25		A006 ACCOUNTING SUPERVISOR I	2		
26		R133 AGENCY DIRECTOR RESEARCH & STATS	1		
27	(16)	K043 HEARING REPORTER	3		GRADE 19
28	(17)	A111 ACCOUNTANT	1		GRADE 18
29		R264 MANAGEMENT PROJECT ANALYST I	3		
30		D129 DATA PROCESSING COORDINATOR	1		
31	(18)	R402 WRKS COMP SELF INSURERS PROG COORD	1		GRADE 17
32		R010 ADMINISTRATIVE ASSISTANT II	10		
33		X361 INSURANCE INVESTIGATOR	6		
34		R162 STATISTICIAN/STATISTICIAN II	2		
35	(19)	R440 BUSINESS CONTROLLER II	1		GRADE 16

1	(20) V051 STOREROOM SUPV/STORE SUPV	1	GRADE 15
2	K011 ADMINISTRATIVE OFFICE SUPERVISOR	2	
3	R009 ADMINISTRATIVE ASSISTANT I	29	
4	D005 COMPUTER OPERATOR II	1	
5	(21) K079 MICRO-PHOTOGRAPHER SUPERVISOR	1	GRADE 14
6	(22) D003 COMPUTER OPERATOR I	5	GRADE 13
7	K153 SECRETARY II	11	
8	(23) K039 DOCUMENT EXAMINER II	2	GRADE 12
9	(24) K155 SECRETARY I	1	GRADE 11
10	(25) K037 DOCUMENT EXAMINER I	<u>2</u>	GRADE 10
11	MAX NO. OF EMPLOYEES	171	

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13 SECTION 2. APPROPRIATIONS - ADMINISTRATION. There is hereby
 14 appropriated, to the Workers' Compensation Commission, to be payable from the
 15 Workers' Compensation Fund, for personal services and operating expenses of
 16 the Workers' Compensation Commission for the biennial period ending June 30,
 17 1999, the following:

18

ITEM		FISCAL YEARS	
20 NO.		1997-98	1998-99
21 (01)	REGULAR SALARIES	\$ 6,218,252	\$ 6,387,612
22 (02)	PERSONAL SERV MATCHING	1,620,807	1,653,777
23 (03)	MAINT. & GEN. OPERATION		
24	(A) OPER. EXPENSE	1,600,784	1,600,784
25	(B) CONF. & TRVL.	96,096	96,096
26	(C) PROF. FEES	968,464	968,464
27	(D) CAP. OUTLAY	75,000	75,000
28	(E) DATA PROC.	10,000	10,000
29 (04)	REFUND OF TAXES	750,000	750,000
30 (05)	COMPUTER SOFTWARE/HARDWARE	<u>150,000</u>	<u>0</u>
31	TOTAL AMOUNT APPROPRIATED	<u>\$ 11,489,403</u>	<u>\$ 11,541,733</u>

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33 SECTION 3. APPROPRIATIONS - PURCHASE ANNUITIES. There is hereby
 34 appropriated, to the Workers' Compensation Commission, to be payable from the
 35 Death and Permanent Total Disability Trust Fund, for the purchase of annuities

1 to fund the financial obligations of the Death and Permanent Total Disability
 2 ~~Trust Fund for the biennial period ending June 30, 1999, the following:~~

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4 ITEM	FISCAL YEARS	
5 NO.	1997-98	1998-99
6 (01) PURCHASE ANNUITIES	<u>\$ 4,000,000</u>	<u>\$ 4,000,000</u>

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8 SECTION 4. APPROPRIATIONS. There is hereby appropriated, to the
 9 Workers' Compensation Commission, to be payable from the Death and Permanent
 10 Total Disability Trust Fund, for refund of taxes and payment of death and
 11 total disability claims allowed by the Workers' Compensation Commission for
 12 ~~the biennial period ending June 30, 1999, the following:~~

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14 ITEM	FISCAL YEARS	
15 NO.	1997-98	1998-99
16 (01) REFUND OF TAXES	\$ 750,000	\$ 750,000
17 (02) CLAIMS	<u>7,500,000</u>	<u>8,500,000</u>
18 TOTAL AMOUNT APPROPRIATED	<u>\$ 8,250,000</u>	<u>\$ 9,250,000</u>

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20 SECTION 5. APPROPRIATIONS - SECOND INJURY CLAIMS. There is hereby
 21 appropriated, to the Workers' Compensation Commission, to be payable from the
 22 Second Injury Trust Fund, for refund of taxes and payment of second injury
 23 ~~claims for the biennial period ending June 30, 1999, the following:~~

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25 ITEM	FISCAL YEARS	
26 NO.	1997-98	1998-99
27 (01) REFUND OF TAXES	\$ 250,000	\$ 250,000
28 (02) CLAIMS	<u>4,000,000</u>	<u>4,000,000</u>
29 TOTAL AMOUNT APPROPRIATED	<u>\$ 4,250,000</u>	<u>\$ 4,250,000</u>

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31 SECTION 6. SPECIAL LANGUAGE. CARRY FORWARD. Any unexpended balance of
 32 appropriation approved for the purchase of computer software and hardware by
 33 Item (05) in Section 2 of this Act, which remains at the close of the fiscal
 34 year ending June 30, 1998, shall be carried forward and made available for the
 35 same purpose for the fiscal year ending June 30, 1999.

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2 SECTION 7. SPECIAL LANGUAGE. No monies appropriated by this Act, or
3 Act 1046 of 1987, or any other Act shall be expended to fund preliminary
4 conferences held pursuant to Arkansas Code §§11-9-102, 11-9-205, 11-9-501 -
5 503, 11-9-517, 11-9-521 - 522, 11-9-527, 11-9-701 - 704, 11-9-715, 11-9-802,
6 11-9-804 other than in the county where the accident occurred, if the same
7 occurred in this State, the county of the claimant's residence, or such other
8 county as agreed to by the parties.

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

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32 SECTION 9. SPECIAL LANGUAGE. The Workers' Compensation Commission
33 shall contract with the Arkansas Department of Labor for the purpose of
34 providing Safety and Health Consultation and Training for Arkansas employers
35 and employees from the appropriations provided in Section 2 Item 3(C) of this

1 Act.

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3 SECTION 10. SPECIAL LANGUAGE. Due to the critical role of the Health
4 and Safety and Medical Cost Containment Programs to the overall programs of
5 the Workers' Compensation Commission (WCC), the WCC shall provide quarterly
6 reports to the Arkansas Legislative Council and to the Public Health, Welfare,
7 and Labor Committee on the progress of the Health and Safety Program and the
8 Medical Cost Containment Program, in such detail as may be required by the
9 Arkansas Legislative Council or the Public Health, Welfare, and Labor
10 Committee or both.

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12 SECTION 11. SPECIAL LANGUAGE. Implementation of Workers' Compensation
13 Commission Rule 33 (Managed Care) shall be voluntary for all employers.

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15 SECTION 12. SPECIAL LANGUAGE. SPECIAL RATES OF PAY. Due to the highly
16 competitive job market conditions for industrial professionals and the
17 necessity to recruit and retain qualified personnel, the Workers Compensation
18 Commission is authorized special rates of pay for current and new employees up
19 to levels listed under subsection (b) below. Special rates of pay may be
20 requested subject to the following restrictions:

21 (a) that applications for special rates of pay shall have been reviewed
22 and approved by the Office of Personnel Management after seeking prior review
23 by the Arkansas Legislative Council or Joint Budget Committee.

24 (b) that special rates may be authorized for the following
25 classification only, as indicated herein:

26

27	<u>Class</u>			
28	<u>Code</u>	<u>Title</u>	<u>Grade</u>	<u>Level</u>
29	<u>R356</u>	<u>Industrial Consultant</u>	<u>21</u>	<u>IV</u>

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31 SECTION 13. SPECIAL LANGUAGE - SPECIAL RATES OF PAY. Due to the
32 highly competitive job market conditions and the necessity for
33 recruiting and retaining qualified personnel, the Workers' Compensation
34 Commission is authorized special rates of pay for current and new employees in
35 the classifications listed under SECTION 1 below.

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(a) Special rates may be authorized up to the maximum authorized for the grade assigned the classification of a position for the following classifications only:

<u>Class</u>	<u>Code</u>	<u>Title</u>	<u>Grade</u>
<u>R356</u>		<u>Industrial Consultant</u>	<u>Grade 21</u>

(b) Special rates up to the maximum rate of the authorized grade may be approved upon request by the Chief Fiscal Officer of the State.

(c) A monthly report shall be made to the Arkansas Legislative Council describing all personnel transactions involving applications of any of the provisions of this Section.

(d) This provision shall be in full force and effect beginning July 1, 1997 and ending June 30, 1999.

SECTION 14. SPECIAL LANGUAGE. Municipalities with populations over one hundred fifty thousand (150,000) citizens or their sewer committees are specifically authorized to provide workers' compensation coverage for their officials and employees through either private carriers or by self-funding on either a statewide or individual basis.

SECTION 15. COMPLIANCE WITH OTHER LAWS. Disbursement of funds authorized by this Act shall be limited to the appropriation for such agency and funds made available by law for the support of such appropriations; and the restrictions of the State Purchasing Law, the General Accounting and Budgetary Procedures Law, the Revenue Stabilization Law, the Regular Salary Procedures and Restrictions Act, or their successors, and other fiscal control laws of this State, where applicable, and regulations promulgated by the Department of Finance and Administration, as authorized by law, shall be strictly complied with in disbursement of said funds.

SECTION 16. LEGISLATIVE INTENT. It is the intent of the General Assembly that any funds disbursed under the authority of the appropriations

1 contained in this Act shall be in compliance with the stated reasons for which
2 this Act was adopted, as evidenced by the Agency Requests, Executive
3 Recommendations and Legislative Recommendations contained in the budget
4 manuals prepared by the Department of Finance and Administration, letters, or
5 summarized oral testimony in the official minutes of the Arkansas Legislative
6 Council or Joint Budget Committee which relate to its passage and adoption.

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

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12 SECTION 18. SEVERABILITY. If any provision of this Act or the
13 application thereof to any person or circumstance is held invalid, such
14 invalidity shall not affect other provisions or applications of the Act which
15 can be given effect without the invalid provision or application, and to this
16 end the provisions of this Act are declared to be severable.

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18 SECTION 19. GENERAL REPEALER. All laws and parts of laws in conflict
19 with this Act are hereby repealed.

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21 SECTION 20. EMERGENCY CLAUSE. It is hereby found and determined by the
22 Eighty-First General Assembly, that the Constitution of the State of Arkansas
23 prohibits the appropriation of funds for more than a two (2) year period; that
24 the effectiveness of this Act on July 1, 1997 is essential to the operation of
25 the agency for which the appropriations in this Act are provided, and that in
26 the event of an extension of the Regular Session, the delay in the effective
27 date of this Act beyond July 1, 1997 could work irreparable harm upon the
28 proper administration and provision of essential governmental programs.
29 Therefore, an emergency is hereby declared to exist and this Act being
30 necessary for the immediate preservation of the public peace, health and
31 safety shall be in full force and effect from and after July 1, 1997.

32

/s/Russ et al

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APPROVED:4-01-97

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